

# **Delaware County Zoning Resolution**

**Marlboro Township  
Radnor Township  
Thompson Township**

**Effective October 11, 2000**

**Prepared by the Delaware County Zoning Commission**

**Accepted by the Delaware County Board of Commissioners**

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## **ARTICLE I - Title**

**Section 1.01** - This Resolution shall be known and may be cited and referred to as the Delaware County Zoning Resolution, Delaware County, Ohio.

## **ARTICLE II - Purpose**

**Section 2.01** - This resolution is enacted for the purpose of promoting public health, safety, comfort and general welfare; to conserve and protect the natural resources and scenic areas; to secure the most appropriate use of land, to facilitate adequate but economical provision for public improvements, all in accordance with existing county or township plans or plans which may be later adopted and as permitted by the provisions of Chapter 303, Ohio Revised Code.

## **ARTICLE III - Interpretations of Standards**

**Section 3.01** - In their 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 or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. Zoning boards and the board of County Commissioners will, when appropriate, refer to all plans, master plans, studies and treatises affecting the county area and may require inclusion of recommendations in plans or proposals as submitted or approved.

## **ARTICLE IV - Definitions**

**Section 4.01** - All words used in this zoning resolution shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in the Ohio Revised Code or if not defined in this zoning resolution or the Ohio Revised Code, the current Webster's Dictionary. The words shall be liberally construed to achieve the salutary effect or objectives of this resolution.

Accessory Use or Structure: any use or structure which is incidental, subordinate and customarily carried on in addition to the primary use or structure of the premises; contributes to the comfort, convenience, or necessity of occupants of the principal building or use served; and is located on the same lot as the principal building or principal use served; in residential districts this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit.

Antenna, Aerial: an arrangement of wires or metal rods used in sending or receiving electromagnetic waves; antennas may be freestanding or affixed to buildings; they are supported in the air by a telecommunications tower or structure used primarily for the purpose of supporting one or more antennas, including foundation, guys, and other components thereof; for the purposes of this code, telecommunication towers shall be considered part of the antenna

Family: (a) an individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or (b) a group of not more than five (5) persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.

Floor Area: the square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, secondary stairways, and basements.

Group Home: a facility wherein (a) the operator is not legally related to the individuals supervised and is licensed by the State...and wherein (b) one (1) or more individual is provided with room, board, specialized and distinctive care and supervision in a family environment, or where five (5) or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment. The term "group home" shall include, without limitation by reason of enumeration, receiving homes, and work or wage homes.

Improvement: any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

Improvements: street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and trees.

Industrialized unit(s): a factory built structure certified as meeting the Ohio Building Code as applicable to industrialized units; manufactured homes and mobile homes are not considered industrialized units.

Home occupation: any activity carried out for gain by a resident conducted as a secondary use in the resident's dwelling unit and/or an approved accessory building.

Permanently sited Manufactured home(s): a factory built structure meeting the following criteria:

- a) constructed pursuant to the HUD code (Manufactured Home Construction and Safety Standards Act, 42 U.S.C. 5401) manufactured after January 1, 1995
- b) attached to a permanent foundation in accordance to the Building Code of Delaware County
- c) connected to the appropriate utilities
- d) minimum width of 22', minimum length of 22' as manufactured
- e) minimum 900 square feet of living space, or the minimum required by this Zoning Resolution
- f) conventional residential siding
- g) minimum 6" eave overhang
- h) meets all applicable zoning requirements that are uniformly imposed on all single family dwellings in the district except requirements that specify a minimum roof pitch and requirements that do not comply with standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act."

Manufactured home: any non self propelled vehicle transportable in one or more sections, which in the traveling mode, is (8) body feet or more in width, or (40) body feet or more in length or, when erected on site, is (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974. Calculations used to

determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows (ORC 4501.01). For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks or other foundation, connection to utilities and the like.

**Mobile Home:** A non self-propelled dwelling unit built on a permanent movable chassis which is 8' or more in width and more than 35' in length, which when erected on site is a minimum of 320 square feet, that is transportable in one or more sections and which does not qualify as a manufactured home. Mobile homes were constructed prior to, and do not conform to the 1974 HUD standards for manufactured homes. Mobile home does not include travel trailers.

**Public sanitary sewer:** a sewer that connects into a treatment system that is owned and operated by a county or municipality; a system where waste is treated at a county or city owned facility.

**Public water:** Del-Co Water Company or any other municipal, township or county owned and operated water system.

**Single family dwelling:** detached, individual dwelling units, which accommodate one family related by blood or marriage or up to five (5) unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform to the Building Code of Delaware County, be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio 122<sup>nd</sup> Legislative Assembly S.B. 142 as codified in Ohio Revised Code 3781.06 definition of permanently sited manufactured housing as defined herein.

**Structure:** anything which is constructed or erected and the use of which requires permanent location on ground or attachment to something having permanent location on ground (this includes but is not limited to dwellings, accessory buildings, sheds, swimming pools, additions, decks, above ground heating fuel containers, signs) not, however, including wheels; an edifice or building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner (this includes but is not limited to portable above ground swimming pools of a temporary nature, children's play sets).

**Zero discharge, land application sewage system:** a sewage system that distributes treated wastewater evenly over a field and/or open space for the purpose of irrigation.

## ARTICLE V - Districts and Boundaries

**Section 5.01 - Zoning District:** For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated areas under Delaware County Zoning, Delaware County, Ohio, may be divided into one or more such districts:

FR-1	Farm Residence District
R-2	Low Density Residential District
R-3	Medium Density Residential District
PRD	Planned Residence District
C-1	Neighborhood Office District
C-2	Neighborhood Commercial District
PC	Planned Commercial and Office District
I	Industrial District
PI	Planned Industrial District
A-1	Agricultural Preservation District
INS	Institutional District
PINS	Planned Institutional District
REC	Recreational District
PREC	Planned Recreational District
AE	Adult Entertainment

The regulations shall be uniform for each class or kind of building or other structure or use throughout each district or zone, but the regulations in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

**Section 5.02 - District Boundaries:** The boundaries of each district into which the county is divided are indicated upon the zoning maps of Delaware County, which are hereby made a part of this Resolution. The said maps of Delaware County, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those county maps entitled "Zoning Map, Delaware County, Ohio", is properly attested and is on file in the office of the Zoning Inspector of Delaware County, and the Delaware County Recorder's Office.

**Section 5.03 - New Territory:** All territory which may hereafter become part of Delaware County, Ohio, by any method and all territory in a Farm Residence District (FR-1) on the effective date of this amendment shall automatically be classed as lying in and being in a Farm Residence District (FR- 1) until such classification shall have been changed by an amendment to this Zoning Resolution and map as provided by law.

**Section 5.04 - Rules for Interpretation of Boundaries:** Where uncertainty exists with respect to the boundaries any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

a) Where district boundaries are indicated as approximately following the center lines of streets or 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 such boundaries.

b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

e) Where the boundary of a district follows a stream, or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.

f) Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning of any territory, said metes and bounds description shall control over all of the foregoing.

g) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

**Section 5.05- Zoning Map:** The official zoning map shall be maintained by the County Zoning Inspector and the same shall be accessible to the public at all reasonable times.

## ARTICLE VI - Application of Resolution

**Section 6.01 - Conformance Required:** Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located. All buildings shall conform to state and or local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

**Section 6.02 - Agriculture:** Nothing contained in this Resolution shall prohibit 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, and no zoning certificate shall be required for any such use, building or structure.

**Section 6.03 - Public Utilities and Railroads:** Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure 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. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to provision of utility services. Exception: all applicable regulations contained within this Resolution shall apply where authority is granted by the Ohio Revised Code.

**Section 6.04 - Buildings Under Construction and New Construction:** Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The zoning inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The ground story framework, including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable amendments hereto.

**Section 6.05 - Issued Zoning Certificates:** Any new proposed construction for which a zoning certificate is issued shall have been started within six (6) months of issuance of said permit and the ground story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the County Zoning Inspector with the original request for the certificate.

In the case of old construction, if the above schedule is not met, any prior right as a non-conforming use is lost and zoning certificates for new construction are invalidated.

## ARTICLE VII - Farm Residence District (FR-I)

**Section 7.01 - Purpose:** There is created hereby within Townships under County Zoning a Farm Residence District to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences and other essentially non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained.

**Section 7.02 - Application:** All lands under County Zoning not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots in subdivisions, which are located within the limits of Delaware County and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this resolution shall be construed to prohibit the use thereof for residential purpose.

**Section 7.03 - Permitted Uses:** Within the Farm Residence District the following uses, developed in accordance with all other provisions of this resolution, shall be permitted:

- a) Single family dwellings. (Limited to one single family dwelling per parcel, tract or lot).
- b) Accessory buildings and accessory uses including private garages. Accessory buildings are permitted to be constructed prior to the primary structure being constructed.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Agricultural purposes, beekeeping, dairying, floriculture, grazing and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, animal husbandry, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables, subject to the following restrictions:
  - 1) Roadside sales of agricultural products shall be permitted in this district provided however, that at least fifty (50%) percent 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. Adequate area shall exist adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of conditional use permit.
  - 2) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
  - 3) Temporary mobile homes or dwelling for migrant worker(s).

e) Mobile homes and recreational vehicles for temporary residential use and temporary buildings of a non residential character may be used or occupied only during residential construction on the premises for a maximum of eighteen (18) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than thirty (30) days after expiration of said eighteen (18) month period or no later than thirty (30) days after issuance of occupancy permit, which ever comes first. Provisions shall be made for sanitary waste disposal, solid waste and water supply.

f) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

g) Home occupations of the building occupant (& limited to only a building occupant) carried on solely within the confines of the dwelling unit and provided:

- 1) appearance of 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 of construction, lighting or signs. The home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.
- 2) 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. 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.
- 3) there shall be no outside storage of any kind related to the home occupation.
- 4) deliveries, other than those associated with the residential use of the property, are prohibited.
- 5) traffic, other than that associated with the residential use of the property, is prohibited.
- 6) commercial vehicles limited to one (1); being a two axle, pickup, van, panel or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one (1) dwelling unit.
- 7) not to exceed 20% floor area of the principal dwelling.
- 8) no employees other than the building occupant(s).

h) Adult Family Homes as provided in ORC 3722

i) Class B Residential Day Care as provided in ORC 5104.054.

**Section 7.04 - Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXXI of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with condition imposed.

No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
- 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than thirty-three (33%) percent of the total floor area of the dwelling unit and/or one hundred (100%) percent of the combined floor space in any detached garage or accessory building.
- 4) No more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

- b) Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises and the site is in compliance with all F.A.A. regulations.
- c) Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.
- d) Public playgrounds, play fields, and picnic areas with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.
- e) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.
  - 1) No exterior alterations of the structure shall be made which depart from the residential character of building. All new structures shall be compatible in residential design with the surrounding neighborhood.
  - 2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
  - 3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood.
- f) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.
- g) Exploration, drilling, production and storage of oil and gas produced on site. Minimum 250' from nearest property line. Must meet all State, local and Federal Agency Requirements.
- h) Conversion of existing residential structures to permit occupancy by more than one family.
- i) One permanent mobile home to be occupied by full time farm labor only and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one mobile home shall be located on any farm within townships under County Zoning.

**Section 7. 05 - Prohibited Uses:**

- a) No use not specifically authorized by the express terms of this chapter of the zoning resolution shall be permitted.

b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway. Inoperable, unlicensed, or unused vehicles may be permitted if entirely screened (from view) from adjoining properties or roadway by means of a building or fencing (min. height of 6', max. height of 8'). If not enclosed within a building a maximum of three (3) inoperable, unused or unlicensed vehicles may be kept (if screened with fence) on any parcel of land in this district. For the purposes of these regulations, storage of inoperable, unlicensed or unused vehicles shall not be permitted between the principal structure and a street unless stored within a permitted accessory structure.

c) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.

d) Except as conditionally permitted in Section 7.04 herein no mobile home shall be placed or occupied in this district.

e) No trailer, camper, motor home, truck or any other motor or recreational vehicle, or part thereof, or any other manufactured object, which use was other than that of a storage building, shall be used as a storage building.

f) No trash, debris, unused property or discarded material shall be permitted to accumulate on any lot or portion of any lot thereof which creates an eyesore, hazard or public nuisance to the neighborhood or general public.

g) No trailer of any type, no boats, no motor homes, buses, and no equipment of any type shall be parked in front of the front building setback line on any parcel within this district. If a building is located on said lot, the building line shall be considered to be the front wall of the building even if said building is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

h) Subject to the procedures set forth in Ohio Revised Code 303.211, no telecommunications tower, aerial, antenna or tower shall be permitted in this district. Exception: an aerial or antenna for the sole purpose of residential use, considering the maximum height of structure does not exceed 75' and shall not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

**Section 7.06 - Development Standards:** All lands and uses within the Farm Residence District shall be developed in strict compliance with the standards hereinafter established:

a) Lot Area - No parcel of land in this district shall be used for residential purposes which has an area of less than 85,000 square feet (1.951 acres). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.

b) Lot Frontage - Except as hereinafter set forth all lots or parcels within this zoning district shall have the following minimum lot frontage on a road approved by the Delaware County Engineer.

Less than 2 acres	150 ft.
2 acres but less than 3 acres	175 ft.
3 acres but less than 4 acres	200 ft.

4 acres but less than 5 acres	250 ft.
5 acres or larger	300 ft.

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width which is equal to that minimum lot frontage requirement. This must be maintained fifty (50) feet forward of the building line. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet in width and the width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises.

Any parcel of land, which at the building setback line is separated or removed, from the public road by more than one other parcel of land shall be accessed only by a Common Access Drive (CAD) approved by the Delaware County Regional Planning Commission. Multiple lots with narrow frontage or flag lots must be separated by a lot meeting the required frontage at the right-of-way line. For lots having frontage on streets having extreme curvature, e.g., cul-de-sacs, the lot shall have the minimum width as specified above at the building line.

c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the average finish grade elevation at the front foundation wall to the highest point of the roof. Church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions (Floor Space Requirements) - Each single family dwelling hereafter erected in this district shall have a finished habitable area of not less than nine hundred and fifty (950) square feet. All such living areas shall be exclusive of basements, porches or garages.

e) Building Set Back - No building or use shall be located closer to the line or center line of the adjacent public or private road than permitted in Sec. 25.09 herein.

f) Side Yard Set Back - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Sec. 7.04 herein, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.

g) Rear Yard Requirement - No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.

i) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXV of this Resolution.

j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXVI of this resolution and except as permitted by the Board of Zoning

Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

## ARTICLE VIII - Low Density Residence District (R-2)

**Section 8.01 - Purpose:** There is created in Townships under County Zoning a Low Density Residential District intended to provide areas for single family suburban type residential development at low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with public water and public sanitary sewer.

Zero discharge, land application sewage systems are not permitted within this district.

**Section 8.02 - Application:** All lands under County Zoning which are to be used for single family lots of less than one acre but at least 20,000 square feet in area shall be controlled by the provisions of this article of the Zoning Resolution unless the owner thereof elects to apply the provision Article X of this resolution.

All lots or town lots which are located within the limits of Delaware County Zoning and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this resolution shall be construed to prohibit the use thereof for residential purposes.

**Section 8.03 - Permitted Uses:** Within any Low Density Residence District (R-2) the following uses, developed in accordance with all other provisions of this resolution, shall be permitted:

- a) Single family dwellings. (Limited to one single dwelling per parcel, tract or lot).
- b) Accessory buildings and accessory uses including private garages.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Temporary structures such as trailer and construction office buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during periods while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit or no later than thirty (30) days after project completion.
- e) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**Section 8.04 - Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXXI of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
- 2) One sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than thirty-three (33%) percent of the total floor area of the dwelling unit and/or one hundred (100%) percent of the combined floor space in any detached garage or accessory building not to exceed 1000 square feet.
- 4) No more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any

radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

b) Conversion of existing residential structures to permit occupancy by more than one family.

c) Child Care Facilities provided that the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.

d) Churches or other places of worship provided it occupies a lot of not less than five (5) acres plus one acre for each 100 permanent seats over 300 in the main assembly area.

e) Playgrounds, Play fields, and Picnic Areas with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.

f) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.

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

2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood.

g) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.

h) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.

**Section 8.05 - Prohibited Uses:**

- a) No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for a period exceeding twenty-four (24) hours. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- e) Except as specifically permitted in Sec. 8.03(d) herein no mobile home shall be placed or occupied in this district.
- f) Subject to the procedures set forth in Ohio Revised Code 303.211, No telecommunications tower, aerial, antenna or tower shall be permitted in this district. Exception: an aerial or antenna for the sole purpose of residential use, considering the maximum height of structure does not exceed 75' and shall not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

**Section 8.06 - Development Standards:** All lands and uses within the Low Density Residence District (R-2) shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area - Residential lots which are served with an approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 20,000 square feet. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VII of this Zoning Resolution.
- b) Lot Frontage - All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot frontage of one hundred (100) feet on an adjoining approved street or road. All other lots or parcels shall have the minimum lot width prescribed in Article 7.06 of this resolution and all measurements of such width shall be in conformity with that article.
- c) Building Height Limits - No buildings in this district shall exceed thirty-five (35) feet in height measured from the finished grade. Church spires, domes and flag poles are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions (Floor Space Requirements) - Each single family dwelling hereafter erected in this district shall have a living area of not less than nine hundred and fifty (950) square feet. All such living areas shall be exclusive of basements, porches or garages.

e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 25.09 herein.

f) Side Yard Set Back - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Sec. 8.04(g) herein, no building or structure shall be located closer than twenty (20) feet to any side lot line.

g) Rear Yard Requirement - No principal dwelling shall be located closer than sixty-five (65) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.

i) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXV of this Resolution.

j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

## ARTICLE IX - Medium Density Residential District (R-3)

**Section 9.01 - Purpose:** There is hereby created in Townships under County Zoning a Medium Density Residential District to permit a diversity of residential plans including single and/or multi-family units carved out of small tracts served by public sanitary sewer and public water systems. Use of this district should be limited to those circumstances where large numbers of units are not involved and provisions for recreation, etc. are not a prerequisite to the preservation of the quality of life.

Zero discharge, land application sewage systems are not permitted within this district.

**Section 9.02 - Application:** All lands under County Zoning which are to be used for multi-family or apartment development shall be controlled and governed by the provisions of this Article of the Zoning Resolution unless the owner thereof elects to apply the provisions of Article X of this Resolution or unless the size of the tract or density is so large that, in the opinion of the Zoning Board, provisions for recreation areas or other amenities are required, in which case the board may require that the application be filed under Article X.

**Section 9.03 - Permitted Uses:** Within any Medium Density Residential District (R-3) the following uses, developed in accordance with all other provisions of this resolution, shall be permitted.

- a) Single family dwellings. (Limited to one single family dwelling per parcel tract or lot).
- b) Accessory buildings and accessory uses including private garages.
- c) Multi-family, cluster housing structures, patio cluster housing or common wall structures designed to accommodate more than one family in a single structure, provided however, that no more than four (4) dwelling units shall be constructed in any single structure or other modification on the same theme within this district.
- d) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit or thirty (30) days after project completion.
- e) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**Section 9.04 - Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals

pursuant to the provisions of Article XXXI (Page 162) of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings, which are customarily associated with the residential use, and character of the neighborhood.
- 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than thirty three (33%) percent of the total floor area of the dwelling unit and/or one hundred (100%) percent of the combined floor space in any detached garage or accessory building not to exceed 600 square feet.
- 4) No more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building.

In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage

associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

b) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.

c) Churches or other places of worship provided it occupies a lot of not less than five (5) acres plus one acre for each 100 permanent seats over 300 in the main assembly area.

d) Playgrounds, Play fields, Picnic Areas and Summer Camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.

e) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.

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

2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood.

f) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.

#### **Section 9.05 - Prohibited Uses:**

a) No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.

- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- e) Except as specifically permitted in Sec. 9.03(d) herein no mobile home shall be placed or occupied in this district.
- f) Subject to the procedures set forth in Ohio Revised Code 303.211, No telecommunications tower, aerial, antenna or tower shall be permitted in this district. Exception: an aerial or antenna for the sole purpose of residential use, considering the maximum height of structure does not exceed 75' and shall not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

**Section 9.06 - Development Standards:** All lands and uses within the Medium Density Residential District (R-3) shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area - Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 10,000 square feet per single family unit or 6000 square feet per unit in multi-family development. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VII of this Zoning Resolution. Not more than one structure may be constructed on any parcel herein.
- b) Lot Frontage - All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot width of seventy-five (75) feet on an adjoining approved street or road. All other lots or parcels shall have the minimum lot frontage prescribed in Article 7.06 of this resolution and all measurements of such width shall be in conformity with that article.
- c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) Building Dimensions - Each single family dwelling hereafter erected in this district shall have a living area of not less than eight hundred (800) square feet. All such living areas shall be

exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three or more bedroom units	900 sq. ft.

e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 25.09 herein.

f) Side Yard Set Back - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Sec. 7.04(o) herein, no building or structure shall be located closer than twelve (12) feet to any side lot line.

g) Rear Yard Requirement - No principal dwelling shall be located closer than thirty-five (35) feet to the rear line of any lot and no accessory building shall be located closer than five (5) feet to said rear lot line.

h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.

i) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXV of this Resolution.

j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXVI of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

## **ARTICLE X - Planned Residence District (PRD)**

**Section 10.01 - Purpose:** The County, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the County.

Planned residential development districts are limited to areas served by public sanitary sewer and public water.

**Section 10.02 - Application:** The provisions of this chapter of the Zoning Resolution shall apply to all lands under County Zoning, regardless of the size and the owner of any parcel may elect to submit the application for change in the zoning under the provisions of this article despite the fact that the planned densities or size of the tract do not exceed the permitted densities or acreages set forth in Articles VII, VIII, and IX of this resolution. The Board of County Commissioners or the Zoning Board may, in their discretion, require that an application be filed under this Article if approval under this Article serves the best interest of the community in assuring quality development.

**Section 10.03 - Permitted Uses:** Within the Planned Residence District (PR) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures of any type, either single family or multi-family, including but not limited to detached, semi-detached, attached, modular, mobile, cluster, patio, common wall or any reasonable variation on the same theme.
- b) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- c) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXXI (Page 110) of this resolution.

d) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**Section 10.04 Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXXI of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with condition(s) imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structure.
- 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than twenty (20%) percent of the total floor area of the dwelling unit.
- 4) No more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the

business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

b) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.

c) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.

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

2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood.

d) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community association and use is limited to residents of the subdivision served.

e) Public or Private Golf Courses, Country Clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.

#### **Section 10.05 - Prohibited Uses:**

a) No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.

- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- e) Except as specifically permitted in Section 10.03(c) or approved in the approved development plan no mobile home shall be placed or occupied in this district.
- f) Subject to the procedures set forth in Ohio Revised Code 303.211, No telecommunication tower(s), aerial, antenna or tower shall be permitted in this district.

**Section 10.06 - Procedure:** In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

An application for a PRD requires:

Step 1: A change in the zoning map to show the PRD as a rezoning. This includes a preliminary development plan. The Preliminary Development Plan shall consist of items 1, 2, 5 & 8 of Section 10.06 b. The change in the zoning map is considered a legislative amendment, and is subject to referendum by the citizens.

Step 2: The submission and approval of a final development plan. Unless simultaneously adopted as part of the zoning map change, the subsequent approval, or disapproval of the final development plan is an administrative act by the County, based on the PRD standards herein adopted, which is an administrative action, but is subject to the review and approval by the County for appropriateness.

Process for Amendment

Planned Residential Developments may be approved according to one of the following procedures:

1. The applicant, being the owner of subject real estate, may apply for designation of the land as a PRD. A preliminary development plan must be submitted with the application. The Preliminary Development Plan shall consist of items 1, 2, 5 & 8 of Section 10.06 b. If the application is approved, then the zoning map is amended to PRD.
2. The applicant, being an owner of real estate, may apply for designation of the land as a PRD and simultaneously submit, along with the application for the zoning change, a final development

plan acceptable to the county and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum)

a) Application - The owner or owners of lots and lands within the area under County Zoning may request that the zoning map be amended to include such tracts in the Planned Residence District in accordance with the provisions of this resolution.

1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by officials of the County shall be binding upon either.

b) Development Plan - Ten (10) copies of the development plan shall be with the application, which plan shall include in the text and map form:

1) The proposed size and location of the Planned Residential District.

2) The general development character of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.

3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

7) Location of schools, parks and other facility sites, if any.

8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give county officials definitive guidelines for approval of future phases.

10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

11) Specific statements of divergence from the development standards in Articles VII, VIII, IX, and/or X or existing county regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.

12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

c) Criteria for Approval - In approving an application for a Planned Residence District the reviewing authorities shall determine:

1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

3) If the proposed development advances the general welfare of the county and the immediate vicinity.

d) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute an amendment to the zoning resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to FR-1 District unless the application for time extension is timely submitted and approved.

e) Extension of Time and/or Modification - An extension of the time limit and/or a modification of the approved development plan may be approved by the Rural Zoning Commission. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the County Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 10.06(d) as herein before set forth.

f) Plat Required - In the Planned Residence District (PR), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, night light deflection, all underground public utility

installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.

g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Board and the County Commissioners or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**Section 10.07 - Development Standards:** In addition to any other provisions of this resolution the following standards for arrangement and development of lands and buildings are required in the Planned Residence District.

a) Intensity of Use - The maximum density shall be one (1) dwelling unit per 85,000 square feet (1.95 acres) within the area to be developed. The maximum density may be increased to one (1) unit per 43,560 sq. ft. (1 acre) if the minimum open space provided is a minimum of fifty percent (50%) of the gross acreage. The minimum lot size may be modified to permit clustering where appropriate, but shall not be less than 0.25 acres.

b) Open Space - A minimum of thirty percent (30%) of the total gross acreage shall be provided as designated open space, arranged and restricted by easement, covenant, deed or dedication. This organized open space shall not include minimum yard space as required or required off-street parking areas, however, it may include recreation facilities, fire protection areas, agriculture. The dedicated street right-of-way shall not be considered open space. Treated effluent holding ponds shall not be considered open space. If it is demonstrated to the County Commissioners that the type of development, adjoining development or adjoining publicly controlled open space is sufficient to provide for the health and welfare of the area, the density as herein before set forth may be reduced by not less than ten (10%) percent in lieu of the provisions of organized open space as herein before described. The development plan shall provide means to properly maintain open space.

c) Arrangement of Structures

1) Setbacks - The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article XXV unless variance there from is approved.

2) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height. Church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No antenna or aerial shall be permitted to extend more than twenty-five (25) feet over the highest point of the principal residence on the premises.

d) Building Dimensions - Each single family dwelling hereafter erected in this district shall have a living area of not less than eight hundred (800) square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three or more bedroom units	900 sq. ft.

e) Landscaping - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

f) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

g) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXV of this resolution shall, when appropriate, be incorporated.

h) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXVI of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

i) Mobile Home Development Standards - In the event mobile homes are included as a type of residence within this district construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Associations, any State or Federal Regulations or standards established on said subject or any requirement approved or imposed in the plan of development.

j) The County Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**ARTICLE XI - Reserved**

## ARTICLE XII - Neighborhood Office District (C-1)

**Section 12.01- Purpose:** It is the intention of the County to create a district which will regulate future commercial development and foster expansion and rehabilitation of existing facilities to provide the atmosphere and opportunity to develop neighborhood oriented office facilities which are small, pleasant, safe and convenient to the neighborhood.

**Section 12.02- Application:** The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

**Section 12.03 - Permitted:** Within the Neighborhood Office District (C-1) the following uses, developed in accordance with other provisions of this resolution, shall be permitted.

- a) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers.
- b) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.
- c) Offices of Veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- d) Other offices, similar in nature or character, as determined by the zoning board.
- e) Temporary structures such as trailer and construction office buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of permit or (10) days after project completion, whichever comes first of said permit.

**Section 12.04 - Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXXI of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation

by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Single Family Residences provided the same contains at least nine hundred and fifty (950) square feet of living area exclusive of porches, garages and basements.

b) Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three or more bedroom units	900 sq. ft.

c) Kindergarten or child care facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. All such facilities shall possess all approvals and or licenses as required by state or local agencies.

**Section 12.05 - Prohibited Uses:**

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

b) The outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway. If not enclosed within a building a maximum of five (5) inoperable, unused or unlicensed vehicles may be kept on any parcel of land in this district.

c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.

d) Except as specifically permitted in Sec. 12.03(e) herein no mobile home or mobile office structure shall be placed or occupied in this district.

**Section 12.06 - Development Standards:** In addition to any other provisions of this resolution, all lands and uses within the Neighborhood Office District shall be developed in strict compliance with the standards hereinafter established:

a) Building Size - No structure in this district shall contain more than three thousand (3000) square feet of floor space per floor devoted to any permitted or conditional use.

- b) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) Lot Width - No minimum lot width shall be required, however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.
- d) Building Height - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade.
- e) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 25.09 herein.
- f) Side Yard - Side yards shall be required adjacent to residential districts not less than one-fourth (1/4) of the sum of the height and depth of office the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) Rear Yard - Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to residential areas. The rear yard setback shall not be less than adjoining residential setback
- h) Screening - All commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) Parking - Off street parking shall be provided, within this district in strict compliance with the provisions of Article XXV of this Resolution.
- j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXVI of this resolution.
- k) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- l) Freight Loading Area - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- m) Landscape Plan - When any use abuts on U.S. Rt. 23 or on a Class A or Class B road as defined in Sec. 25.09 herein a landscape plan shall be developed which is compatible, in the discretion of the Zoning Board, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

## ARTICLE XIII - Neighborhood Commercial (C-2)

**Section 13.01 - Purpose:** It is the intent of the County to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.

**Section 13.02 - Application :** The provisions of this article shall apply to all areas zoned neighborhood commercial as of the date of adoption of this amendment and all existing legal neighborhood commercial uses on lands now zoned neighborhood commercial within the areas under County Zoning shall be considered, for purposes of this zoning district, permitted uses.

The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

**Section 13.03 - Permitted Uses:** Within the Neighborhood Commercial District (C-2) the following uses, developed in accordance with other provisions of this resolution, shall be permitted provided that all activities and transactions, except off street parking and loading/unloading shall be conducted within a closed building.

- a) Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carryouts, florists, eating and drinking places where service is provided totally within the building, self-service laundromats, laundry and dry-cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.
- b) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers.
- c) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.
- d) Offices of Veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- e) Other business, similar in nature or character or determined by the zoning board.
- f) Temporary structures such as trailers and construction office buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said

structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration or (10) days after project completion, whichever comes first of said permit.

**Section 13.04 - Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXXI of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Single Family Residences provided the same contain at least nine hundred and fifty (950) square feet of living area exclusive of porches, garages and basements.

b) Apartments in areas over or adjacent to the commercial storeroom or office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three (3) or more bedroom units	900 sq. ft.

c) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards. All such facilities shall possess all approvals and/or licenses as required by state or local agencies

d) Drive-thru or drive-in facilities for financial institutions, restaurants or other businesses.

**Section 13.05 - Prohibited Uses:**

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Except as specifically permitted in Sec. 13.03(f) herein no mobile home or mobile structure shall be placed or occupied in this district.

**Section 13.06 - Development Standards:** In addition to any other provisions of this resolution, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

- a) Building Size - No structure in this district shall contain more than three thousand (3000) square feet of floor space per floor devoted to any permitted or conditional use.
- b) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) Lot Width - No minimum lot width shall be required, however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.
- d) Building Height - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade.
- e) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 25.09 herein.
- f) Side Yards - Side yards shall be required adjacent to residential districts not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) Rear Yards - Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to residential areas.
- h) Screening - All commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) Parking - Off street parking shall be provided, within this district in strict compliance with the provisions of Article XXV of this Resolution.
- j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXVI of this resolution.

k) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

l) Freight Loading Area - When any use within this district requires the merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

m) Landscape Plan - When any use abuts on U.S. Rt. 23 or on a Class A or Class B defined in Sec. 25.09 herein a landscape plan shall be developed which is compatible, in the discretion of the Zoning Board, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

**ARTICLE XIV - Planned Commercial and Office District (PC)**

**Section 14.01 - Purpose:** The County recognizing that with increased urbanization and-population growth comes increased demands for well organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the County hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Delaware County.

**Section 14.02 - Application:** This provision of the zoning resolution shall apply to all lands within the areas under County Zoning which are to be used for commercial or office purposes and which are not regulated by the Neighborhood Commercial or Neighborhood Office District as herein before set forth in Article XII and XIII of this resolution.

**Section 14.03 - Permitted Uses:** Within the Planned Commercial and Office District (PC) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- a) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- b) Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
- c) Establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes and convalescence homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or child care facilities.
- g) Outdoor storage of licensed and operable motor vehicle(s), boats and/or recreational vehicles.
- h) Mini Storage.
- i) Apartments or residences when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three (3) or more bedroom units	900 sq. ft.

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Zoning Board.

j) Temporary structures such as trailer and construction office buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid equal to the defined time of approved plan. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

k) Other commercial ventures not provided by this or other section of this resolution if approved as part of the plan.

**Section 14.04 - Conditional Uses:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Board and/or the County Commissioners.

**Section 14.05 - Prohibited Uses:**

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

b) The outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway. If not enclosed within a building a maximum of five (5) inoperable, unused or unlicensed vehicles may be kept on any parcel of land in this district.

c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.

d) Except as specifically permitted in Sec. 14.03(j) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.

e) Adult Entertainment Facilities - See section 24.01

**Section 14.06 - Procedure:** In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

a) Application - The owner or owners of land under County Zoning may request that the zoning map be amended to include such tracts in the Planned Commercial and Office District in accordance with the provisions of this resolution.

1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the County shall be binding upon either.

b) Development Plan - Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

1) The proposed size and location of the Planned Commercial District.

2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.

3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

7) Location of parks and other public facility sites, if any.

8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give county officials definitive guidelines for approval of future phases.

10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

11) Specific statements of divergence from the development standards in Articles XII, XIII, and/or XXVI or existing County regulations or standards and the justification

therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.

12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

c) Criteria for Approval - In approving an application for a Planned Commercial and Office District the reviewing authorities shall determine:

- 1) If the purchased development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
- 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- 3) If the proposed development advances the general welfare of the County and the immediate vicinity.

d) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute an amendment to the zoning resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to FR-1 District unless the application for time extension is timely submitted and approved.

e) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the County Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 13.06(d) as herein before set forth.

f) Plat Required - In the Planned Commercial and Office (PC) District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points

to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

g) Administrative Review - All plats, construction drawing, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Board and the County Commissioners or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**Section 14.07 - Development Standards:** In addition to any other provisions of this resolution the following standards are required in this district.

a) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

h) Setbacks - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXV unless variance there from is approved.

i) Building Height Limits - No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade. Elevator shafts, aerials and antennas may be constructed to any safe height, but not more than the distance to nearest property line or right-of-way.

j) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.

k) Landscaping - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

l) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

m) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXV of this resolution shall, when appropriate, be incorporated.

n) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXVI of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

o) The County Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

p) No trash, debris, unused property or discarded material shall be permitted to accumulate on any lot or portion of any lot thereof which creates an eyesore, hazard or public nuisance to the neighborhood or general public.

**ARTICLE XV - Reserved**

## **ARTICLE XVI - Industrial District (I)**

**Section 16.01 - Purpose:** The County recognizes that a well planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention of this board to provide those reasonable conditions under which desirable industry of all types may operate so that the health, safety and general welfare of the residents of the County may be preserved.

**Section 16.02 - Application:** The provisions of this article shall apply to all areas zoned Industrial (I) as of the date of adoption of this amendment. All existing legal industrial uses on lands now zoned within areas under County Zoning shall be considered, for purposes of this resolution and this zoning district, permitted uses.

**Section 16.03 - Permitted Uses:** Within the Industrial District (I) the following uses, developed in accordance with other provisions of this resolution, shall be permitted.

- a) Wholesale business when all products are stored within the building.
- b) Enclosed warehouse.
- c) Enclosed manufacturing industries.
- d) Enclosed service or repair activities.
- e) Business offices.
- f) Enclosed research facilities.
- g) Temporary structures such as trailer and construction office buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit or (10) days after occupancy permanent structure, whichever comes first.

**Section 16.04 - Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXXI of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation

by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Circuses, carnivals or similar transient enterprises provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.
- b) Petroleum product storage and refining areas.
- c) Exploration and drilling for oil or gas and production of said products.
- d) Freight or trucking terminals and distribution centers.
- e) The outdoor storage, display, processing, repair or sale of raw materials, supplies, equipment or products.

**Section 16.05 - Prohibited Uses:**

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Residential use of any kind.
- e) Except as specifically permitted in Sec. 16.03(g) no mobile home or mobile office structure shall be placed or occupied in this district.

**Section 16.06 - Development Standards:** In addition to any other provisions of this resolution, all lands and uses within the Industrial District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the required yard spaces and off street parking as herein required.
- b) Lot Width - No minimum lot width shall be required, however, the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking.

- c) Building Height - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from finished grade.
- d) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 25.09 herein.
- e) Side Yards - There shall be a side yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off street parking shall encroach in said side yard except with consent of the Board of Zoning Appeals.
- f) Rear Yards - No building shall be located closer than thirty (30) feet to the rear line of any lot. No outdoor storage area or required off street parking area may encroach in the prescribed rear yard except with permission of the Board of Zoning Appeals.
- g) Screening - All outside storage areas, manufacturing areas, service areas and loading docks shall be screened by properly maintained walls, fences or shrubbery at least six (6) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, manufacturing, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in a neat and tidy manner.
- h) Parking - Off street parking shall be provided within this district in strict compliance with the provisions of Article XXV of this resolution.
- i) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXVI of this resolution.
- j) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:
  - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration and other appropriate agencies shall be followed. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

- 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- 3) Glare, Heat and Exterior Light - Any operation producing intense light or heat such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- 6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- 7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered

## ARTICLE XVII - Planned Industrial District (PI)

**Section 17.01 - Purpose:** In the creation of the Planned Industrial District it is the intention and desire of the County to provide those reasonable conditions under which well planned industrial areas can develop for the greatest benefit of the entire County and so that the health, safety and general welfare of all inhabitants of Delaware County may be preserved.

**Section 17.02 - Application:** The provisions of this chapter shall apply to all lands under County Zoning regardless of the size of the tract and the owner may elect to submit his application for change in the zoning under the provisions of this article or the provisions of Article XVI. The Board of County Commissioners or the Zoning Board may, in their discretion, require that an application be filed under this article if approval under this article serves the best interest of the community and assures quality development.

**Section 17.03 - Permitted Uses:** Within the Planned Industrial District (PI) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
- b) Commercial Establishments normally associated with and designed to serve the Industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
- c) Temporary structures such as trailers and construction office buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve(12) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit or ten (10) days after project completion, whichever comes first.
- d) Borrow Pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of County Commissioners and/or the County Engineer to insure compliance with the restrictions and conditions imposed to insure regrading, reseeding and general restoration of the area including haul roads. All applications or plans submitted incident thereto shall be reviewed by the Delaware County Engineer and his comments shall be

included in the record regarding the matter and where applicable said work shall be carried out in compliance with County Sedimentation Regulations.

e) Sanitary Land Fills or Solid Waste Transfer Stations provided that all required licenses and approvals are issued by appropriate state and county agencies. In addition to requirements imposed by state agencies the Board of Zoning Appeals may require such screening as is necessary to protect adjacent neighborhoods. This section not applicable to facilities qualifying as a Public Utility and exempt from zoning.

f) Quarries and other activities providing for the removal, processing and sale of natural resources.

**Section 17.04 - Conditional Uses:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Board and/or the County Commissioners.

**Section 17.05 - Prohibited Uses:**

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

b) Except as approved in the development plan the outdoor storage of any inoperable, unlicensed or unused motor vehicle for a period exceeding seven (7) days is prohibited.

c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.

d) Residential uses of any kind.

e) Except as specifically permitted in Sec. 17.03(c) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.

**Section 17.06 - Procedure:** In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

a) Application - The owner or owners of lots and lands within the County may request that the zoning map be amended to include such tracts in the Planned Industrial District in accordance with the provisions of this resolution.

1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the County shall be binding upon either.

b) Development Plan - Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

- 1) The proposed size and location of the Planned Industrial District.
- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), should be fully described in text form in a manner calculated to give County officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
- 11) Specific statements of divergence from the development standards, in Article XVI or existing county regulations or standards. Unless a variation from the development standards is specifically approved the same shall be complied with.
- 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

c) Criteria for Approval - In approving an application for a Planned Industrial District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

3) If the proposed development advances the general welfare of the County and the immediate vicinity.

d) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute an amendment to the zoning resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to previously documented zoning district unless the application for time extension is timely submitted and approved.

e) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the County Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 13.06(d) as herein before set forth.

f) Plat Required - In the Planned Industrial District (PI), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon and the activities of occupants.

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officer in a satisfactory amount assuring expeditious completion of said facilities within one year

after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Board and the Board of County Commissioners or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

**Section 17.07 - Development Standards:** In addition to any development standards imposed or approved as part of the plan of development, the following standards shall apply.

a) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

h) Setbacks - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXV unless variance therefrom is approved.

i) Building Height Limits - Shall be in accordance with approved plans. Elevator shafts, aerials and antennas may be constructed to any safe height, but not more than the distance to nearest property line or right of way.

j) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.

k) Landscaping - All yards, front, side and rear shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

l) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

m) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXV of this resolution shall, when appropriate, be incorporated.

n) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXVI of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding 48 square feet in area per side advertising said subdivision development or tract for sale.

o) The County Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**ARTICLE XVIII- Reserved**

## **ARTICLE XIX - Agricultural Preservation District (A-I)**

**Section 19.01 - Purpose:** The Agricultural Preservation District is intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development.

**Section 19.02 - Application:** This section shall apply to all prime agricultural lands, the owner of which has applied for classification herein provided such lands meet the criteria established by state law as to size, location, productivity and classification.

**Section 19.03 - Permitted Uses:** Within the Agricultural Preservation District the following uses, developed in accordance with all other provisions of this resolution, shall be permitted:

- a) Farm residence.
- b) Accessory buildings and accessory uses including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.
- c) One occupied mobile home to be occupied by full time farm labor only and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one mobile home shall be located on any farm within townships under County Zoning.
- d) Projects specifically designed for watershed protection, conservation of water or soils or for flood control.
- e) Agriculture, beekeeping, dairying, floriculture, grazing and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables.
- f) Roadside sales of agricultural products shall be permitted in this district provided 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. Adequate area shall exist adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfare placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.
- g) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- h) Mobile homes and recreational vehicles for temporary residential use and temporary buildings of a non residential character may be used or occupied only during residential construction on the premises for a maximum of twelve (12) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after expiration of said twelve (12) month period or no later than thirty (30) days after issuance of occupancy permit,

which ever comes first. Provisions shall be made for sanitary waste disposal, solid waste and water supply.

i) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**Section 19.04 - Conditional Uses:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXXI of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
- 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than thirty-three (33%) percent of the total floor area of the dwelling unit and/or one hundred (100%) percent of the combined floor space in any garage or accessory building.
- 4) No more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)

- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties
- b) Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises
- c) Permanent structures or improvements used for retail sale of agricultural products produced on the premises.
- d) Conversion of existing residential structures to permit occupancy by more than one family.

**Section 19.05 - Prohibited Uses:**

- a) No use not specifically authorized by the express terms of this chapter of the zoning resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited visible from any adjoining property or roadway. If not enclosed within a building (but screened from adjoining properties) a maximum of five (5) inoperable, unused or unlicensed vehicles may be kept on any parcel of land in this district.
- c) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- d) Except as specifically permitted by Sec. 19.03 (c) or (h) herein no mobile home shall be placed or occupied in this district.
- e) No trailer of any type, no boats, no motor homes, buses, and no equipment of any type shall be parked in front of the front building setback line on any parcel within this district. If a building is located on said lot, the building line shall be considered to be the front wall of the building even if said building is located behind the minimum building line established by this code or the restrictions on the plat or subdivision

**Section 19.06 - Development Standards:** All lands and uses within the Agricultural Preservation developed in strict compliance with the standards hereinafter established:

a) Lot Area - No parcel of land in this district shall be used for residential purposes which has an area of less than five (5) acres (217,800 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.

b) Lot Frontage - Except as hereinafter set forth all lots or parcels within this zoning district shall have the following minimum lot frontage on a road approved by the Delaware County Engineer.

Less than 2 acres	150 ft.
2 acres but less than 3 acres	175 ft.
3 acres but less than 4 acres	200 ft.
4 acres but less than 5 acres	250 ft.
5 acres or larger	300 ft.

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width which is equal to that minimum lot frontage requirement. This must be maintained fifty (50) feet forward of the building line. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet in width and the width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises.

c) Any parcel of land which at the building setback line is separated or removed from the public road by more than one other parcel of land shall be accessed only by a Common Access Drive (CAD) approved by the Delaware County Regional Planning Commission. Multiple lots with narrow frontage or flag lots must be separated by a lot meeting the required frontage at the right-of-way line. For lots having frontage on streets having extreme curvature, e.g., cul-de-sacs, the lot shall have the minimum width as specified above at the building line.

d) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line or right of way of said tract.

e) Building Dimensions (Floor Space Requirements) - Each single family dwelling hereafter erected in this district shall have a living area of not less than nine hundred and fifty (950) square feet. All such living areas shall be exclusive of basements, porches or garages.

f) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 25.09 herein.

g) Side Yard Set Back - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Sec. 7.04(o) herein, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.

h) Rear Yard Requirement - No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

i) Maximum Lot Coverage - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.

j) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the recommended standards set forth in Article XXV of this Resolution.

No trailer of any type, no boats, no motor homes, buses and equipment of any type shall be parked in front of the front building setback line on any parcel within this district. If a building is located on said lot, the building line shall be considered to be the front wall of the building even if said building is located behind the minimum building line established by code or the restrictions on the plat or subdivision.

k) Signs - Except as provided under the provisions of this article home occupations or as controlled by Article XXVI of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding 48 square feet in area per side advertising said tract for sale.

## ARTICLE XX - Institutional District (INS)

**Section 20.01 - Purpose and Intent:** It is the purpose of the Institutional District to promote, encourage and regulate the development of uses within the district for the preservation and fostering of not-for-profit institutions for the providing of social, cultural, educational and health services insofar as the said uses are conducted in a manner consistent with the low density, agricultural nature of the countryside or developed so as to serve as compatible buffer zones between agricultural and residential districts, commercial or other higher density use areas.

**Section 20.02 - Application:** All lands which are to be utilized as an Institutional District (designated INS) shall have five (5) acres or more depending upon contemplated character of use.

### **Section 20.03 - Permitted Uses:**

a) Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public including:

- 1) hospitals;
- 2) elementary and secondary schools;
- 3) colleges, universities and junior colleges;
- 4) religious organizations;
- 5) libraries, museums and art galleries;
- 6) community buildings.

b) Offices for organizations and associations organized for promotions of membership interests to include:

- 1) business and professional associations and organizations;
- 2) labor unions and similar labor organizations;
- 3) civic, social and fraternal associations;
- 4) political, charitable and other non-profit membership associations not elsewhere classified

**Section 20.04 - Conditional Uses:** The following uses may be allowed in an Institutional District subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of this Article and of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are discontinued for a period in excess of two (2) years. If the premise is sold or conveyed to a third party, any previously

granted conditionally permitted use shall be void and the subsequent owner(s) shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. No conditionally permitted use shall be implemented until a permit of compliance is issued by the Zoning Inspector after approval by the Board of Zoning Appeals.

a) Professional Offices. Professional offices for persons whose professions are directly related to, rationally connected with and beneficial to the institutional services already provided or already approved in the district. Criteria for evaluation shall include, but is not limited to the following:

- 1) Whether or not it is a rational and beneficial connection to institutional services or use already permitted or approved in the general vicinity;
- 2) Whether or not the proposed professional office shall be designed, constructed, operated and maintained so as to be harmonious in appearance with existing or planned uses of the general vicinity;
- 3) Whether or not the professional office is needed in the specific area to more effectively service the institutional use.

b) Convalescent Nursing Centers or Family Care Homes. Convalescent Nursing centers or Family Care Homes shall be subject to the following:

- 1) Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable room area for one (1) occupant, and when occupied by more than one (1) individual shall contain at least sixty (60) square feet of habitable room area for each occupant. No such facility shall use living rooms, dining rooms, entry ways, closets, corridors, outside porches or cellars as sleeping rooms;
- 2) It shall provide not less than twenty-five (25) square feet per person of suitable indoor recreation area and not less than seventy-five (75) square feet of outdoor recreation or open space per person, exclusive of required front and side yards and parking areas, consolidated in a useful configuration and location on the site;
- 3) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood;
- 4) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District;
- 5) Required Submittal
  - a) Information explaining the need for the facility, the clientele to be served and the financial resources that will be used to operate the facility;
  - b) Identification of similar facilities presently located in the area, including the names of individuals who may be contacted concerning the operation of such facilities;

c) Identification of community facilities and social services that will be used by the clientele of the facilities, including the indication from the Administrator of such facilities and services that the clientele can adequately accommodated;

d) A license or evidence of ability to obtain a license from the appropriate governmental agency. Prior to the issuance of a permanent zoning permit, the applicant shall provide evidence that a valid license has been issued or is obtainable for the proposed conditional use on the subject property. When a license is not required of the applicant by a governmental agency, a written affidavit shall be presented as a part of the application by the governmental agency to which that applicant has accountability stating that a license is not required. The affidavit shall further state and describe the procedures that have been established in lieu of licensing to insure that the provisions of this section are carried out and the types of controls that the governmental agency can exercise in this regard;

e) A copy of the operational and occupancy standards that will be used in establishing the facility;

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

6) Unless modified by this section, the facility shall comply with all other applicable codes and ordinances prior to the issuance of a zoning permit;

#### 7) Criteria for Evaluation

a) Is in fact the facility licensed by and/or has legal accountability to an established social service agency of local government and that sufficient controls can be exercised to insure continued compliance to the provisions of this section;

b) Whether or not the facility is needed based upon the evidence submitted by the applicant;

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

d) Whether or not the proposed facility will be hazardous or disturbing to existing or officially planned future neighborhood uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment;

e) Whether or not the proposed facility will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the

persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

f) Whether or not the proposed facility will have vehicular approaches to the property which shall be so designed not to create an interference with traffic on public thoroughfares.

c) Licensed Pre-schools, Day Care Facilities and Children's Nurseries. All licensed pre-schools, day care facilities and children's nurseries shall be subject to the following:

- 1) Such proposed facility must be affiliated with or sponsored by an organization existing under one or more of the enumerated permitted institutional uses;
- 2) Evidence of need for such facility and of benefit to the community created thereby must be demonstrated to the satisfaction of the Board of Zoning Appeals;
- 3) A drop-off area shall be provided at the main entrance to the facility sufficient to accommodate at least four (4) automobiles;
- 4) All outdoor play areas shall be fenced or walled with adequate barrier being not less than four (4) feet. If such facility is located adjacent to any residential, a solid fence, wall, earthen berm or evergreen hedge six (6) feet high shall be constructed or planted along the lot line separating the districts;
- 5) The maximum percentage of site coverage by all principal and accessory buildings, parking areas and outdoor play areas shall be seventy-five percent (75%).

**Section 20.05-Prohibited Uses:**

- a) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway. If not enclosed within a building a maximum of five (5) inoperable, unused or unlicensed vehicles may be kept on any parcel of land in this district.
- b) No trailer of any type, no boats, no motor homes, buses and no equipment of any type shall be parked in front of the front building set-back line on any parcel within this district. If a building is located on said lot, the building line shall be considered to be the front wall of the building even if said building is located behind the minimum building line established by this code or the restrictions on the plat or subdivision;
- c) No motor home, mobile home or camper of any type may be occupied by a guest of the owner for more than fourteen (14) days;
- d) No mobile homes, house trailers, whether occupied or unoccupied, other than guest under subsection (c) shall be parked on any lot.

**Section 20.06 - Procedure for Approval:**

- a) An original and five (5) copies of the application shall be tendered to the Zoning Commission;

- b) Applicant shall further attach to the application in text and/or plans, proposed provisions for water, sanitary sewer, surface drainage facilities and outdoor trash container systems showing evidence of reasonableness as to each;
- c) Applicant shall forth attach to the application in text and/or plans, proposed traffic plans, including streets, parking areas, walks and other access ways indicating their relationship to the topography;
- d) Applicant shall forth attach to the application in text and/or plans, proposed provision for screening, lighting and noise abatement;
- e) Applicant shall further attach to the application in text and/or plans, a proposed schedule for development of the site;
- f) Applicant shall further attach to the application shown to scale showing existing or proposed structures and their location on site.

***Section 20.07 - Development Standards***

a) Lot area. No parcel of land in this district shall be used for institutional purposes or enumerated conditional purposed unless it has a net area (exclusive of existing right-of-ways) of at least the following:

1) Hospitals	15 acres
2) Elementary and secondary schools	5 acres
3) Colleges, universities/ junior colleges	15 acres
4) Religious organizations	5 acres
5) Libraries, museums, art galleries	5 acres
6) Community buildings	5 acres
7) Offices for organizations, associations	5 acres
8) Professional offices	5 acres
9) Convalescent Nursing Centers, Family Care Homes	5 acres
10) Pre-schools, Day Care Facilities, Children's Nurseries	5 acres

b) Lot Frontage. All lots or parcels within this zoning district shall have at least three hundred (300) feet of minimum lot frontage on the right-of-way line of adjoining public roads or approved easements.

- c) Building Setback. No building or use shall be located closer to center line of the adjacent public or private road than permitted in Section 25.09 herein.
- d) Side Yard. No building, structure or parking areas shall be located closer than twenty (20) feet to any side lot line, provided, however, that the right is reserved to the Zoning Commission, County Commissioners or Board of Zoning Appeals to require greater side yard distances in this district if, in its opinion, the public safety or welfare may require it.
- e) Rear Yard. No building, structure or parking area shall be located closer than forty (40) feet to any rear lot line, provided, however, that the right is reserved to the Zoning Commission, County Commissioners or Board of Zoning Appeals to require greater rear yard distances in this district if, in its opinion, the public safety or welfare may require it.
- f) Maximum Lot Coverage. On no parcel in this zoning district shall main or accessory structures be constructed which occupy more than twenty-five percent (25) of said lot. Parking areas, pedestrian areas and other hard-surfaced or paved areas shall not cover more than twenty-five percent (25%) of such lot or parcel.
- g) Building Heights Limits. No building shall exceed a safe height, as determined by fire codes or by the joint fire district.
- h) Lighting and Noise Standards. Any activity carried on shall be conducted in such a manner as to minimize noise carrying beyond lot lines. Outdoor artificial lighting shall not be permitted in an Institutional District which directly or indirectly materially illuminates adjacent properties.
- i) Roads and Parking Areas. All roads and parking areas within this district which are generally open to the public shall be paved in accordance with Delaware County requirements.
- j) Traffic. The site shall have adequate access onto a surface state highway, county or township road that is regularly maintained and traffic plans for ingress and egress and shall be so designed so as to adequately handle the additional traffic generated by the use.

## **ARTICLE XXI - Planned Institutional District (PINS)**

**Section 21.01 - Purpose:** It is the purpose of the Planned Institutional District to promote, encourage and regulate the development of uses within this district for the preservation and, fostering of institutions providing social, cultural, and educational services.

**Section 21.02 - Application:** This provision of the Zoning Resolution shall apply to all lands within the county which are to be used for institutional purposes and which are not regulated by the Planned Residential District or Planned Commercial District.

The provisions of this Article shall apply to all areas zoned Planned Institutional District (PINS) as of the date of the adoption of this resolution and all existing legal commercial uses on lands zone Planned Institutional within the county shall be considered, for the purposes of this zoning district, permitted uses. All uses established after the date of the adoption of this Resolution shall conform to all requirements of this Resolution.

**Section 21.03 - Permitted Uses:** Within the Planned Institutional District (PINS) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

a) Institutions providing social, cultural, educational and health to member agencies, organizations and individuals or to the general public including:

- 1) hospitals
- 2) elementary and secondary schools;
- 3) colleges, universities and junior colleges;
- 4) religious organizations;
- 5) libraries, museums and art galleries;
- 6) community buildings.

b) Offices for organizations and associations organized for the promotion of memberships interests to include:

- 1) business and professional associations and organizations;
- 2) labor unions and similar labor organizations;
- 3) civic, social and fraternal associations;
- 4) political, charitable and other non-profit membership associations not elsewhere classified.

c) Cemeteries, providing the same occupies a tract of not less than one hundred (100) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 25.09 of this Resolution. No burial may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty five (25) feet to any other property line unless mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building or storage area shall be constructed except as approved by the Zoning Commission and parking areas, public accesses, screening and other improvements shall be furnished as required.

d) Public or Private Schools or Colleges. Instructional areas, whether improved with buildings or not shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Zoning Commission and shall provide screening adjacent to residential areas.

e) Churches or other places of worship, provided they occupy a lot of not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.

f) Temporary structures such as mobile offices and temporary buildings of non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months and may be renewed not more than one time. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

**Section 21.04 - Conditional Uses:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Commission and/or the Board of County Commissioners.

**Section 21.05 - Prohibited Uses:**

a) No use not specifically authorized by the express terms of this article or the Zoning Resolution shall be permitted.

b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway. If not enclosed within a building a maximum of five (5) inoperable, unused or unlicensed vehicles may be kept on any parcel of land in this district.

c) Except as provided in the development plan no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be

considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.

d) Except as specifically permitted in Section 21.03 (f) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.

**Section 21.06 - Procedure:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to the PIND district shall follow the procedures hereinafter set forth:

a) Application - The owner or owners of land within the township may request that the zoning map be amended to include such tracts in the Planned Institutional District in accordance with the provisions of this Resolution. The applicant is encouraged to engage in informal consultations with the Zoning Commission and Regional Planning Commission, prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of County shall be binding upon either.

b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and map form the following:

- 1) The proposed size and location of the Planned Institutional District.
- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public land, private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development if existing and probable uses of surrounding areas.
- 7) Locations of parks and other public facility site, if any.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give officials definitive guidelines for approval of future phases.

10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

11) Specific statements of divergence from the development standards in Articles XXV or existing County regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved, the approved plan shall be complied with.

12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion for public service facilities to be constructed within the project by the developer.

c) Criteria for Approval - In approving an application for a Planned Institutional District the reviewing authorities shall determine:

1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

3) If the proposed development advances the general welfare of the township and the immediate vicinity.

d) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment.

e) Plat Required - In the Planned Institutional District (PINS), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use development and maintenance of the land improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recondition for the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one year

after recording of said plat. In no event, however, shall any certificate of compliance be issued for any building until such time as the facilities for the phase in which the building is located are completed.

f) Administrative review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the County Commissioners or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved, prior to the issuance of any zoning certificate.

**Section 21.07 - Development Standards:** In addition to any other provisions of this resolution the following standards are required in this district:

a) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration (O. S. H. A) shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, or any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.

g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odors causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.

h) Setbacks- The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXV unless variance therefrom is approved.

i) Building Height Limits - No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade.

j) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.

k) Landscaping - All yards, front, side and rear, shall be landscaped in accordance to Section XXV of this Resolution.

l) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.

m) Parking - Off street parking shall be provided, at the time of construction of the main structure of building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article 25.01 of this Resolution shall, when appropriate, be incorporated.

n) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXVI of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said development or tract for sale.

o) Exterior Lighting -All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.

p) The Rural Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

## ARTICLE XXII- Recreational District (REC)

**Section 22.01 - Purpose and Intent:** The purpose of the Recreational District is to permit the construction and use of private, semi-public and public recreation facilities within the County (whether or not established and operated for commercial gain), provided the proposed location of such facility recognizes and protects unique natural scenic areas for conservation of open space and for recreational uses. Proposed recreational facilities are encouraged in low-density areas with a fostering of essentially non-urban activities or activities which are not likely to create a nuisance in terms of noise, odor, smoke and the like to adjoining property owners. It is further a purpose of this district to encourage development of recreational activities upon such lands which are participatory in nature. Conversely, large auditoriums, arenas and stadiums for spectator viewing of sporting events are not within the purview of this district.

**Section 22.02 - Application:** All lands which are to be utilized as a Recreational District (designated REC) shall contain five (5) acres or more, and which are not regulated by the Planned Recreational District.

### **Section 22.03 - Permitted Uses:**

- a) Public or private clubs and grounds for games and sports provided that no mechanical amusement equipment be constructed, erected or contained thereon;
- b) Public or private golf courses, to include commercial activities that are carried on in conjunction with golf course club house facilities such as pro-shops and eating facilities;
- c) Private clubs (including building and grounds) of a civic, social, business, educational or recreational nature;
- d) Recreation buildings, grounds and accessory buildings in conjunction with playgrounds and athletic fields open to the public with or without charge;
- e) Public or private parks, preserves or sanctuaries intended for public use and enjoyment to include accessory structures such as shelters and picnic areas;
- f) Other such public or private uses that in the opinion of the Zoning Commission would further the intent and purpose of this district on the basis of potential harm such uses might have upon the conservation of natural environmental assets.
- g) Playgrounds, play fields, picnic areas and summer camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.

### **Section 22.04 - Conditional Uses**

There are no conditionally permitted uses in this district.

### **Section 22.05 - Prohibited Uses**

- a) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway. If not enclosed

within a building a maximum of five (5) inoperable, unused or unlicensed vehicles may be kept on any parcel of land in this district.

b) No trailer of any type, no boats, no motor homes, buses, no equipment of any type shall be parked in front of the front building setback line on any parcel within this district. If a building is located on said lot, the building line shall be considered to be the front wall of the building even if said building is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

c) Except for conditionally permitted trailer parks, campsites or grounds, no motor home, mobile home, or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.

***Section 22.06 - Procedure for Approval***

a) An original and five (5) copies to the application shall be tendered to the Zoning Commission;

b) Applicant shall further attach to the application in text and/or plans, proposed provisions for water, sanitary sewer, surface drainage facilities and outdoor trash container systems showing evidence of reasonableness as to each;

c) Applicant shall further attach to the application in text and/or plans, proposed traffic plans, including streets, parking areas, walks and other access ways indicating their relationship to the topography;

d) Applicant shall further attach to the application in text and/or plans, proposed provisions for screening, lighting and noise abatement;

e) Applicant shall further attach to the application in text and/or plans, a proposed schedule for development of the site;

f) Applicant shall further attach to the application plans shown to scale showing existing or proposed structures and their location on site.

***Section 22.07 - Development Standards***

All lands and uses within a Recreation District shall be developed in strict compliance with the standards hereinafter established. Said standards are as follows:

a) Lot Area: No parcel of land in this district shall be used for any purpose enumerated, which has an area of, less than five (5) acres.

b) Density: No parcel of land in this district shall have upon it more than one (1) main structure (excluding accessory structures clearly incidental to the main structure) per five (5) acres increment.

c) Lot Frontage: All lots or parcels within this district shall have at least three hundred (300) feet of minimum lot frontage on the right-of-way line of adjoining public or private roads, or upon approved easements.

- d) **Building Setback:** No building or use shall be located closer to center line of the adjacent public or private road than permitted in Section 25.09 herein.
- e) **Side Yard Setback:** No building, structure or parking area shall be located closer than twenty (20) feet to any side lot line, provided, however that the right is reserved to the Zoning Commission, County Commissioners or Board of Zoning Appeals to require greater side yard distances in this district if, in their opinion, the public safety or welfare may require it.
- f) **Rear Yard Requirement:** No building, structure or parking area shall be located closer than forty (40) feet to any rear lot line, provided, however, that the right is reserved to the Zoning Commission, County Commissioners or Board of Zoning Appeals require greater rear yard distances in this district if, in their opinion the public safety or welfare may require it.
- g) **Maximum Lot Coverage:** On no lot or parcel in this Zoning District shall the main or accessory structures, parking areas, pedestrian areas and other hard-surfaced paved areas occupy more than twenty five (25%) of such lot or parcel.
- h) **Building Height:** The building height shall not exceed a safe height as determined by fire codes or by the joint fire district.
- i) **Lighting and Noise Standards:** Any activity carried on shall be conducted in such a manner as to minimize noise carrying beyond lot lines. Outdoor artificial lighting for any intended use shall not be permitted in this district, which directly or indirectly materially illuminates adjacent properties.
- j) **Roads and Parking Areas:** All roads and parking areas within this district which are generally open to the public shall be paved in accordance with Delaware County Engineer design requirements.
- k) **Traffic:** The site shall have adequate access onto an approved road that is regularly maintained (with traffic plans for ingress and egress) and shall be so designed so as to adequately handle the additional traffic generated by the use.

## ARTICLE XXIII - Planned Recreational District (PREC)

**Section 23.01 – Purpose:** The purpose of the Planned Recreational District is to permit the construction and use of private, semi-public and public recreation facilities within the applicable townships, provided the proposed location of such facility recognizes and protects unique natural scenic areas for conservation of open space and for recreational uses. Proposed recreational facilities are encouraged in low density areas with a fostering of essentially non-urban activities or activities which are not likely to create a nuisance in terms of noise, odor, smoke and the like to adjoining property owners. It is further a purpose of this district to encourage development of recreational activities upon such lands which are participatory in nature.

**Section 23.02 – Application:** This provision of the Zoning Resolution shall apply to all lands within the applicable township which are to be used for recreational purposes.

**Section 23.03 - Permitted Uses:** Within the Planned Recreational District (PREC) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- a) Public or private clubs and grounds for games and sports.
- b) Public or private golf courses, to include commercial activities that are carried on in conjunction with golf course club house facilities such as pro-shop and restaurants.
- c) Private clubs (including building and grounds) of a civic, social, business, educational or nature.
- d) Recreational buildings, grounds and accessory buildings in conjunction with playgrounds and athletic fields open to the public.
- e) Public or private parks, preserves or sanctuaries, including accessory structures such as shelters and picnic areas.
- f) Campgrounds, provided that all federal, state and local permits are obtained.
- g) Other recreational ventures not provided by other sections of this resolution if approved as part of the plan.
- h) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months. The Zoning Inspector may require provisions for sanitary waste disposal, and water supply as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit or no later than (10) days after project completion.

**Section 23.04 - Conditional Uses:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Commission and/or the County Commissioners.

**Section 23.05 - Prohibited Uses:**

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway. If not enclosed within a building a maximum of five (5) inoperable, unused or unlicensed vehicles may be kept on any parcel of land in this district.
- c) Except as provided in the development plan no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.
- d) Except as specifically permitted in Section 23.03 (h) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.

**SECTION 23.06 – Procedure:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to the PREC district shall follow the procedures hereinafter set forth:

- a) Application. The owner or owners of land within the township may request that the zoning map be amended to include such tracts in the Planned Recreational District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission and Regional Planning Commission, prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the county shall be binding upon either.

- b) Development Plan. Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and map form the following:
  - 1) The proposed size and location of the Planned Recreational District.
  - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
  - 7) Location of parks and other public facility sites, if any.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give the County officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards in ArticlesXXV or existing County regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved the same shall be complied with.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval: In approving an application for a Planned Recreational District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) Effect of Approval: The Development Plan as approved by the County Commissioners shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment.

e) Plat Required: In the Planned Recreational District (PREC), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface draining and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

2) Deed restrictions, covenants, easements, encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of the occupants, including those applicable to areas within the tract to be developed for non-residential uses.

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recondition of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any certificate of compliance be issued for any building until such time as the facilities for the phase in which the building is located are completed.

f) Administrative Review: All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the County Commissioners or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved, prior to the issuance of any zoning certificate.

**Section 23.07 Development Standards:** In addition to any other provisions of this resolution the following standards are required in this district:

a) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration (O.S.H.A.) and other appropriate agencies shall be followed. Burning of waste materials in open fire is prohibited as enforced by the Ohio Environmental Protection Agency.

b) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendment of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

c) Glare, Heat and Exterior Light: Any operation producing intense light or heat, such as high temperature processing, combustion, welding or other shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

- d) Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e) Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system or stream, or into the ground, or any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
- g) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
- h) Setbacks: The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXV unless variance therefrom is approved.
- i) Building Height Limits: No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade. Elevator shafts, aerials and antennas may be constructed to any safe height.
- j) Building Dimensions: Buildings may contain such area of floor space as is approved in the development plan.
- k) Landscaping: All yards, front, side and rear, shall be landscaped in accordance to Section XXV of this Resolution.
- l) Site Development: To the maximum extent possible, all natural drainage courses, vegetation and contours in excess of six (6%) percent shall be maintained.
- m) Parking: Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- n) Signs: Except as provided under the provisions of this article for home occupations or as controlled by Article XXVI of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect a sign not exceeding forty-eight (48) square feet in area per side advertising said development or tract for sale.

o) Exterior Lighting: All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.

p) The Rural Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

## **ARTICLE XXIV - Adult Entertainment District (AE)**

**Section 24.01-Purpose:** The purpose of Section 26.01 to 26.04 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, park and playgrounds within the county. The following regulation shall apply to adult entertainment business as herein defined.

Furthermore, article is intended to prevent crime, protect the county's retail trade, maintain property values, and generally to protect and preserve the quality of county neighborhoods, community life and commercial districts and not to suppress First Amendment rights of free speech.

Each subsection of this section is an independent part thereof and the holding of any section of this Resolution to be unconstitutional, void, beyond the authority of Delaware County or legally ineffective for any reason shall not affect the validity or constitutionality of any other section of this Resolution.

### **Section 24.02-Prohibited Uses:**

a) No person shall cause or permit the establishment of an adult entertainment business within one thousand (1000) feet of any single, two or multi-family dwelling, church, park, preschool, or school, nor within three thousand (3000) feet of another adult entertainment business. For purposes of this Resolution, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building within which the adult entertainment business is located to the nearest property line or the premises of a single, two or multi-family dwelling, church, park, preschool or school, or other adult entertainment business.

### **Section 24.03- Definitions:**

a) "Establishment" shall be defined as the opening of a new business, the relocation of an existing business, the relocation of an existing business or the conversion of an existing business.

b) "Adult Entertainment Business" shall be defined as a business or enterprise which presents material or performances (1) whose dominant tendency is to arouse lust or to appeal to the prurient or scatological interest by displaying or depicting sexual activity, masturbation, sexual excitement, nudity or human bodily functions of elimination, (2) which, when taken as a whole, lack serious literary, artistic, political or scientific value, and (3) which may detrimentally affect the purposes of this Resolution as set forth in Section 24.01 hereof.

c) "Presents" shall be defined as creates, produces, directs, publishes, advertises, sells, rents, disseminates, distributes or displays.

d) "Sexual conduct" means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

e) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

f) "Sexual activity" means sexual conduct or sexual contact, or both.

g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

i) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing capable of arousing interest through sight, sound or touch.

j) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

## **ARTICLE XXV - General Development Standards**

**Section 25.00 - General:** It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to insure that the general welfare of citizens of Delaware County are protected and enhanced. These development standards apply throughout the county. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this resolution or prescribed or agreed to by the land owner in any rezoning or variance.

**Section 25.01 - Parking:** Wherever parking areas are to be provided as required by the provisions of this zoning resolution the following conditions shall apply:

a) Dimensions - All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aisle ways of sufficient width to permit easy and smooth access to all parking spaces. Requirements of the Americans with Disabilities Act shall be adhered to.

b) Paving - Except in the Farm Residence Zoning District (FR-1) and the Agricultural Conservation District (A-1) all common parking areas and adjacent aisles or driveways are recommended to be paved with asphaltic material or concrete.

c) Driveways - All driveways serving parking lots for five (5) or more vehicles should be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway should be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two driveways serving the lot, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways should be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet.

d) Parking Area Location - Except in the single family districts (A-1), (FR-1) and (R-2), no parking lot or parking area shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located and parking in front of the main structure may be permitted only if not more than forty (40%) percent of the front set back area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served.

e) Required Off-Street Parking Spaces - The user of any tract shall provide off-street parking for all employees, customers, visitors and invites. The following table shall specify the minimum parking areas to be provided.

<u>Use</u>	<u>Required Parking Spaces</u>
1) Single family residential (FR-1) and (A-1)	4 per dwelling unit
2) All other residential	3 per dwelling unit

3) Hotels, motels, lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on largest shift plus 1 for each four seats in the dining room or restaurant area
4) Hotels, motels, lodges, exhibition halls and public assembly areas (except churches)	1 per rental unit plus 1 per employee on the largest shift plus 1 per 75 sq. ft. of floor area used for exhibition or assembly purposes plus 1 per 4 seats in restaurant therein
5) Churches or places of public assembly	1 for each three (3) seats or one (1) for each forty-five (45) sq. ft. of assembly area, whichever, is greater
6) Hospitals	1-1/2 for each bed plus 1 for each employee on the largest shift
7) Nursing Homes	1 for each 2 beds plus 1 for each employee on the largest shift
8) Museums, libraries, etc.	1 for each 400 sq. ft. of area open to public plus 1 for each employee on largest shift
9) Primary or elementary schools	4 for each classroom
10) Secondary schools, colleges, trade schools, etc.	4 for each classroom plus 1 for each four (4) students
11) Restaurants	1 for each two (2) seats plus 1 for each employee on the largest shift. Not less than 25 parking spaces shall be provided.
12) Offices	1 for each 400 sq. ft. of floor area plus 1 for each employee
13) Funeral Homes	1 for each 25 sq. ft. of public area
14) Retail Stores	5 plus 1 for every four

hundred (400) sq. ft. of floor space

15) All industrial, warehousing

20 plus 1 for each two (2) employees plus 1 for each vehicle maintained on premises.

f) Handicapped Parking - Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as required by the Americans with Disabilities Act.

**Section 25.02 - Height Limitations:** The building height limitations set forth in this resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aerials, antenna or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract. When a commercial tower is erected on a tract, the 360-degree, fall, setback, to any structure(s), shall be equal to the tower height plus twenty-five (25) feet.

**Section 25.03 - Structure Separation:** No principal structure shall be located closer than twenty-five (25) ft. to another principal structure unless the adjacent walls of both structures are masonry in which event said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

**Section 25.04 - Sanitary Sewer Requirements and Pollution Control:**

All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency, the Delaware County Department of Health and the Delaware County Sanitary Engineer's Department. Prior to the issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

**Section 25.05 - Water Impoundments:** All water impoundment's such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

a) Adjacent to all class "A" roadways no impoundment shall be located closer than twenty-five (25) feet to the right-of-way or fifty-five (55) feet of the center line of any adjacent approved road. No impoundment shall be located closer than fifty (50) feet to the right- of-way of U.S.. Rt. 23.

b) No impoundment shall be located in the front yard in any district except the FR-1 or A-1 district except upon issuance of a conditional use permit pursuant to Article XXVIII of this resolution or as approved in plans of development or approved subdivision plats.

c) All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent

properties. Said fence or wall shall be in accordance with the Building Code of Delaware County.

**Section 25.06 - Landscaping:** All uses and improvements in the County should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principle structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during the land clearing, should be accomplished as soon as possible.

**Section 25.07 - Drainage:** All construction within areas under County Zoning shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to insure that proper drainage on the subject property and adjacent or servant properties is maintained or improved. Where applicable the Delaware County Urban Sediment Pollution and Water Run Off Control Regulations shall be complied with. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

**Section 25.08 - Flood Plain Restrictions:** Certain limited areas under this resolution lie within the flood plain of the Olentangy River, Scioto River, Big Walnut Creek, Alum Creek or their tributaries. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to insure that land uses within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the County, the following regulations shall be imposed.

- a) The County Building Department shall maintain on file for public examination, current maps, delineating the boundaries within the County of all lands designated 100 year "flood plain" by the Federal Emergency Management Agency (F.E.M.A.)
- b) Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment or violate the County's "Flood Plain Management Regulations".
- c) Uses shall be limited to those permitted within the County's "Flood Plain Management Regulations".

**Section 25.09 - Set Back Regulations:** No building or use (except parking areas) shall be located closer to the centerline of adjoining streets, roads, highways or approved private roadways than the distances set forth in the table or chart set forth hereinafter. For purposes of this chart or table and for all other purposes of the zoning resolution streets, roads, highways and approved private roadways shall be classified in one of the three following classes:

- a) CLASS A - U.S. or State Routes
- b) CLASS B - Any other through public street or county road or township roads or any private roadway approved by County Engineer connecting two or more public roads.

c) CLASS C - Dead end roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said roadway or any branch therefrom to create a connecting street between two or more existing or future streets or roads.

**MINIMUM SET BACK DISTANCES**

All distances are measured from the centerline of the existing or proposed roadway to the nearest use or improvement, except parking areas or signs which may be located within the set back area as regulated by Article XXV of this resolution.

USE CLASSIFICATION	ROAD CLASSIFICATION		
	Class A	Class B	Class C
FR-1-Residential	130	90	90
R-2-Residential	130	75	60
R-3-Residential	130	60	60
PRD - Residential	As approved by Development Plan		
C-1- Neighborhood Office	130	80	60
C-2- Neighborhood Commercial	130	80	60
PC- Planned Commercial and office	As approved by Development Plan		
I-Industrial	130	130	100
INS-Institutional	130	130	100
PINS-Planned Institutional	As approved by Development Plan		
PI-Planned Industrial	As approved by Development Plan		
REC- Recreation	130	130	100
PREC-Planned Recreation	As approved by Development Plan		
A-1 - Agricultural	130	90	90

**Section 25.10 - Installation of Satellite Signal Receiving Earth Stations:** Installation of dish type Satellite Signal Receiving Earth Stations shall be governed by this Article and the following regulations shall be imposed:

a) No permit for installation of a disk or dish shall be required for a dish measuring 24 inches (24") in diameter or less. For any dishes greater than 24 inches (24") in diameter a permit fee as prescribed by the Board of County Commissioners shall be paid to the Zoning Inspector and permit forms shall be executed as prescribed.

b) No installation may be made forward of the front building line of the principal structure and no antenna or dish shall be placed nearer than 20 feet (20') to any property line.

c) No disk or dish having a diameter of greater than 24 inches may be located on the roof of any residential structure or accessory building on a residential or agricultural lot. The top of disk or dish may not be more than 12 feet above the ground level.

d) No disk or dish having a diameter of greater than 24 inches (24") shall be installed on the roof or other mounting more than 6 feet above ground level in a commercial or industrial district unless the mounting of the same is designed to withstand a wind force of 85 miles per hour and a certificate is furnished to the Zoning Inspector, signed by a licensed and qualified engineer, that the installation is in conformity to the above limitations.

e) No disk or dish shall be permitted within the County which exceeds 12 feet (12') in diameter unless the same is specifically approved as part of the development plan in the Planned Office/Commercial District or an Industrial District.

**Section 25.11 - Driveway Construction:** It being considered important that driveways serving any property or use be constructed in a manner which insures access by emergency vehicles and the free and safe flow of traffic from public streets or roads, the following standards apply:

a) All driveways (any use). In addition to the conditions or specifications imposed in subsections (b) or (c) hereinafter established, the following specifications are required for all driveways, regardless of the use served thereby:

1) Driveway should not have a grade, up or down, from the public road pavement level exceeding eight percent.(8%).

2) Driveway should not, at any point over its entire length, contain a grade exceeding eight percent.(8%)

3) At the point the driveway intersects the public road the same shall have such radii and drain pipe as specified or required by the governmental agency (State, County or Township) which controls the public roadway.

4) If the driveway leaves the public road on an up-grade the design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.

5) If any driveway crosses a drainage swale, stream or ditch the same shall be bridged by pipe or such structure as required to permit the unobstructed passage of all surface water generated by a 5 year storm. Any pipe shall be of sufficient length to extend not less than three (3) feet beyond the toe of the slope of the fill over said pipe unless a properly

designed headwall is install to protect the end of such pipe. Any bridge or structure spanning a stream or ditch shall be designed by a Professional Engineer with HS 15 loading. No bridge should be less than 12 feet in width. If the driveway serves a commercial or industrial use the bridge shall be not less than 18 feet in width.

6) If a fill is placed over any drainage structure or placed to alter the grade of any driveway the vertical slopes on said fill shall be no steeper than a two to one slope. All fill areas shall be scalped of vegetation and excavated to load bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and shall be compacted to a density of 100% proctor. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guardrails or barriers shall be installed when necessary to create safe conditions.

7) Drainage ditches shall be constructed as necessary parallel to said driveway shall be graded to maintain flow to a good and sufficient outlet. Siltation control shall be placed in any ditch and such siltation shall not flow to roadside ditches along public roads.

8) All curves in the driveway shall be of sufficient radius (not less than 50 feet) to permit unhindered passage of public safety vehicles including fire vehicles and all other vehicles reasonably expected to utilize the same.

9) All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed.

10) Obstructions on the prevailing wind-ward side of the driveway which contribute to drifting of snow shall, when possible, be removed.

b) Residential driveways. In addition to the conditions imposed by Section 21.11(a) herein before set forth the following standards are required for driveways serving residential structures or uses:

1) Driveways serving individual residential structures shall not be less than 10 feet in width and should be constructed over an aggregate base of reasonable depth.

2) If the driveway serves two (2) or more residences (not including apartment structures) the same shall be 12 feet in width and shall be constructed over an aggregate base of reasonable depth.

3) If any residential driveway is over 500 feet in length widened paved passing areas at least 15 feet in width shall be provided at reasonable intervals, not more than 300 feet distant from each other, to permit the free passage of traffic over said drive.

4) Dust control shall be provided on an "as needed" basis.

c) Commercial, industrial, public facility and apartment complex driveways. In addition to the conditions addressed in Section 21.11(a) herein before set forth the following standards shall apply to driveways serving all commercial and industrial uses and apartment complexes containing ten (10) or more units and served by a common parking area:

- 1) Driveways shall be not less than twenty (20) feet in width.
- 2) Driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.
- 3) The finished surface of the driveway shall be hard surfaced and may be of any Ohio Department of Transportation approved materials.

## **ARTICLE XXVI-Sign and Billboard Regulation**

**Section 26.01-Purpose:** The purpose of this sign regulation is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types. It is intended to protect values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.

**Section 26.02-Permitted Signs-No Permit Required:**

The following signs shall be permitted in the townships subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this section.

a) Signs for Sale, Lease or Rent or Identifying the Builder or Contractor of the Premises on which the sign is located: Not more than one sign shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six square feet of area per side with not more than two sides. All signs shall be removed upon completion of the building and/or renovation project and within fifteen (15) days of the sale, lease or rent of a lot, parcel or property.

b) Signs for Home Occupations: Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.

c) Vehicular Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control (i.e. STOP, ONE WAY, SPEED LIMIT, YIELD, etc.) on private property shall be permitted provided said signs are located outside the right-of-way of any public road, do not exceed two square feet of area per side and do not interfere or obstruct visibility when entering or leaving said property.

d) Name and Address of Occupant: of residence in FR-1 District provided that such sign is located outside the right-of-way of any public road. Said sign shall not be higher than three feet of above the ground and not more than one sign shall be permitted.

e) Political Signs - The erection of political signs shall be permitted in any district covered by this resolution provided that said signs:

- 1) Are located outside the right-of-way limits of the road and do not interfere with visibility of vehicular traffic entering or leaving the highway.
- 2) Are erected or posted not more than ninety (90) days prior to the election and are removed within fifteen (15) days following primary elections by the losing candidates and within fifteen (15) days following the general election by both winning and losing candidates.
- 3) Are capable of posting and removal without destruction of public or private property.

- 4) Designate the name and address of the person charged with removal of the sign.
- 5) Signs shall not be placed on public utility poles or public property
- f) Temporary Signs announcing special public or institutional events. Such signs shall not exceed 32 square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. There shall be no more than three (3) events per year per organization. Such sign shall designate the name of the person charged with the duty of removing said sign
- g) Signs Approved in Planned Districts: Plan of development provided that the approved sign is constructed in strict compliance with the approved plan.
- h) Farm Signs: Denoting the name and address of the occupants, the produce or products for sale on the premises and membership in organizations. Not more than one sign may be permitted and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per sign and all other signs shall be limited to eight (8) square feet per side.
- i) Signs Approved as Part of Conditional Use Permit: provided such signs are constructed in strict compliance with the imposed conditions.

**Section 26.03-Permitted Signs-Permit Required:**

The following signs shall be permitted in areas clearly delineated herein and subject to the following regulations:

- a) Outdoor Advertising: for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial districts.
  - 1) No billboard shall exceed three-hundred (300) sq. ft. in area per side nor have more than two sides.
  - 2) No billboard shall exceed thirty-five (35) feet in height nor have a length in excess of four times the height of the sign face.
  - 3) All billboards shall be located behind the building set-back lines established for the district in which the sign is located and shall be located no closer than 1200 feet from the closest inhabited building.
- b) Commercial or Industrial Signs -Are to be free standing, building mounted or ground signs identifying or advertising commercial or industrial uses on the premises. If the signs are located within a planned commercial zone or are erected pursuant to a conditional use permit, the location of said signs must be in strict compliance with the plan or permit in addition to any restrictions imposed herein.
  - 1) No sign shall have a surface area of greater than forty (40) square feet per side.

- 2) Not more than one sign except as authorized by the Board of Zoning Appeals and in no case shall total sign area exceed 200 square feet.
- 3) No sign shall be located closer than twenty-five (25) feet to the right-of-way line of the adjoining thoroughfare.
- 4) Setback from the side lot line shall be in accordance with development standards for the district in which the sign is located.

**Section 26.04-Prohibited Signs:** the following signs shall be prohibited in areas under the Delaware County Zoning Resolution:

- a) Signs mounted upon the roof of any building or structure.
- b) Signs not otherwise specifically authorized by this resolution.
- c) Flashing lights, string of lights, "A" frame signs and billboards, or air-activated attraction devices.
- d) Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- e) Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the roof of any building or structure.
- f) No sign shall be attached to any fence within the right-of-way of any road and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.
- g) Signs or advertising devices which attempt or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
- h) Signs or parts thereof, which move or give the illusion of movement.

**Section 26.05-General Regulations:** The following restrictions shall apply to all signs located and erected within the county regardless of type, style, location, design or other classification.

- a) Location: No sign shall be located within the right-of-way of any public or private road within the townships. Said sign or signs shall be located in strict compliance with this resolution, in strict compliance with the approved development plan or restrictions imposed by the Board of Zoning Appeals.
- b) Lighting:
  - 1) No sign shall be illuminated to a level which causes unreasonably high light levels on adjacent residential lots or residences.

- 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent roadways or right-of-ways thereby creating a hazard to vehicular traffic.
  - 3) No flashing, rotating or moving light source shall be permitted on any sign within this township.
- c) Height: No signs within these townships shall be erected to a height greater than thirty-five (35) feet. No sign in excess of fifteen (15) feet in height shall be erected unless engineering data is supplied showing the structure to be able to withstand a wind force of eight-five (85) MPH
- d) Sight Interference: No sign shall be permitted in townships which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on roadways or right-of-ways.
- e) Maintenance: All signs or billboards constructed or erected within the county shall be maintained in good repair and in a proper state of preservation.
- f) Abandoned Signs: If any sign or billboard shall become abandoned, such sign or billboard is declared a public nuisance by reason that continued lack of use results in a lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any of the following criteria:
- 1) Any sign or billboard associated within an abandoned non conforming use.
  - 2) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
  - 3) Any sign or billboard that is not maintained in accordance with this resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, he/she shall notify the owner of said sign, together with the owner of the land on which the sign is located by certified mail, of his findings. Such notice shall advise the owner that the sign has been declared abandoned and must be removed within 30 days from the date of mailing of said notice. The owner may appeal such decision to the Board of Zoning Appeals as provided in Article XXX of this resolution.

It shall be the duty of the Zoning Inspector to maintain a photographic file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals.

If the sign is not removed, the same may be removed by the County at the expense of the lessee or owner. If the County is not immediately reimbursed for such costs, the amount thereof shall be certified to the Delaware County Auditor for collection as a special assessment against the property on which it is located.

**Section 26.06 - Non Conforming Signs or Billboards:** Any sign or billboard in existence within the townships prior to the effective date of this Resolution that does not conform with the provisions of this Resolution is considered to be non-conforming.

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

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

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

- a) The size and structural shape shall not be changed or altered.
- b) The copy may be changed provided that the change applies to the original non-conforming use associated with the sign or billboard. The copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- c) In the case where damage occurs to the sign or billboard to the extent of 50% or more of either structure or replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than 50% of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

**Section 26.07 - Permit:** No signs, except as provided for in Article 26.02 of this Resolution, shall be erected prior to the issuance of a permit therefore by the County Zoning Inspector.

- a) Fees: The applicant for a permit herein shall pay such fee as is prescribed by the Delaware County Commissioners. Such fees shall be prescribed annually by the Commissioners.
- b) Term of Permit: The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- c) Inspection: All signs and billboards erected within the townships are subject to inspection, whether a permit is required or not prior to erection. The County Zoning inspector is hereby authorized to enter upon any property or premises to ascertain compliance with the provisions of this Resolution. Such inspection may be made at any reasonable time and the County Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this resolution.
- d) Cancellation of Permit: In the event that the owner of any sign or property fails to comply with the terms of this zoning resolution said permit may be revoked upon compliance with the following terms:
  - 1) Notice: The County Zoning Inspector shall notify the owner of any deficiency or violation of this regulation. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Article XXXI of this resolution dealing with revocation of the Conditional Permit. Failure to correct deficiencies or to appeal the

decision of the Zoning Inspector within 30 days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this resolution.

e) Removal of Signs: The County Zoning Inspector may cause the removal of any sign illegally placed within the right-of-way of any road within the county. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location, by certified mail. If the owner of any sign fails to claim same within thirty (30) days after mailing of notice by the Zoning Inspector said sign may be destroyed.

## ARTICLE XXVII - Non Conforming Uses

**Section 27.01 - Continuance:** The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments hereto, may be continued, although such use does not conform with this Zoning Resolution or amendments hereto, but if any such non-conforming use is voluntarily discontinued for two years or more, any future use shall be in conformity with this Zoning Resolution and amendments hereto.

**Section 27.02 - Restoration:** When a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than fifty (50) percent of its value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Resolution, as amended, for the district in which it is located, or unless a conditional use permit is issued by the Board of Zoning Appeals pursuant to Article XXXI; provided, however, such restoration shall be commenced within 90 days of such calamity and diligently continued until completed. For the purposes of this section "value" shall be defined as the reproduction cost of the structure prior to the calamity depreciated in accordance with applicable Internal Revenue Guidelines for the structure.

**Section 27.03 - Enlargement:** No non-conforming building or use may be reconstructed, extended, enlarged, expanded, or substituted except upon the granting of a conditional use permit or variance issued by the Board of Zoning Appeals in accordance with the provisions of Article XXXI and this section.

Exception: a single family dwelling or accessory building may be expanded or enlarged so long as its use is not changed and said expansion or enlargement complies with the minimum setback requirements.

The Board of Zoning Appeals shall have the power to permit changes and extensions of non-conforming uses as follows:

- a) A non-conforming use of a less objectionable nature may be substituted for an existing non-conforming use.
- b) An existing, legal non-conforming use which occupied only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- c) The alteration or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-conforming use substantially more in character with its surroundings.
- d) The extension of a non-conforming use when such extension will substantially make the non-conforming use more in character with its surroundings.
- e) Any extension shall not be more than 50% greater in size than the non-conforming use that existed at the time of passage of this Zoning Resolution.

The Board may impose such requirements and conditions, as they may deem necessary for the protection of adjacent properties and the public interest.

**Section 27.04 - Non Conforming Lots:** The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXXI. Such non-conforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

## **ARTICLE XXVIII - Zoning Inspector, Zoning Certificates and Applications**

**Section 28.01 - County Zoning Inspector:** The Board of County Commissioners shall appoint a County Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the County Zoning Inspector to compare each zoning certificate application with the then existing zoning map. The compensation for such Zoning Inspector shall be set and paid by the Board of County Commissioners.

**Section 28.02 - Zoning Certificate Required:** No structure, which exceeds 150 square feet in size, shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started upon same, nor shall any use of land be commenced until a zoning certificate for same has been issued by the Delaware County Zoning Inspector, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution or the approved Development Plan. No zoning certificate shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located nor shall a certificate be required for use of land or building or construction of any building used for public utility or railroad purposes. Exception: all applicable regulations contained within this Resolution shall apply where authority is granted by the Ohio Revised Code. Fees for zoning certificates are established by the Board of County Commissioners.

**Section 28.03 - Procedures for Obtaining Zoning Certificate:** No zoning certificate shall be issued by the County Zoning Inspector until the zoning certificate application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the Official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning certificate shall be issued by the County Zoning Inspector until the applicant for said zoning certificate has submitted a plot plan of the area upon which the applicant's use or structure is proposed. Said plan shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

**Section 28.04 - Conditions of Certificate:** No zoning certificate shall be effective for more than eighteen (18) months unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

**Section 28.05 - Certificate of Compliance:** It shall be unlawful to use or occupy or permit the building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this resolution. It shall be the responsibility of the permit holder to request the compliance inspection.

**Section 28.06 - Temporary Certificate of Compliance:** A temporary certificate of 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.

**Section 28.07 - Zoning Certificate (Change of Use):** No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning certificate being issued wherefore by the County Zoning Inspector. No zoning certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

**Section 28.08 - Non Conforming Uses:** Nothing in this Article shall prevent the continuance of a non-conforming use as herein before authorized unless a discontinuance is necessary for the safety of life or property.

**Section 28.09 - Records:** A record of all zoning certificates shall be kept on file in the office of the County Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

**Section 28.10 - Complaints:** The Zoning Inspector shall investigate all complaints received alleging violations and shall provide a copy of his findings to the County Commissioners. (The Inspector may require that all such complaints be submitted in writing.) If violations are evident, the Zoning Inspector shall take the appropriate action to bring the use into compliance. A written notice by first class mail or personal service shall be served on the property owner in violation giving them thirty (30) days to bring the use into compliance. If compliance is not obtained by the end of thirty days the matter shall be turned over to the Prosecutor for legal recourse. If a clear and present danger exists the thirty (30) day written notice may be waived and the Zoning Inspector may refer the matter directly to the Prosecutor for appropriate action.

**Section 28.11 -Fees:** At the time of adoption of this zoning resolution, the Board of County Commissioners shall establish a fee schedule. These fees will be effective immediately and may be amended at the Board of County Commissioners annual organizational meeting.

## ARTICLE XXIX - Zoning Commission

**Section 29.01 - County Zoning Commission:** The Board of County Commissioners hereby creates and establishes a County Zoning Commission. The commission shall be composed of five (5) members who reside in the unincorporated areas under County Zoning, to be appointed by the board, and the terms of the members shall be five (5) years and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the County Zoning Commission. Each member shall serve until his successor is appointed and qualified. No member shall be appointed to serve more than two (2) consecutive full terms. Members of the zoning commission shall be removable for non-performance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, 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 his 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 and shall be for the unexpired term.

**Section 29.02 - Compensation and Expenses:** The members of the Zoning Board may be allowed their expenses or such compensation, or both, as the Board of County Commissioners may approve and provide.

**Section 29.03 - Functions of the County Zoning Commission:** The Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the zoning commission for the carrying out of this Zoning Resolution.

The County Zoning Commission may, within the limits of the monies appropriated by the Board of County Commissioners for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

The County Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

No County Commissioner shall be employed by the County Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to county zoning shall make them available for the use of the zoning commission.

In any county where there is a county or regional planning commission, the Zoning Commission may request such planning commission to prepare or make available to the zoning commission a zoning plan, including text and maps, for the unincorporated areas under county zoning or any portion of the same.

**Section 29.04 - Zoning Secretary:** To assist in the administration of this Zoning resolution, the County Commissioners shall appoint a Zoning Secretary whose duty it shall be to maintain County Zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning

Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the County Commissioners may from time to time direct. The Zoning Secretary may be compensated at rates set from time to time by the County Commissioners. The County Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

**Section 29.05 - Meeting and Agenda of County Zoning Commission:** The Zoning Commission shall meet as necessary in the County Courthouse or other Public building within the County.

**Section 29.06 - Minutes:** The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the Zoning office with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

## ARTICLE XXX - Amendments

**Section 30.01 - Amendments or Supplements:** Amendments or supplements to the zoning resolution may be initiated by motion of the County Zoning Commission, by the passage of a resolution therefore by the Board of County Commissioners or by filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the County Zoning Commission. The Board of County Commissioners may require that the owner or lessee of property filing an application to amend or supplement the zoning resolution to pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the County Commissioners require such a fee, it shall be required generally, for each application. The Board of County Commissioners shall upon the passage of such resolution certify it to the County Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the County Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the County Zoning Commission by one publication in one or more newspapers of general circulation the County at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to re-zone or re-district ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the County Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Regional Planning Commission.

The County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the County Zoning Commission. Such recommendation shall be considered at the public hearing held by the County Zoning Commission on such proposed amendment or supplement.

The County Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Board of County Commissioners.

The Board of County Commissioners shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the County Zoning Commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the County, at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing the Board of County Commissioners shall either adopt or deny the recommendations of the County Zoning Commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the County Zoning Commission the unanimous vote of the board shall be required.

Such amendment or supplement adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated areas under County Zoning 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 Board of County Commissioners to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement 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.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 303 of the Revised Code of Ohio.

**Section 30.02 - Form of Application:** All applications to amend this resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Board of County Commissioners. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

**Section 30.03 - Record:** On any application for an amendment or supplement to the Zoning Resolution at which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the County Zoning Commission or the Clerk of the Board of County Commissioners, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with the request cash in the amount established by the Commissioners to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the Zoning Secretary of the County Zoning

Commission or of the Clerk of the Board of County Commissioners, as the case may be, shall serve as the sole transcript of such hearing.

## **ARTICLE XXXI - Board of Zoning Appeals**

**Section 31.01 - Board of Zoning Appeals:** A County Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of County Commissioners and who shall be residents of the unincorporated territory of the County included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years and so arranged that the term of one member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified. No member shall be appointed to serve more than two consecutive full terms. Members of the Board of Appeals shall be removable for the reason specified and in compliance with the procedure established in Chapter 303 of the Revised Code of Ohio. Vacancies shall be filled by the Board of County Commissioners and shall be for the unexpired term.

**Section 31.02 - Organization:** The Board of Zoning Appeals shall organize, electing a chair and vice-chair, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chair, and at such other times as the Board of Zoning Appeals may determine. The Chair, or the acting Chair, may administer oaths and the Board of Zoning Appeals may compel 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 fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Zoning office and shall be a public record. Attendance of three (3) members shall constitute a quorum. The Board of County Commissioners and the Zoning Inspector shall be notified in advance of all meetings conducted by the board.

**Section 31.03 - Compensation and Expenses:** The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of County Commissioners may approve and provide. The Board of Zoning Appeals may, within the limits of monies appropriated by the Board of County Commissioners for the purpose, employ such executives, professionals, technical assistants and other assistants as it deems necessary.

**Section 31.04 - Powers of the Board:** The County Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 303.02 to 303.25 of the Revised Code, or of any resolution adopted pursuant thereto;
- b) Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in practical difficulty, and so that the spirit of the resolution shall be observed and substantial justice done;
- c) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates are provided for in the zoning resolution.

d) Revoke an authorized variance of conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance of certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his right to a hearing before the board, within thirty (30) days of the mailing of the notice, if so requested. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person or, by his attorney or other representative, or may present the position in writing. The holder may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke the variance of certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such board may, in conformity with such sections, reverse or affirm, wholly or partly, or may 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 has all powers of the officer from whom the appeal is taken.

**Section 31.05 - Procedure on Hearing Appeals:** Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The application for appeal shall be received a minimum of twenty one (21) days prior to the hearing date. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give at least ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one publication in a newspaper of general circulation within the County at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

**Section 31.06 - Procedure for Application of Variance:** The County Board of Zoning Appeals, appointed by the County Commissioners, may upon application, grant such variances from the provisions or requirements of this resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this resolution would involve practical difficulty the Board shall have power to authorize a variance from the terms of this resolution.

a) Public Notice - Written application for a variance shall be made to the County Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The application shall be received a minimum of twenty-one (21) days prior to the hearing date. The Board of Zoning Appeals shall give written notice by ordinary mail to the affected township officials and all owners of land within five hundred (500) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten (10)

days in advance of the time set for the public hearing, in a newspaper of general circulation within the County.

b) Hearing and Decision - At such hearing the applicant shall present a statement and adequate evidence, in such form as the County Board of Zoning Appeals may require.

In granting such variance the board shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the resolution will result in practical difficulty and that the spirit of this resolution will be observed and substantial justice done.

In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

c) Form of Application - All applications for variances under this section shall be submitted on such forms as designated and approved by the County Commissioners. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

**Section 31.07 - Procedure on Application for Conditional Use Permit:** The owner or lessee of any land or building within a zoning district within the areas under County Zoning may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

a) Application - An application for Conditional Use permit shall be submitted on such forms as designated and/or approved by the County Commissioners. No application shall be considered unless the same is fully completed and accompanied by all required information on said application. The application shall be received a minimum of twenty one (21) days prior to the hearing date.

b) Hearing - The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.

c) Notice - Notice of the application for Conditional Use permit and the hearing thereon shall be given to affected township officials and all property owners within five hundred (500) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one notice of said meeting shall be published in a newspaper of general circulation within the County not less than ten (10) days prior to the scheduled hearing

d) General Standards - before approving any conditional use, the Board of Zoning Appeals shall review the particular facts and circumstances of each application and the proposed use in terms of the following standards and shall find probative evidence that the use as proposed conforms with all of the following:

1. Is in fact a conditional use and authorized within the existing zoning district pursuant to provisions of the zoning resolution;

2. Will be harmonious with and in accordance with the general objectives and/or with any specific objective of the county comprehensive plan, the zoning resolution and the zoning district in which it is located;
3. Will be designed, constructed, operated, (including periods of operation) and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is to be located;
4. Will be served adequately by essential public facilities and services such as highways, streets, or roadways, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of production of traffic, noise, smoke, dust, lights, vibration, fumes or odors;
6. Will not cause substantial injury to the value of other property in the immediate vicinity and or neighborhood;
7. The use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance;
8. The use of so design, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected.

In the event the Board of Zoning Appeals approves the conditional use permit, it shall impose such reasonable conditions as it deems necessary to address each of the following factors to ensure that use will be conducted in the best interests of the zoning district: 1. Traffic, 2. Parking, 3. Noise, 4. Smoke, fumes &/or odors, 5. Dust, 6. External lighting, that is not offensive to the neighborhood, 7. Vibration, 8. The preservation of natural, scenic or historic features of any major importance.

e) Decision - The board shall make its decision within a reasonable time after the hearing. In the event the board approves the Conditional Use permit, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the zoning district.

f) Revocation - The Board of Zoning Appeals may revoke a conditional use permit for failure to comply with the conditions of that permit. The board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holders' right to a hearing before the board, within thirty (30) days of the receipt of said notice, if so requested. In lieu of said certified mail service, service may be made personally by the County Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, or by an attorney or other representative, or may present the position in writing. The holder may present evidence and may examine witnesses. If no hearing is requested, the board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

**Section 31.08 - Decision of Board:** The Board of Zoning Appeals shall act by resolution, in which three (3) members concur and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason by a granting or denying the

request. A copy of the Board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.

**Section 31.09 - Public Information:** All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the County Zoning office, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

**Section 31.10 - Record:** For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the Zoning Secretary requesting that a court reporter be retained to make such record and the applicant shall deposit with his request cash in the amount established by the Commissioners to be used to defray the expenses of making a record. In all hearings wherein no request has been made for a record, the notes of the Zoning Secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing.

**Section 31.11 - Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use:** For all actions of the Board of Zoning Appeals the Board of County Commissioners shall establish fees to be deposited with each application. Such fees shall be required generally for each application to defray the costs of advertising, mailing and other expenses:

a) Variance, appeal or conditional use applications - as determined by Board of County Commissioners.

## **ARTICLE XXXII - Enforcement**

**Section 32.01 - Violations:** No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such resolution, adopted by the County Board of Commissioners pursuant to Chapter 303, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

**Section 32.02 - Remedies:** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 303 Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of County Commissioners under such resolution, such board, the prosecuting attorney of the county, the County Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of County Commissioners may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

**Section 32.03 - Penalty:** Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 303, Ohio Revised Code, shall be fined not more than one hundred dollars for each offense or the maximum fine or imprisonment as provided by law, whichever is greater.

### **ARTICLE XXXIII - Severability and Repeal**

**Section 33.01 - Severability:** If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid and the invalidity of any section, sentence, clauses, or parts of this Zoning Resolution in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

**Section 33.02 - Repeal:** This Zoning Resolution may be repealed only by complying with the requirements of Chapter 303 of the Revised Code of Ohio as amended.

**Section 33.03 - Repeal of Conflicting Resolution:** The County Zoning Resolution or parts thereof previously in effect in areas under County Zoning, Delaware County, Ohio, not otherwise adopted as part of this Zoning Resolution, and in conflict with the Zoning Resolution as it is established on or established hereafter are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.





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