

PERRY TOWNSHIP ZONING RESOLUTION

Franklin County, Ohio

Adopted November 1982

With amendments through January 3, 2024

Revisions

Amendments: Sections 508, 511, 512, 531, 541, 705, 716, 720, 815 as adopted by Perry Township Board of Trustees on October 1, 1984.

Amendments: Section 110, 325, 328, 332, 512, 531, 715, 716, 720, 802 as adopted by the Perry Township Trustees on August 21, 1989.

Amendments: Sections 302, 306, 308, 312, 315, 318, 322, 510, 720 as adopted by the Perry Township Board of Trustees on September 8, 1992.

Amendments: Preface, Sections 201, 420 as adopted by the Perry Township Board of Trustees on June 20, 1994.

Amendments: Sections 344, 502, 504, 508, 525, 527, 531, 541, 561, 720 as adopted by the Perry Township Board of Trustees on July 10, 1995.

Amendments: Preface, Sections 110, 201, 302, 306, 308, 312, 315, 318, 720 as adopted by the Perry Township Board of Trustees on July 17, 2000.

Amendments: Sections 512, 531, 710, 715, 716, 800, 802, 810, 815 as adopted by the Perry Township Board of Trustees on June 16, 2003.

Amendments: Sections 502, 508, 512, 531, 541, 720 as adopted by the Perry Township Board of Trustees on December 4, 2006.

Amendments: Table of Contents, Preface, Sections 110, 201, 205, 300, 302, 306, 308, 312, 315, 318, 322, 325, 328, 332, 342, 344, 405, 412, 420, 444, 502, 503, 508, 510, 511, 512, 521, 525, 527, 531, 541, 551, 571, 610, 620, 630, 640, 705, 716, 720, 815, 821 as adopted by the Perry Township Board of Trustees on November 17, 2008.

Amendments: Table of Contents, Sections 110, 322, 502, 508, 511, 512, 541, 591, 705, 720 as adopted by the Perry Township Board of Trustees on July 16, 2012.

Amendments: Section 531.083 as adopted by the Perry Township Board of Trustees on April 15, 2013

Amendments: Table of Contents, Section Appendix XX, 705.015, 705.02, 502.032, 531.092, 512.011, 512.012, 512.019, 512 as adopted by the Perry Township Board of Trustees on November 7, 2016.

Amendments: Section 531.031, 531.083 as adopted by the Perry Township Board of Trustees on December 6, 2017.

Amendments: Section 551.028 as adopted by the Perry Township Board of Trustees on July 16, 2017.

Amendments: Section 531.031, 531.083 (1) as adopted by the Perry Township Board of Trustees on Jan. 17, 2018.

Amendments: Section 521.01, 521.012 as adopted by the Perry Township Board of Trustees on August 7, 2017.

Amendments: Section 110.016, 308.035, 512.019 (1), 551.028 as adopted by the Perry Township Board of Trustees on April 2, 2018.

Amendments: Section 551.028 as adopted by the Perry Township Board of Trustees on July 09, 2018.

Amendments: Section 502.031, 502.032, 508.08, 508.081, 508.082, 531.083, 541.02 (1) (g), 720 by the Perry Township Board of Trustees on September 5, 2019.

Amendments: Article IV Section 414, 720.011 by the Perry Township Board of Trustees on January 3, 2020

Amendments: Article IV, Section 448; Section 720 by the Perry Township Board of Trustees on October 18, 2021

Amendments: Section 640 by the Perry Township Board of Trustees on October 18, 2021

Amendments: Sections 308, 593 by the Perry Township Board of Trustees on March 21, 2022

Amendments: Article IV, Section 450; Section 720 by the Perry Township Board of Trustees on July 6, 2022

Amendments: Article V, Section 513 by the Perry Township Board of Trustees on January 3, 2024

Current Printing Date January 3, 2024

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PREFACE TO THE PERRY TOWNSHIP ZONING RESOLUTION

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

PURPOSE OF ZONING

This Resolution is enacted for the purpose of promoting public health, safety, convenience, comfort, prosperity 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 519, Ohio Revised Code.

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

To further promote such public purpose these regulations are further intended to be used to facilitate an appropriate and desirable comprehensive pattern of land uses upon which to plan and economically provide adequate roads and highways, water supply, sewer facilities, schools, parks, and other essential public facilities and services.

NATURE OF ZONING

This Zoning Resolution is an exercise of the police power derived from Chapter 519 Ohio Revised Code.

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

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

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

ORGANIZATION OF THE ZONING DISTRICT REGULATIONS

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

Article III, Standard District Regulations is composed of the regulations of three (3) Residential Zoning Districts based on density and/or dwelling structure type; and one (1) Commercial Zoning Districts based on the types and nature of commercial uses ranging from office activities through sales and services of unique character. The intended use of the Standard Districts is two-fold. The primary use is to delineate areas of existing land use and developmental character most nearly represented by the regulations of one of these Zoning Districts so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that additional development will be in keeping with that which has been established. Secondly, the Standard Districts are intended to be used to make limited adjustments in the Zoning District boundaries (rezoning) as are necessary and the ownership of the land is such that development cannot be achieved except on the basis of individual lots.

Article IV, Planned Development Procedures and Regulations is composed of the requirements and regulations for the establishment of Zoning Districts for planned, comprehensive arrangement and development of residential use in terms of structural type and density of dwelling units, ranging from typical single-family areas, to multifamily and "high rise" apartments; commercial uses in terms of planned shopping centers of highway service centers; and industrial development as an organized "industrial park".

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

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

Among the requirements of the General Standards are requirements for platting and establishment of lots before development and use; the establishment of building lines along public rights-of-way; methods for the arrangement of structures in relation to one another rather than fixed dimensions from property lines; definition and permitted manner of home occupation and accessory uses; requirements for screening or landscaping under certain conditions; off-street parking and loading requirements; sign and billboard regulations, and the prevention of nuisances.

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

Article VI, Special Districts provides for the use or development of land under certain unique circumstances or developmental requirements. Included in the Special Districts are the

procedures and regulations pertaining to development and use of land in areas subject to periodic flooding; the extraction of sand and gravel or other mineral resources, and the rehabilitation of the land after extracting; the drilling and production of oil and gas to allow for the exploration and removal of natural petroleum resources, and procedures and regulations to allow for the establishment of uses of such an exceptional nature as to warrant individual consideration. Among these exceptional uses are airports, amusement centers, stadiums, riding stables, resort establishments and certain institutions.

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

THE NATURE OF THE ZONING DISTRICTS

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

The nature and intent of application for each of the Zoning Districts is set forth in the following statements. The order of these statements is based on the similarity of uses and development standards rather than the organization of the text of the Zoning Resolution. The number preceding the name of the Zoning District is the section number of the Zoning District in the text of the Zoning Resolution.

THE RESIDENTIAL DISTRICTS

The Residential Zoning Districts are intended to define and protect residential areas from the intrusion of uses not performing a function appropriate to the principal use of the land for residential dwellings and related facilities desirable for a residential environment. Attractiveness, order and efficiency are encouraged by allowing a density of development appropriate to the ability to provide water and sewer facilities while maintaining adequate space for light and air. In order to achieve a comprehensive and balanced overall residential area, it is intended that development at one density be in association with other residential development in a manner appropriate to the public's ability to provide and maintain adequate levels of essential services and facilities including schools, recreation, fire and police protection, traffic impact and with consideration of the characteristics of the land and surrounding land use. Residential Zoning Districts are intended to allow a variety of dwelling units in a manner appropriate to development of areas with distinct density and physical qualities such as will encourage each area to achieve its full development with a healthful and safe environment and amenities for sustained livability.

The Standard Residential Zoning Districts

Section 305. (R-1) The Restricted Suburban Residential District is provided in recognition of the sections of the Township with very low-density residential development and land which appears appropriate for such development. Among these sections is land around reservoirs and along the water courses leading to them where central water and sewer treatment systems are not available; land of unusual or irregular topography or subsurface characteristics where the problem of site development generally results in a certain amount of openness; and land where the established use character or density of development would be best protected by these regulations.

Section 306. (R-2) The Limited Suburban Residential District is provided in recognition of sections of the Township with low density residential development and land which appears appropriate for such development within the limits of these regulations. Among these sections is land appropriate for residential development but with or without central water and sewer systems readily available. Of importance in the consideration of placing land in this District (if public water and or sewer are not available) is the ability of the soil to allow proper function of individual water and sewer systems; the character of the land and surrounding land use; and land where the established use character or density of development would be best protected by these regulations.

Section 308. (R-4) The Suburban Residential District is provided in recognition of sections of the Township with low density residential development and land which appears appropriate for such development. Among these sections is land served by only public water and or sewer; land where the established use character or density of development would be best protected by these regulations; and sections of the Township where the general welfare is best served by the provisions of this district in maintaining the ability to provide essential services and facilities for a healthful and desirable residential environment.

The Planned Residential Zoning District

The Planned Residential District is provided in recognition of conceptual and technological advances in housing design and construction, and the ability of the housing industry to provide desirable and stable residential areas through unified design and development principles. Such land as is to be included in this Planned Residential District is intended to be developed in recognition of the existing and potential development character of the vicinity to assure adequate public utilities, streets, community facilities, and other closely associated land uses, including useable public open space.

Section 414. (PRD) The Planned Residential District is intended to encourage creativity and provide latitude in the arrangement and design of single-family, two-family, multi-family, apartment, and/or townhouse dwelling structures based on a unified development plan conceived and carried out for a limited amount of land. Such limitation on the amount of land to be developed in this district should be based on such land's relationship to adjacent development in terms of the vicinity's overall density and total population even though a variety of dwelling type and arrangement may be allowed that is different from that on the adjacent land. Natural features such as topography and drainage ways should be used as well as internal arrangement so as to achieve a unified and integrated development to maximize desirability and stability of the whole residential area.

THE COMMERCIAL DISTRICTS

The Commercial Zoning Districts are intended to promote a convenient and efficient distribution of a broad range of retail goods and services, (1) to meet consumer demands, (2) to satisfy commercial land use space requirements, (3) to achieve a stable and compatible land use pattern, and (4) to encourage a visually satisfying urban environment.

The proper development of commercial areas is not only a right under this Zoning Resolution, but a responsibility to the entire Township. Because these commercial areas are subject to public use which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable relationship to adjacent areas.

The Standard Commercial Zoning District

Section 325. (NC) The Neighborhood Commercial District is intended to encourage grouping of small individual retail establishments to promote convenience in serving the daily staple needs of the people in residential areas. These groups of establishments generally occupy land area near the residential population served. In that the commercial establishments allowed in the Neighborhood Commercial District will be closely associated with residential, religious, recreational, and educational land uses at the neighborhood level, more restrictive requirements for light, air, traffic and open space are necessitated than in other Commercial Zoning Districts.

Planned Commercial District

Section 427. (PCD) The Planned Commercial District is intended to provide areas having adequate development and expansion space, parking, service, utilities, traffic controls, and other facilities. Because the development of the Planned Commercial District takes place in accordance with an approved development plan, adequate separation from adjacent areas and other land use can be achieved. In general, such development is a good neighbor to surrounding areas of other land use and a visual asset to the total community. Buildings within this District are to be architecturally attractive and the tract well landscaped. Parking and loading areas are to be screened and pedestrian-vehicular separation achieved. The relationship among individual establishments is to be harmonious. Furthermore, it is intended that the Planned Commercial District and the area surrounding it be protected from the intrusion of unrelated or dissimilar land uses, except those clearly complimentary, supplementary, and physically compatible within the development.

THE INDUSTRIAL DISTRICT

The Industrial Zoning District is intended to define and protect areas suitable to the development of a variety of industrial activities..

Section 444. (PID) The Planned Industrial District is provided in the recognition that many industrial establishments seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. Because these industrial areas are generally stable and offer unified internal arrangement and development, potentially detrimental effects can be better controlled. For these reasons, the Planned Industrial District is allowed greater development latitude.

The Planned Industrial District is intended to provide industrial areas having adequate development and expansion space, parking, services, utilities, traffic flow and controls and other facilities. Because the development of a Planned Industrial District takes place in accordance with a predetermined development plan, adequate separation from areas of other land use and a visual asset to the total community can be achieved. Buildings within this district are to be architecturally attractive and well

landscaped. Plant parking, storage, loading and processing operations are to be screened. The relationship among individual establishments within the district is to be harmonious, each having adequate space for the operation performed and all sharing those facilities necessary to industrial operations.

THE SPECIAL DISTRICTS

The Special Zoning Districts are intended to provide for the use or development of land under certain unique circumstances or developmental requirements that cannot be appropriately or adequately provided for in the provisions of the Standard of Planned Development Zoning Districts.

These Special Districts are to be delineated in addition to the Standard Zoning Districts and the Planned Development Districts by superimposing the Special Districts based on the criteria established for their delineation.

Section 620. The **Excavation and Quarry Regulations** are provided in recognition of the valuable resources of limestone, gravel, sand, and other minerals that exist in the Township.

The Excavation and Quarry Regulations are intended to ensure the preservation of land development which may exist in close proximity to these mineral deposits and to assure the rehabilitation of the extracted areas.

Section 630. The **Oil and Gas District Regulations** are provided in recognition of the potential resources of oil and natural gas in the Township.

The Oil and Gas District Regulations are intended to protect the citizens of Perry Township and to protect property from the danger of fire, explosion, gas, public nuisances and other hazards dangerous to public health, safety and welfare as a result of the drilling for and production of oil and natural gas. These Oil and Gas District Regulations are further intended to ensure the preservation of land development which may exist in close proximity to these mineral deposits and to assure the rehabilitation of the extracted area.

Section 640. The **Exceptional Use District** is provided in recognition of certain specified uses which are of such a nature as to warrant individual consideration and regulation due to the unique demands they place upon the public health, safety and morals and the requirements of location and development that generally are peculiar to these uses.

The Exceptional Use District is intended to allow these uses to be suitably located and developed to appropriate and necessary standards of development in relation to other land use and development with a minimum of conflict and without undue demand on the necessary public services and facilities. To this end these uses are intended to be developed in a manner of appropriate architectural and landscape design with necessary space or other provisions regarding development or operation to overcome any obnoxious or hazardous effect on adjacent lands as such effect may be a potential in the proposed use.

**ARTICLE I
GENERAL PROVISIONS**

SECTION 100 AUTHORITY AND PURPOSE FOR ZONING RESOLUTION

100.01 AUTHORITY. This Zoning Resolution adopted under authority granted to Ohio Townships by the Legislature of the State of Ohio in Chapter 519, Ohio Revised Code. This Resolution and all provisions contained herein shall be known as the Perry Township Zoning Resolution and may be cited as such or as the Zoning Resolution.

100.02 PURPOSE OF ZONING. The purpose of this Zoning Resolution is as prescribed by Section 519.02, Ohio Revised Code.

SECTION 105 SCOPE OF THE ZONING RESOLUTION

105.01 TERRITORIAL LIMITS. The provisions of this Zoning Resolution shall apply to all land in the unincorporated territory of Perry Township.

SECTION 110 APPLICATION OF THE ZONING RESOLUTION

110.01 EXEMPT FROM REGULATION. The regulations set forth in this Zoning Resolution shall affect all land, every structure and every use of land or structure, except such structures and uses as are now specifically exempt by law or as may be hereafter amended by law or as is exempted by Section 110.015.

110.011 Agriculture. Except as otherwise provided herein, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning permit shall be required for any such use, building or structure. Notwithstanding the foregoing, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agricultural uses and structures are subject to the terms and conditions of this Resolution in the following manner:

- 1) Agricultural uses, except for well maintained gardens for personal consumption, are prohibited on lots of one acre or less.
- 2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to all setbacks, size and height requirements that apply in the underlying zoning district.
- 3) Dairying and animal and poultry husbandry are permitted on lots greater than one acre but not greater than five acres only until thirty-five percent of the lots in a platted subdivision are developed with at least one building, structure, or improvement that is subject to real property

taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Ohio Revised Code. After thirty-five percent of the lots in the subdivision is so developed; ongoing dairying and animal and poultry husbandry shall be considered a nonconforming use pursuant to Section 519.19 of the Ohio Revised Code and Section 110 of this Resolution. Dairying and animal and poultry husbandry, shall be prohibited on such lots after thirty-five percent of the lots are so developed.

This section confers no power on any township zoning commission, board of township trustees or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

a) Farm markets that derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the farm market operator in a normal crop year are permitted in any zoning district, subject to the following regulations:

i) Temporary and seasonal buildings, tents, trailers and other structures associated with a seasonal and temporary farm market shall be placed outside of the road right-of-way and located at least twenty-five (25) feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer off-street parking. Seasonal and temporary farm markets may use marked grassed areas reasonably cleared and limited in size for parking. Off-street parking shall be provided at a ratio of one space for each twenty-five (25) square feet of farm market. In no case shall any portion of any road pavement be used for or considered customer parking to serve a farm market. If a culvert is required in order to obtain access to a seasonal and temporary farm market, then the farm market operator shall obtain a driveway permit from the appropriate governmental agency. "Temporary and seasonal farm markets" are farm markets that are open to the public and operate for no more than a total of ninety (90) calendar days in a calendar year. Any temporary and seasonal buildings, tents, trailers and other structures associated with a farm market remaining for more than ninety (90) days in a calendar year shall be considered structures associated with a permanent farm market and shall comply with the provisions of subsection (ii) below.

ii) All buildings and structures associated with a permanent farm market shall comply with the applicable setback requirements for the underlying zoning district. Operators of a permanent farm market shall obtain a driveway permit from the appropriate governmental agency. Off-street parking shall be provided at a ratio of one space for each twenty-five (25) square feet of farm market. In no case shall any portion of any road pavement be used for or considered customer parking to serve a farm market. "Permanent farm markets" are farm markets that are open to the public and operate for more than ninety (90) calendar days in a calendar year.

iii) No more than one (1) sign for a permanent or temporary and seasonal farm market denoting the name and address of the operator, denoting produce or products for sale on the premises and denoting membership in organizations

may be permitted on a property. Farm market signs shall meet all the applicable sign requirements for the underlying zoning district.

110.012 Public Utilities and Railroads. Public utilities or railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures for the operation of its business except as otherwise provided for telecommunication towers in Article III, hereof. (Ohio Revised Code 519.211)

110.013 Sale or Use of Alcoholic Beverages. The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, or restaurant is permitted. (Section 519.211 Ohio Revised Code)

110.014 Outdoor Advertising. Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, trade or lands used for agricultural purposes. (Ohio Revised Code 519.20)

110.015 Governmental Functions. Any local, State or Federal activity carried on for the purpose of administrative, protective, executive, legislative or judicial function shall not be prohibited.

110.016 Medical Marijuana. Pursuant to resolution of the Perry Township Board of Trustees, cultivators, processors, and retail dispensaries of medical marijuana licensed under Ohio Revised Code Chapter 3796 are prohibited within the unincorporated territory of Perry Township.

110.02 NEW DEVELOPMENT. New development including the subdivision of land, construction and the use of land or structures shall conform with the regulations for the Zoning District in which such development is located.

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

110.022 New Structures. New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Resolution and in accordance with the Subdivision Regulations of Franklin County, Ohio, and shall conform with the development standards of the Zoning Districts in which such construction is permitted, except as is otherwise provided for in paragraph 110.041.

110.023 New Uses. Any new use of land or a structure shall be a permitted use or a conditional use for the Zoning District in which such use is to be located.

110.03 EXISTING CONFORMING LOTS, STRUCTURES OR USES. Lots, structures, or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued; and may be altered, extended, or changed in accordance with the following:

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

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

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

110.04 NON-CONFORMING LOTS, STRUCTURES OR USES. The following sections shall be considered together. Existing lots and structures and the use of lots and/or structures which would be prohibited under the regulations of the Zoning District in which they are located but which were, prior to the adoption or amendment of this Resolution, otherwise lawful, shall be considered as non-conforming. It is the intent of this zoning Resolution to permit these non-conforming situations to continue until they are removed, but not to encourage their continued use or expansion.

110.041 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 VIII, BOARD OF ZONING APPEALS.

Such non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of this 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.

110.042 Non-Conforming Uses of Land and/or Structures. Where, at the time of adoption or amendment of this Resolution, lawful uses of land and/or structures exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided the following criteria are met:

- 1) Unless otherwise hereinafter specified, no non-conforming use(s) of land shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of amendment of this Resolution.
- 2) No additional structure(s) not conforming to the requirements of this Resolution shall be erected in connection with existing non-conforming uses of land.
- 3) Any non-conforming use of a structure may be extended throughout any parts of such structure which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no use shall be extended to occupy any land outside such building.

- 4) No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.
- 5) The non-conforming use of any structure that is damaged by fire, explosion, flood, riot or act of God may be continued and used as before any calamity, provided that the structure has not been destroyed to an extent of more than one-half (1/2) of its fair market value, and further provided that reconstruction of such structure is started within twelve (12) months of such calamity and is continued in a reasonable and diligent manner until completed.
- 6) If any non-conforming use of land and/or structure(s) is voluntarily discontinued for a period of two (2) years or more, any subsequent use of such land and/or structure(s) shall conform to the regulations specified by this Resolution for the district in which such land and/or structure(s) is located.

110.043 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

- 1) No non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof, may be altered to decrease its non-conformity.
- 2) Any non-conforming structure damaged by fire, explosion, flood, riot or act of God may be reconstructed provided that:
 - a) The structure has not been destroyed to an extent of more than one-half (1/2) of its fair market value,
 - b) Reconstruction is started within twelve (12) months of the calamity and is continued in a reasonable and diligent manner until completed, and
 - c) The non-conformity of the structure, when reconstructed, is no more (but may be less) than before the calamity.
- 3) Should a non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 4) To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently.
- 5) On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became non-conforming shall not be increased. Upon the order of any official charged with protecting the public safety, nothing

in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by such official.

110.044 Changes or Alterations to a Non-Conforming Use and/or Structure. On approval as a Conditional Use in accordance with Section 815 of this Resolution, a non-conforming use and/or structure may be changed or altered to another use and/or structure found to be more nearly in character with the Zoning District in which the non-conforming use and/or structure is located, provided that in addition to the requirements of Section 815, the Board of Zoning Appeals finds:

- 1) That the proposed use and/or structure is equally appropriate or more appropriate to the district than the existing non-conformity;
- 2) That the nature, predominate character, and the intensity of the use and/or structure is equally or more appropriate than the existing non-conformity; and
- 3) That the size, dimensional requirements, traffic generation potential, anticipated sign needs, parking requirements and other regulatory characteristics are no greater than the existing non-conformity.

**ARTICLE II
ZONING DISTRICT MAP**

SECTION 200 ZONING DISTRICT MAP ADOPTED

200.01 DIVISION OF LAND. All land in Perry Township within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning District Map of Perry Township, Franklin County, Ohio, which is hereby adopted and declared to be a part of this Zoning Resolution.

200.011 Identification of the Zoning District Map. The Zoning District Map, with any amendments made thereon, shall be identified by the signatures of the Board of Perry Township Trustees, Perry Township, Franklin County, Ohio under the following words:

"Zoning District Map, of Perry Township, Franklin County, Ohio. Adopted by the Board of Township Trustees, Perry Township, Franklin County, Ohio."

Board of Township Trustees
PERRY TOWNSHIP, FRANKLIN COUNTY, OHIO

DATE

SECTION 201 DESIGNATION OF ZONING DISTRICTS

201.01 STANDARD ZONING DISTRICTS. The name and symbol for Standard Zoning Districts as shown on the Zoning District Map are as follows:

	<u>NAME</u>	<u>SYMBOL</u>
201.012 Residential	Restricted Suburban Residential	R-1
	Limited Suburban Residential	R-2
	Suburban Residential	R-4
201.014 Commercial	Neighborhood Commercial	NC

201.02 PLANNED DEVELOPMENT ZONING DISTRICTS. The name and symbol for Planned Development Zoning Districts as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

201.021 Planned Residential	Planned Residential District	PRD
201.022 Commercial and Service	Planned Commercial District	PCD
201.023 Planned Industrial	Planned Industrial Park	PID

201.03 SPECIAL DISTRICTS. The name and symbol or pattern for Special Districts as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

201.031 Flood Plain	Floodplain	FP
201.032 Excavation and Quarry	Excavation and Quarry	EQ
201.033 Oil and Gas	Oil and Gas	OG
201.034 Exceptional Use	Exceptional Use	EU

201.08 LEGEND. There shall be provided on the Zoning District Map a legend which shall list the name and symbol for each Zoning District.

201.081 USE OF COLOR OR PATTERN. In lieu of a symbol, a color or black and white pattern may be used on the Zoning District Map to identify each Zoning District as indicated in the Legend. A Planned Zoning District boundary shall be in green. A Special District shall have a black and white pattern.

201.082 EXPLANATORY NOTES. A Residential Zoning District symbol is suffixed by a number which indicates the general number of dwelling units per acre of land obtainable under the regulations of the Residential Zoning District.

A Planned Zoning District is prefixed by the letter "P".

SECTION 205 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

205.01 RULES FOR DETERMINATION. When uncertainty exists with respect to the boundaries of Zoning Districts as shown on the Zoning District Map, the following rules shall apply:

205.011 Along a Street or Other Right-of-Way. Where Zoning District boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement or other right-of-way, or a river, creek or other watercourse, such center line shall be the Zoning District boundary.

205.012 Along a Property Line. Where Zoning District boundary lines are indicated as approximately following a lot line, such lot line shall be the Zoning District boundary; provided, however, that where a street or highway located in the unincorporated territory of Perry Township abuts a lot line, the Zoning District boundary shall extend from such lot line to and include that portion of such street or highway from the lot line to the center line of the abutting street or highway

205.013 Parallel to Right-of-Way or Property Line. Where Zoning District boundary lines are indicated as approximately being parallel to a center line or a property line, such Zoning District boundary lines shall be parallel thereto and, in the absence of specified dimension on the map, at such scaled distance therefrom as indicated on the Zoning District Map.

205.014 Actual Conflict with Map. When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists, shall furnish an actual survey for interpretation by the Board of Perry Township Trustees.

**ARTICLE III
STANDARD DISTRICT REGULATIONS**

SECTION 300 ADOPTION OF THE STANDARD ZONING DISTRICT REGULATIONS AND RULES OF APPLICATION

300.01 REGULATION OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES. Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a Standard Zoning District in ARTICLE II, and as shown on the Zoning District Map are hereby established and adopted.

300.02 RULES OF APPLICATION. The Standard District Regulations set forth in this ARTICLE III shall be interpreted and enforced according to the following rules:

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

When a listed use has a number preceding the name it is the code number and activity title as listed in the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget (Washington, 1957) including the 1973 and 1977 supplements.

Group code and title (three (3) digits) shall include all industry codes and titles listed in the group other than those specifically excepted.

Industry code and title (four (4) digits) shall include all activities listed under the industry code other than those specifically excepted.

The full text of the listings in the Standard Industrial Classification Manual shall be a part of the definition of the use listed in this Zoning Resolution and is hereby adopted as a part of this ARTICLE III.

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

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

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

SECTION 302 (R-1) RESTRICTED SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

302 (R-1) Restricted Suburban Residential District Regulations

302.02 Permitted Uses. Land and buildings in the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT shall be used only for the following purposes:

302.021 Dwelling Structures. One-family dwelling structures.

302.022 Limited Home Occupation. Limited Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

302.023 Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V.

302.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students.

Parks, playgrounds, and playfields open to the public without fee.

302.025 Private School. Private school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

302.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

302.027 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

302.028 Child Day Care Type B Home.

302.029 [intentionally blank]

302.03 CONDITIONAL USE. The following uses may be allowed in the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

302.031 Borrow Pit. A Borrow Pit in accordance with the requirements of SECTION 620, REGULATIONS FOR EXCAVATION AND QUARRY, ARTICLE VI; and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of approval.

302.032 Arrangement of Structures. Arrangement of structures in accordance with the provisions of SECTION 506, ARTICLE V.

302.033 Telecommunication Towers. Public utilities or other functionally equivalent providers may site a telecommunications tower as a permitted use in any zoning district except those expressly zoned for residential use. The areas zoned for residential use shall be deemed to be all land located within the following districts: Restricted Suburban Residential District (R-1); Limited Suburban Residential District (R-2); Suburban Residential District (R-4);; Exceptional Use District (EU), if a residential use component is included; and all Planned Residential Zoning Districts. Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or alteration that would not substantially increase the tower's height. Local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunication towers in residential districts unless and until a written objection has been timely filed.

Telecommunication towers may be regulated in areas zoned for residential use upon receipt of an objection pursuant to O.R.C. 519.211(B)(2). The provisions of this Resolution concerning telecommunication towers are not intended to replace or modify O.R.C. 519.211, but instead are intended to incorporate O.R.C. 519.211 and its terms into this Resolution. Any notice of an objection shall comply with the provisions of O.R.C. 519.211(B)(3). Upon timely receipt by the Perry Township Board of Trustees of an objection to a proposed telecommunication tower, the Board of Trustees shall proceed as provided in O.R.C. 519.211(B)(4)(a). Telecommunication towers shall be permitted as a use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in O.R.C. 519.211(B)(4)(b). If objections are timely filed consistent with O.R.C. 519.211(B) for a proposed telecommunications tower in a district zoned for residential use then the telecommunications may only be permitted as a conditional use by the Board of Zoning Appeals, provided that all of the following conditions of this Section are met. An application for conditional use shall be filed with the Board of Zoning Appeals.

- 1) Conditional Use Application Requirements. The application shall include:
 - a) A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
 - i) The location of all the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.
 - ii) The general location of planned future facilities.
 - iii) For each location shown on the plan, there shall be listed:
 - (a) the type and size of tower at each location;
 - (b) the type of equipment located or proposed on each tower;
 - (c) the space available on the tower for additional equipment;

- (d) the ground network, if any, served by the tower; and
 - (e) a site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
- iv) A site plan for the facility which is being applied for shall also be submitted containing:
- (a) the location, type and size of existing and proposed towers, antennas and equipment located at the site;
 - (b) the location of existing and proposed buildings and structures, access easements and parking areas; and
 - (c) detailed drawings of the screening plan and related design standards.
- v) A written certification from a professional engineer registered in accordance with the laws of the State of Ohio certifying the following:
- (a) that the tower's design is structurally sound and in compliance with all applicable federal, state and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code;
 - (b) that the tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and
 - (c) that the tower will to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

2) General Requirements for all Telecommunications Towers.

- a) The applicant or tower provider shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary; a description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure. If another tower is technically suitable, the applicant must show that a request to co-locate was made, that such request was rejected, and provide explanation as to the reason for the rejection.
- b) All towers shall meet or exceed current standards and regulations of the FAA, FCC and

any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.

- c) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued. The owner/operator shall annually file a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
- d) The owner/operator shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code.

3) Development Standards for all Telecommunications Towers.

- a) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
- b) The maximum height of a tower shall not exceed 150 feet.
- c) The tower shall not be placed closer than 150 feet from any existing residential dwelling unit.
- d) The minimum lot size for which a tower is to be placed shall be two (2) acres.
- e) The tower shall be located no closer to a street right-of-way than fifteen (15) feet behind the established building setback line.
- f) A tower shall be set back from any adjoining property line a distance which is equal to the height of the tower as measured from its base.
- g) Security fencing shall be provided to prevent uncontrolled access to the tower site.
- h) The lot on which the tower is to be located shall meet the minimum frontage requirements of the district in which it is located.
- i) The tower shall be screened by a minimum eight (8) foot high solid masonry or textured concrete wall and, outside of and along the wall, a continuous evergreen hedge, trees or similar landscape materials of a size and type deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. The applicant is responsible

for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained within the screened area.

- j) The tower and related screening shall be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a non-corrosive monopole design.
- k) No advertising is permitted anywhere on the telecommunications tower facility with the exception of one identification sign not to exceed one square foot in size.
- l) The tower shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. Also, all utility service to the tower shall be underground in accordance with applicable federal, state and local codes.
- m) Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
- n) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony and certification of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed.
- o) A tower may be attached to a residential or nonresidential building or structure that is a permitted use and structure in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached; and further provided that all requirements except those found in Items C 2, 7 and 9 are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the building or structure on which the tower is located, shall be screened by a minimum eight (8) foot high solid masonry or concrete wall and, outside of and along the wall, a continuous evergreen hedge, trees or similar landscape materials of a size and type deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid wall shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the tower area is kept free of weeds and trash.

4) Exception to Conditional Use Permit.

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

- a) Should the owner/operator of a telecommunications tower desire to site a tower on property that falls under the direct ownership of and with the consent of the Perry Township Board of Trustees, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (I) and (ii); B 2, 3 and 4; C 5, 7, 10, 11, 13 and 14 of Section ____ of ____.
- b) Should the owner/operator of a telecommunications tower desire to co-locate a tower on another existing telecommunications tower or on another utility structure (i.e., water tower) and such co-location will result in a substantial change in the height of the tower, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (I) and (ii); B 2, 3 and 4; C 5, 7, 10, 11, 12 and 13 of Section ____ of _____. A substantial change in height shall mean the addition of more than 40 feet to the existing tower or structure.
- c) Should the owner/operator of a telecommunications tower desire to site a tower using a no-impact design (specifically meaning that the tower will be completely invisible to the casual observer by incorporating the tower within an existing structure such as inside a steeple), then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (I) and (ii); B 2, 3 and 4; C 10, 11, 12 and 13 of Section ____ of ____.

302.034 Expanded Home Occupation. Expanded Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

302.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT.

302.041 Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than forty thousand (40,000) square feet per dwelling unit.

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

One (1) principal use shall be permitted on a lot, and such lot shall not be covered more than forty percent (40%) by impervious surfaces including structures.

302.042 Lot Width. For a one-family dwelling there shall be a lot width of one hundred fifty (150) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public or Private right-of-way for a distance of sixty (60) feet or more.

For a Conditional Use, the lot width shall be adequate to meet the development standards of the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT.

302.043 Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of twenty-five (25) feet or more with a minimum eight (8) feet on one (1) side.

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

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

SECTION 303 BED AND BREAKFAST INNS

The following shall apply to Bed and Breakfast Inns:

- 1) No more than five (5) bedrooms are available for overnight lodging each with a full bathroom;
- 2) The owner of the Bed and Breakfast Inn must reside on-site in the residence;
- 3) One (1) individual not residing in the Bed and Breakfast Inn may be employed in the operation of the Inn;
- 4) Adequate off-street parking must be available;
- 5) Potable water and sewage disposal must be provided in accordance with the applicable requirements and standards of the Franklin County Engineer's Office and/or the State of Ohio;
- 6) The maximum length of stay of any lodger is two (2) weeks; the Bed and Breakfast Inn shall not be a rooming or boarding house;
- 7) The outside appearance of the dwelling shall remain residential in appearance; and
- 8) One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.

SECTION 306 (R-2) LIMITED SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

306.02 PERMITTED USE. Land and buildings in the LIMITED SUBURBAN RESIDENTIAL DISTRICT shall be used only for the following purposes:

306.021 Dwelling Structures. One-family dwelling structures.

306.022 Limited Home Occupations. Limited Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

306.023 Accessory Use. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V.

306.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students provided it occupies a lot of not less than five (5) acres.

Parks, playgrounds, and playfields open to the public without fee.

306.025 Private School. Private school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

306.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

306.027 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

306.028 Child Day Care Type B Home.

306.029 [intentionally blank]

306.03 CONDITIONAL USE. The following uses may be allowed in the LIMITED SUBURBAN RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

306.031 Dwelling Structures. Two-family dwelling structures. Structure must maintain appearance of single family residence including use of shared driveway.

306.032 Expanded Home Occupation. Expanded Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

306.033 [intentionally blank]

306.034 Arrangement of Structures. Arrangement of structures in accordance with the provisions of SECTION 506, ARTICLE V.

306.035 Telecommunications Towers. As provided for in Section 302.033.

306.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the LIMITED SUBURBAN RESIDENTIAL DISTRICT.

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

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

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than forty percent (40%) by impervious surfaces including structures.

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

For a Conditional Use, the lot width shall be adequate to meet the development standards of the LIMITED SUBURBAN RESIDENTIAL DISTRICT.

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

For a Conditional Use, except dwellings and accessory structures thereto, a side yard shall be maintained per applicable conditional use requirements.

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

SECTION 308 (R-4) SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

308.02 PERMITTED USE. Land and buildings in the SUBURBAN RESIDENTIAL DISTRICT shall be used only for the following purposes:

308.021 Dwelling Structures. One-family dwelling structures.

308.022 Limited Home Occupation. Limited Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

308.023 Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V.

308.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students. Parks, playgrounds, and playfields open to the public without fee.

308.025 Private School. Private school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

308.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

308.027 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

308.028 Child Day Care Type B Home.

308.029 [intentionally blank]

308.03 CONDITIONAL USE. The following uses may be allowed in the SUBURBAN RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

308.031 Child Care. Kindergarten or child care as an accessory use of a dwelling. There shall be an outdoor play area of two hundred (200) square feet or more per child. Such play area shall be arranged in accordance with the provisions of this district for accessory uses and shall be enclosed with a fence that is of sufficient strength and protective character to a height of four (4) feet, but not more than six (6) feet.

308.032 Expanded Home Occupation. Expanded Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

308.033 Telecommunications Towers. As provided for in Section 302.033.

308.034 Small Wind Projects less than 5MW. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or siting of a Small Wind Project less than 5MW, including the wind turbine generator or anemometer or any parts thereof, shall be a Conditional Use in all Standard Commercial Zoning Districts, Planned Commercial Districts, Industrial Districts and Planned Industrial Districts. Wind Projects are prohibited in all other Zoning Districts. The following conditions shall be met for a Conditional Use Permit:

- 1) Development Standards for all Small Wind Projects.
 - a) Height: The maximum height of any turbine shall not exceed 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
 - b) Setbacks: Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at.
 - c) Maintenance: Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused tower wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months shall be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

- d) Decibel Levels: Decibel levels shall not exceed those provided by the manufacturer as requested in Section 2. a) v. below.
- e) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.
- f) Warning Signs: Appropriate warning signs to address voltage shall be posted.
- g) Fencing: Security fencing shall be provided to prevent uncontrolled access to the Wind Turbine and related Accessory Structure.
- h) Building Permits: All Small Wind Projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.
- i) Ownership: Where the Wind Turbine and related Accessory Structures are located on property which is not owned by the wind turbine operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property.

2. Conditional Use Application Requirements.

- a) A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
 - i) A site plan containing the proposed location, type, total size and height of the Wind Turbine and related Accessory Structures
 - ii) If applicable, the total size and depth of the unit's foundation structure as well as soil and bedrock data.
 - iii) A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - iv) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - v) The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - vi) Hazardous materials containment and disposal plan.
 - vii) Location of all public and private airports in relation to the location of the wind turbine.

- viii) A site plan showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
 - ix) Evidence of an established setback of 1.1 times the height of the wind turbine and “clear fall zone.”
 - x) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
- b) As part of the conditional use process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit’s location in relation to any local airports.

308.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the SUBURBAN RESIDENTIAL DISTRICT.

308.041 Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than forty thousand (40,000) square feet per dwelling unit.

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

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than forty percent (40%) by impervious surfaces including structures.

308.042 Lot Width. For a one-family dwelling there shall be a lot width of one hundred fifty (150) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more.

For a Conditional Use, the lot width shall be adequate to meet the development standards of the SUBURBAN RESIDENTIAL DISTRICT.

308.043 Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of twenty-five (25) feet or more with a minimum of eight (8) feet on one (1) side.

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

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

SECTION 318 [intentionally blank]

SECTION 322 [intentionally blank]

SECTION 325 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS

325.02 PERMITTED USE. The following uses shall be permitted in the NEIGHBORHOOD COMMERCIAL DISTRICT:

325.021 Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale).

- 5251 Hardware Stores
- 541 Grocery Stores
- 542 Meat and Fish (Sea Food) Markets, including freezer provisions
- 543 Fruit Stores and Vegetable Markets, including freezer provisions
- 544 Candy, Nut and Confectionery Stores
- 545 Dairy Products Stores
- 546 Retail Bakeries
- 591 Drug Stores and Proprietary Stores
- 592 Liquor Stores
- 5992 Florists

325.022 Personal Services. Personal services generally involving the care of the person or his personal effects.

- 581 Eating and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services as defined in Section 720, ARTICLE VII)
- 7212 Garment Pressing, and Agents for Laundries and Dry Cleaners
- 7215 Coin-operated Laundries and Dry cleaning
- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair Shops, Shoe Shine Parlors and Hat Cleaning Shops
- 8351 Child Day Care Services
- 8322 Adult Day Care Services

325.023 Business and Professional Offices. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

- 602 Commercial and Stock Savings Banks
- 612 Savings and Loan Associations

- 614 Personal Credit Institutions
- 641 Insurance Agents, Brokers and Service
- 653 Real Estate Agents and Managers
- 661 Combinations of Real Estate, Insurance, Loans, Law Offices

- 801 Offices of Physicians and Surgeons
- 802 Offices of Dentists and Dental Surgeons
- 803 Offices of Osteopathic Physicians
- 8041 Offices of Chiropractors
- 811 Legal Services

325.03 CONDITIONAL USE. The following uses may be allowed in the NEIGHBORHOOD COMMERCIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

325.031 Automotive Services.

- 554 Gasoline Service Stations provided no portion of a structure or its appurtenances, including ancillary, associated, or auxiliary equipment, shall be located in front of the established building line.

325.032 Drive-in Facility. Drive-in or outdoor service facility developed in association with a PERMITTED USE.

325.033 Adults Only Entertainment and Material. Adult only entertainment establishments, Adult Book Stores, and Adult Motion Picture Theaters, as defined in Section 720, ARTICLE VII, or business offering any combination of such uses, shall be allowed in the Community Commercial District, subject to approval in accordance with Section 815, ARTICLE VIII, except that such uses shall not be permitted within 500 feet of the following areas and/or structures:

- 1) Residentially zoned district or use;
- 2) Church;
- 3) School;
- 4) Park or Playground; and

such a use shall not be permitted within 1,000 feet of another such Adult Only Entertainment, Adult Bookstore, or Adult Motion Picture Theater.

325.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the NEIGHBORHOOD COMMERCIAL DISTRICT.

325.041 Intensity of Use. A minimum lot size of one (1) acre is required; in addition, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS.

325.042 Lot Width. No minimum lot width is required; however, all lots shall abut a Public street and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS.

325.043 Side Yard. A side yard shall be required adjacent to a Residential Zoning District or a Planned Commercial District which contains a residential component, as listed in SECTION 201, ARTICLE II. Such required side yards shall be not less than twenty five (25) feet for a single story building. For each additional story the minimum required side yard increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Commercial District there is no specific side yard required, but sufficient side yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

325.044 Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Commercial District which contains a residential component, as listed in SECTION 201, ARTICLE II. Such required rear yards shall be not less than thirty (30) feet for a single-story building. For each additional story the minimum required side rear increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Commercial District there is no specific rear yard required, but sufficient rear yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

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

SECTION 328 [intentionally blank]

SECTION 332 [intentionally blank]

SECTION 344 [intentionally blank]

ARTICLE IV PLANNED DEVELOPMENT PROCEDURES AND REGULATIONS

SECTION 400 PROCEDURES AND REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS ADOPTED

400.01 PROCEDURES FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT ZONING DISTRICT. Planned Development Zoning Districts may be established by application in accordance with the provisions of ARTICLE VII and the requirements of procedure of the PLANNED DEVELOPMENT ZONING DISTRICT petitioned.

400.02 REGULATIONS OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES. Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a PLANNED DEVELOPMENT DISTRICT in ARTICLE II, and as may be drawn on the Zoning District Map are hereby established and adopted.

400.03 RULES OF APPLICATION. The PLANNED DEVELOPMENT REGULATIONS set forth in this ARTICLE IV shall be interpreted and enforced according to the following rules.

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

400.032 Permitted Uses. Only uses designated as a **Permitted Use** shall be allowed as a matter of right in a PLANNED DEVELOPMENT ZONING DISTRICT and any use not so designated shall be prohibited

except when in character with the proposed development, such additional uses may be approved as a part of the Development Plan.

400.033 Procedures. The procedures and conditions set forth for the determination of PLANNED DEVELOPMENT DISTRICTS and developments therein shall be followed except that a written statement by the applicant shall clearly show that such procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Perry Township Board of Trustees.

400.034 Development Standards. The Development Standards set forth shall be the minimum allowed for development in a PLANNED DEVELOPMENT ZONING DISTRICT.

SECTION 405 [intentionally blank]

SECTION 410 [intentionally blank]

SECTION 412 [intentionally blank]

SECTION 414 (PRD) PLANNED RESIDENTIAL DISTRICT REGULATIONS

414.02 PERMITTED USE. Land and buildings in the PLANNED RESIDENTIAL DISTRICT shall be used only for the following purposes:

414.021 Residential Development. Single-family, Two-family, Multifamily (which may include but is not limited to Apartment Dwelling, Townhouses, and/or attached-unit condominiums), residential use developed in a unified manner in accordance with the approved Development Plan.

414.022 Home Occupation. Limited home occupation in association with a permitted dwelling and in accordance with the provisions of SECTION 511, ARTICLE V. Expanded Home Occupations may be identified as conditional uses in association with a permitted dwelling in the Development Plan, and in accordance with the provisions of SECTION 511, ARTICLE V.

414.023 Accessory Use. Accessory buildings; and uses in association with a permitted dwelling as specified in SECTION 512, ARTICLE V, including:

Office facilities for the management function, including property sales, necessary to the development and operation of the area included in the Development Plan.

Such other facilities, including recreation facilities, as may be provided for the use and/or the amenities of the occupants of the dwellings and provided that such facilities are an approved part of the Development Plan.

414.024 Parks. Parks, playgrounds, and playfields open to the public without fee.

414.03 PROCEDURE. The following procedure shall be followed in amending the Zoning District Map to place land in the PLANNED RESIDENTIAL DISTRICT.

414.031 Submission of Application. The owner or owners of a tract of land may request that the Zoning District Map be amended to include such tract in the PLANNED RESIDENTIAL DISTRICT by filing three (3) copies of an application for such amendment with the Perry Township Zoning Commission, which Application shall contain:

- 1) Name, address, and telephone number of the applicant(s);
- 2) Name, address and number of registered surveyor and engineer assisting in the preparation of the Development Plan;
- 3) Legal description of the property;
- 4) Description of existing uses;
- 5) Present zoning district;
- 6) A vicinity map showing relationship of Planned Residential District to the existing streets and public service facilities in the area;
- 7) A list of all owners of property within a two hundred-foot (200') radius of the subject property; and
- 8) Any other matter or information that may be requested by the Zoning Commission for the proposed amendment.

414.032 Development Plan. In addition to the Application required in this Section, the Development Plan shall be submitted electronically, and two (2) copies of a Development Plan shall be submitted with the Application to amend the Zoning District Map, including two (2) full size (either 22" x 34" or 24" x 36") sets of site plans/maps/drawings and similar documents that are part of the Development Plan. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
- 2) The proposed size, location, and use of non-residential portions of the tract, including useable open areas, parks, playgrounds, and other areas and spaces with the suggested ownership of such areas and spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation patterns, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
- 5) If required by the Perry Township Zoning Commission or Perry Township Board of Trustees, a completed traffic impact study.

- 6) The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles, materials, and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
- 7) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 8) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary.
- 9) The applicant(s) may request a divergence from the standards set forth in or applicable under this SECTION 414. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence(s) be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in or applicable under this SECTION 414.

414.033 Basis of Approval. The basis on which the Perry Township Board of Trustees may approve a PLANNED RESIDENTIAL DISTRICT Application includes, but is not limited to:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as may apply;
- 3) That the proposed development advances the general health, safety, and welfare of the Township and the area surrounding the proposed development;
- 4) That any traffic increase or change resulting from the proposed development that is likely to impact the surrounding area is adequately and appropriately addressed; and
- 5) That the benefits, improved arrangement, and design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.
- 6) For any proposed development of less than 25 residential units, the Township may require a traffic impact study. For all developments over 25 residential units, a traffic impact study shall be required. Such Traffic Study requested shall contain an analysis of traffic conditions which can be expected to result from the proposed development. The analysis shall estimate the Average Daily Traffic (ADT), the peak hour(s) of traffic, and distribution of the same to the existing and proposed street system, together with an analysis of street improvements necessary to accommodate the additional traffic. The applicant shall state, and document

assumptions made regarding the projected traffic figures. Standard techniques and references shall be utilized. The following references, or other references which may be acceptable to the Perry Township Board of Trustees, shall be used:

- a) Highway Capacity Manual (Special Report #87, 1965, National Academy of Sciences).
- b) Transportation Research Circular #212.
- c) "Trip Generation": Institute of Traffic Engineers, (Current Edition). Traffic analysis shall be based on existing off-site conditions and known plans for the development of off-site areas.

414.034 Effect of Approval.

- 1) The Development Plan, as approved by the Perry Township Board of Trustees, shall constitute a rezoning of the subject tract to the PLANNED RESIDENTIAL DISTRICT permitting development and use of said land and any structures thereon in accordance with development standards contained in said Plan. However, in a PLANNED RESIDENTIAL DISTRICT, subject to the provisions of this SECTION 414.033 and SECTION 414.034, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Perry Township Board of Trustees a Subdivision Plat for said part of said tract, and until the Plat is approved by the Perry Township Board of Trustees and recorded in accordance with applicable law.

The approval process for the Development Plan requires public hearings before the Zoning Commission and the Perry Township Board of Trustees in accordance with ARTICLE VII. The provisions of ARTICLE VII notwithstanding, the proposed amendment may be submitted to the County or Regional Planning Commission. If the proposed amendment is submitted to the County or Regional Planning Commission, the ARTICLE VII procedures for review, consideration, and recommendation thereon shall apply. The approval process for the Subdivision Plat requires a public hearing noticed by publication before the Perry Township Board of Trustees who shall determine, prior to the filing of the Subdivision Plat for record with the county recorder, whether the Subdivision Plat complies with the approved Development Plan. Thereafter, variances from the approved Subdivision Plat that involve five lots or fewer shall be considered by the Board of Zoning Appeals under its hearing process under ARTICLE VII hereof. All other modifications to the Plan or the Plat shall be presented to the Perry Township Board of Trustees for its consideration pursuant to SECTION 414.035.

- 2) The Development Plan, as approved by the Perry Township Board of Trustees, shall constitute an amendment to the PLANNED RESIDENTIAL DISTRICT regulations as they apply to the land included in the approved amendment.
- 3) The approval shall be for a period of two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is submitted and recorded within the two (2) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for an extension of time is submitted and approved in accordance with SECTION 414.035. The foregoing provisions of this SECTION 414.033(3) shall not apply to a Subdivision Plat meeting the requirements of this SECTION that a) was duly submitted and

recorded prior to the approval of the Development Plan by the Perry Township Board of Trustees, and b) did not require the approval of the Perry Township Board of Trustees at the time it was submitted and recorded.

414.035 Plat Required. In the PLANNED RESIDENTIAL DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the **Subdivision Regulations for Franklin County, Ohio**, unless the Subdivision meets the exception contained in SECTION 414.034(3). The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback lines or space to be built upon; water, sewer, and other public utility installations, including sanitary sewage, surface drainage, and waste disposal facilities; public and private street right-of-way, easements and walks; recreation areas, and other land to be dedicated to public use, including the purpose and intent of such dedication; the land to be commonly owned and maintained.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

414.036 Extension of Time or Modification. An extension of the time limit or the modifications of the approved Development Plan may be approved by the Perry Township Board of Trustees. Prior to the expiration of the two-year time limit established in SECTION 414.034(3), an applicant may request an extension of that time limit. Such request shall be made by the applicant, in writing, to the Perry Township Board of Trustees. If the Perry Township Board of Trustees determines, in its sole and absolute discretion, to extend the time limit, such extension shall be for no more than one (1) additional year. The Perry Township Board of Trustees' approval of any modification of the approved Development Plan may be given upon a finding of the purpose and necessity for such modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED RESIDENTIAL DISTRICT.

414.04 DEVELOPMENT STANDARDS.

414.041 General. The arrangement and development of land and buildings in the PLANNED RESIDENTIAL DISTRICT shall be in accordance with accepted planning principles, including unified design and development principles. Such land as is to be included in this PLANNED RESIDENTIAL DISTRICT is intended to be developed in recognition of the existing and potential development character of the vicinity to assure adequate public utilities, streets, community facilities, and other closely associated land uses, including useable public open space.

414.042 Divergences. An applicant for PRD approval may request one or more divergences from any development standard or other standard set forth in or applicable under this SECTION 414 from the Perry Township Board of Trustees. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence(s) be approved as part of and as shown on the Development Plan.

SECTION 420 [intentionally blank]

SECTION 427 (PCD) PLANNED COMMERCIAL DISTRICT REGULATIONS

427.01 PROHIBITED USE. Land and buildings in the PLANNED COMMERCIAL DISTRICT shall not be used for the following purposes:

427.011 Uses not specifically authorized by the express terms of the Development Plan.

427.012 Adults Only Entertainment Establishments

427.013 Outdoor storage of any inoperable, unlicensed or unused motor vehicles; trash; debris; discarded materials; or similar items.

427.014 Hookah Lounges.

427.02 PERMITTED USE. Land and buildings in the PLANNED COMMERCIAL DISTRICT shall be used only for the following purposes:

427.021 Shopping Center. Commercial establishments developed, operated and maintained within an organized development of associated commercial activities (shopping center) in accordance with the approved Development Plan.

427.022 Community Facilities. Such as libraries, offices, or educational facilities operated by a public agency or government.

427.023 Land and buildings within the PLANNED COMMERCIAL DISTRICT shall be used only for those specifically selected uses identified by an applicant in its approved Development Plan and consisting of general commercial, office, retail, restaurant, and/or similar uses (or any combination thereof). Proposed uses shall be enumerated in the application as being appropriate to provide compatibility with the neighborhood and community character. All permitted uses shall be specifically approved by the Perry Township Board of Trustees as a part of the Development Plan required for the subject tract.

427.024 Two-Family, Multifamily, and Apartment Dwellings.

427.03 PROCEDURE. The following procedure shall be followed in placing land in the PLANNED COMMERCIAL DISTRICT.

427.031 Submission of Application. The owner or owners of a tract of land four (4) acres or more in any area may request that the Zoning District Map be amended to include such tracts in the PLANNED COMMERCIAL DISTRICT in accordance with the provisions of ARTICLE VII.

427.032 Development Plan. Two full size (2) copies of a Development Plan and one electronic version shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of structures and ancillary uses, indicating tenant types (uses) and total square feet in buildings.
- 2) The proposed size, location, and use of other portions of the tract, including landscaped, parking, loading, service, maintenance, and other areas or spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern, including access drives, parking arrangement, pedestrian walks and safety areas, and the relationship to existing and proposed external streets and traffic patterns with evidence of reasonableness. In addition, applicant shall supply a Traffic Impact Study for the proposed rezoning. The scope and depth of the study shall be agreed upon in advance by the Board or its designee(s) and the applicant.
- 5) The proposed schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use and/or reuse or existing features such as topography, structures, streets, and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services, and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary and the economic feasibility studies (market analysis or other data) justifying the proposed development.

427.033 Basis of Approval. The basis for approving a PLANNED COMMERCIAL DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity;
- 4) That the economic character and improved site arrangement justify the location, size and design proposed in the Development Plan.
- 5) That the traffic generated by the proposed rezoning does not unreasonably impact the surrounding property uses.

427.034 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment to the PLANNED COMMERCIAL DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of Two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is properly submitted and recorded within the Two (2) year period, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 427.036.

427.035 Plat Required. In the PLANNED COMMERCIAL DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback lines and buildable space within the site; water, sewer and other public utility installations, including sanitary sewer, surface drainage, and waste disposal facilities; easements, access points to public rights-of-way, parking areas, and pedestrian ways; and land reserved for non-commercial use with indication of the nature of the use.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the operations of tenants, including those applicable to areas within the tract to be developed noncommercially.

427.036 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification 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, safety and welfare of the public or the Development Standards of the PLANNED COMMERCIAL DISTRICT.

427.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED SHOPPING CENTER DISTRICT.

Open storage, sales, service, and loading areas shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than eight (8) feet in height. These walls, fences, or enclosures shall have an opaqueness of seventy-five percent (75%) or more, so as to effectively conceal sales, service, storage and loading operations from a Residential Zoning District or Planned Residential District as listed in SECTION 201, ARTICLE II.

427.042 Lot Width. A minimum lot width of two hundred (200) feet is required. However, the lot width shall be adequate to achieve the yard space required by the DEVELOPMENT STANDARDS applicable to the PLANNED COMMERCIAL DISTRICT.

427.043 Side Yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Residential District as listed in SECTION 201, ARTICLE II. Such required side yards shall equal one-fourth (1/4) the sum of the height and depth of the structure, but in no case shall be less than twenty (20) feet or as outlined in the rezoning.

427.044 Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or another Planned Residential District as listed in SECTION 201, ARTICLE II. Such required rear yards shall equal one-fourth (1/4) the sum of the height and width of the structure, except when adjacent to a dedicated alley of not less than twenty (20) feet or as outlined in the Development Plan.

427.045 Arrangement of Areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs, and other uses and developments within the PLANNED COMMERCIAL DISTRICT, in addition to achieving these DEVELOPMENT STANDARDS, shall be accomplished in accordance with an approved Development Plan established to assure compatibility with the existing and future land use development in the vicinity. The Development Plan should include walks, fences, landscaping, and other devices which will meet the purpose and intent of the PLANNED COMMERCIAL DISTRICT.

427.046 Reserve Areas. As part of the proposed rezoning the entire site being rezoned shall be completely site planned with no reserve areas for future development, and reflected in the Development Plan that, if approved, shall become the governing zoning regulations for the property. Developments may be approved for development in phases and, if so, shall be developed according to the approved Development Plan.

427.047 Parking and Loading. Off-street parking, loading and service areas shall be provided in accordance with SECTION 531, ARTICLE V. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the Development Plan.

Section 448 (BPOD) Brookside Planned Overlay District

448.01 Nature of the District

The BPOD is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of residential development. The BPOD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- 1) Permanently preserves unique or sensitive natural resources and integrates Open Space within developments.
- 2) Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- 3) Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.

- 4) Provides an opportunity for an appropriate mix of Open Space, single family residential uses not otherwise permitted within the standard zoning district classifications.
- 5) Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- 6) Assures compatibility between proposed land uses within and around the BPOD through appropriate development controls.
- 7) Enhances the welfare and economy of the Township by making available a variety of housing options for the Township residents.
- 8) Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.

448.02 Overlay Area Established

The BPOD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones to the BPOD the area shown on the BPOD Overlay Zoning District Map, which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official Zoning District Map for the BPOD as part of this amendment. The existing zoning regulations and districts for such area shall continue to apply to all property within the BPOD unless the Zoning Commission approves an Application of an owner of property to subject the owner's property to the provisions of the BPOD. Such an Application shall be made in accordance with the provisions of Section 448.06 of the Zoning Resolution and shall include a Development Plan in compliance with the provisions of Section 448.06.3. Upon receiving such an Application and Development Plan, if the Township Zoning Commission determines that the Application and Development Plan comply with the provisions of this Section 448 and approves the Application, the Township Zoning Commission shall cause the zoning map to be changed so that the underlying zoning district no longer applies to such property, with the property being thenceforth located in the BPOD and subject to the regulations thereunder. The approval of the Application and Development Plan and the removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment to the Zoning Resolution.

448.03 Permitted Uses

- 1) The following are permitted uses within the BPOD when approved by the Development Plan process in strict compliance with the approved Development Plan and standards, provided that each such use is listed as a permitted use in this Section and is specifically set forth in the Development Plan:
 - a. Single Family Dwelling Structures
- 2) Home Occupations: Limited Home Occupations are permissible to the extent they comply with all requirements and limitations as set forth in Article V, Section 511 of the Zoning Resolution.

Expanded Home Occupations may be identified as conditional uses in association with a permitted dwelling in the Development Plan, and in accordance with the provisions of Article V, Section 511 of the Zoning Resolution.

- 3) Temporary Structures. Temporary structures such as manufactured/mobile home offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for six months (6 mos.) 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 the Zoning Inspector deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.

448.04 Accessory Uses, Buildings and Structures

Accessory uses, as defined in Article V, Section 512 of the Zoning Resolution, may be permitted only when customary with and incidental or subordinate to and in association with a principal permitted use, and further provided that such accessory uses are specifically set forth in the Development Plan and approved as accessory uses by the Township.

Accessory uses other than those authorized in Section 448.03.2 may be located in a separate accessory structure which is subordinate to the principal structure, provided that the accessory structure is architecturally compatible with and operationally integrated into the development.

448.05 Prohibited Uses

Uses not specifically authorized by the express terms of this Section of the Zoning Resolution shall be prohibited.

448.06 Process for Approval

All Applications to submit property to the BPOD regulations shall follow the procedures hereinafter set forth:

- 1) Pre-Application Meeting. The applicant is encouraged to engage in informal consultations with staff from the Township prior to formal submission of an Application for approval of a Development Plan. No statement or action by Township, County officials or other governmental agencies in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Revised Code) is required to be observed at pre-Application meetings involving a quorum of members of the Township Zoning Commission.

- 2) Application and Development Plan. The applicant shall prepare and submit ten (10) copies of an Application and Development Plan, along with an electronic copy and all applicable fees to the

Township Zoning Commission. The Application shall be signed by the Applicant and all owners of property included in the Application and Development Plan. The Township Zoning Commission may request that any Federal, State and/or County agency submit comments for consideration at the meeting. The Application shall be accompanied by a Development Plan and the following supporting information and documentation in text and map form:

- a. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- b. A grading plan drawn to scale, showing all information pertaining to surface drainage.
- c. A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliper, height, and numbers of each plant, shrub or tree, its name, its size at planting and rendering(s) of how that section of the development would look in elevation.
- d. A detailed Signage and Exterior Lighting Plan, if applicable.
- e. A detailed Parking and Loading Plan, if applicable.
- f. Site Plan (Development Plan).
- g. Tree Preservation Plan.

3) Site Plan Contents. The Development Plan shall be drawn to a scale of at least one inch (1 in.) equals 50 feet (50 ft.) and shall include in text and map form the following:

- a. Proposed name of the development and its location.
- b. Names and addresses of applicant, owners and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from and to all property owners within two hundred (200 ft.) feet of the area proposed for BPOD approval shall be provided. These shall be supplied by Applicant in electronic form.
- c. Date, north arrow and Plan scale. Scale shall be one inch equals 40 feet or larger scale.
- d. A list, description and location of the precise uses proposed for the development and phases for construction, if any. Listed uses for proposed Single Family Dwelling Structure(s) shall be generically requested and described, unless otherwise required in this Section 448.06. Any listed use may be limited to specific areas delineated in the Development Plan. If the proposed timetable for development includes developing the property in phases, all phases to be developed after the first phase shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

- e. Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public Open Spaces, permanent structures, and section and corporation lines within or immediately adjacent to the tract.
- f. Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.
- g. The adjoining lines of adjacent tracts, parcels or lots.
- h. Existing zoning restrictions and deed restrictions, if any.
- i. Existing ground configuration, drainage channels, wooded areas, watercourses, wetlands and other significant physical features.
- j. Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.
- k. Layout, numbering and dimensions of lots if more than one.
- l. Layout, location, dimensions and architectural features of proposed structures.
- m. The total amount of Lot Coverage, as that term is defined in Article VII, Section 720, proposed by the Application and Development Plan.
- n. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.
- o. Building setback lines with dimensions.
- p. Proposed street grades, sewer size and slope.
- q. A Detailed Parking Plan, if applicable, showing layout, location and design of parking areas for all proposed uses, including proposed number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.
- r. Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.
- s. Preliminary drawings for buildings to be constructed, including floor plans, exterior elevations and sections.
- t. Color rendering of buildings(s), complete with a listing of all colors, along with the manufacturer's reference/serial number with samples and materials to be used.

u. Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.

v. Projected schedule of site development.

w. Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, storage areas, and trash containers from view.

x. Accommodations and access for emergency and fire-fighting apparatus.

y. Detailed construction traffic routes and access to the site. The Applicant shall be responsible for the repair of any damage caused to Township roads during construction and may be required by the Zoning Commission to post an appropriate bond to cover such costs.

z. Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.

aa. The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.

bb. The applicant may request a divergence from the development standards set forth in Section 448. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Section 448.08 and the General Development Standards applicable to all zoning districts, as set forth in the Zoning Resolution.

cc. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

dd. Other supplemental information, as may be reasonably required by the Township Zoning Commission, in order to determine compliance with the Zoning Resolution.

ee. The Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.

4) Zoning Commission Action. After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within a reasonable time after the filing of the complete Application and shall give the applicant and all owners of property within, contiguous to, and directly across the street and to all property owners within two hundred (200 ft.) feet from the property boundary proposed for development written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the County Auditor's current tax list. The

failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.

5) Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:

- a. If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of the Zoning Resolution and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
- b. If the proposed plan meets all of the design features required in the Zoning Resolution.
- c. If the proposed development is compatible with the existing land use character, consistent with the intent and purpose of this Section 448.01 and other applicable public plans for the area.
- d. If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
- e. If the proposed development promotes innovation in the planning and building of all types of development.
- f. If the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
- g. If the proposed development is designed in such a way as to minimize any unreasonable adverse impact on surrounding areas of the Township.

In approving the Application and Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions deemed necessary in order to carry out the purpose and intent of the BPOD.

6) Effect of Approval.

- a. The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Final Development Plan approval pursuant to this POD is a ministerial act and shall not be considered a rezoning amendment to the Township Zoning Resolution for the purposes

of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.

b. The approval of the Development Plan shall be effective for a period of five years (5 yrs.) (or for such other time period as may be approved as part of the Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Zoning Commission approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, the subject parcel(s) shall remain zoned BPOD, but no use shall be established or changed and no building, structure or improvement shall be constructed until an Application for a new Development Plan, accompanied by a new Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.

c. No zoning certificate shall be issued for any structure in any portion of a BPOD for which a plat is required by the Franklin County Planning Commission unless the final subdivision plat for that portion has been approved by the applicable platting authorities and recorded with the Franklin County Recorder in accordance with the approved Development Plan and with the Subdivision Regulations of Franklin County, Ohio.

d. An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the recordation of the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted and at the discretion of the Zoning Commission. A request for extension shall be filed prior to the expiration of the established approval period.

e. The approval process for the Development Plan requires a public hearing(s) before the Zoning Commission in accordance with Section 448.06.04, hereof. Following the approval of the Development Plan, proposed variations from the approved Development Plan that involve only one (1) lot shall be considered by the Board of Zoning Appeals under its hearing process pursuant to Article VIII of the Zoning Resolution. All other modifications to the Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 448.06.4, hereof.

f. The Zoning Commission may, at a duly held hearing, modify the approved Development Plan without being subject to the same procedures as the original Application. Any approval may be with such conditions or modifications as the Zoning Commission may determine. The applicant and all owners of property within, contiguous to, and directly across the street from the area proposed for modification shall be given at least ten (10) days' prior notice of the hearing by regular first class mail. The notice shall be mailed to the addresses of those owners as they appear on the County Auditor's current tax list.

The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the request. The request for modification may be approved upon a showing of a compelling reason and necessity for the same and upon a showing that the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Development Plan, and that such modification is administrative in nature and not in conflict with the intent and purpose of the BPOD. The Zoning Commission shall render a decision on the request within thirty (30) days after the conclusion of the hearing.

7) Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Perry Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as attorneys, architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related Application materials. As soon as reasonably practicable following the submission of an Application for approval of a Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the Application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the Application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals. Upon request, the Township shall provide the applicant with an itemized copy of any consultant(s) bill paid for in accordance with this Section 448.06.7. Notwithstanding the foregoing, bills for legal services shall only disclose the costs incurred and narrative descriptions shall not be disclosed, in that these are privileged communications and protected from disclosure under attorney-client privilege.

448.07 Design Standards

The proposed development for areas within the BPOD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section 448.07, as written and/or as they are modified in this Section to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section 448.07. The Development Plan shall comply with the following design standards:

1) Access. Any BPOD development shall have direct access to one or more public or private road(s) of sufficient capacity to accommodate traffic generated by the proposed development. Provision

for future connections to other public or private road(s) as required by the Township shall be provided. Unless otherwise provided by an approved Development Plan, emergency vehicular connectivity shall be provided.

2) Setbacks and Yard Areas. The location and arrangements of buildings and structures within the BPOD shall be configured in a manner to appropriately balance Open Spaces and developed areas to provide safe separation between buildings and uses and to ensure convenient access within the area. Any development within the BPOD should be designed to provide additional housing and to protect and enhance housing and property values for the Township and the surrounding area.

3) Single Family Dwelling Density. The density of all proposed single family dwelling units in the BPOD shall be subject to the requirements and limitations of Section 448.08.

4) Perimeter Area. When located contiguous to the golf course, no single family dwelling unit shall be constructed within thirty feet (30 ft.) of the golf course property line. When located contiguous to an existing residential property not located within the BPOD, the perimeter boundary shall be adequately landscaped and located no less than thirty feet (30 ft.) from adjacent property for single family dwellings.

5) Buildings. The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize environmental impacts. Buildings and structures shall be designed to enhance both areas within the development and surrounding areas, giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.

6) Building Size. Buildings may contain such area of floor space as is approved in the Development Plan and subject to the following limitations: a. Single Family Dwelling structures shall be no less than two thousand two hundred (2,200) square feet above grade per dwelling unit. b. For purposes hereof, the term "above grade" shall mean any finished portion of the structure above the lowest point of grade adjacent to the house, so long as (a) any level below grade must have at least one (1) side exposed at grade; (b) natural light with windows and doors at such level shall be similar to the windows and doors in the remainder of the finished portion of the structure; (c) shall have the same interior trim as the balance of the finished portion of the structure; (d) shall have the same method of integrated heating and cooling as the balance of the home; (e) shall have at least one (1) full access point of similar quality to the other access points in the rest of the home; and (f) shall be integrated into the balance of the home (i.e., not just connected with an enclosed staircase).

7) Lighting. Exterior building lot lighting, if applicable, including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to

approval as part of the Development Plan and pursuant to the additional standards set forth under Section 448.08.7.

8) Signage. All signs and graphics within any BPOD development shall be compatible in size, location, material, height, shape, color, and illumination within such area. A Signage Plan for any development within the BPOD shall set forth the design parameters for the development project to ensure a constant and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, and monument signs as well as distances from right-of-ways. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. All signs shall comply with the additional standards as set forth in Section 448.08.8.

9) Landscaping. All yards (front, side and rear) and all Open Space not covered by structure, asphalt and the like shall be landscaped or managed as natural growth areas. A detailed Landscape Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained, or kept and maintained in a natural state, in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The Landscape Plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. Where appropriate and as identified in any Development Plan, the landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and serve as an important axis between the development and other locations. The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent residential uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques. All landscaping shall comply with the additional standards as set forth in Section 448.08.9.

10) Floodplains and Environmentally Sensitive Areas. Floodplains shall be protected from building or pavement encroachment. A riparian buffer shall be provided for stream beds along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width of not less than fifty feet (50 ft.) as measured from the river, creek or stream high water mark on both sides. The buffer area shall have a width of not less than twenty-five feet (25 ft.) as measured from any watercourse high water mark on both sides. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area shall have a width not less than twenty-five feet (25 ft.), measured from the edge of the

designated wetland. The buffer area shall not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable. In addition, all such other requirements of any governmental agency must be complied with.

11) Utilities. Centralized water supply and sanitary sewage disposal systems and storm water management shall be provided, subject to the Franklin County Sanitary Engineer, Franklin County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines shall be located underground.

12) Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against 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.

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

14) 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.

15) 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.

16) 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 discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.

17) 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 Ohio Environmental Protection Agency shall be adhered to.

448.08 Minimum Development Standards

The Development Plan shall comply with the following development standards:

1) Tract Size. The gross area of a tract of land proposed to be developed in the BPOD shall consist of a minimum of two (2) acres exclusive of right-of-way. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards.

2) Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.

3) Single Family Density. Single family density within the BPOD shall be designed to be compatible with surrounding land uses.

4) Setbacks and Yard Areas for Single Family Development.

a. Frontage and Lot Widths. Lots shall front upon and/or have access to an improved, public or private road. Right-of-way or private road reserve area frontage in either case and individual lot widths shall be no less than thirty feet (30 ft.), unless such lots are “pie-shaped” and otherwise meet lot standards and yard requirements, in which case less than fifteen feet (15 ft.) frontage is permissible.

b. Minimum Side Yard Per Tract. A side yard of at least six feet (6 ft.) on each side of the tract shall be provided for principal and accessory structures, or as authorized by an approved Development Plan. No principal structure shall be located closer than twelve feet (12 ft.) to another principal structure.

c. Minimum Rear Yard Per Tract. A rear yard of at least twenty feet (20 ft.) shall be provided for principal and accessory structures, or as authorized by an approved Development Plan. d. Additional Setback. No building or structure shall be located closer than eight feet (8 ft.) to the public right-of-way or private road reserve area. There shall also be a clear strip of land located no closer than eight feet (8 ft.) to the right-of-way upon which no building, structure, sign or any other improvement shall be erected with the exception of the following:

i. Driveways for ingress and egress.

ii. Parking approved in accordance with the approved Off-Street Parking and Loading Plan

iii. Signs not over four square feet (4 sq. ft.) for direction of traffic only.

iv. Plantings no higher than three feet (3 ft.) above road grade.

v. Trees, except that branches shall not interfere with the paved portion of the road and shall be trimmed to a height of fifteen feet (15 ft.) from the ground.

vi. Utility easements for the erection of public utility poles, hydrants and similar items.

vii. Sidewalks.

viii. Bike Paths.

ix. Patios not exceeding ground level elevation, plus or minus eight inches (8 in.).

5) Buildings.

a. Maximum Tract Coverage. The ground area occupied by all the buildings, structures, sidewalks and all other impervious surfaces shall not exceed in the aggregate eighty percent (80%) of the total area of the tract.

b. Building Height.

i. Single Family Dwellings. Single Family dwelling units shall not exceed two (2) stories as measured from the elevation of the paved road in front of the structure, and shall not exceed thirty-eight feet (38 ft.) in height as measured from the elevation of the paved road in front of the structure. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements and design enhancements may exceed these height limitations by no more than eight feet (8 ft.).

ii. All Other Principal Structures. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements shall not exceed the height limitation in b.i. above.

c. Building Dimensions. Buildings may contain such floor area as is approved in the Development Plan and in accordance with Section 448.07.6.

d. The use of environmentally conscious construction standards, such as the use of Leadership in Energy & Environmental Design (LEED) standards, on structures built in the BPOD is encouraged by the Township, but not required.

6) Architectural Standards. Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same design elements on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall apply to structures for:

a. Single Family and Townhome Dwellings

i. Design Elements. The architectural style and design of single family dwellings shall create harmony throughout the area in which they are built, but should not limit the creativity of the architect, landscape architect and developer. All materials used to construct buildings within the BPOD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by Section 448.08.6.ii. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the BPOD by this Article IV and the surrounding Brookside area.

ii. Materials. The exterior elevations of all proposed buildings shall utilize any or any combination of all of the following natural materials:

1. Wood;

2. Brick or brick veneer;
3. Native or cultured stone;
4. Stucco;
5. Cementitious siding (such as HardiPlank or similar) and/or composite siding (such as SmartSide or similar);
6. Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.
7. The above material requirements shall not be applicable to vinyl soffits, fascia windows, downspouts, gutters, window glazing and reveals, as well as hardware and similar accents.

iii. **Façade Appearance.** A building wall for all proposed single-family dwellings within the BPOD that exceeds a width of twelve feet (12 ft.) shall incorporate sectioning and design elements that offset the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such design elements shall include:

1. A door measuring at least twenty square feet (20 sq. ft.) in area and forty-five total square feet (45 sq. ft.) in area including architectural features, such as, but not limited to, an awning, window, faux window or other feature subject to approval by the Zoning Commission;
2. A window of at least six square feet (6 sq. ft.) in area. Windows closer than three feet (3 ft.) shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
3. A gabled vent of at least four square feet (4 sq. ft.) in area;
4. Porches, decks, or similar structures that create the illusion of a porch, deck, or window balcony; or
5. A similar significant permanent architectural feature consistent with the style of the building upon approval of the Zoning Commission, as applicable;
6. Roofing. All roofs shall be pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.

7) **Exterior Lighting.** A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. The Exterior Lighting Plan is subject to Article V, Section 527 of the Zoning Resolution and the following requirements:

- a. All external lighting shall be decorative or cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance

or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth foot candles (0.1 fc) when adjacent to a residential zoning district or an existing residential use.

b. All landscape uplight fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.

c. No permanent colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.

8) Signage. A detailed Signage Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Graphics and Signage in the BPOD shall conform to Article V, Section 541 of the Zoning Resolution or as approved by the Zoning Commission.

9) Landscaping. A detailed Landscape Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All yard areas and Open Spaces shall be landscaped in accordance with the approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:

a. Right-of-Way. Any surface parking areas adjacent to an existing or planned right-of-way shall be screened from the respective right-of-way with shade trees having a minimum caliper of 2 1/2" (two and a half in.) for every thirty lineal feet (30 ft.) of road frontage, and shall be located three feet (3 ft.) outside of the right-of-way. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

b. Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas; provided, however, that all front yards shall have sod and seed shall only be allowed in other areas where the lot is served by an irrigation system. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept sodded and maintained in such a manner as to prevent erosion of the property and excess drainage.

c. Plants. All plants shall meet or exceed the then current version of the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.

d. Maintenance. All trees and landscaping shall be well maintained. All maintenance and upkeep of landscaping shall be the responsibility of the owner of such yard, space or area where the landscaping is located. Dead trees, shrubs and other landscaping material shall be promptly removed and shall be replaced within six months (6 mos.) or the next planting season, whichever is sooner.

e. Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees, recognizing the need for foundation and underground utility placement.

Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

10) Traffic Circulation, Parking and Loading. A detailed Traffic Circulation, Parking and Loading Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Unless a phasing schedule is approved as part of the Development Plan, parking shall be paved prior to receipt of a final Certificate of Compliance, with adequate provisions for ingress and egress according to the approved Development Plan. In preparing the Parking and Loading Plan, all parking and loading areas shall conform with Article V, Section 531 of the Zoning Resolution and the following provisions:

a. Minimum Parking Space Requirements. All parking spaces shall be not less than ten feet (10 ft.) wide and twenty feet (20 ft.) long.

b. Parking Lot Location. No parking lot or parking area shall be located closer than ten feet (10 ft.) to the side or rear line of the tract on which the structure is located. In no event shall the parking be located closer than twenty feet (20 ft.) to any right-of-way, unless authorized by the approved Development Plan.

c. Driveways. Driveways shall be set back no less than no less than three feet (3 ft.) from side and rear property lines. Location of Driveways that connect to a public road shall be reviewed and approved by the appropriate governing agency.

d. Service Parking. Service parking shall be provided at a level determined appropriate for each specific use by the Zoning Commission, as applicable. All service areas shall be located behind the front elevation of the primary building.

e. Minimum Number of Parking Spaces Required. For single-family dwelling units, a minimum of three (3) parking spaces for each dwelling unit is required. This may include both garage and driveway parking.

f. Loading Areas. All loading areas shall be screened from view by landscape planting (which provides one hundred percent (100%) opacity), or walls and fences at least six (6), but not more than twelve (12), feet in height. All walls and fences used for screening shall be constructed of materials permitted by Section 448.08.6.ii of this Resolution.

11) Open Space. A minimum of twenty percent (20%) of the total BPOD acreage shall remain and be utilized as Open Space. Open Space shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open Space features may include, but are not limited to cart paths, bike paths, walking paths, forested and landscaped areas not included in a yard requirement, water impoundments and similar features. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding. The responsibility for the maintenance of all Open Space shall be specified by the applicant in writing within the Development Plan. Open Space shall be owned by a Homeowners Association, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted.

12) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located at the rear of the dwelling or at the side of the dwelling if the side is not oriented towards an existing or planned right-of-way(s), and must be enclosed on three (3) sides with either a masonry enclosure or wood fencing at a minimum of five (5) feet in height.

13) Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping.

14) Stormwater Basins. All stormwater basins shall be owned and maintained by a Homeowners Association. All wet stormwater basins shall include aeration devices. All dry stormwater basins shall be landscaped appropriately as determined by the Zoning Commission. Bioretention basins, or rain gardens, may be used only when approved by the Zoning Commission as part of the Development Plan. All stormwater basins shall be constructed per the requirements of the Ohio Department of Natural Resources Rainwater and Land Development Handbook and any applicable standards adopted by the Franklin County Engineer.

15) Supplemental Conditions and Safeguards. The Zoning Commission may impose additional conditions relating to the Development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

16) Other Requirements. Unless specifically included or modified under this Section 448 or those standards approved by divergence, the general development standards found in Article V of the Zoning Resolution shall apply.

SECTION 450 (HPOD) HENDERSON PLANNED OVERLAY DISTRICT

450.01 Nature of the District

The HPOD is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of residential development. The HPOD achieves this purpose by permitting flexibility of design in order to promote and accommodate efficient use of the land, thereby allowing for a unified development that:

- 1) Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- 2) Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- 3) Assures compatibility between proposed land uses within and around the HPOD through appropriate development controls.

- 4) Enhances the welfare and economy of the Township by making available a variety of housing options for the Township residents.

450.02 Overlay Area Established

The HPOD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones to the HPOD the area shown on the HPOD Overlay Zoning District Map, which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official Zoning District Map for the HPOD as part of this amendment. The existing zoning regulations and district for such area shall continue to apply to all property within the HPOD unless the Zoning Commission approves an Application of an owner of property to subject the owner's property to the provisions of the HPOD. Such an Application shall be made in accordance with the provisions of Section 450.06 of the Zoning Resolution and shall include a Development Plan in compliance with the provisions of Section 450.06.3. Upon receiving such an Application and Development Plan, if the Township Zoning Commission determines that the Application and Development Plan comply with the provisions of this Section 450 and approves the Application, the Township Zoning Commission shall cause the zoning map to be changed so that the underlying zoning district no longer applies to such property, with the property being thenceforth located in the HPOD and subject to the regulations thereunder. The approval of the Application and Development Plan and the removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment to the Zoning Resolution.

450.03 Permitted Uses

- 1) The following are permitted uses within the HPOD when approved by the Development Plan process in strict compliance with the approved Development Plan and standards, provided that each such use is listed as a permitted use in this Section and is specifically set forth in the Development Plan:
 - a. Single Family Dwelling Structures
- 2) Home Occupations: Limited Home Occupations are permissible to the extent they comply with all requirements and limitations as set forth in Article V, Section 511 of the Zoning Resolution. Expanded Home Occupations may be identified as conditional uses in association with a permitted dwelling in the Development Plan, and in accordance with the provisions of Article V, Section 511 of the Zoning Resolution.
- 3) Temporary Structures. Temporary structures such as manufactured/mobile home offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for six months (6 mos.) and may be renewed not more than two times without the approval of an additional extension by the Zoning Commission. 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 the Zoning Inspector deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.

450.04 Accessory Uses, Buildings and Structures

Accessory uses, as defined in Article V, Section 512 of the Zoning Resolution, may be permitted only when customary with and incidental or subordinate to and in association with a principal permitted use, and further provided that such accessory uses are specifically set forth in the Development Plan and approved as accessory uses by the Township. No accessory structures shall be permitted in the HPOD. Notwithstanding the foregoing, covered and uncovered patios, fire pits, and permanent grills shall be permissible.

Accessory uses other than those authorized in Section 450.03.2 may be located in a separate accessory structure which is subordinate to the principal structure, provided that the accessory structure is architecturally compatible with and operationally integrated into the development.

450.05 Prohibited Uses

Uses not specifically authorized by the express terms of this Section of the Zoning Resolution shall be prohibited.

450.06 Process for Approval

All Applications to submit property to the HPOD regulations shall follow the procedures hereinafter set forth:

- 1) Pre-Application Meeting. The applicant is encouraged to engage in informal consultations with staff from the Township prior to formal submission of an Application for approval of a Development Plan. No statement or action by Township, County officials or other governmental agencies in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Revised Code) is required to be observed at pre-Application meetings involving a quorum of members of the Township Zoning Commission.
- 2) Application and Development Plan. The applicant shall prepare and submit ten copies of an Application and Development Plan, along with an electronic copy and all applicable fees to the Township Zoning Commission. The Application shall be signed by the Applicant and all owners of property included in the Application and Development Plan. The Township Zoning Commission may request that any Federal, State and/or County agency submit comments for consideration at the meeting.

The Application shall be accompanied by a Development Plan and the following supporting information and documentation in text and map form:

- a. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- b. A grading plan drawn to scale, showing all information pertaining to surface drainage.

- c. A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliper, height, and numbers of each plant, shrub or tree, its name, its size at planting and rendering(s) of how that section of the development would look in elevation.
 - d. A detailed Signage and Exterior Lighting Plan, if applicable.
 - e. A detailed Parking and Loading Plan, if applicable.
 - f. Site Plan (Development Plan).
 - g. Tree Preservation Plan, which shall include a depiction of the Development Plan overlaid on the HPOD's existing conditions with indications of which trees on the site will be removed or preserved.
- 3) Site Plan Contents. The Development Plan shall be drawn to a scale of at least one inch (1 in.) equals forty feet (40 ft.) and shall include in text and map form the following:
- a. Proposed name of the development and its location.
 - b. Names and addresses of applicant, owners and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from and to all property owners within two hundred (200 ft.) feet of the area proposed for HPOD approval shall be provided. These shall be supplied by Applicant in electronic form.
 - c. Date, north arrow and Plan scale. Scale shall be at least one inch equals 40 feet or larger scale.
 - d. A list, description and location of the precise uses proposed for the development and phases for construction, if any. Listed uses for proposed Single Family Dwelling Structure(s) shall be generically requested and described, unless otherwise required in this Section 450.06. Any listed use may be limited to specific areas delineated in the Development Plan. If the proposed timetable for development includes developing the property in phases, all phases to be developed after the first phase shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
 - e. Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public Open Spaces, permanent structures, and section and corporation lines within or immediately adjacent to the tract.
 - f. Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.
 - g. The adjoining lines of adjacent tracts, parcels or lots and the current zoning classifications which apply thereto
 - h. Existing zoning restrictions and deed restrictions, if any.

- i. Existing ground configuration, drainage channels, wooded areas, watercourses, wetlands and other significant physical features.
- j. Layout of proposed streets, private or public, including their names and rights of way, permitted parking areas, easements, sewers, water lines, culverts and other major improvements. A fire truck auto turn analysis for new private roads shall be provided.
- k. Layout, numbering and dimensions of lots if more than one. Individual condo unit layouts and numbers shall be provided, when applicable.
- l. Layout, location, dimensions and architectural features of proposed structures.
- m. The total amount of Lot Coverage, as that term is defined in Article VII, Section 720, proposed by the Application and Development Plan.
- n. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.
- o. Building setback lines with dimensions.
- p. Proposed street grades, sewer size and slope.
- q. Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.
- r. Preliminary drawings for buildings to be constructed, including floor plans, exterior elevations and sections .
- s. Color rendering of buildings(s), complete with a listing of all colors, along with the manufacturer's reference/serial number with samples and materials to be used.
- t. Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.
- u. Projected schedule of site development.
- v. Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, storage areas, and trash containers from view.
- w. Accommodations and access for emergency and fire-fighting apparatus.
- x. Detailed construction traffic routes and access to the site. The Applicant shall be responsible for the repair of any damage caused to public streets or private roads during construction and may be required by the Zoning Commission to post an appropriate bond to cover such costs.
- y. Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.

- z. The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user .
 - aa. The applicant may request a divergence from the development standards set forth in Section 450. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Section 450.08 and the General Development Standards applicable to all zoning districts, as set forth in the Zoning Resolution.
 - bb. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
 - cc. Other supplemental information, as may be reasonably required by the Township Zoning Commission, in order to determine compliance with the Zoning Resolution.
 - dd. The Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.
- 4) Zoning Commission Action. After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within a reasonable time after the filing of the complete Application and shall give the applicant and all owners of property within, contiguous to, and directly across the street and to all property owners within two hundred (200 ft.) feet from the property boundary proposed for development written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.
 - 5) Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:
 - a. If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of the Zoning Resolution and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
 - b. If the proposed plan meets all of the design features required in the Zoning Resolution.
 - c. If the proposed development is compatible with the existing land use character, consistent with the intent and purpose of this Section 450.01 and other applicable public plans for the area.
 - d. If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.

- e. If the proposed development promotes innovation in the planning and building of all types of development.
- f. If the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
- g. If the proposed development is designed in such a way as to minimize any unreasonable adverse impact on surrounding areas of the Township.

In approving the Application and Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions deemed necessary in order to carry out the purpose and intent of the HPOD.

6) Effect of Approval.

- a. The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Development Plan approval pursuant to this POD is a ministerial act and shall not be considered a rezoning amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may be appealed pursuant to Chapter 2506 of the Revised Code.
- b. The approval of the Development Plan shall be effective for a period of five years (5 yrs.) (or for such other time period as may be approved as part of the Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Zoning Commission approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, the subject parcel(s) shall remain zoned HPOD, but no use shall be established or changed and no building, structure or improvement shall be constructed until an Application for a new Development Plan, accompanied by a new Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.
- c. No zoning certificate shall be issued for any structure in any portion of a HPOD for which a plat is required by the Franklin County Planning Commission unless the final subdivision plat for that portion has been approved by the applicable platting authorities and recorded with the Franklin County Recorder in accordance with the approved Development Plan and with the Subdivision Regulations of Franklin County, Ohio.

- d. An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the recordation of the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted and at the discretion of the Zoning Commission. A request for extension shall be filed prior to the expiration of the established approval period.
- e. The approval process for the Development Plan requires a public hearing(s) before the Zoning Commission in accordance with Section 450.06.04, hereof. Following the approval of the Development Plan, proposed variations from the approved Development Plan that involve only one (1) lot shall be considered by the Board of Zoning Appeals under its hearing process pursuant to Article VIII of the Zoning Resolution. All other modifications to the Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 450.06.4, hereof.
- f. The Zoning Commission may, at a duly held hearing, modify the approved Development Plan without being subject to the same procedures as the original Application. Any approval may be with such conditions or modifications as the Zoning Commission may determine. The applicant and all owners of property within, contiguous to, and directly across the street from the area proposed for modification shall be given at least ten (10) days' prior notice of the hearing by regular first class mail. The notice shall be mailed to the addresses of those owners as they appear on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the request. The request for modification may be approved upon a showing of a compelling reason and necessity for the same and upon a showing that the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Development Plan, and that such modification is administrative in nature and not in conflict with the intent and purpose of the HPOD. The Zoning Commission shall render a decision on the request within thirty (30) days after the conclusion of the hearing

7) Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Perry Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as attorneys, architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related Application materials. As soon as reasonably practicable following the submission of an Application for approval of a Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the Application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will

be incurred in the Township's review of the Application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals. Upon request, the Township shall provide the applicant with an itemized copy of any consultant(s) bill paid for in accordance with this Section 450.06.7. Notwithstanding the foregoing, bills for legal services shall only disclose the costs incurred and narrative descriptions shall not be disclosed, in that these are privileged communications and protected from disclosure under attorney-client privilege.

450.07 Design Standards

The proposed development for areas within the HPOD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section 450.07, as written and/or as they are modified in this Section to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section 450.07. The Development Plan shall comply with the following design standards:

1. Access. If approved by the applicable controlling jurisdiction, any HPOD development shall have direct access to Henderson Road from a private road of sufficient capacity to accommodate traffic generated by the proposed development. Unless otherwise approved by an approved Development Plan and the relevant provider of fire and emergency medical services, emergency vehicular connectivity shall be provided. Additional right-of-way for Henderson Road shall be dedicated by the developer/property owner to the relevant governmental authority as required in order to commence development within the HPOD.
2. Setbacks and Yard Areas. The location and arrangements of buildings and structures within the HPOD shall be configured in a manner to appropriately balance Open Spaces and developed areas to provide safe separation between buildings and uses and to ensure convenient access within the area. Any development within the HPOD should be designed to provide additional housing and to protect and enhance housing and property values for the Township and the surrounding area. Property within the HPOD is located in two separate real property taxing districts, and therefore a combination of parcels is not legally permissible or possible. There shall be a zero setback requirement for pavement and buildings from the tax parcel boundary line that exists as a result of this condition.
3. Single Family Dwelling Density. The density of all proposed single family dwelling units in the HPOD shall be subject to the requirements and limitations of Section 450.08.
4. Perimeter Area. Screening shall be provided along the western, northern and eastern perimeter boundaries of the HPOD using some combination of fencing, mounding, trees, and other plantings that provide a minimum of 75% opacity year- round along those boundary lines behind homes in the HPOD. Structures shall be located no less than fifteen feet (15 ft.) from adjacent

property along the western and northern perimeter boundaries of the HPOD, and no less than twenty feet (20 ft.) from the eastern boundary. When located contiguous to any other use, no single family dwelling unit shall be constructed within ten feet (10 ft.) of the property line. There shall be a minimum building and pavement setback of 25 feet as measured from the Henderson Road right-of-way, after any required dedications of right-of-way are made to the relevant governmental authority as result of development within the HPOD.

5. Buildings. The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development. No structure shall be located less than ten feet (10 ft.) from another structure. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize environmental impacts. Buildings and structures shall be designed to enhance both areas within the development and surrounding areas, giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.
6. Building Size. Buildings may contain such area of floor space as is approved in the Development Plan and subject to the following limitations:
 - a. Single Family Dwelling structures shall be no less than two thousand (2,000) square feet above grade per dwelling unit.
 - b. For purposes hereof, the term "above grade" shall mean any finished portion of the structure above the lowest point of grade adjacent to the house, so long as (a) any level below grade must have at least one (1) side exposed at grade; (b) natural light with windows and doors at such level shall be similar to the windows and doors in the remainder of the finished portion of the structure; (c) shall have the same interior trim as the balance of the finished portion of the structure; (d) shall have the same method of integrated heating and cooling as the balance of the home; (e) shall have at least one (1) full access point of similar quality to the other access points in the rest of the home; and (f) shall be integrated into the balance of the home (i.e., not just connected with an enclosed staircase) .
- 7) Lighting. Exterior building lot lighting, if applicable, including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan and pursuant to the additional standards set forth under Section 450.08.7.
- 8) Signage. All signs and graphics within any HPOD development shall be compatible in size, location, material, height, shape, color, and illumination within such area. A Signage Plan for any development within the HPOD shall set forth the design parameters for the development project to ensure a constant and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of the ground and/or monument sign as well as distances from rights-of-way. The sign should contribute to an overall cohesive design,

reflect simplicity, and avoid visual clutter. All signs shall comply with the additional standards as set forth in Section 450.08.8.

- 9) Landscaping. All yards (front, side and rear) and all Open Space not covered by structure, asphalt and the like shall be landscaped or managed as natural growth areas. A conceptual landscape plan shall be presented for review and approval in conjunction with the initial application of the HPOD to the site. A detailed Landscape Plan shall accompany and be submitted with the Development Plan, shall be subject to approval as part of the Development Plan and shall be generally consistent with the approved conceptual plan. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained, or kept and maintained in a natural state, in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The Landscape Plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. Where appropriate and as identified in any Development Plan, the landscape treatment proposed to be provided shall enhance architectural features, provide shade and strengthen vistas and serve as an important axis between the development and other locations. The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent residential uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used. All landscaping shall comply with the additional standards as set forth in Section 450.08.9.
- 10) Floodplains and Environmentally Sensitive Areas. Floodplains shall be protected from building or pavement encroachment. A riparian buffer shall be provided for stream beds along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width of not less than fifty feet (50 ft.) as measured from the river, creek or stream high water mark on both sides. The buffer area shall have a width of not less than twenty-five feet (25 ft.) as measured from any watercourse high water mark on both sides. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area shall have a width not less than twenty-five feet (25 ft.), measured from the edge of the designated wetland. The buffer area shall not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable. In addition, all such other requirements of any governmental agency must be complied with.
- 11) Utilities. Centralized water supply and sanitary sewage disposal systems and storm water management shall be provided, subject to the Franklin County Sanitary Engineer, Franklin

County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines shall be located underground.

- 12) Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against 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.
- 13) Air Pollution. No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- 14) 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.
- 15) 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.
- 16) 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 discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.
- 17) 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 Ohio Environmental Protection Agency shall be adhered to.

450.08 Minimum Development Standards

The Development Plan shall comply with the following development standards:

- 1) Tract Size. The gross area of a tract of land proposed to be developed in the HPOD shall consist of a minimum of two (2) acres exclusive of right-of-way. Lots shall not be required or provided, as individual homes will be subject to a condominium form of ownership, and open space and other areas shall be common areas with the condominium.
- 2) Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.
- 3) Single Family Density. A maximum of 25 single-family homes shall be permitted within the HPO and shall be designed to be compatible with surrounding land uses.
- 4) Setbacks and Yard Areas for Single Family Development.

- a. Frontage and Lot Widths. Lots shall front upon and/or have access to an improved private road that is maintained by a condominium owners' association. Private road frontage shall be no less than twelve feet (12 ft.), unless such lots are "pie-shaped" and otherwise meet lot standards and yard requirements, in which case less than ten feet (10 ft.) frontage is permissible.
- b. Minimum Building Separation. No principal or accessory structure shall be located closer than ten feet (10 ft.) to another principal structure.
- c. Minimum Rear Yard Per Tract. A rear yard of at least fifteen feet (15 ft.) shall be provided for principal structures, from the western and northern perimeter boundaries of the HPOD, and a rear yard of at least twenty feet (20 ft.) shall be provided for principal structures from the eastern perimeter boundary.
- d. Additional Setback. No building or structure shall be located closer than eight feet (8 ft.) to a private road. There shall also be a clear strip of land located no closer than eight feet (8 ft.) to the right-of-way upon which no building, structure, sign or any other improvement shall be erected with the exception of the following:
 - i. Driveways for ingress and egress and parking of vehicles.
 - ii. Signs not over four square feet (4 sq. ft.) for direction of traffic only.
 - iii. Plantings no higher than three feet (3 ft.) above road grade.
 - iv. Trees, except that branches shall not interfere with the paved portion of the road and shall be trimmed to a height of fifteen feet (15 ft.) from the ground.
 - v. Utility easements for the erection of public utility poles, hydrants and similar items.
 - vi. Sidewalks.
 - vii. Bike Paths.
 - viii. Patios not exceeding ground level elevation, plus or minus eight inches (8 in.).

5) Buildings.

- a. Maximum Tract Coverage. The ground area occupied by all the buildings, structures, sidewalks and all other impervious surfaces shall not exceed in the aggregate sixty-five percent (65%) of the total area of the tract.
- b. Building Height.
 - i. Single Family Dwellings. Single Family dwelling units shall not exceed two (2) stories as measured from the elevation of the paved road in front of the structure, and shall not exceed thirty-eight feet (35 ft.) in height as measured from the elevation of the paved road in front of the structure. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements and design

enhancements may exceed these height limitations by no more than eight feet (8 ft.).

- ii. All Other Principal Structures. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements shall not exceed the height limitation in b.i. above.
 - c. Building Dimensions. Buildings may contain such floor area as is approved in the Development Plan and in accordance with Section 450.07.6.
 - d. The use of environmentally conscious construction standards, such as the use of Leadership in Energy & Environmental Design (LEED) standards, on structures built in the HPOD is encouraged by the Township, but not required.
- 6) Architectural Standards. Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same design elements on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall apply to structures for:
- a. Single Family Dwellings
 - i. Design Elements. The architectural style and design of single family dwellings shall create harmony throughout the area in which they are built, but should not limit the creativity of the architect, landscape architect and developer. All materials used to construct buildings within the HPOD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by Section 450.08.6.ii. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the HPOD by this Article IV and the surrounding Henderson area.
 - ii. Materials. The exterior elevations of all proposed buildings shall utilize any or any combination of all of the following natural materials:
 - 1. Wood;
 - 2. Brick or brick veneer;
 - 3. Native or cultured stone;
 - 4. Stucco;
 - 5. Cementitious siding (such as HardiPlank or similar) and/or composite siding (such as SmartSide or similar);
 - 6. Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.

7. The above material requirements shall not be applicable to vinyl soffits, fascia windows, downspouts, gutters, window glazing and reveals, as well as hardware and similar accents.
- iii. Facade Appearance. A building wall for all proposed single-family dwellings within the HPOD that exceeds a width of twelve feet (12 ft.) in a single plane shall incorporate sectioning and design elements that offset the wall plane to inhibit a large expanse of blank wall and add interest to the facade. Such design elements shall include:
 1. A door measuring at least twenty square feet (20 sq. ft.) in area;
 2. A window of at least six square feet (6 sq. ft.) in area. Windows closer than three feet (3 ft.) shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
 3. A gabled vent of at least four square feet (4 sq. ft.) in area;
 4. Porches, decks, or similar structures that create the illusion of a porch, deck, or window balcony; or
 5. A similar significant permanent architectural feature consistent with the style of the building upon approval of the Zoning Commission, as applicable;
 6. Roofing. All roofs shall be pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.
- 7) Exterior Lighting. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. The Exterior Lighting Plan is subject to Article V, Section 527 of the Zoning Resolution and the following requirements:
 - a. All external lighting shall be decorative or cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth foot candles (0.1 fc) when adjacent to a residential zoning district or an existing residential use.
 - b. All landscape upright fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.
 - c. No permanent colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.

- 8) Signage. A detailed Signage Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Graphics and Signage in the HPOD shall conform to Article V, Section 541 of the Zoning Resolution or as approved by the Zoning Commission.
- 9) Landscaping. A conceptual landscape plan shall be presented for review and approval in conjunction with the initial application of the HPOD to the site. A detailed Landscape Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All yard areas and Open Spaces shall be landscaped in accordance with the approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:
- a. Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas; provided, however, that all front yards shall have sod and seed shall only be allowed in other areas where the lot is served by an irrigation system. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept sodded and maintained in such a manner as to prevent erosion of the property and excess drainage.
 - b. Plants. All plants shall meet or exceed the then current version of the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.
 - c. Maintenance. All trees and landscaping shall be well maintained by a Condominium Owners' Association, or by a similar entity. Dead trees, shrubs and other landscaping material shall be promptly removed and shall be replaced within six months (6 mos.) or the next planting season, whichever is sooner. The condominium documents may provide that limited landscaped areas around each home shall be maintained by the occupant.
 - d. Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees, recognizing the need for foundation and underground utility placement. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 10) Traffic Circulation, Parking and Loading. A Traffic Circulation and Parking Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Parking on a private street shall be permitted only where designated on the approved Development Plan. Where such parking is not permitted, "no parking" signs shall be appropriately placed and shall be maintained by the condominium association. In preparing the Parking and Loading Plan, all parking and loading areas shall conform with Article V, Section 531 of the Zoning Resolution and the following provisions:
- a. Minimum Parking Space Requirements. All parking spaces shall be not less than nine feet (9 ft.) wide and eighteen feet (18 ft.) long.

- b. Common Parking Location. No common or shared parking area shall be located closer than twelve feet (12 ft.) to any principal residential structure.
 - c. Driveways. Driveways shall be set back no less than no less than three feet (3 ft.) from side and rear property lines. Location of Driveways that connect to a public road shall be reviewed and approved by the appropriate governing agency .
 - d. Minimum Number of Parking Spaces Required . For single-family dwelling units, a minimum of three (3) parking spaces for each dwelling unit is required. This may include both garage and driveway parking, provided that each garage shall have space to park at least two automobiles.
 - e. Private Road Construction. No certificate of zoning compliance shall be issued in the HPOD until the private road has had an asphalt binder installed.
 - f. Loading Areas. All loading areas shall be screened from view by landscape planting (which provides one hundred percent (100%) opacity), or walls and fences at least six (6), but not more than twelve (12), feet in height. All walls and fences used for screening shall be constructed of materials permitted by Section 448.08.6.ii of this Resolution.
- 11) Open Space. A minimum of twenty percent (20%) of the total HPOD acreage shall remain and be utilized as Open Space. Open Space shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open Space features may include, but are not limited to forested and landscaped areas not included in a yard requirement, water impoundments and similar features. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.

The responsibility for the maintenance of all Open Space shall be specified by the applicant in writing within the Development Plan. Open Space shall be owned by a Condominium Owners' Association, or by a similar entity, or may remain in private ownership if appropriately restricted.

- 12) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located either inside of garages, at the rear of the dwelling or at the side of the dwelling if the side is not oriented towards an existing or planned rights-of-way or private roads. Trash and garbage receptacles, when placed outside of the garage, shall be screened so that they are not visible from Henderson Road, the private road, or from adjacent homes
- 13) Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping.
- 14) Stormwater Basins. All stormwater basins shall be owned and maintained by a Homeowners Association. All wet stormwater basins shall include aeration devices. All dry stormwater basins shall be landscaped appropriately as determined by the Zoning Commission. Bioretention basins, or rain gardens, may be used only when approved by the Zoning Commission as part of the Development Plan. All stormwater basins shall be constructed per the requirements of the

Ohio Department of Natural Resources Rainwater and Land Development Handbook and any applicable standards adopted by the Franklin County Engineer.

- 15) Supplemental Conditions and Safeguards. The Zoning Commission may impose additional conditions relating to the Development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.
- 16) Other Requirements. Unless specifically included or modified under this Section 450 or those standards approved by divergence, the general development standards found in Article V of the Zoning Resolution shall apply.

ARTICLE V GENERAL DEVELOPMENT STANDARDS

SECTION 500 GENERAL DEVELOPMENT STANDARDS ADOPTED

500.01 GENERAL REGULATION OF THE ARRANGEMENT AND DEVELOPMENT OF LAND AND STRUCTURES. Standards pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning Districts adopted in ARTICLE II are hereby established and adopted as supplementary to the District Regulations of ARTICLE III and ARTICLE IV.

SECTION 502 LOT AND YARD SPACE REQUIREMENTS

502.01 PLATTING REQUIRED. No use shall be established or altered, and no structure shall be constructed or altered except upon a lot that has been platted in accordance with, or which otherwise meets the requirements of the **Subdivision Regulations for Franklin County, Ohio**.

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

502.02 LOT AREA AND YARD SPACE PRESERVED. The lot area and yard space required for a use or structure shall be maintained during its life and shall not be reduced below the minimum requirement, occupied by another use or structure, or counted as yard space for any other use or structure. For lots in the, NC, , , , PCD, , and PID districts, no lot shall have constructed thereon building and off-street parking lot coverage (excluding access drives to the parking lot) exceeding eighty percent (80%) of the lot. The portion of the lot outside the building, parking and access drive(s) as permitted shall be continuously maintained with natural landscaping materials designed to enhance the appearance of the lot as viewed from the public right-of-way and to provide screening and buffering between lots.

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

- 1) Fences, walls, and landscaping as permitted in Sections 502.03 through 502.032, inclusive.
- 2) Eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet.

- 3) Open and uncovered porches may project beyond the front building line or into a required rear yard a distance not to exceed five (5) feet.
- 4) Driveways shall be permitted in required yards, but shall be three (3) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.

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

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

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

502.03 Regulations – Fences, Walls, and Hedges. No fence, wall or hedge shall be erected without the issuance of a Certificate of Zoning Compliance. Applications for such permit shall include plans and drawings showing the actual and accurate shape and dimensions of the property upon which the fence, wall or hedge is to be erected; the exact height, location, length, type of material and type of construction of such proposed fence; the location of the buildings on the lot; or any such other information as deemed necessary for such permit.

- 1) No fence, wall, sprinkler system, or hedge or other landscaping plantings or materials shall be located within any easement, floodplain, floodway, drainage easement, or apparent drainage course for any parcel or subdivision which would be detrimental to the public health safety and welfare. Any improvement or planting located within any easement, floodplain, floodway, drainage easement, or apparent drainage course that is removed or damaged in connection with governmental or utility work performed in or around the area shall be repaired, replaced, or removed, as appropriate, at the owner's cost.
- 2) No fence, wall, sprinkler system, or hedge or landscape plantings or materials shall be located in any public right of way. No fence, wall or hedge or landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets. In addition, no fence, wall, hedge, plantings or landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components. Any improvement or planting located within any public right-of-way or line of sight, or around any hydrant, address numbering, or emergency service equipment, controls or components, that is removed or damaged in connection with governmental or utility work performed in or around the area shall be repaired, replaced, or removed, as appropriate, at the owner's cost.

- 3) The height of a fence, wall, or hedge shall be measured from the established grade line to the highest point of the fence including fence posts and finials. Any light fixture placed on a pier or post may not exceed a height of one (1) foot. The height may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations.
- 4) All fences and walls shall be structurally sound, safe, and properly finished at all times. Fences shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence. Ground areas between fences and property lines and between fences shall be kept properly maintained at all times.
- 5) Setback and height requirements of Section 502.03 shall apply to all public street frontages.
- 6) No fence, wall or hedge shall be more than six (6) feet in height. Fences, walls and hedges shall not be located between the principal structure and a street with exceptions for the following:
 - a) Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes may be located in front and/or to the side of the principal structure, provided such decorative and/or landscaping fences, walls or hedges shall not exceed thirty-six (36) inches in height and shall not protrude more than fifteen (15) feet from the front of the principal structure.
 - b) Fencing as required in SECTION 521, SCREENING BY STRUCTURE OR LANDSCAPING REQUIRED.
 - c) Fencing is in accordance with an approved Development Plan of a Planned Development District.
- 7) Electric or invisible underground pet fences shall not be located in any easement or public right-of-way, and shall not be located closer than ten (10) feet to the street curb.

502.031 Permitted Fencing. The following fence types shall be permitted in required yards as follows:

- 1) Open fences, partially open fences, and hedges are permitted in any required yard, or along the edge of any yard.
- 2) Solid fences shall be permitted in all zoning districts and not forward of any front corner of the primary structure. In the case of a corner lot, "front corner" shall mean all corners that face the road.

502.032 Prohibited Fencing. The following fences shall not be permitted in any zoning district or yard:

- 1) Fences, walls or other landscaping equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock shall be prohibited. In addition, chicken wire, poultry wire or hex netting fence consisting of a

galvanized or PVC coated material shall be prohibited. This section shall not be construed or applied to prohibit underground invisible fences installed for the purpose of confining pets to property.

- 2) Open chain link fences except those associated with PID districts and approved tennis courts.
- 3) Any provision to the contrary notwithstanding, open chain link fences are prohibited on property adjacent to property zoned for residential use.

502.033 Corner Lots and Double-Frontage Lots. In the event a property is situated adjacent to two (2) or more streets, the following shall apply:

- a) Setback and height requirements of Sections 502.03 to 502.031 shall apply to all streets.

502.034 Additional Standards.

- 1) Permitted Materials
 - a) Aluminum, wood or other natural material, in natural colors that are harmonious with the other structures on the property.
 - b) Vinyl clad, plastic or PVC (poly vinyl chloride) fences in colors black or green only when used in conjunction with a split rail fence.

SECTION 503 MINIMUM FLOOR AREA AND STRUCTURAL HEIGHT LIMITATIONS

No single-family dwelling shall have a gross floor area of less than 1,500 square feet. No two-family dwelling shall have a gross floor area of less than 1,200 square feet per dwelling unit. No multiple family dwelling shall have a gross floor area of less than 800 square feet per dwelling unit.

No principal structure shall exceed thirty-five (35) feet in height, except that the Perry Township Board of Zoning Appeals may approve a Conditional Use Permit for a structure exceeding thirty-five (35) feet, provided the procedures and requirements of section 815 of this Resolution are met and such Conditional Use does not unreasonably interfere with the enjoyment of the adjacent property.

SECTION 504 BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY

504.01 BUILDING LINES ESTABLISHED. Along every street right-of-way a building line shall be established from the centerline of that right-of-way a distance equal to the width of the existing right-of-way or the width of the right-of-way proposed in the Metropolitan Transportation Plan as adopted by the Mid-Ohio Regional Planning Commission on July 1, 2020, and as amended from time to time, whichever right-of-way is greater. However, where a property adjoins a limited access right-of-way, a building line shall be established in accordance with the applicable side and rear yard requirements or fifteen (15) feet, whichever is greater. Where property adjoins a limited access right-of-way, accessory

structures may be permitted within the established building line on the condition that a setback of not less than five (5) feet from the property line is provided.

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

504.012 Parking Setback. Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to thirty percent (30%) of the required setback distance. The establishment of a reduced setback in accordance with 504.014 shall not alter the parking setback requirements of this section and Section 504.01 and 504.011.

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

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

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

SECTION 506 ASSIGNED YARDS FOR ARRANGEMENT OF STRUCTURES

506.01 ASSIGNED YARD METHOD. As an alternative method of determining the minimum requirement of yard space for the arrangement of two or more structures on the same lot or the arrangement of structures on separate lots of the same ownership or with agreement between owners, the following requirements may be used.

506.011 Determination of Assigned Yards. The assigned yard (typically diamond shaped) shall be that area bounded by lines passing through points that are located by the following procedure:

- 1) The outline of the structure shall be a quadrangle described by lines established by the projection of the outermost faces of the structure.
- 2) The height measurement shall be determined as defined in SECTION 702, ARTICLE VII.

If a wing, bay or other section of the structure is twenty-five percent (25%) or less of the linear dimension of a projected face or is of ten (10) feet or more difference in height, than a quadrangle and/or height as determined above may be described separately. If a face of the structure is other

than straight, then the projection of such a face shall be a line through the outermost point of the face and that is either perpendicular parallel to the projection of the structure's front face.

- 3) The points shall be established on a perpendicular bisector of each side of the quadrangle at a distance from such side equal to the sum of the length of the side and the height of the structure divided by two (2).

SECTION 508 TEMPORARY USES, SALES

508.01 Temporary Uses, Sales, Purpose. Because of the special characteristics and needs of temporary uses, special standards to properly locate and control the activities of temporary uses and/or sales are necessary in order to secure the health, safety and morals of the community. An application for a Temporary Permit shall be filed at least ten (10) days prior to the commencement of the proposed temporary use or sale. No temporary use or sale shall commence until a Temporary Permit shall have been issued by the Township Zoning Inspector.

Except as provided in 1) and 2) of Section 508.06, the provisions of Section 508 shall not apply to a sale of property publicized solely by classified newspaper advertising, which is limited to describing or identifying the specific property offered for sale and does not designate the date, hours or location of the sale other than by stating the name, address or telephone number of the seller.

508.02 TEMPORARY USE/SALE PERMIT. Each application for a Temporary Use Permit shall contain a graphic description of the property to be utilized, a description of the proposed use, and excepting temporary uses and/or sales listed in Section - 508.06 (1), (2), (3) and (7), a site plan in triplicate, drawn to scale, which illustrates the following:

Submission Requirements for Temporary Use Permit:

- 1) The actual dimensions of the lot, including easements.
- 2) The exact size, location, and height of all existing and proposed buildings and structures, whether principal or accessory, on the lot.
- 3) The existing and intended use of all parts of the land and buildings and structures, whether principal or accessory.
- 4) Existing zoning on the lot in question and on all adjacent lots.
- 5) Existing and/or proposed parking spaces, traffic flow, wheel stops, access drives, building and parking setbacks, yard requirements, and existing and proposed sanitary facilities.
- 6) Existing and proposed signs and billboards, including lighting and size detail.
- 7) Such other information with regard to the temporary use, lot, and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.
- 8) Shall indicate a time period requested for the temporary structure(s) to be in place, if applicable.

508.03 FEES. When making an application for a Temporary Use/Sale Permit, the investigation and compliance fees shall be paid in accordance with the Schedule of Fees Resolution as may from time to time, be adopted by the Board of Perry Township Trustees.

508.04 ISSUANCE OF PERMITS. Temporary Use/Sale Permits shall be issued or refusal thereof given within Ten (10) days of the completed application and fee. Written notice of such refusal and reason thereof shall be given to the applicant.

508.05 PROHIBITED TEMPORARY USES. Temporary retail sales conducted on parking lots, vacant lots, or along roadsides by transient vendors shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

508.06 PERMITTED TEMPORARY USES. The following temporary use and/or sales are deemed to be permitted temporary uses or sales and are subject to the following requirements in addition to applicable development standards of the district in which the use is located:

- 1) **Garage or Yard Sales:** shall be limited to not more than two (2) consecutive days and only two (2) such sales may be conducted during any one (1) calendar year. Garage or yard sales involving the complete liquidation of all personal property located within the entire dwelling unit shall be limited to not more than two (2) consecutive days and only one (1) such sale may be conducted by the owner or occupant of such dwelling unit. The term " Garage or Yard Sales " shall be defined as a sale of personal property to the general public conducted inside or outside a dwelling unit on any property within a residential zoning district, including, but not limited to, garage sales, patio sales, yard sales, porch sales, tag sales, liquidation sales and other similar types of sales. A garage or yard sales does not include the casual sale of motor vehicles, boats, trailers, motorcycles, motor homes, and other similar types of vehicles, which sales shall be regulated in accordance with the provisions of Section 508.08. In addition, the following regulations shall apply to garage or yard sales:
 - a) No garage or yard sales shall be conducted within a temporary accessory structure or vehicle including but not limited to tents, canopies, sheds, trailers and similar types of structures and vehicles.
 - b) Garage or yard sales shall not be conducted on consecutive weekends.
 - c) No garage or yard sales shall commence before the hour of 8:00 a.m. nor extend later than 7:00 p.m.
 - d) Personal property offered for sale shall not be displayed closer than twenty five (25) feet of a street.
 - e) Signs for garage and yard sales must adhere to Section 541 of this Zoning Resolution.
 - f) The Zoning Inspector may require the review of any garage or yard sales Temporary Permit application by the Township Police and/or Fire Department. In the event that the Chief of either department requires that temporary, no parking restrictions be

implemented on any public street in order to protect the health and safety of the citizens of Perry Township, the applicant for a Temporary Use permit shall cooperate to the extent necessary for the posting of such restrictions.

- g) No garage or yard sales conducted within a dwelling unit shall occupy more than 200 square feet of such dwelling unit unless such sale involves the complete liquidation of all personal property located within the entire dwelling unit.
- h) No person shall sell or offer for sale at such garage or yard sales any merchandise that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be prima-facie evidence that such merchandise was acquired for purposes of resale. No person shall sell or offer for sale at such home sale any personal property except such property that has been owned, maintained and used for personal household use by such person or members of his family on or in connection with the premises on which such sale is held.

2) **Casual Sales of Motorcycles and Motor Vehicles, Excluding Boats, Trailers, Motor Homes and Other Similar Vehicles:** A casual sale of a motor vehicle or motorcycle may be conducted on any property in a residential or planned residential zoning district provided the following criteria are met:

- a) No person shall sell or offer for sale any such vehicle that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of a new vehicle for sale shall be prima facie evidence that such vehicle was acquired for purposes of resale.
- b) No person shall sell or offer to sell any such vehicles, except such vehicles as have been owned, maintained and used for personal household use by such person or members of his/her family on or in connection with the premises on which the vehicle is being sold.
- c) No more than three (3) such vehicles may be sold or offered for sale in any one (1) calendar year.
- d) No more than one (1) such vehicle shall be displayed for sale on or from the property at any time. Such displayed item shall be located upon an approved driveway within the front or side yards and such displayed item shall be placed no nearer to the edge of the roadway pavement than fifteen (15) feet. In no event shall such displayed items be located in any public road right-of-way.
- e) Not more than two (2) signs, each of which shall not exceed two (2) square feet in area, may be displayed for the sale of such vehicle upon or in the vehicle, provided that such sign(s) shall not be illuminated or animated.
- f) Any such vehicle displayed for sale must be in operating condition and capable of being immediately moved under its own power if self-propelled, or if not self-propelled, by towing by ordinary means available upon the premises, and must have a valid and current registration decal and/or license plate.

- 3) **Christmas Tree Sales:** Christmas tree sales may be permitted for a period not exceeding thirty-five (35) consecutive days during any one calendar year in any nonresidential zoning district or upon a church or school, provided no activities are conducted within the public right-of-way and adequate off-street parking is provided in accordance with the minimum parking set-back.
- 4) **Temporary Real Estate Sales Offices:** Temporary real estate sales offices may be permitted within any district for any new subdivision of more than two (2) homes, provided sales activities are limited to that developer's homes in that or other subdivisions and such office is not used as a dwelling. Such office use shall cease upon completion of the sales of lots within the subdivision or twenty-four (24) months after the issuance of the permit, whichever occurs first unless an extension is granted by the Township Administrator or their designee after showing need. Rentals or resales of lots and/or units in the subdivision shall not be conducted from the temporary office.
- 5) **Temporary Contractors' Offices:** One (1) temporary contractors' offices and/or equipment shed, other than Portable Storage Units, in association with active construction activities may be permitted within any district, provided such uses are removed immediately upon completion of the construction project or three (3) months after ceasing significant construction activity, whichever occurs first.
- 6) **Temporary Public Events:** Temporary public events sponsored by a public or non-profit organization may be permitted within any non-residential zoning district or upon a church, school or other similar site within a Residential Zoning District provided adequate off-street parking, sanitary facilities, lighting, and security are provided. Temporary public events shall be limited to not more than three (3) consecutive days and only two (2) such events may be conducted in any one (1) calendar year.

Temporary public events include, but are not limited to, temporary uses such as tent meetings, bazaars, festivals, flea markets, art shows, and other similar public events. Temporary uses permitted in this section do not include major concerts or similar functions that will normally attract more than five hundred (500) persons.

- 7) **Portable Storage Units:** in accordance with the provisions of Sections 508.08 and 508.081.
- 8) **Non-Permanent Seasonal Recreational Structures:** recreational structures of a seasonal nature, and without any permanent foundation or similar structural support. Such structures include, but are not limited to, ice rinks, but specifically exclude swimming pools.

508.07 CONDITIONAL IN HOME SALES. The sale of personal property within a dwelling unit which is not in accordance with the requirements of 508.06 (1) may be permitted in accordance with Section 815, Article VIII subject to the approval of the Board of Zoning Appeals and the following criterion:

- 1) The appropriate fire official as designated by the Township shall provide a written evaluation regarding the area within the dwelling proposed to be used for such sale. The evaluation shall be based upon all applicable fire safety regulations and practices including but not limited to occupancy limitations, means of ingress and egress and the adequacy of fire prevention equipment and measures.

- 2) The Perry Township Police and the appropriate fire official as designated by the Township shall provide a written recommendation regarding the need for an implementation of traffic control measures necessary to protect the health, safety, and morals of the public. In the event either department requires the posting of temporary no parking restrictions or the hiring of a traffic control officer, the applicant shall cooperate to the extent necessary for the posting of such restrictions and shall be responsible for the costs incurred in establishing and implementing any such measures.
- 3) The duration, hours, frequency, and signage of such sale may be limited or modified by the Board of Zoning Appeals to prevent undesirable effects on adjacent property and to ensure that such sale does not change the essential residential character of the area.

508.08 PORTABLE STORAGE UNITS. Portable Storage Units may be permitted as a temporary use in any residential zoning district only in conjunction with and not to exceed the times listed for the following activities:

- 1) Temporary use, including open top dumpsters and bagsters, for construction sites as accessory to and in association with an on-going substantial construction project at such site for a period of up to one hundred and twenty (120) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs sooner. Such permits may be extended by the Zoning Inspector upon a showing of good cause.
- 2) Temporary use, excluding open top dumpsters and bagsters, when the occupant of the property on which the portable storage unit is located is relocating for a period not to exceed fourteen (14) consecutive days and no more than twenty-one (21) total days in any one hundred eighty (180) consecutive day period.
- 3) Temporary use, excluding open top dumpsters and bagsters to facilitate temporary activities not described in Section 508.08 1 or 2, above, for a period not to exceed fourteen (14) days and no more than twenty-one (21) total days in any one hundred eighty (180) consecutive day period.

Any such permit may be revoked if and when activities on the basis of which the permit was issued are no longer occurring, or not consistently occurring.

508.081 RESIDENTIAL PORTABLE STORAGE UNIT CRITERIA. Portable storage units, including open top dumpsters and bagsters, shall be subject to the following requirements:

- 1) A portable storage unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.
- 2) Not more than ~~one~~ one (1) portable storage unit shall be permitted on any property at any time.
- 3) No portable storage unit shall be located within five (5) feet of a public right-of-way.
- 4) Portable storage units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.

- 5) Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever.
- 6) The placement of portable storage units shall be in such manner as not to create a public nuisance.
- 7) A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.
- 8) A Portable Storage Unit Permit shall be obtained prior to the placement of a portable storage unit on a property. For the activities listed in Section 508.08 1 and 2, no more than two (2) Portable Storage Unit Permits may be issued for the same property during any three hundred sixty-five (365) consecutive day period.

508.082 COMMERCIAL STORAGE CONTAINER CRITERIA. Storage containers shall be conditional uses subject to the following requirements with a Conditional Use Permit:

- 1) A storage container shall not exceed one hundred sixty-nine (169) square feet in size and eight and one half (8.5) feet in height.
- 2) Not more than one (1) storage containers shall be permitted on any property at any time.
- 3) No storage container shall be located within five (5) feet of a public right-of-way.
- 4) Must be painted to match the exterior of the primary structure.
- 5) Are only allowed on commercially-zoned properties that are surrounded entirely by other commercially-zoned properties. Must be located on a solid surface or gravel.
- 6) Must be in a rear yard area and screened by a Fence or Landscaping as required in Section 502.03, 502.031 and 502.032. In the event the property is enclosed by a chain link fence, then the container must be landscaped as required in Section 521.012.
- 7) Storage containers shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.
- 8) Storage containers shall only be used for the storage of business property and for no other purpose whatsoever. Must be non-habitable structures (including, but not limited to, no HVAC, electric, or water/sewer) or used as an office.
- 9) The placement of storage containers shall be in such manner as not to create a public nuisance.
- 10) A storage container is permitted as a permanent accessory storage structure as long as it meets these requirements.
- 11) A Conditional Use Permit shall be obtained prior to the placement of a storage container on a property.

SECTION 510 RESIDENTIAL CARE FACILITIES

510.01 RESIDENTIAL CARE FACILITIES, PURPOSE AND DEFINITIONS. This section is intended, in part, to ensure compliance of related provisions of the Perry Township Zoning Resolution with the Fair Housing Act Amendments of 1988, effective March 12, 1989, which extend equal housing opportunities to the disabled, as well as place some minimal regulations upon residential care facilities in accordance with the Ohio Revised Code. Perry Township's policy has been and shall continue to be to encourage persons whose disabilities or status limit their ability to live independently to live in stable, affordable housing, in settings that maximize community integration and opportunities for acceptance and to ensure that these individuals are not forced into housing enclaves that would perpetuate isolation from the mainstream of society. For purposes of this Zoning Resolution, a Residential Care Facility of five or fewer unrelated residents (excluding care-givers) shall be regulated as a single (one) family dwelling. A Residential Care Facility of six or more residents (excluding care-givers) shall be regulated as a multifamily dwelling structure in the Suburban Apartment Residential (R-24) Zoning Districts and as a form of rooming or boarding house in the Suburban Office, Neighborhood Commercial, Community Commercial and Community Service Zoning District.

- 1) **RESIDENTIAL FACILITY:** Means a home or facility, including an ICF/IID, in which an individual with a developmental disability resides. The term does not include any of the following:
 - a. The home of a relative or legal guardian in which an individual with a developmental disability resides;
 - b. A respite care home certified under section 5126.05 of the Ohio Revised Code;
 - c. A county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code; or
 - d. A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living.
- 2) **Residential Facility Categories**
 - a. **CATEGORY A FACILITY** - A licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six (6) but not more than eight (8) individuals with developmental disabilities.
 - b. **CATEGORY B FACILITY** - A licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) individuals.

510.011 Location of Residential Care Facilities.

1. Category A facilities shall be permitted uses within any residential district, and shall comply with the general area, height, yard, and architectural compatibility requirements of the district where located.

- 2) Category B facilities shall be conditionally permitted uses within any multi-family residential district (subject to the criteria in Section 510.012), and prohibited uses within any planned unit development districts.
- 3)

510.012 Conditional Use Criteria for Category B Residential Facilities.

The Perry Township Board of Zoning Appeals may, in accordance with the procedures and provisions of Section 815, Procedures for Authorizing a Conditional Use, issue a Conditional Use Permit for a Category B Residential Facility upon a finding that it meets the following criteria:

- 1) In order to promote the benefits of residential surroundings for the residents of Residential Facilities and to further the goal of deinstitutionalization of persons whose disabilities or status limit their ability to live independently and to foster their integration into the mainstream of society, no Residential Facility shall be located within 1,320 feet of any other Residential Facility. For the purpose of this Section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the parcel of real estate upon which such facility is proposed to be located to the nearest property line of the premises on which such a facility is currently located. The “establishment” of such facilities shall include the opening of such facility as a new facility, the relocation of such facility, or the conversion of an existing building or structure into such a facility; and
- 2) The residents of said facility will benefit from normal residential surroundings; and
- 3) The placement of the Residential Facility furthers the goal of integrating the residents into the mainstream of society; and
- 4) The architectural design and site layout of the proposed facility and the location, nature and height of any walls, screens and fences shall be compatible with adjoining land uses and the character of the neighborhood; and
- 5) The proposed facility shall fully comply with all yard, parking and sign regulations and shall comply with all health, fire and safety regulations and building standards; and
- 6) The architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences shall be compatible with adjoining land uses and the residential character of the neighborhood.

SECTION 511 HOME OCCUPATION

511.01 LIMITED HOME OCCUPATION. A “limited home occupation” is an accessory use of a dwelling unit in which a resident of the dwelling has a home office or works from home as a “satellite” employee and when such use meets all of the following criteria:

- 1) is clearly incidental and secondary to the use of the dwelling for residential purposes; and
- 2) has no non-resident employees who report to or work from the dwelling; and

- 3) has no in-home, in-person meetings or appointments involving non-residents of the dwelling; and
- 4) requires no signage or identification; and
- 5) all of the work functions are contained entirely within the principal dwelling; and
- 6) the limited home occupation occupies no more than two hundred (200) square feet per resident professional , up to a maximum of four hundred (400) square feet; and
- 7) generates no traffic in greater volumes than would normally be expected in a residential neighborhood.

An operator of a limited home occupation may seek a conditional use permit for a sign for the occupation in accordance with the provisions of Article V, Section 541.061 of the Zoning Resolution.

511.02 EXPANDED HOME OCCUPATION. An "expanded home occupation" is an accessory use of a dwelling unit except as provided in Section 508, Temporary Uses, Sales, for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed dwelling by the occupants residing therein. An expanded home occupation shall be a conditionally permitted use within a dwelling unit, provided:

- 1) The occupation is clearly incidental and secondary to the use of the dwelling for residential occupancy and there shall be no substantial indication of the non-residential use of the premises which is visible or apparent as viewed from off the premises; and
- 2) No person, other than those residing on the premises, shall own or operate such occupation. and
- 3) There shall be no change in the outside appearance of the building or premises; and
- 4) No home occupation shall be conducted in any accessory building or structure; and
- 5) The exterior access to the space devoted to the home occupation shall not be used exclusively for such use; and
- 6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment and/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; and
- 7) No "commercial vehicles", including but not limited to, those having dual axles or designed for the transportation of cargo, including tractor-trailers, shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a home occupation; and

- 8) No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood; and
- 9) Signs for Home Occupations shall be placed in accordance with Section 541.061, Article V of the Perry Township Zoning Resolution; and
- 10) There shall be no outdoor storage of equipment or materials used in the home occupation; and
- 11) The storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, construction debris, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances, scrap metal or vehicles is specifically prohibited as a home occupation.

SECTION 512 ACCESSORY USES AND STRUCTURES

512.01 ACCESSORY USES AND STRUCTURES PERMITTED. Accessory uses or structures may be permitted provided that following requirements are met:

- 1) No more than two (2) accessory uses or structures shall be permitted on a lot in a residential zoning district.
- 2) Unless otherwise prohibited by lot area coverage requirements, only one (1) storage shed as an accessory structure may be permitted on a residential lot, provided that the area of said storage shed does not exceed 200 square feet in size. The maximum height of a side wall for any storage shed shall not exceed eight (8) feet and the exterior peak height shall not exceed fourteen (14) feet. A storage shed shall have an exterior which is compatible in appearance to the principal structure on the lot. This includes, but is not limited to materials, colors, texture, roof types and windows.
- 3) The maximum cumulative area of all the accessory uses or structures shall not exceed 576 square feet.
- 4) Except for a detached garage, the maximum height of an accessory use or structure shall be no more than 14 feet. The maximum height of a detached garage shall not exceed the height of the principal structure.
- 5) An accessory structure shall have an exterior which is complimentary in materials to the principal building on the parcel or lot. This includes, but is not limited to materials, colors, texture, roof types and windows.
- 6) No commercial uses shall be conducted within an accessory structure. unless otherwise approved as part of a commercial/industrial zoning request.
- 7) A Certificate of Zoning Compliance shall be obtained for accessory uses and structures in accordance to the provisions of Section 705.02.

- 8) Accessory structures in excess of 200 square feet in size shall be subject to building and zoning review and must have a permanent frost-free foundation as required by the Franklin County Building Code.

512.011 Accessory Use and Structure Defined. As used herein, "Accessory Structure or Use" means either a use or an object, building or structure applied, constructed or installed on, above, or below the surface of a lot, which is located on the same lot as a principal use, building, object, or structure, and which is subordinate to or services the principal use, building, object, or structure; is subordinate in area to the principal use, building, object, or structure; and is customarily incidental to the principal use, building, object, or structure. Among other things, "Accessory Buildings or Use" includes anything of a subordinate nature detached from, a principal structure or use. Except as otherwise regulated in this Code, an accessory use must be a permitted use within the District. Swimming pools, detached garages, sheds, detached or freestanding solar panel arrays, hot tubs, sport courts, tennis courts, basketball courts, batting cages, gazebos or other detached opened aired structures, play or recreational structures or any other similar structures as determined by the Zoning Inspector shall be classified as accessory structures and shall be governed by the regulations of this section. Open and uncovered porches attached to a principal structure, decks attached to or immediately abutting a principal structure, at-grade patios directly abutting a principal structure shall not be classified as accessory structures, but shall meet the applicable setbacks for principal structures in the underlying zoning district and further be considered as an impervious surface for the purpose of lot coverage calculations. This list is intended to provide examples of common structures and uses that are accessory uses and structures. This list is not intended to be an exclusive or all-inclusive list.

512.012 Required Location in a Residential Zoning District. Unless otherwise noted in Section 512.014, unattached accessory structures or buildings shall meet the following requirements in a Residential Zoning District as listed in Section 201, Article II:

- 1) An accessory structure shall be located in the rear yard and to the rear of the principal structure. Except for swimming pools, hot tubs, gazebos or other detached opened aired structures, no accessory structure shall be closer than twenty (20) feet from any part of the principal structure and shall be located at least ten (10) feet from any other accessory structure situated on the same lot.
- 2) An accessory structure shall be located no closer than fifteen (15) feet from any side lot line or closer than five (5) feet to a rear lot line. Notwithstanding the foregoing, a shed is permitted to be located at least five (5) feet from any side lot line and/or rear lot line.
- 3) Accessory structures shall not infringe on sanitary or water systems. The location of accessory structures shall comply with all applicable Franklin County Board of Health and/or Ohio Environmental Protection Agency regulations.
- 4) No commercial uses shall be conducted within an accessory structure unless otherwise approved as part of a home occupation conditional use or commercial/industrial zoning request.
- 5) No play structure, tree house, or other recreational structures or uses, including zip lines, shall be located in or otherwise attached to any tree or attached to any principal structure on any lot.
- 6) Permanent structures to be used in whole or part for recreation (including, but not limited to, play structures, tree houses, and sport courts) shall be located in the rear yard and shall meet the

applicable setbacks for principal structures in the underlying zoning district and further be considered as an impervious surface for the purpose of lot coverage calculations. _____

7) Outdoor ovens, fireplaces, fire pits, and similar structures are permitted, but shall meet the applicable setbacks for principal structures in the underlying zoning district and further be considered as an impervious surface for the purpose of lot coverage calculations. Such structures shall also meet all applicable provisions of fire, building, and other applicable codes and regulations.

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

512.014 Swimming Pools as Accessory Structures. Swimming pools, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet may be allowed in any Single Family Residential Zoning District, or Commercial or Multi-family zoning district as permitted by this Resolution subject to compliance with the following regulations:

512.015 Swimming Pools in Single Family Zoning Districts. In Single Family Zoning Districts, the following regulations shall apply:

- 1) The swimming pool is intended and is to be used solely for the enjoyment of the occupants of the dwelling unit on the property on which it is located.
- 2) The swimming pool is an accessory use of the property on which it is located. It may not be located closer than ten (10) feet to any property line.
- 3) The swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than forty-eight (48) inches in height and shall be maintained in good condition with a gate and lock. Additionally the swimming pool shall comply with all applicable Franklin County Board of Health requirements.
- 4) Temporary swimming pools are permitted if less than 12' in diameter or with an area of less than one hundred (100) square feet and are only allowable from May 15th through September 15th.

512.016 Swimming Pools in PRD Zoning District. A pool that is located within and is designed to service specifically a PRD development shall be permitted as an accessory structure irrespective of whether or not such pool is owned or operated by a home-owners' association. A private pool designed to service specifically a PRD development shall be subject to the same yard requirements as listed for principal structures in that district. Adequate parking facilities shall be provided and reflected in the Development Plan.

512.017 Community or Club Pools. Where permitted by the appropriate Commercial or Exceptional Use zoning district, community or club pools, to be interpreted as being used for the enjoyment of the members and families, and guests of members of the association or club under whose jurisdiction the pool is operated, shall be walled or fenced to prevent uncontrolled access to the pool. Such wall or fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by gate and lock. The pool and all accessory structures to include decks or areas used by bathers shall not be closer than fifty (50) feet to any property line.

512.018 Clothes Lines. Clothes Lines, whether constructed by hand or a commercially purchased free standing frame, and similar structures, may be permitted in association with a principal use or structure provided that the following standards are met:

- 1) All clothes lines and similar structures shall be located in the rear yard only. Such structures shall not be within fifteen (15) feet of any side lot line and twenty five (25) feet from the rear lot line.
- 2) No clothes lines and similar structures shall be permitted to exceed six (6) feet in total height, inclusive of the height of any frame or base upon which said structure is located.
- 3) Any anchorage or similar device shall be at least fifteen (15) feet from any side lot line. All support lines and/or clothes lines shall be made of a nylon material.
- 4) No clothes line shall be connected to any fence, principal structure, tree or other landscaping material, or accessory structure. The nylon coated clothes lines shall not exceed twenty-five (25) feet in length. No more than four (4) nylon coated clothes lines shall be permitted.
- 5) Free standing commercially purchased clothes lines shall not exceed a diameter of eighty-four (84) inches.

512.019 Towers, Antennas, and Similar Structures. Radio and T.V. towers, antennas, and similar structures may be permitted in association with a principal use or structure provided that the following standards are met, to the extent such requirements are permitted by federal legislation:

- 1) All towers, antennas, windmills and similar accessory structures shall be located to the rear of the building setback line. No such structure shall be permitted to be located between the principal structure and the building setback line, and no such structure shall be permitted to encroach upon the minimum required side yard or be located within thirty (30) feet of the rear property line; and
- 2) No such structure shall be permitted to exceed thirty (30) feet in total height, inclusive of the height of any building or base upon which said structure is erected, except upon issuance of a Conditional Use Permit in accordance with SECTION 815 of this Resolution; and
- 3) Any guy anchorage or similar device shall be at least ten (10) feet from any property line; and
- 4) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line or phone line less five (5) feet (excluding lines which serve only the lot on which said structure is placed); and
- 5) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest lot line less five (5) feet; and
- 6) Fencing will be provided to effectively prevent unauthorized climbing of the structure; and
- 7) Landscaping of at least 75% year-round opacity shall be provided to screen the structure; and

- 8) The structure or activity for which the structure is used shall not unreasonably interfere with radio and television reception on nearby properties and or the enjoyment of the adjacent property.

To the extent such requirements are permitted by federal legislation, satellite dishes with a diameter of more than one (1) meter (39.37") shall comply with the following standards:

- 1) No person, firm, partnership, corporation, trust or other legal entity shall construct or commence construction of a satellite dish antenna without obtaining a permit from the Township Zoning Inspector; and
- 2) No such structure shall be located on the roof of any structure and shall be located to the rear of the building setback line. No such structure shall be permitted to encroach upon the minimum required side yard and shall be at least twenty (20) feet from the rear yard setback requirement; and
- 3) The top of any disk or dish shall not exceed twelve (12) feet above grade level; and
- 4) No more than one (1) satellite dish is allowed per dwelling unit; and
- 5) Satellite dish antennas shall be no larger than six (6) feet in diameter; and
- 6) The satellite dish shall be a color which complements and is harmonious with its environment.

512.020 Plot Plan for Towers, Antennas, and Similar Structures. Prior to issuance of any Certificate of Zoning Compliance for a tower or similar structure as described in 512.018, the applicant shall submit a plot plan and supporting information to the Zoning Inspector which meets the criteria of Section 705.02 of this Resolution and which, in addition, shows the following:

- 1) Proposed location and height of proposed structure, support systems, and distances to the nearest phone, electric lines and property lines; and
- 2) Type of structure and construction materials, and, if requested by the Zoning Inspector, a structural engineering analysis; and
- 3) Documentation of any maintenance program which may be necessary; and
- 4) Proof that a building permit can be obtained or is not necessary for the proposed structure; and
- 5) Proof that any license which may be required has been or will be obtained; and
- 6) All fencing, landscaping or other treatment which may be required; and
- 7) Other information as may be requested by the Zoning Inspector and/or the Township Administrator.

SECTION 513 - SMALL SOLAR FACILITIES

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

A) Definitions.

- 1) “Ground Mounted Solar Energy Systems”: means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- 2) “Integrated Solar Energy Systems”: means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- 3) “Rooftop Solar Energy Systems”: means a solar energy system that is mounted to a structure or building’s roof on racks.
- 4) “Small Solar Facility”: means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- 5) “Solar Energy”: means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- 6) “Solar Energy System”: means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

B) Permitted Uses

- 1) Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use in the following zoning districts: SO, NC, CC, CS, LI, PR-6, PR-10, PR-12, PRD, SCPD, PSC, PHS, and PIP.
- 2) Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in all zoning districts.
- 3) Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use in the following zoning districts SO, NC, CC, CS, LI, PR-6, PR-10, PR-12, PRD, SCPD, PSC, PHS, and PIP.

C) Conditional Uses

- 1) Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of an Integrated Solar Energy System shall be a conditional use in the following zoning districts: R-1, R-2, R-4, and R-24.
- 2) Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Ground Mounted Solar Energy System and all other Small Solar Facilities shall be a conditional use in the following zoning districts: R-1, R-2, R-4, and R-24.
- 3) All Other Small Solar Facilities: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of Small Solar Facilities, other than Integrated, Rooftop, and Ground Mounted Solar Energy Systems (“All Other Small Solar Facilities”), shall be a conditional use in all zoning districts.

D) Planned Districts

- 1) In any Planned District development, solar panels shall be regulated as stated in the Development Text.

E) General Requirements

- 1) Integrated or Rooftop Solar Energy Systems:
 - i. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
 - ii. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 30% of a structure’s walls or roof, as applicable.
- 2) Ground Mounted Solar Energy Systems:
 - i. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed five (5) feet in any district zoned for residential use (whether exclusively residential or in part) or on property that adjoins property zoned for residential use, or twelve (12) feet in any other district.
 - ii. Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located.
 - iii. Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on

adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located. Where the property adjoins property zoned for residential use (whether exclusively residential or in part), the Facilities shall be enclosed with a vinyl privacy fence six (6) feet in height and has an appearance that is harmonious with the other structure(s) on the property and the surrounding area.

- 3) All Other Small Solar Facilities:
 - i. Height: The maximum height of any All Other Small Solar Facilities at any point shall not exceed the lesser of five (5) feet in any district zoned for residential use (whether exclusively residential or in part) or on property that adjoins property zoned for residential use or twelve (12) feet in any other district, or the maximum height for accessory structures in the district where located.
 - ii. Coverage: All Other Small Solar Facilities shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located.
 - iii. Visual Buffer: All Other Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. All Other Small Solar Facilities located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located. Where the property adjoins property zoned for residential use (whether exclusively residential or in part), the Facilities shall be enclosed with a vinyl privacy fence six (6) feet in height and has an appearance that is harmonious with the other structure(s) on the property and the surrounding area.
- 4) Lighting. Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- 5) Noise. Any Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the zoning district where located.
- 6) Setbacks: Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.
- 7) Maintenance: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30)

days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

- 8) Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
- 9) Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- 10) Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

F) Criteria for Conditional Uses

- 1) A Small Solar Facility to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.
- 2) Where identified as a conditionally permitted use, any Small Solar Facility shall comply with the following specific requirements:
 - i. Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
 - ii. Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency

response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.

iii. Location:

1. Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard.
2. No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
3. No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.

iv. Height: the maximum height of any Small Solar Facility shall not exceed five (5) feet in any district zoned for residential use (whether exclusively residential or in part) or on property that adjoins property zoned for residential use, or twelve (12) feet in any other district.

v. Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:

1. Enhances the view from any existing residential dwelling and from any public right-of-way;
2. Is in harmony with the existing vegetation and viewshed in the area; and
3. Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.

vi. Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

vii. Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.

viii. Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.

- ix. Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

G) Certificate of Zoning Compliance

- 1) A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility.
- 2) Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
 - a) An engineering report that shows:
 - i) The total size and height of the proposed Small Solar Facility.
 - ii) Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
 - iii) Hazardous materials containment and disposal plan.
 - b) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
 - c) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
 - d) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - e) Any other information or materials reasonably requested by the Zoning Inspector.

SECTION 514 USE OF INDIVIDUAL SEWAGE TREATMENT AND INDIVIDUAL WATER SUPPLY

514.01 RESIDENTIAL DEVELOPMENT WITH INDIVIDUAL SEWAGE TREATMENT OR WATER SUPPLY. A tract of land that was of record on the date of adoption of this Zoning Resolution shall not be developed with individual sewage treatment or individual water supply for more than two (2) dwelling units nor to more than fifty percent (50%) of the tract (whichever is the most restrictive) and shall have the approval of the Franklin County District Board of Health, and subject to all of its applicable requirements. Approval shall be with a finding of adequate control of water pollution and sewage disposal in accordance with the Board of Health rules and regulations.

514.011 Required Lot Sizes. The size of lot or area provided for each dwelling unit shall be of a size or larger than as approved by the Board of Health, but shall be not less than the minimum lot size for the Zoning District in which it is located.

SECTION 521 SCREENING BY STRUCTURE OR LANDSCAPING REQUIRED

521.01 LANDSCAPE AND BUFFERING REQUIRED. Certain activities shall be screened by structures, walls, fences, or landscaping so that these activities will not be detrimental to adjacent land. The following uses and districts shall require landscaping and/or screening:

- 1) Any commercial or industrial building or other associated accessory use permitted by this Resolution which is located adjacent to land in a Residential Zoning District or Planned Residential Development District as listed in Section 201, Article II, shall be screened as prescribed.
- 2) Articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, salvaged, or otherwise not being offered for retail sale in a completed, useable and normal condition.
- 3) Any off-street parking area with two or more spaces.
- 4) Single-Family Dwellings and Two-Family Dwellings shall be exempt from the provisions of this Section 521, except where they are part of a mixed-use development that includes any use other than Single-Family Dwellings and Two-Family Dwellings.

521.012 Screening and Landscaping Standards. Required screening shall be provided in accordance with the following standards, except as provided in other sections of this Zoning Resolution:

- 1) Landscaping and screening between adjacent uses shall be utilized as listed in this Section.
 - a) Buffer yards. The “Buffer yard” is a designated unit of yard or open area, together with any plant materials, barriers, and/or fences required and/or permitted to be located thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, the impact of such items as noise, glare, activity, dirt, and unsightly parking areas will be minimized. It is a further intent of the following provisions to provide flexibility to the property owner through the manipulation of four basic elements – distance, plant material type, plant material density, and structural or land forms.
 - i) Location of Buffer yard. Buffer yards in the size and composition required by this Zoning Resolution shall be provided and located along the entire length of each side and rear property line, regardless of the proximity between the structures and/or facilities used. Buffer yards shall not extend into or be located within any portion of an existing right-of-way.

ii) Determining Composition of Buffer yard. The process for determining what type of Buffer yard is required between two adjoining parcels is as follows:

a) Identify the land use class of the proposed use(s) by referring to Table I. If, along a single side or rear lot or property line, the proposed use(s) fall into two (2) or more land use classes, the higher intensity land use class shall be followed. (For example, as shown on Table I, land use Class II is a higher intensity than Class I; Class III is a higher intensity than Class II, etc.)

b) Identify the land use class of the existing adjoining use(s) by referring to Table I. Where Table I does not clearly address a particular use, where multiple uses are contemplated on one property, or for any other situation not clearly delineated, the Township, in its discretion, or its designee, shall determine the land use class of the particular use on a case-by-case basis, for the purposes of this Section 521.

c) Identify the Buffer yard Requirement Category listed at the intersection of the land use class of the proposed use and the land use class of each existing adjoining use on Table II.

d) Determine the Buffer yard requirements for those side and rear property lines or portion thereof of the parcel on which the proposed use is being requested. Existing plant material and fences, to the extent they comply with the provisions this Zoning Resolution, may be counted as contributing toward the total Buffer yard requirements. The buffer yards specified are to be provided on each lot or parcel, independent of adjoining use(s) or adjoining Buffer yard(s). Where, as shown on Table III, the buffer yard Requirement Category permits two (2) or more buffer yard programs (different buffer yard widths with corresponding quantities of plant and other materials), the owner of the property that is sought to contain the proposed use may determine which buffer yard program to follow.

e) In the event that an existing use is proposed to increase in intensity from one land use class to a higher one, as those classes are defined in Table I, or in the discretion of the Township, the Zoning Inspector or the appropriate Township body shall, during the review process, determine if additional Buffer yard requirements are needed and, if so, to what extent and/or type.

f) Buffer yard requirements are stated in terms of the width of the Buffer yard and the number of plant units required per one hundred (100) linear feet of Buffer yard. The requirements may be satisfied by any of the options indicated in Table III.

iii) Compliance with the Use Buffer Area requirements and obligations contained in this Resolution, including for installing, maintaining, and replacing landscaping, and bearing the costs thereof, shall be on the owner of the property used for a Non-Residential Use.

Table I

Land Use Classification

Class I	Agriculture; Single-Family Dwellings; Two-Family Dwellings
Class II	Office/institutional – including, but not limited to: administrative and business offices; professional offices; Institutions, religious, social, cultural, educational, health and public; multi-family dwellings (Structures consisting of more than two (2) Dwelling Units); Apartment Dwellings
Class III	Commercial – including, but not limited to: general retail, entertainment, restaurants, specialty retail, business services
Class IV	Industrial – including, but not limited to: light manufacturing, wholesaling, research, and development

Table II

buffer yard Requirement Categories

Land Use Class	buffer yard Requirement Category			
	I	II	III	IV
I	n/a	E	E	E
II	E	A	C	D
III	E	C	A	B
IV	E	D	B	A

Table III

Quantity of Plant Material

Buffer yard Requirement Category	Width	Deciduous Trees ⁽¹⁾	Deciduous Shrubs ⁽¹⁾	Evergreens ⁽¹⁾
A	15'	2	-	2
	10'	2	2	2
B	20'	2	-	2
	15'	2	2	2
	10'	2	4	4
C	25'	2	2	2
	20'	2	4	2
	15'	3	4	4
D	30'	2	2	2
	25'	2	2	4
	20'	3	4	4
	10'	3	4	4
E	30'	2	2	2
	25'	3	4	4

	20'	3	4	4
	15'	3	4	4

⁽¹⁾ –Required minimum plant units per one hundred (100) linear feet, or portion thereof, of Buffer yard. Plant materials shall comply with the other provisions of this Zoning Resolution including, but not limited to, the minimum planting requirements in Section 521.014.

⁽²⁾ – Entire length of Buffer yard, 3'-4' berm or 6-8' fence having at least 75% opaqueness.

2) Parking areas must be landscaped and screened according to the following, which requirements are in addition to the landscaping and screening requirements found elsewhere in Section 521 of this Zoning Resolution:

- a) Perimeter landscaping and screening. The perimeter of a parking area must be screened with a fence/wall, mounding, and/or landscaping to a height of at least four (4) feet with one hundred percent (100%) opaqueness being achieved at the four (4) foot height. Additionally, a deciduous shade tree must be planted at least every forty (40) feet or portion thereof. If a fence/wall is utilized, the deciduous shade tree(s) must be planted on the outside of the fence/wall, so as to create a further screening effect when viewed from adjoining property. Such landscaping and screening shall supplement the required Buffer yard material.
- b) Interior landscaping. Interior landscaping shall be required at a ratio of two (2) shade trees per ten (10) parking spaces. No interior landscape island containing a tree shall be less than one hundred (100) square feet in area. The area of landscape islands must be covered with sod or plant material and not solely by mulch.
- c) Automobile sales. A perimeter green buffer shall be maintained along all right-of-ways as specified in Section 531.034. Plantings in the green buffer strips shall contain groundcover and plant material not exceeding twelve (12) inches in height.

3) Materials being stored in conjunction with a permissible use must be screened according to the following:

- a) The storage of materials shall be screened fully to the height of stacking.
- b) Screening must be 100% opaque to the full height of the stacking and consist of a fence, wall, or landscaping as appropriate.

521.013 Landscape Maintenance. The following maintenance standards shall apply to the landscape screening requirements:

- 1) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from weeds, refuse, and debris at all times.

- 2) All landscape beds shall be maintained with defined edges and mulched on a yearly basis with natural hardwood mulch.
- 3) Plants that are required as part of this section which become unhealthy or dead shall be replaced within one year, or by the next planting season, whichever comes first.

521.014 Minimum Planting Requirements.

- 1) Plant material shall comply with the latest edition of American Standards for Nursery Stock by American Nursery and Landscape Association and shall have passed an inspection required under state regulations.
 - a) Deciduous Trees. Trees shall be balled and burlapped or from a container when planted. All trees shall have a minimum caliper of at least 2.5 inches .
 - b) Evergreen Trees. Evergreen trees shall be balled and burlapped or from a container when planted. Plantings shall be a minimum height of 6 feet at the time of planting.
 - c) Ornamental Trees. Ornamental trees shall be balled and burlapped or from a container when planted. Trees shall have a minimum height of 5 feet or a minimum caliper of 2.5 inches.
 - d) Shrubs and Hedges. Shrubs and hedges can be balled and burlapped or from a container at the time of planting. Shrubs and hedges used for screening shall be at least 24 inches in height when installed.
 - e) Groundcover and other plantings. Groundcover and other plantings can be planted as bare root as well as from a container. Ground cover shall be planted at a maximum spacing of one foot on center and provide at least 75% coverage after two growing seasons.
 - f) Grass. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Central Ohio, and may be sodded or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, provided that nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Sod shall be clean and free of weeds and noxious pests or diseases.

521.015 Prohibited Plant Material.

- 1) Species found on the Ohio Department of Natural Resources' invasive plant list shall not be planted or cultivated within the Township. Proactive measures should be taken to remove any invasive species according to the recommended management practices of the ODNR. A list of invasive species can be found in Appendix XX and in Ohio Administrative Code Rule 901:5-30-01.
- 2) The following tree species are unacceptable for street tree use:

Box Elder Acer negundo

Silver Maple Acer saccharinum
 Buckeye, Horsechestnut Aesculus species
 Tree of Heaven Ailanthus altissima
 Paper Birch Betula papyrifera
 European White Birch Betula pendula
 Northern Catalpa Catalpa speciosa
 Ginko (female) Ginko biloba
 Osage-orange Maclura ponifera
 Apple Malus punila
 Mulberry Morus species
 Poplar Populus species
 Bradford Pear Pyrus calleryana "Bradford"
 Callery Pear Pyrus calleryana
 Upright English Oak Quercus robur "fastigiata"
 Black Locust Robinia pseudoacacia
 Willow Salix species
 European Mountain Ash Sorbus aucuparia
 Moline American Elm Ulmus americana "Moline"
 Siberian Elm Ulmus pumila
 North American Ash Fraxinus species

SECTION 525 NOISE

525.01 Nonresidential Zoning District. Within a nonresidential zoning district, the maximum allowable hourly average sound level, emitted from any stationary noise source, shall not exceed the limits set forth in Tables 1 and 2 for respective categories of receiving land use adjacent to the nonresidential zoning district. The actual sound level shall be determined during any measurement period, which shall not be less than thirty (30) consecutive minutes, and shall be measured at the property boundary affected by the noise.

Table 1: Allowable

RECEIVING LAND USE	CATEGORY	30 MINUTE AVERAGE SOUND LEVEL (dBA)
Institutional	10 p.m. to 7 a.m.	50
Institutional	7 a.m. to 10 p.m.	60
Residential (All Residential Districts and residential nonconforming uses)	Anytime	50
Commercial	10 p.m. to 7 a.m.	65
Commercial	7 a.m. to 10 p.m.	70

Industrial	Anytime	70
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Submission of adequate noise control measures to effectively lessen potential noise impact, prepared by a qualified professional, may be required by the Perry Township Zoning Commission as a part of an application for a Certificate of Zoning Compliance, Section 705.02.

525.012 Correction for Ambient Conditions for Nonresidential Zoning Districts. Where the ambient noise level influences a measurement at a property line boundary, such noise will be accounted for by applying the following correction factors:

Table 2: Correction for Ambient Conditions

IF THE AMBIENT NOISE LEVEL IS LESS THAN THE NOISE SOURCE BY:	ADD THE FOLLOWING TO THE NOISE LIMIT:
0 - 1 dBA	3 dBA
2 - 3 dBA	2 dBA
4 - 9 dBA	1 dBA

If the ambient noise level is greater than the noise limit, the noise source shall not be allowed to exceed the ambient level.

525.02 Residential and Non Conforming Residences: Individuals may not create noise that is plainly audible at a distance of 100 feet that is disruptive to any reasonable person prior to 7am or after 9pm. Normal residential daily noise levels should be maintained during daytime hours.

Maximum allowable hourly average sound level in a residential area or non conforming residences shall not exceed 50 dBA (30 minute average sound level) at anytime.

Lawn mowing, other landscaping equipment, construction activities, or the loading or unloading of commercial waste containers (if within 50 feet of a residence) cannot occur prior to 7am or after 9pm.

SECTION 527 EXTERIOR LIGHTING

The EXTERIOR LIGHTING section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, and promotion of safety and security. The regulations of this section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other features of a lot.

527.01 APPLICABLE ZONING DISTRICTS. Exterior lighting requirements shall apply to all commercial, industrial, and multi-family residential zoning districts. Lighting plans shall be submitted for approval with all applications for Certificates of Zoning Compliance.

527.02 LIGHTING STANDARDS. The following standards shall apply to the illumination of exterior grounds and surfaces of a site:

- 1) Adverse impact in the form of light pollution resulting in a public nuisance shall be prohibited. Light pollution is defined as any measurable, artificial illumination that strays beyond a site boundary both horizontally and vertically to the building height limitation.
- 2) Artificially produced light straying beyond property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five (5) feet into the adjoining property and shall be adjusted, modified, or removed accordingly.
- 3) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- 4) Cutoff light fixtures shall be utilized to maintain no more than the maximum illumination at any property line as cited in Section 527.021. When two differing area classifications abut, the lower light level value shall take precedence (i.e., residential over commercial).
- 5) Light poles illuminating parking areas shall be placed within landscaped islands. Conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.
- 6) Light poles and fixtures illuminating parking areas shall be no taller than 15 feet high.
- 7) Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in a required lighting plan.

527.021 Maximum lighting levels maintained.

MAXIMUM LIGHT POLLUTION ILLUMINANCE		
Receiving Area Classification	Maximum Horizontal Foot Candles	Maximum Vertical Foot Candles
Residential	0.4	0.8
Commercial	3.4	6.5
Industrial	3.4	6.5

Note: When two differing area classifications abut, the lower light level value shall take precedence (i.e., residential over commercial)

SECTION 531 OFF-STREET PARKING AND LOADING

531.01 OFF-STREET PARKING SPACE REQUIRED. Off-street parking facilities shall be provided for the use of occupants, employees, and patrons of all uses, and off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses.

531.02 APPLICABILITY. Off-street parking and loading requirements of this article shall apply to the following:

- 1) The construction of a new building.
- 2) Alteration, addition, or change of use of an existing building that would expand the use therefore requiring additional parking.
- 3) Whenever parking areas are to be provided as required by the provisions of this Zoning Resolution.

531.021. Parking Plan Review. For review of a proposed off-street parking arrangement for other than a single-family dwelling, a parking plan shall be submitted to the Zoning Inspector as part of a request for Certificate of Zoning Compliance with the following information:

- 1) Chart showing the uses on the site, required number of spaces per the code requirement, and the number of spaces provided.
- 2) Scaled site plan detailing the arrangement of parking spaces, drive aisles, driveways entrances, vehicle and pedestrian circulation.
- 3) Details and locations of all landscaping, curbs, lighting, wheel stops, utilities, barriers, shelters, cart corrals, signs, and anything else located in the parking lot.

531.03 DESIGN. All off street parking and loading areas shall meet the following design criteria:

531.031 Parking Space Size. A parking space for one (1) vehicle shall be a rectangular area having dimensions of not less than nine (9) feet by eighteen (18) feet plus adequate area for ingress and egress.

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

531.033 Landscaping & Screening. Landscaping and screening must be provided for off street parking lots per the requirements of section 521, Screening and Landscaping.

531.034. Setbacks. For uses other than a single-family dwelling, there shall be a minimum 10' green buffer beginning at the right-of-way line of any public street. The areas within the green buffer shall be landscaped in accordance with Section 521 and maintained in good condition.

531.035 Surface. All off street parking areas, driveways, and aisles shall be hard-surfaced with asphalt, concrete, sealed non-aggregate material of like quality, or combination a of thereof.

531.036 Continuous curbs or wheel stops. Continuous curbs or wheel stops shall be made of concrete, stone, recycled rubber or polymer in white, black or grey or other similar material and maintained in good condition.

531.037 Striping. Parking stalls shall be clearly marked and striped.

531.038 Grading. All off street parking areas shall be sloped and constructed to properly manage stormwater run-off in accordance with all applicable stormwater management regulations.

531.039 Maintenance. All off street parking areas shall be maintained in good condition and in such a manner that no dust will be produced by continuous use. All such surfaced areas shall be maintained free of litter, glass, nails or other dangerous materials.

531.04 Fire Code. Parking and loading plans shall be reviewed by the appropriate fire department official as designated by the Township for compliance with the requirements of any applicable fire code.

531.05 PARKING REQUIREMENTS FOR THE PHYSICALLY DISABLED. Parking spaces other than for single-family dwellings for the physically disabled shall be provided according to the requirements of the State Building Code and shall include all necessary markings, striping, and signage.

531.06 MINIMUM NUMBER OF PARKING SPACES REQUIRED. A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

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

<u>Use</u>	<u>Spaces Required</u>
Residence	
Fraternal or Group Housing occupants	One (1) space per two (2)
Institutional Housing	One (1) space per ten (10) (Unless otherwise specified); occupants plus one (1) space per each two (2) employees and staff on the combined work shifts
One (1) or Two (2) Dwelling Units per Lot Unit	Two (2) spaces per dwelling
Three (3) Dwelling Units per lot	Two (2) spaces per dwelling unit
Four (4) or More Dwelling Units per Lot or Mobile Home Park	Two (2) spaces per dwelling unit
Commerce	
Commercial Lodging	One (1) space per sleeping room

Barber Shop, Beauty Shop or Similar Personal Service	Two (2) spaces per barber or beautician or each similar professional
Restaurant, Bar or Similar Place for the Sale and Consumption of Food and/or Drink on the Premises	One (1) space per one hundred (100) square feet of sales area
All Outdoor Display and Sales	One (1) space per one thousand (1,000) square feet of display area
Indoor Sales Exclusively of Motor Vehicles, Aircraft, Watercraft, Lumber, Plants and Furniture	One (1) space per one thousand (1,000) square feet of sales area
Retail Sales or Service Establishment not Elsewhere Specified	Three (3) parking spaces per first one thousand (1,000) square feet of gross floor area per structure plus one (1) space per two hundred fifty (250) square feet of gross floor area (excluding the first one thousand (1,000) square feet of gross floor area)
Funeral Parlors, Mortuaries	One (1) parking space per one hundred fifty (150) square feet of gross floor area on the first floor of the structure devoted to this use
Administrative or Business Office	One (1) space per two hundred fifty (250) square feet of gross floor area
Medical and Health Medical/Dental Office/Clinic	One (1) parking space per one hundred fifty (150) square feet of gross floor area
Convalescent and Nursing	One (1) parking space per each two (2) beds
Hospital or Similar Medical Facility	One and one-half (1 1/2) spaces per bed
Education Day Care Centers	Two (2) parking spaces for each classroom but not less than six (6) per school or institution
Elementary Schools	One (1) space per teacher and staff member, plus one (1) parking space per student, up to five percent (5%) of the student body
High Schools	One (1) parking space per four (4) students

Business, Technical and Trade Schools	One (1) parking space per two (2) students
Colleges and Universities	One (1) parking space per two (2) students
Libraries, Museums, Art Galleries and Similar Uses	One (1) parking space per four hundred (400) square feet of gross floor area
Recreation and Religion	
Auditorium, Church, Stadium, or Similar Place with Fixed Seating for Assembly	One (1) space per four (4) seats
Assembly Hall, Club Room, Place of Amusement or Similar Place of Assembly	One (1) space per one hundred (100) square feet of area devoted to assembly
Tennis Court, Bowling Alley or Similar Establishment Providing Facilities for Intensive Public Participation in Sports Activity	Four (4) parking spaces per lane, court or similar activity area, plus additional parking spaces as required for supplementary uses, such as restaurant, etc.
Golf Course	Seven (7) spaces per hole plus one (1) space per two (2) employees on the combined work shifts
Miniature Golf Course	Two (2) spaces per hole plus one (1) space per two (2) employees on the combined work shifts
Driving Range	Two (2) spaces per three (3) playing locations
Indoor Public Swimming Pool or Natatorium of a Public or Semi-Public Type	One (1) space per five (5) of a persons capacity computed on the basis of one (1) person per thousand (1,000) gallons of pool capacity, plus one (1) for each four (4) seats or thirty (30) square feet of gross floor area used for seating purposes, whichever is greater
Outdoor Swimming Pool of a Public or Semi-Public Type	One (1) space per five (5) persons capacity computed on the basis of one (1) person per five hundred (500) gallons of pool capacity, plus additional spaces as required for any supplementary uses such as restaurant, etc.
All Other Recreational Facilities	One (1) space per each three (3) patrons the establishment is designed to serve
Industry	

Manufacturing, Warehousing, Wholesaling, or Similar Establishments	One (1) space per two (2) employees on the combined work shifts, on an annual average, plus one (1) space per ten thousand (10,000) square feet of gross building area
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531.062 Churches. Churches may establish with public or commercial establishments joint parking facilities for fifty percent (50%) or less of their required spaces provided that a written agreement thereto is obtained and that all parking areas so designated lie within three hundred (300) feet of the main entrance of the church.

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

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

531.07 MINIMUM NUMBER OF LOADING SPACES REQUIRED. A loading space shall consist of a rectangular area of one (1) of the following classes:

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

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

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

Access or Use

Building Area less than Seven Hundred and Fifty (750) Square Feet.	None Required
Building Area more than Seven Hundred and Fifty (750) Square Feet but less than Fifteen Hundred (1500) Square Feet.	One (1) class B space required.
Building Area Fifteen Hundred (1500) Square Feet but less than Twenty-five Hundred (2500) Square Feet.	One (1) Class A space or two (2) Class B spaces required
Building Area Twenty-five Hundred (2500) Square Feet but	

less than Ten Thousand (10,000) Square Feet.

One (1) Class A space and one (1) Class B space, or three (3) Class B spaces required

Building Area Ten Thousand (10,000) Square Feet but less than Fifty Thousand (50,000) Square Feet.

One (1) Class A space and (1) Class B space, or three (3) Class B spaces, plus one (1) Class A space for each ten thousand (10,000) square feet over ten thousand (10,000) square feet of building area

Building Area Fifty Thousand (50,000) Square Feet or More.

One (1) Class A space for each ten thousand (10,000) square feet over ten thousand (10,000) square feet of building area, plus one (1) Class A space for each twenty-five thousand (25,000) square feet over fifty thousand (50,000) square feet of building area

531.08 COMMERCIAL AND INDUSTRIAL ACCESS DRIVES. Access drives (driveways) leading to and from a street shall be developed as follows:

531.081 Width of Drive. Except as otherwise reduced in Section 531.082, an access drive shall not exceed thirty-two (32) feet in width, except at curb returns.

531.082 Location of Drive. An access drive, exclusive of curb returns, shall be ten (10) feet or more from the side lot line and twenty (20) feet or more from another access drive. The Zoning

Inspector may determine, based upon public safety and recommendations from the State of Ohio Department of Transportation, the Franklin County Engineer or the County or Regional Planning

Commission, the placement of access drives. The exact location, number and configuration of a drive will be determined based on the following criteria:

- 1) Proper internal site circulation
- 2) Public safety in matters of ingress and egress onto public streets and roads
- 3) Location of existing access drives
- 4) Character of roadway being accessed
- 5) Location of intersections relative to the site

- 6) Recommendations from the State of Ohio Department of Transportation, the Franklin County Engineer or the County Planning Commission when determining public safety issues in the placement of access drives.

531.083 Driveway Development Standards in the R-1, R-2 and R-4 Residential Zoning Districts.

A driveway in the R-1, R-2 and R-4 Residential Zoning Districts shall meet the following additional development standards:

- 1) Driveway Width. No driveway in an R-1, R-2 or R-4 Residential Zoning District shall exceed 20 feet in width at the street right-of-way line (except for curb returns), and 33 feet in width beyond the street right-of-way line. For purposes of this section, driveway width limitations are established to maintain a minimum of green space between a residential structure and a public right-of-way in R-1, R-2 and R-4 Residential Zoning Districts.
- 2) Number of Driveways. Each lot in an R-1, R-2 and R-4 Residential Zoning District shall contain one (1) driveway which has only one (1) point of ingress and egress.
- 3) The Driveway as an Accessory Use. No driveway shall be constructed on a lot unless the principal structure is located on the same lot.
- 4) Driveway Setback. Driveways may be permitted in required yards but shall have a setback of no less than three (3) feet from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
- 5) Turning Pads. All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 6) During and in the course of any township-initiated construction performed by the township or its designee, if a decorative driveway apron is removed, the property owner has two options: 1) it will be replaced with 6" of concrete or 2) the property owner can replace the apron on their own.

531.084 Driveway Other Than As Permitted. A driveway in the R-1, R-2 and R-4 Residential Zoning Districts, except as permitted above, shall be allowed only as a conditional use established in accordance with Section 815 of this Resolution. In addition to the requirements of Section 815, the Applicant shall meet the following conditions:

- 1) Any driveway in excess of 25 feet in width shall maintain at least sixty percent (60%) of the existing front yard area between the building and front lot line at the street right-of-way as natural vegetation and landscaping.
- 2) Off-street parking shall only occur on an approved driveway.
- 3) In cases of a loop driveway, the lot width shall be greater than 140 feet along the public right-of-way (corner lots can only count the longest side) feet and there shall be no more than two (2) points of ingress and egress and the width of the drive shall be not greater than ten (10) feet. If established trees are to be affected by the drive location, tree plantings must be replaced with like caliper inches lost as may be determined by the Board of Zoning Appeals.

- 4) No driveway shall be constructed on a lot unless the principal structure is located on the same lot.

531.09 LIMITATION OF PARKING AND USE OF COMMERCIAL VEHICLES, CONSTRUCTION VEHICLES AND EQUIPMENT, RECREATIONAL VEHICLES, BOATS, CAMPING TRAILERS OR OTHER TRAILERS, MOBILE HOMES, INOPERABLE AUTOMOBILES AND OTHER VEHICLES.

531.091 Commercial Vehicles including Vehicles and Equipment used for Construction in Residential Zoning Districts. Not more than one (1) truck limited to being a two-axle, four-tired pickup, panel or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one (1) dwelling unit in a Residential Zoning District or Planned Residential Zoning District as listed in SECTION 201, ARTICLE II.

- 1) Trucks having dual tires on one (1) or more axles, or having more than two (2) axles, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers shall not be allowed in a Residential or Planned Residential Zoning District.
- 2) The parking or storage of commercial motor vehicles, including those vehicles having commercial signage, commercial equipment, or structures for commercial equipment attached to the motor vehicle permanently or temporarily, shall not be permitted within any residential district except when completely parked or stored in an enclosed garage so as not to be visible from any adjacent lot or street. Commercial vehicles making temporary house calls or deliveries shall not be prohibited under the terms of this section.
- 3) Backhoes, road graders, bulldozers, trailers used to haul commercial vehicles or goods, well rigs, tractors and similar vehicles and equipment used for construction or commercial purposes are prohibited from being stored outside of a permitted structure or accessory structure in any Residential or Planned Residential Zoning District. Construction equipment temporarily used for construction upon a site shall not be prohibited under the terms of this section.

531.092 Recreational Vehicles, Boats, Camping Trailers Used for Personal Use. No recreational vehicle, motor home, boat, camping trailer, travel trailer or other similar vehicle or trailer shall be stored or parked in any Residential Zoning District unless completely enclosed within a permitted principal structure or accessory structure, except as follows: A recreational vehicle may be temporarily parked in a Residential Zoning District outside of an enclosed structure for a total period not to exceed all or any portion of ten (10) calendar days during any one (1) calendar year; provided, however, that no recreational vehicle shall be parked outside of an enclosed structure for a period exceeding seventy-two (72) consecutive hours.

Unless otherwise listed as a permitted use, no recreational vehicle, motor home, boat, camping trailer, travel trailer or other similar vehicle or trailer shall be stored or parked for personal use in any Commercial Zoning District unless completely enclosed within a permitted principal structure or accessory structure.

531.093 Use of Recreational Vehicles, Camping Trailers or Other Trailers and Mobile Homes.

Unless approved in accordance with Section 508, Temporary Uses, recreational vehicles, camping trailers and similar Recreational Vehicles and equipment, and Mobile Homes shall not be used as a dwelling unit or for living, sleeping or housekeeping purposes outside an approved mobile home park.

Recreational vehicles, camping trailers, or other trailers or vehicles designed for sales or office use, and mobile homes shall not be used for business purposes unless the business use is in association with a Temporary Use as permitted in Section 508 of this Resolution.

531.094 Inoperable Automobiles and/or Other Inoperable Motor Vehicles. Not more than one (1) wrecked, or otherwise inoperable automobile or other motor vehicle including any motor vehicle without a valid and current registration decal and/or license plate shall be allowed per one (1) dwelling unit. Such vehicle shall be parked or stored by completely enclosing the same within a permitted or accessory structure in such a manner so as not to be visible from any adjacent lot or street. In addition, no such vehicle shall be parked or stored within a required side or rear yard unless the parking or storage space is completely enclosed by a permitted or accessory structure so as not to be visible from any adjacent lot or street.

531.095 Car Covers on Non-Junk, Operable or Licensed Vehicles. Any covers on non-junk, operable or licensed vehicles must be an appropriate car cover designed for that vehicle. All covers shall be secured to the vehicle and maintained in good condition free from tears, cracks, or holes.

SECTION 541 SIGN AND BILLBOARD REGULATIONS

PREFACE. The SIGN AND BILLBOARD REGULATIONS are intended to protect the public health, safety and welfare by regulating the placement, size and general appearance of signs and billboards in order to:

- 1) Create a visually attractive economic and business climate by permitting signs and billboards which are compatible with their surroundings, orientation and physical appearance of the community;
- 2) Encourage signs and billboards that are readable and integrate with the aesthetics of the landscape and buildings of Perry Township;
- 3) Control the number, size and location of signs and billboards to reduce clutter;
- 4) Improve pedestrian and traffic safety;
- 5) Minimize the possible adverse effect of signs and billboards on nearby public and private property; and
- 6) Regulate signs and billboards so that they do not obstruct vision or interfere with the functions performed by drivers.

541.01 CERTIFICATE OF ZONING COMPLIANCE REQUIRED

- 1) Unless otherwise provided for in Section 541.02, a Certificate of Zoning Compliance shall be obtained for all signage placed within any zoning district in accordance with the provisions of Section 705.023(8).
- 2) When conflict arises between the sign and billboard requirements of this Resolution and those of the State of Ohio (ORC Chapter 5516) regarding the placement of signs and billboards adjacent to state highways, the more restrictive regulation shall govern.
- 3) Certificates of Zoning Compliance may be issued for contractor signs, subject to the following conditions:
 - a) Maximum area of sign face shall not exceed 6 square feet, and sign must be non-illuminated, with no moving devices or images; and
 - b) Only 1 sign per location per permit; and
 - c) Sign must not be located within required side or rear yard areas and must be located outside of the right-of-way; and
 - d) Sign may only be erected during actual period when work or service is taking place, but for no longer than thirty (30) days. Sign must be removed upon the earlier of the completion of work/service and the end of the 30-day period. There shall not be any renewals or extensions of this time period; and
 - e) **There shall be no more than one (1) sign posted per address, per calendar year.**
 - f) In addition to requiring a Certificate of Zoning Compliance, a sign including a digital display (i.e., LED, LCD, and similar materials) may be approved by the Perry Township Board of Zoning Appeals as a conditional use, upon a finding that the digital display is appropriate and harmonious with the character of the surrounding area and that any potential unreasonably distracting or disturbing effects have been properly mitigated.

541.02 SIGNAGE NOT REQUIRING A CERTIFICATE OF ZONING COMPLIANCE

- 1) No permit or approval shall be required for the following signage:
 - a) No more than one (1) temporary real estate signs with an area of twelve square feet or less for the sale or lease of property;
 - b) Identification signs, including house numbers legible from the street, names of buildings and dates of construction, nameplates identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in area;
 - c) Traffic, or government signs and private traffic control signs which conform to the requirements of the Ohio Manual of Uniform Traffic Control Devices;
 - d) Signs required by a state or federal statute;

- e) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message as is necessary to identify the use;
- f) Signs installed by a transit company with a franchise or other right to operate in Franklin County, where such signs are installed along its routes and relate to schedules or other information about the transit route;
- g) Political signs shall be permitted in any district of the Township provided the property owner consents and that said signs:
 - i) do not interfere with the visibility of vehicular traffic entering or leaving a public street;
 - ii) are located outside of the right-of-way limits of a road; and
 - iii) shall not be posted, attached or affixed to any public utility structure including telephone poles and light poles; and shall not interfere with, obstruct the view of, or be confused with, any authorized traffic control sign, signal, or device; and
 - iv) are posted and removed without the destruction of public or private property; and
 - v) shall be posted no sooner than ninety (90) days before the election or event, and be removed by the person and/or persons responsible for posting the same, or the candidate, within five (5) days after the election or event.
- h) In residential districts, any permitted yard or similar signs shall be located next to the façade of the home or accessory structure.

541.03 PROHIBITED SIGNAGE

Except as may be approved under a conditional use permit for an Expanded Home Occupation, the following signage shall be prohibited:

- 1) Abandoned signs and associated supporting structures that no longer advertise a commercial message for a bona fide business conducted on the premises for a period of one year. If the sign structure supports multiple business names, that portion of the face shall be replaced with a matching blank face and screen all internal lighting.
- 2) No sign or billboard of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- 3) Flashing lights, banners, posters, pennants, strings of lights, ribbons, streamers, rotation, or other similar moving devices shall not be used for advertising or attracting attention, either independently or as part of a sign or billboard.

- 4) No sign or billboard shall be painted or attached to, or maintained on a rock, tree or other form of vegetation.
- 5) Except as may be approved under Section 541.01 of the Zoning Resolution by the Perry Township Board of Zoning Appeals as a conditional use, signs using a liquid crystal display (LCD) or light emitting diode (LED) to display advertisements or used for attracting attention.
- 6) Portable signs, including trailer signs or "rollaway" signs, air activated attractions, balloons and other devices used for commercial or advertising purposes shall not be permitted.
- 7) Signs placed on vehicles or trailers that are parked or located as such to display such signs.
- 8) Changeable copy signs (except for public and quasipublic institutions, theaters, and drive-through menu board copy). Section 541.052 shall apply to the aforementioned uses as regulated.
- 9) Bench signs.
- 10) Any sign which does not have a permit and is attached to a public utility pole, light pole, service pole or supports for another sign.
- 11) Roofs signs or any sign projecting beyond the parapet of a building.

541.04 COMPUTATIONS

- 1) The area of a sign or billboard shall be computed by means of a continuous perimeter forming a basic geometric figure which encloses the message or display along with any frame or other material, color, internal illumination or other feature which forms an integral part of the sign or billboard and is used to differentiate such sign from the wall or supporting structure upon which it is placed. Where an area of a sign or billboard has two or more display faces, the area of all faces shall be used in determining the area of the sign unless two display faces join back to back, are parallel to each other and not more than 24 inches apart, or form a V-angle of less than 45 degrees.
- 2) Supporting structures or uprights on which a sign or billboard may be placed are excluded from the sign area if they are clearly incidental to the display itself.
- 3) For wall-mounted signs which consist of individually mounted letters, numbers or other symbols on a wall or fascia, the area of the sign shall be the area of a rectangle circumscribed around the letters, numbers or other symbols.
- 4) For awning signs, the area of the sign shall be measured as the area of a rectangle circumscribed around the letters, numbers or other symbols. In cases where the awning or canopy is constructed of a translucent material, is illuminated from within or behind the structure, and contains sign copy, the entire area of the structure shall be calculated in determining the sign area.

- 5) The height of a sign shall be computed as the distance from the base of the sign at normal closest adjacent right-of-way grade to the top of the highest attached component of the sign.

541.05 SIGNS AND BILLBOARDS, GENERAL REQUIREMENTS IN ALL ZONING DISTRICTS. The following general requirements shall apply to signs and billboards in all zoning districts and are in addition to other specific district requirements enumerated in following sections:

- 1) No signs or billboards shall be mounted within any public right-of-way except by the government agencies having jurisdiction within that right-of-way, unless otherwise allowed by the provisions of the Perry Township Zoning Resolution;
- 2) No sign, billboard, or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State of Ohio, by the County of Franklin, or by any township or municipality thereof, or by any railroad, public utility or similar authorized agency concerned with the protection of public health or safety;
- 3) No sign or billboard shall obstruct pedestrian or vehicular visibility or otherwise interfere with the safe operation of vehicles or the safety of pedestrians;
- 4) The light from any illuminated sign or from any light source shall be shaded, shielded, or directed in such a way that the light intensity or brightness shall not adversely affect surrounding premises, or adversely affect the safe vision and operation of vehicles moving on a public thoroughfare, highway, parking area, or sidewalk. Light shall not shine or reflect on or into residential structures.
- 5) Where applicable, all wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs, or billboards shall be fully concealed from view and in accordance with the provisions of the applicable statutes or rules promulgated by the State of Ohio and local electrical codes in effect.
- 6) All permanent freestanding signs (ground-mounted or pole) shall be located in a landscaped area with a minimum landscaped area equal to the total sign area. The landscape area shall consist of evergreen plant material at the base, ornamental shrubs, flowers, and/or ground cover. Areas covered in sod or similar grass ground cover shall not count toward the landscape area requirement.
- 7) All billboards hung and erected shall be plainly marked (in eight inch letters) with the name of the person, firm, corporation or group responsible for maintaining the billboard;
- 8) All signs and billboards shall be kept in a secure, safe condition. Should any sign or billboard be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign or billboard in a safe and secure condition or remove the sign or billboard;
- 9) Whenever a principal use of a building or land changes, all signs which are associated with the former principal use shall be removed within 30 days, unless a new principal use of a building or land is established and the sign(s) can be adapted to the new principal use in a manner permitted by this Zoning Resolution.

541.06 PERMANENT SIGN AND BILLBOARDS DISTRICT REQUIREMENTS

- 1) Signs located in Neighborhood Commercial (NC), .
 - a) Freestanding Signs. All freestanding signs must be monument in type. No freestanding sign, including its frame and structure, shall exceed thirty-two (32) square feet in area on any one side with a total display area not exceeding sixty-four (64) square feet. Only one freestanding sign shall be permitted for each premise.
 - b) Projecting Signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twelve feet in area on any one side with a total display area not exceeding twenty-four (24) square feet. The horizontal projection shall not exceed six feet in length. Projecting signs must maintain a minimum clearance of 8 feet from the base elevation of the building.
 - c) Wall sign. Each business may have not more than one wall sign fronting onto a public right of way. The aggregate area of all wall signs is equivalent to one square foot of sign area for each lineal foot of width of the building or portion of a building occupied by such business, not to exceed 70 square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Zoning Resolution.
 - d) Permanent window signs. The collective amount of all permanent windows signs shall meet the requirements of this Chapter pertaining to wall signs. Under no circumstances shall a window sign exceed 25% of the area of the window in which it is contained.
 - e) Directional signs. Directional signs conveying only directions or instructions with respect to the premise on which it is located may be constructed on the premises. Directional signs shall be limited to six (6) square feet in area, and no more than two (2) on any premises. Such signs shall not contain business names, logos, or advertisement of any products.
- 2) Residential Zoning Districts, Restricted Suburban (R-1), Limited Suburban (R-2), Suburban (R-4).
 - a) No permanent sign shall be erected in a standard residential district unless the sign complies with either of the following:
 - i) Development entryway signs may be permitted where six or more dwelling units constitute one development or project; each development shall be limited to one sign located at the principal entrance and no more than 24 square feet in area on any one side. Such signs shall incorporate landscaping features around the base of such sign.
 - ii) Sign associated with a conditionally permitted expanded home occupation and meeting the criteria contained within Section 541.061.

- iii) Conditionally permitted sign associated with a limited home occupation and meeting the criteria contained within Section 541.061.
- 5) Planned Districts; Planned Commercial District (PCD), Planned Industrial District (PID).
 - a) No sign shall be erected for existing Planned District developments without first being approved by the Zoning Commission and the Township Trustees.
 - b) Signage in these Districts for new construction in a Planned District development shall be included in the detailed development plan and development text as required by Article IV.
 - c) The proposed signage shall be appropriate for the site and warranted by the design and other amenities incorporated in the sign plan.
 - d) The proposed signage shall not be detrimental to the other residents of the Township and surrounding areas or to the public facilities and services in the Township and surrounding areas.
- 6) Special Districts; Flood Plain (FP), Excavation and Quarry (E-Q), Oil and Gas (O-G), Exceptional Use (EU)
 - a) Freestanding Signs. All freestanding signs must be monument in type. No freestanding sign, including its frame and structure, shall exceed fifty (50) square feet in area on any one side, with a total display area not exceeding sixty-four (64) square feet. Only one freestanding sign shall be permitted for each premise.
 - b) Projecting Signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twelve feet in area on any one side with a total display area not exceeding twenty-four (24) square feet. The horizontal projection shall not exceed six feet in length. Projecting signs must maintain a minimum clearance of 8 feet from the base elevation of the building.
 - c) Wall sign. Each use may have not more than one wall sign on each side of a building. No single wall sign shall exceed 35 square feet in area. The aggregate area of all wall signs shall not exceed 70 square feet.
 - d) Permanent window signs. The collective amount of all permanent windows signs shall meet the requirements of this Chapter pertaining to wall signs. Under no circumstances shall a window sign exceed 25% of the area of the window in which it is contained.
 - e) Directional signs. Directional signs shall be limited to six (6) square feet in area, and no more than two (2) such signs on any premises. Such signs shall not contain business names, logos, or advertisement of any products.

541.061 Home Occupation Signs In Residential Districts.

- 1) One (1) sign may be permitted for a conditionally permitted expanded home occupation, or conditionally permitted for a limited home occupation, in compliance with Section 511, subject to the following requirements:
 - a) The maximum permitted sign area shall not exceed three (3) square feet and the premises shall contain not more than one (1) sign.
 - b) The sign shall be mounted so that it is completely and flatly affixed against the surface of the dwelling or structure.
 - c) The sign shall not be placed on the dwelling or structure so that it covers any windows, doors or garage doors, nor shall it be placed 10 feet above the ground elevation.
 - d) The face of the sign shall not be illuminated.

541.062 Changeable Copy Signs or Bulletin Boards.

- 1) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, schools, societies, gasoline service stations, and drive-thru menu boards may be erected on the premises on which the use is located provided:
 - a) The maximum sign area shall not exceed 15 square feet and there shall be not more than one such sign on the premises.
 - b) The changeable copy is not displayed using liquid crystal display (LCD) light emitting diodes (LED), or other electro/mechanical displays, except as may be approved under Section 541.01 of the Zoning Resolution by the Perry Township Board of Zoning Appeals as a conditional use.

541.07 TEMPORARY SIGNS

- 1) Temporary Signs in Non-Residential Zoning Districts. One (1) temporary sign may be erected in any office, commercial or industrial zoning district to announce special public or institutional events, or the erection, sale or remodeling of a building or development, subject to the following requirements.
 - a) The maximum permitted sign area of a temporary sign is 32 square feet and, there shall be not more than one (1) such sign.
 - b) A temporary sign may be erected for a period of 60 days, plus the construction period, if applicable.
 - c) No temporary sign shall be located closer than twenty (20) feet to the pavement of any public street. No temporary sign shall be located within a public right-of-way.
 - d) No temporary sign shall be illuminated.

- e) Lettering on temporary signs shall be silk-screened, stenciled, created with vinyl letters, or sewn into the fabric or material.
 - f) Use of a temporary display on days without a Certificate of Zoning Compliance, when required or beyond the stated date of approval when applicable, shall be deducted from the allotted number of days.
- 2) Temporary Signs in Residential Zoning Districts.
- a) Signs announcing the sale or lease of a building or work or services being performed (or the identification of the person or entity performing such work or service) in connection with the construction, remodeling, repair, maintenance or improvement of a building or lot upon which the sign is to be placed may be temporarily erected in the residential zoning districts, provided:
 - i) That such sign shall be non-illuminated, not located within any required side or rear yard areas and placed outside of the right-of-way; and
 - ii) That the maximum area of signs advertising a sale or lease of a building must not exceed six (6) square feet; and
 - iii) That no certificate of zoning compliance shall be required for signs advertising the sale, lease or rent of a building; and
 - iv) That signs announcing the work or services being performed (or the identification of the person or entity performing such work or service) in connection with the construction, remodeling, repair, maintenance or improvement of a building or lot upon which the sign is to be placed in residential zoning districts must be located on the parcel on which the work or service is taking place and shall not exceed six (6) square feet in sign area and may only be erected during the actual period when such work or service is taking place and shall be removed from the premises upon completion of the work / service or 90 days, whichever occurs first.
 - v) That signs announcing special public or institutional events may be erected on the premises of permitted, conditional, or legally nonconforming institutions or businesses in residential zoning districts. They shall not exceed six (6) square feet in sign area, and must comply with Section 541.07 1), b and c herein, and
 - b) Garage sale signs used on private residentially zoned property for a period of not more than four (4) consecutive days, nor more than two (2) times each year to advertise activities such as, but not limited to, garage sales, school events, or church bazaars. These signs shall not exceed six (6) square feet in sign area.

SECTION 551 PUBLIC NUISANCE REGULATIONS

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

551.02 REQUIRED LIMITS. The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of this Zoning Resolution.

551.021 Noise. Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other activities in the area.

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

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

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

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

551.026 Toxic and Hazardous Substances. No toxic substance shall be emitted or otherwise discharged into the atmosphere, ground, surface waters or ground waters. No storage, use or transport of toxic or hazardous substances shall be permitted unless such activity is in full compliance with applicable state and federal environmental protection regulations and the expressed prior written approval of the appropriate fire department official as designated by the Township is obtained.

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

551.028 Trash. The storage of trash or waste materials, including but not limited to discarded household goods, discarded commercial products, industrial by-products, and other similar materials shall not be visible from the right of way and screening shall be used to conceal the materials from the street. Screening shall be a minimum of 4 feet and a maximum of 6 feet in height, and must be composed of fencing material and/or landscape material as described in this Section. Any fencing material shall be 100% opaque and comply with allowable fencing in section 502.03 of this Resolution. If landscape is being used it must be 4' tall at time of planting and be a form of evergreen; no ornamental grasses are acceptable as screening material. Acceptable landscape material includes, but is not limited to, arborvitae and evergreens. If used, landscape materials must remain at least 75% opaque year-round. All such trash materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. In all cases, there shall be full compliance with applicable zoning district standards. Although no permit is required for the screening of trashcan enclosures staff review is required of the proposed screening. A plan showing the location and type of screening must be submitted prior to installation of the screening. There is no fee for this review process.



SECTION 561 PRESERVATION OF NATURAL DRAINAGE SYSTEMS

561.01 ACTIVITIES REQUIRING A CONDITIONAL USE PERMIT. In order to preserve the integrity of certain natural drainage systems, recognizing the need to preserve ravines for the health, safety and welfare of the citizens of Perry Township, filling, grading or other construction activities involving watercourses or areas encompassing a ravine, hill or stream bank with natural slopes of 12 percent (12%) or more, shall require a Conditional Use Permit in accordance with Section 815, Perry Township Zoning Resolution. In addition to the requirements of Sections 815.021 and 815.022, the applicant for a Conditional Use Permit application shall demonstrate compliance with the following criteria:

561.011 The proposed activity shall not cause sedimentation, erosion or destruction of the storm-carrying capacity of any related drainage ditch or water course. Design criteria and construction standards for drainage, stormwater management, erosion and sedimentation control shall follow the standards and referenced guidelines of the Franklin County Subdivision Regulations adopted in 1993 or currently in force;

561.012 The proposed activity shall not adversely impact any wetland classified as such or eligible to be classified as a wetland by the U.S. Army Corps of Engineers;

561.013 At the time of filing a Conditional Use application, written documentation shall be provided that notice has been given to all applicable offices and agencies regarding the proposed activity requiring a Conditional Use Permit;

561.014 Vegetation removed in conjunction with the proposed activity shall be reestablished with a vegetation pattern representative of or consistent with existing vegetation found in the area to be disturbed or on the opposite bank from said area proposed to be disturbed.

561.02 PLAN REQUIRED.

561.021 In addition to the foregoing criteria, the Conditional Use Permit application shall include plans prepared by a professional civil engineer or landscape architect registered to practice in the state of Ohio which demonstrates that the above-listed criteria will be met. In addition, the submitted plans shall include the following:

- 1) A map illustrating areas, both on-site and immediately adjacent off-site, which may be vulnerable to erosion and sediment loss if the conditional use is granted.
- 2) A map illustrating existing and proposed elevations within the proposed work area by contour lines, set at intervals of no greater than two feet.
- 3) Depiction of all stormwater runoff, erosion and sediment control measures to be taken before, during and after construction activity. Said depiction shall convey specific practices to be used, locations where such practices will occur and the manner and timing in which they will be implemented.
- 4) Explanation of how the applicant will monitor erosion and sediment control measures during and after construction activity. Said monitoring shall, at a minimum, occur after each erodible rain. Steps shall be taken to ensure and maintain continued effectiveness of erosion and sediment control measures.
- 5) Measures for the retention and utilization of as much existing vegetation as possible to slow water runoff. Particular emphasis shall be given to trees, shrubs and other woody vegetation.

Reestablishment of vegetation in accordance with Section 561.014, above, shall include measures sufficient to stabilize impacted slopes and adjoining areas. Such measures shall also be sufficient to demonstrate that no adverse environmental impact relating to increased sediment loss, erosion and/or bank stabilization will occur.

- 6) Such other information as may be necessary to establish conformance with this Resolution or as may be requested by the Board of Zoning Appeals in order to determine such conformance.

The Perry Township Zoning Inspector may seek the assistance of the Franklin Soil and Water Conservation District, Franklin County Engineer, or other available technical resources as necessary to administer and enforce this section. Grading, filling, excavating or construction within these steep slope areas shall commence only after the Perry Township Board of Zoning Appeals has granted Conditional Use approval for such activities and a Certificate of Zoning Compliance obtained from the Zoning Inspector.

SECTION 571 DISPLAY OF PROPERTY ADDRESS

Every dwelling shall have posted in a conspicuous place the identifying house or street number so that such numbers are clearly visible from the road right-of-way on which the dwelling is located. Street or house numbers shall be displayed using numerals not less than four (4) inches and not more than six (6) inches in height so public safety vehicles can easily locate the dwelling in case of an emergency.

SECTION 591 MAXIMUM NUMBER OF DOGS PERMITTED

It is the intent of this Section to regulate the number of dogs within Perry Township so as to allow their enjoyment without causing nuisance conditions and/or health hazards. No person in any zoning district shall own, keep or harbor more than four (4) dogs on any lot or premises. Offspring of dogs permitted under this Section may be kept for a period not exceeding four (4) months.

SECTION 593 TRAFFIC IMPACT STUDY

For any proposed development or redevelopment involving more than 30 Lots (upon completion of all phases of a project) or more than four (4) acres, the Township Zoning Inspector may require a Traffic Impact Study (TIS) to be prepared by a qualified Professional Engineer at the developer's expense. The study shall investigate the benefits, and or detriments associated with such proposed development. Additionally, the TIS shall look at but not be limited to the effects of all proposed improvements or changes to the area such as signals, access points, turn lanes, driveway movements, as well as neighborhood and community safety concerns, etc. The TIS will also look at the anticipated affect any such proposed changes or additions will have on the level of safety and welfare within the TIS study area. The traffic impact study shall include the following elements:

1. A description of the site and TIS study area (which study limits will need to be approved by the township Zoning Inspector prior to commencement of the study).
2. The effects of any such development and or redevelopment will have on any existing or proposed development within the TIS study area for all phases of the project. The TIS shall consider the potential future development of any undeveloped land within the study area based on the then zoning of such properties.
3. Trip generation consistent with the current ITE Trip Generation and distribution, including a description of all assumptions/predictions used to generate findings of trip distribution to include Projected future traffic conditions within limits of the traffic impacts, including opening day of the proposed development as well as ten (10) year and twenty (20) year projections.
4. Traffic assignment resulting from the development.
5. Projected future traffic volumes and the effect of such traffic on the adjacent properties and whether such future traffic will adversely affect the existing standard of safety and enjoyment as existed as of the date of the study.
6. An assessment of the impact resulting from driveway alternatives.
7. Recommendations for site access and transportation improvements needed to maintain traffic flow at an acceptable and safe level of service for the project and all other existing neighborhoods etc.
8. An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

9. The TIS shall include all existing developments adjacent to and surrounding the subject site and a description of future development land and its then current zoning.

The Township may utilize a third-party Engineering firm or the County Engineer's office to review such TIS study and findings. The applicant shall be responsible for the cost incurred by the township for the review of the TIS study if done by anyone other than the County Engineers office. Such cost shall be determined and agreed to at the time the original TIS area is agreed to by the Township Zoning Inspector. The Township reserves the right to modify and/or make recommendations to a TIS prior to the issuance of any permit or other approval based on such review.

ARTICLE VI SPECIAL DISTRICTS

SECTION 600 SPECIAL DISTRICTS AND REGULATIONS ADOPTED

600.01 SPECIAL DISTRICTS ESTABLISHED. Districts providing for use or development of land for certain purposes or under certain conditions, as hereafter specified, are hereby established and adopted.

600.02 SPECIAL DISTRICT REGULATIONS. Regulations pertaining to use or development of land in SPECIAL DISTRICTS are provided for the following:

600.021 Flood Plain Development. Provisions pertaining to the use and development of lands subject to periodic flooding are provided to encourage development of such lands in a manner to reduce the perils of flooding and promote the public health, safety and general welfare.

600.022 Excavation and Quarry. Provisions pertaining to the extraction of sand, gravel and other mineral resources are provided to allow the removal of these important resources in a manner appropriate to adjacent lands and to rehabilitate the excavated area to promote the public health, safety and general welfare.

600.023 Oil and Gas Drilling and Production. Provisions pertaining to the drilling and production of oil and gas are provided to allow the exploration for and removal of natural petroleum resources in a manner appropriate to promote the public health, safety and general welfare.

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

600.03 RELATION TO ZONING DISTRICTS. Special Districts and Regulations thereof shall be in addition to the Zoning Districts as established on the Zoning District Map and nothing herein is intended to amend, modify or otherwise change the Zoning District Regulations except as specifically set forth in the Special District Regulations.

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

SECTION 610 FLOOD PLAIN REGULATIONS

610.02 ESTABLISHMENT OF REGULATORY FLOOD PLAIN DISTRICT.

- 1) The Regulatory Flood Plain District shall exist as an overlay and shall apply concurrently with other zoning district classifications. All land uses and development must also meet all other applicable sections of this Zoning Resolution.

- 2) The Regulatory Flood Plain District shall be designated as those flood hazards areas which are identified in the "Flood Insurance Study Franklin County, Ohio and Incorporated Areas" and the accompanying "Flood Insurance Rate Map Franklin County, Ohio and Incorporated Areas" published by the Federal Management Agency (FEMA) under the National Flood Insurance Program (NFIP) dated June 17, 2008 and all revisions and amendments thereto. These maps and data are available at the Franklin County Economic and Development Department. The Regulatory Floodplain District is further divided into two portions consisting of the Floodway and the Floodway Fringe. The Floodway is that portion of the Floodplain consisting of the channel and sufficient adjacent lands to convey the Base Flood discharge without increasing the Base Flood Elevation more than one-half (1/2) foot. The Floodway Fringe is that portion of the Floodplain outside of the Floodway. The FEMA water surface profiles of the Base Flood shall govern the location of the Floodplain boundary. The Base Flood Elevations and Floodway boundaries shall be established as those indicated by NFIP maps and data published by FEMA, including all revisions and amendments thereto. The Floodplain District shall be illustrated on the Zoning District maps. FEMA maps and data shall be used to establish the Regulatory Floodplain District. FEMA maps and data shall govern in case of omission on or in conflict with the zoning map.

- 3) In designated flood hazard areas for which FEMA has not determined detailed flood elevations and Floodway boundaries, an applicant shall be required to furnish such information prepared by qualified personnel to enable the administration of this Resolution consistent with its intent. Flood maps and data published by State or Federal sources such as the USDA Soil Conservation Service, U.S. Army Corps of Engineers, U.S. Geological Survey, or Ohio Department of Natural Resources shall be utilized when available. In case of differing information from two (2) or more of these sources, the more comprehensive and recent technical data shall be used. When detailed flood elevations and floodway boundaries are not available for the Base Flood through FEMA or other state or federal sources, the applicant shall provide them. Such information and data shall be prepared by a qualified Professional Engineer in accordance with currently accepted hydrologic and hydraulic engineering techniques and methodology. Such studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the County NFIP Administrator and the State NFIP Coordinating Agency.

610.03 REGULATORY FLOOD PLAIN DISTRICT PERMITTED USES. Only the following open space uses will be permitted within the Regulatory Flood Plain District provided they are not prohibited by any other sections of the **Perry Township Zoning Resolution**, and provided further that they do not require structures, fill, or storage of materials or equipment. In addition, no use will adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

- 1) Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 2) Industrial-Commercial uses such as loading areas, parking areas, airport landing strips.
- 3) Recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife, and nature preserves, game farms, fish hatcheries, hunting and fishing areas, hiking, and horseback riding trails.
- 4) Residential uses such as lawns, gardens, parking areas, and play areas.

610.04 PROHIBITED USES IN FLOODWAY PORTION OF REGULATORY FLOOD PLAIN DISTRICT.

The following structures and uses are hereby prohibited in the floodway:

- 1) Structures designed or used for human habitation.
- 2) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding or that have a high flood damage potential.
- 3) Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.

610.052 Structures. Structures (temporary or permanent) accessory to Conditional Uses listed above are permitted as follows, provided:

- 1) They have a low flood damage potential.
- 2) They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - a) Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flood flow.
 - b) So far as practicable, structures will be placed approximately on the same flood flow lines as those of adjoining structures.
- 3) They are firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings, and other narrow sections of the stream or river.
- 4) Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately flood-proofed.

610.053 Storage of Material or Equipment. Storage of material or equipment other than that prohibited in Subsection 610.04 (2) may be allowed upon issuance of Conditional Use Permits, if not subject to major damage by floods and firmly anchored to prevent flotation or are readily removable from the area within the time available after flood warning.

610.054 Public Utility Facilities. Public utility facilities and water-oriented industries which must be adjacent to water courses are permitted provided that the development is located so that it will not significantly alter flood flows, heights, or velocities at the regional flood. Whenever necessary, compensating measures will be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the regional flood within the limits specified in these Regulations.

610.055 Flood Control Structures. Structural works for flood control such as dams, levees, dikes, and floodwalls will not be allowed within the floodway except upon issuance of a Conditional Use Permit. In addition, any proposed structural work in the beds of public waters as defined in Section 1521.06, Ohio Revised Code, which will change the course, current, or cross section of the waters, will be subject to the provisions of Sections 1521.06 and 1521.07, Ohio Revised Code, and other applicable statutes.

610.06 CONDITIONAL USES IN FLOODWAY FRINGE PORTION OF REGULATORY FLOOD PLAIN DISTRICT. The following structural or other uses are permitted within the floodway fringe as Conditional Uses to the extent they are not prohibited by any other Sections of the Perry Township Zoning Resolution and they meet the following applicable standards:

- 1) Conditional Uses permitted in Section 610.05.
- 2) Residential Uses. Residences, consisting of four (4) units or less, erected, constructed, reconstructed, altered, or moved on fill or otherwise elevated, will be located so that the lowest floor, including basement, is at least one (1) foot above the water surface elevation in the profile of the regional flood plus any increase in flood heights caused by the proposed development.

Such buildings, structures, or additions shall have a means of ingress and egress to land outside the Regulatory Flood Plain which is at or above the regulatory flood protection elevation. This means of ingress and egress shall be at or above the regulatory food protection elevation and shall be a minimum of fifteen (15) feet wide or a minimum at five (5) feet wide if equipped either with handrails or other safety features as may be reasonably required.

- 3) Non-Residential uses other than those described in Paragraphs 4 through 8 of this Section. New construction and substantial improvements of structure and building, except for attendant utility and sanitary facilities which shall be flood proofed to the regulatory flood protection elevations, shall be elevated as provided for in Paragraph 2.
- 4) Commercial Uses. New construction of and substantial improvements to commercial structures and buildings will be elevated as provided for in Paragraph 2. Accessory land uses such as yards, railroad tracks, and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public will not be granted in the absence of a flood warning system, if the area is inundated to a depth greater than two (2) feet or subject to flood velocities greater than four (4) feet per second upon the occurrence of the regional flood.

For purposes of this Section, residential structures containing more than four (4) units will be considered commercial uses and the provisions of the Subsection 4 will apply. Also, such buildings, structures, or additions shall have at least one (1) means of ingress and egress to land outside the regulatory flood plain in the same manner as set forth in Subsection 2 of this Section.

- 5) Manufacturing and Industrial Uses. New construction of and substantial improvement to manufacturing and industrial buildings, structures, and appurtenant works will be raised to the flood protection elevation or flood-proofed and otherwise protected to the flood protection elevation.

Measures will be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards, railroad tracks, and parking lots may be at lower elevations subject to requirements set out in Paragraph 4 above. In considering permit applications, the Board of Zoning Appeals will give due consideration to needs of an industry whose business requires that it be located in flood plain areas.

- 6) Utilities, Railroad Tracks, Streets and Bridges. Public utility facilities, roads, railroad tracks, and bridges will be designed not to increase the flood stage more than 0.5 feet in any one reach or for the cumulative effect of several reaches and will be compatible with local comprehensive flood plain development plans. Protection to the regulatory flood protection elevation will be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.
- 7) Storage of Materials. Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life will be stored at or above the flood protection elevation, flood proofed, or protected by structural measures consistent with the standards set forth herein. Storage of materials likely to cause pollution of the waters as defined by Ohio law, if subject to flooding, are permitted only if adequate safeguards approved by the State EPA are provided.
- 8) Waste Treatment and Waste Disposal.
 - a) No new construction, addition, or modification to existing waste treatment facilities will be permitted within floodway fringe areas unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Ohio Environmental Protection Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.
 - b) There shall be no disposal of garbage or solid waste materials within floodway fringe areas except upon issuance of a Conditional Use Permit at sites approved by the Ohio EPA.
- 9) Flood Control Works. Flood control works shall be subject to the provisions of Subsection 610.055, and the following provisions:
 - a) For jurisdictional acres, the minimum heights and design of structural works shall be at least three (3) feet above the elevation of the regional flood.

- b) Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area. Any existing structural work which potentially threatens public health, safety, comfort, convenience, prosperity, and general welfare shall be modified or reconstructed in order to meet the standards contained herein within a period of one year of the effective date of these Regulations.
- c) Flood protection elevations and floodway limits which reflect proposed measures for flood control, that will reduce the flood elevation, shall not become effective until such measures have been constructed and are operative. If the proposed measures will increase flood heights, the regulatory flood protection elevations and flood plain limits shall reflect the anticipated increases.
- d) Detailed plans shall be submitted to the Board of Zoning Appeals for any new developments placed on the flood plain landward from dikes and levees. The plans must provide for ponding areas or other measures to protect against flooding from internal drainage.

610.07 CONDITIONAL USES. Uses other than those specified in Section 610.03 are permitted only upon application to the Administrative Offices and the issuance of a permit by the Board of Zoning Appeals as provided in this section. The Board of Zoning Appeals shall determine whether the proposed Conditional Use is located within a floodway, or floodway fringe area. If it is determined that the proposed use is located within a floodway, the provisions of Section 610.05 of these Regulations shall apply. If it is determined that the proposed use is located within the floodway fringe, the provisions of Section 610.06 of these Regulations shall apply. All uses shall be subject to standards contained in these Regulations.

The Board of Zoning Appeals may deny, grant, or conditionally grant a Conditional Use permit in accordance with the provisions of Sections 610.05 and 610.06 after it:

- 1) Determines the specific flooding threat at the site of the proposed conditional use and determines whether the use is located in a floodway or floodway fringe area by:
 - a) Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the portions of the stream channel and other areas inundated by the regional flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the regional flood plus the increase in flood heights caused by the proposed development.
 - b) Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damages to existing or reasonably anticipated future development. Computation of increases in flood heights caused by an encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.

- 2) Evaluates the effects of the proposed use upon the public health, safety, convenience, comfort, prosperity, and general welfare in light of the purposes of these Regulations and the standards established herein.

610.08 CONDITIONAL USE PERMITS AND VARIANCES. Procedure to be followed by the Board of Zoning Appeals in passing on Conditional Use Permits and Variances. Upon receiving an application for a Conditional Use Permit or Variance involving the use of fill, construction of structures or buildings, use of property or storage of materials, the Board of Zoning Appeals shall, prior to rendering a decision thereon:

- 1) Require the applicant to furnish such of the following information as is deemed necessary by the Board for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or floodway fringe portions of the regulatory floodplain as determined by a qualified registered engineer, and other factors necessary to render a decision on the suitability of the particular site for the proposed use.
 - a) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
 - b) A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
 - c) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
 - d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
 - e) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities.
 - f) Any other information requested by the Board within twenty (20) days after filing the application.
- 2) Factors upon which the decisions of the Board of Zoning Appeals shall be based. In passing upon Conditional Use and Variance applications, the Board shall consider all relevant factors specified in other Subsections of these Regulations, and
 - a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b) The danger that materials may be swept onto other lands or downstream to the injury of others.

- c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d) The susceptibility of the proposed facility or use and its contents to flood damage and the effect of such damage on the individual owner.
 - e) The importance of the services provided by the proposed facility or use to the community.
 - f) The requirements of the facility or use for a waterfront location.
 - g) The availability of alternative locations not subject to flooding for the proposed use.
 - h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 - l) Such other factors which are relevant to the purposes of these Regulations.
- 3) Conditions attached to Conditional Use Permits and Variances. Upon consideration of the factors listed above and the purposes of these Regulations, the Board of Zoning Appeals may attach such conditions to the granting of Conditional Use Permits or Variances as it deems necessary to further the purposes of these Regulations. Among such conditions, without limitation because of specific enumeration, may be included:
- a) Modification of waste disposal and water supply facilities.
 - b) Limitations on period of use and operation.
 - c) Imposition of operational controls, sureties, and deed restrictions.
 - d) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
 - e) Flood proofing measures. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer, architect, or other expert that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration:

- i) Anchorage to resist flotation and lateral movement.
 - ii) Installation of watertight doors, bulkheads, shutters, or similar methods of construction.
 - iii) Reinforcement of walls to resist water pressures.
 - iv) Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - v) Addition of mass or weight to structures to resist flotation.
 - vi) Installation of pumps to lower water levels in structures.
 - vii) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 - viii) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
 - ix) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - x) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the building or structures. Gravity draining of basements may be eliminated by mechanical devices.
 - xi) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation by the regional flood.
 - xii) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare above the flood protection elevation or provision of adequate flood proofing to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.
- 4) Construction and use to be as provided in Applications, Plans, Permits and Certificates of Zoning Compliance. Use permits, Conditional Uses, or Certificates of Zoning Compliance issued on the basis of approved plans and applications, authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of these Regulations and punishable as provided by Section 710 of the Perry Township Zoning Resolution. The applicant shall be required to submit certification by a registered professional engineer or registered surveyor, or other qualified person designated by the Board

of Zoning Appeals that the finished fill and building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of these Regulations.

610.09 WARNING AND DISCLAIMER OF LIABILITY. These Regulations do not imply that areas outside the Regulatory Flood Plain District boundaries or land uses permitted within such districts will be free from flooding or flood damages. These Regulations shall not create liability on the part of Perry Township or any officer or employee thereof for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made thereunder.

SECTION 620 EXCAVATION AND QUARRY REGULATIONS

620.02 PERMITTED USE. Land and structures governed by the EXCAVATION AND QUARRY REGULATIONS shall be used only for the following purposes in addition to permitted uses of the Zoning District in which the land is located.

620.021 Extraction.

- 141 Dimension Stone
- 142 Crushed and Broken Stone, including Riprap
- 144 Sand, Gravel and/or Topsoil Extraction

620.022 Top Soil Extraction Processing. The temporary erection and operation of plants and equipment necessary for crushing, polishing, dressing or otherwise physically or chemically processing the material extracted on the site including:

- 3271 Concrete Brick and Block
- 3272 Concrete Products, except Block and Brick
- 3273 Ready Mixed Concrete

620.03 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required under the EXCAVATION AND QUARRY REGULATIONS.

620.031 Intensity of Use. There is no minimum lot area required; however, the lot shall be adequate to provide the yard space required by the following Development Standards and meet the requirements of SECTION 502, ARTICLE V:

- 1) For excavation, quarrying and permitted processing, all equipment used shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
- 2) Accessways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be necessary.
- 3) No excavation shall be made from the banks or beds of the Scioto River or any other such stream or waterway designed as necessary to the Flood Control Program of Perry Township and Franklin County and no quarrying shall be permitted closer than two hundred (200) feet of either bank of

the above named river and creeks except by a finding of the Franklin County Engineer which shall show that such excavation or quarrying shall not impair the lateral support needed for permanent stream levees.

- 4) All excavations shall be made either to a depth of five (5) feet below a water producing level, or graded, or back-filled with non-noxious and non-inflammable solids to assure that the excavated area will not collect and retain stagnant water, or that the graded or back-filled surface will create a gentle rolling topography to minimize erosion by wind or rain and substantially conform with the contour of the surrounding area.
- 5) Whenever the floor of a quarry is five (5) feet or more below the grade of adjacent land, the property containing the quarry shall be completely enclosed by a barrier either consisting of a mound of earth not less than six (6) feet high located at least twenty-five (25) feet from any street right-of-way and planted with a double row of autumn olive bushes, other approved landscaping or shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of six (6) feet in height along the property line. Such barriers may be excluded where deemed unnecessary by the Franklin County Engineer because of the presence of a lake, stream or other existing natural barrier.

620.032 Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred fifty (150) feet from a street right-of-way line; quarrying operations shall be located fifty (50) feet or more from a street right-of-way line. With approval by the Franklin County Engineer, such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the established street grade.

Excavation or quarrying shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.

Plants or equipment for processing of extracted materials or other approved ancillary operations shall not be located nearer than six hundred (600) feet to the boundary of the land placed under the provisions of the EXCAVATION AND QUARRY REGULATIONS.

620.04 REHABILITATION PLAN. Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of County Commissioners.

620.041 Rehabilitation Plan. All such Rehabilitation Plans shall include the following:

- 1) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
- 2) Existing and proposed drainage of the area.
- 3) Details of regrading and revegetation of the site during and at conclusion of the operation.

620.042 Required Rehabilitation. The following requirements shall be met in the Rehabilitation Plan:

- 1) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- 2) Spoil banks shall be graded to a level suiting the existing terrain.
- 3) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized and approved by the County Engineer.
- 4) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- 5) All equipment and structures shall be removed within three (3) months of the completion of the extraction of materials.

SECTION 630 OIL AND GAS DISTRICT REGULATIONS

630.02 PERMITTED USE. Land and structures governed by the OIL AND GAS DISTRICT REGULATIONS shall be used only for the following purposes in addition to Permitted Uses of the Zoning District in which the land is located.

630.021 Extraction.

- 1481 Crude Petroleum
- 1481 Natural Gas
- 1482 Natural Gas Liquids
- 1483 Oil and Gas Field Services

630.022 Temporary Equipment and Structures. The temporary erection of structure and equipment necessary for the drilling and production of oil or gas on the site.

630.03 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the OIL AND GAS DISTRICT.

630.031 Spacing of Wells. No permit shall be issued to drill, deepen, reopen, or plug a well for the production of oil or gas unless the proposed well is located:

- 1) Upon a tract or drilling unit containing not less than ten (10) acres;
- 2) Not less than four hundred sixty (460) feet from any well drilling to, producing from, or capable of producing from the same pool;

- 3) Not less than two hundred thirty (230) feet from a boundary of the subject tract or drilling unit.

630.032 Access and Egress. Prior to commencement of any drilling operations, all private roads used for access to the drill site and the drill site itself shall be surfaced by clean, crushed rock, gravel or decomposed granite, or oiled and maintained to prevent dust and mud.

630.033 Derricks. All derricks and masts hereafter erected for drilling or re-drilling shall be at least equivalent to the American Petroleum Institute Standards 4A, 14th Edition and 4D, 3rd Edition.

630.034 Signs and Fencing. A sign having a surface area of not less than two (2) square feet and no more than six (6) square feet bearing the current name and number of the well and the name or insignia of the operator shall be displayed at all times from the commencement of drilling operations until the well is abandoned.

All oil well production equipment having external moving parts hazardous to life or limb shall be attended twenty-four (24) hours per day or be enclosed by a steel chain link type fence not less than six (6) feet in height and in addition having not less than three (3) strands of barbed wire sloping outward at approximately a 45 degree angle and for eighteen (18) inches from the top of the fence. There shall be no aperture below such fence greater than four (4) inches. Fence gates shall be placed at nonhazardous locations and shall be locked at all times when unattended by a watchman or service man.

630.035 Lighting, Delivery and Power.

Lighting. All lights shall be directed or shielded so as to confine direct rays to the drill site.

Delivery of equipment. The delivery or removal of equipment or material from the drill site shall be limited to the hours between 7:00 a.m. and 7:00 p.m., except in case of emergency.

Power Sources. All power sources shall be electric motors or muffled internal combustion engines.

630.036 Storage of Equipment. There shall be no storage of material, equipment, machinery or vehicle which is not for immediate use or servicing on an installation on the drill site. Storage tanks shall be located on the drill site and storage tank capacity at the drill site shall not exceed a total aggregate of two thousand (2000) barrels exclusive of processing equipment.

630.037 Flammable Waste Gases. Flammable waste gases or vapors escaping from a production drill site shall be burned or controlled to prevent hazardous concentration reaching sources of ignition or otherwise endangering the area.

630.04 REHABILITATION PLAN. Drilling and production shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Perry Township Trustees.

630.041 Rehabilitation Plan. All such Rehabilitation Plans shall include the following:

- 1) Redevelopment plan showing existing and proposed site and all facilities pertinent thereto. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale.

- 2) Details of regrading and revegetation of the site during and at conclusion of the operation.

630.042 Required Rehabilitation. The following requirements shall be met in the Rehabilitation Plan:

- 1) Upon cessation of drilling and beginning of production, the well shall be serviced only with a portable derrick when required.
- 2) All concrete, pipe, wood and other foreign materials shall be removed from the drill site to a depth of six (6) feet below grade, unless part of a multi well cellar then being used in connection with any other well for which a permit has been issued.
- 3) All holes and depressions shall be filled and packed with native earth. All oil, waste oil, refuse or waste material shall be removed from the drill site.
- 4) Adequate landscaping shall be required of the drilling site with screen planting around visible equipment and tanks, ground cover on other portions of site and maintenance of all equipment and premises in a good and painted condition.
- 5) All drilling equipment and the derrick shall be removed from the premises within sixty (60) days following the completion, abandonment or desertion of any well.

SECTION 640 EXCEPTIONAL USE DISTRICT REGULATIONS

640.02 SPECIAL USES. The following listed uses shall be subject to these EXCEPTIONAL USE DISTRICT REGULATIONS, except as they may be permitted by other provisions of this Zoning Resolution.

640.021 Recreation and Amusement. Golf Country Club and similar accessory structures and uses, including, but not limited to, restaurant, swimming pools, pickle ball and tennis courts. All accessory uses and structures shall be those normally associated with the operation of a Golf County Club.

640.03 PROCEDURE. The following procedure shall be followed in placing land in the EXCEPTIONAL USE DISTRICT.

640.031 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application for amendment of the Zoning District Map and such plan shall include in text or map form:

- 1) The proposed location and size of areas of use, indicating size, location and type of structure.
- 2) The proposed location, size and use of all open areas landscaped and other open space with suggested ownership of such areas.
- 3) The proposed provision of water, sanitary sewer and surface drainage facilities including engineering feasibility or other evidence of reasonableness.

4) The proposed circulation pattern including streets, both public and private, parking areas, walks and other accessways including their relation to topography, existing streets and other evidence of reasonableness.

5) The proposed schedule of site development and construction of buildings and associated facilities including sketches or other documentation indicating design principles or concepts for site development, buildings, landscapes or other features. Such schedule shall include the use or redevelopment of existing features such as structures, streets, easements, utility lines and land use.

6) The relationship of the proposed development to the existing and future land use in the surrounding area, the street system, community facilities and services and other public improvements.

7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan within three (3) years. Such control includes property rights, economic resources and engineering feasibility as may be necessary.

640.032 Basis of Approval. The basis of approval for an amendment to the EXCEPTIONAL USE DISTRICT shall be:

1) That the proposed development is consistent in all respects to the purpose, intent and applicable standards of this Zoning Resolution;

2) That the proposed development is in conformity with a Comprehensive Plan or a portion thereof as it may apply;

3) That the proposed development advances the general welfare of the Township and that the benefits to be derived from the proposed use justifies the change in the land use character of the area.

640.033 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment of the Special District Map and a supplement to the EXCEPTIONAL USE DISTRICT REGULATIONS as they apply to the land included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of the Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio, if required; or if no plat is required for the completion of plans for application for a Certificate of Zoning Compliance. If the plat is not submitted and filed nor such Certificate applied for and used within the three (3) year period, the approval shall become voided and the Board of Trustees or Zoning Commission may institute a zoning amendment to rezone the property to its previous Zoning District or another comparable District, except if an application for time extension is submitted and approved in accordance with 640.034.

640.034 Extension of Time. An extension of the time limit on an approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the Development Standards of the EXCEPTIONAL USE DISTRICT.

640.035 Development Plan Requirement. No property currently zoned Exceptional Use shall make any modification or alteration to any structure or land unless a Development Plan has been filed with and approved by the Board of Township Trustees. The Board of Trustees shall render a decision on a proposed Development Plan within thirty (30) days from the date of the closing of the Board of Trustees' hearing on the matter.

640.036 Approval of Initial Development Plan or Modification to Existing Development Plan. In determining whether or not to approve a Development Plan or modification to an existing Development Plan, the Board of Trustees shall consider the following:

- 1) If the proposed Development Plan is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
- 2) If the proposed Development Plan meets all of the design features required in this Code.
- 3) If the proposed Development Plan is in keeping with the existing land use character and physical development potential of the area.
- 4) If the proposed Development Plan will be compatible in use and appearance with surrounding land uses.
- 5) If the proposed Development Plan will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
- 6) If the proposed Development Plan promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development.
- 7) If the proposed Development Plan can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
- 8) If the proposed Development Plan is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township.
- 9) Such other considerations which may be deemed relevant by the Board of Trustees. The Board of Trustees may impose additional conditions relating to the Development Plan with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of Open Space areas; and other development characteristics.

640.04 DEVELOPMENT STANDARDS. The provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, shall pertain to the EXCEPTIONAL USE DISTRICT. Because of the unique nature and requirements of these uses, and because their locations cannot be readily predetermined, appropriate

Development Standards cannot be set forth, but full usage of Development Standards, requirements, and other provisions of this Zoning Resolution as they may be appropriate, shall be used.

ARTICLE VII ADMINISTRATION

SECTION 705 ENFORCEMENT OF REGULATIONS

705.01 ADMINISTRATIVE OFFICER. This Zoning Resolution shall be administered and enforced by a Township Zoning Inspector or his/her designated representative who shall be appointed by the Board of Perry Township Trustees as is prescribed by Section 519.16, **Ohio Revised Code**, and is hereby empowered:

705.011 Certificate of Zoning Compliance. To issue a Certificate of Zoning Compliance when these regulations have been followed or, to refuse to issue the same in the event of non-compliance.

705.012 Collection of Fees. To collect the designated fees as set forth in this Zoning Resolution for Certificates of Zoning Compliance, application for amendment or changes, Appeal and Conditional Use.

705.013 Making and Keeping of Records. To make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all Certificates of Zoning Compliance and of receipt of complaints of violation of this Zoning Resolution and action taken on the same.

705.014 Inspection of Building or Land. To inspect any building or land to determine whether any violations of this Zoning Resolution have been committed or exist.

705.015 Enforcement. To enforce this Zoning Resolution and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress, and may request the Franklin County Prosecuting Attorney to commence appropriate action. This authority includes the ability to issue stop work orders.

705.016 Advise Zoning Commission. To keep the Township Zoning Commission advised of all matters other than routine duties pertaining to the enforcement of this Zoning Resolution and to transmit all applications and records pertaining to supplements and amendments.

705.017 Advise Board of Appeals. To keep the Board of Zoning Appeals advised of all matters pertaining to Conditional Use Permits, Appeals or Variances and to transmit all applications and records pertaining thereto.

705.02 Certificate of Zoning Compliance. No occupied or vacant land shall hereafter be changed in its use in whole or part until a Certificate of Zoning Compliance shall have been issued by the Township Zoning Inspector. No activity resulting in a disturbance equal to or greater than 1 acre of occupied or vacant land shall hereafter be permitted until the Certificate of Zoning Compliance has been issued by the Township Zoning Inspector. No existing or new structure, including principal and accessory structures, existing use of a lot or portion thereof shall hereafter be charged in its use in

whole or in part until the Certificate of Zoning Compliance shall have been issued by the Township Zoning Inspector. The Zoning Inspector may issue a stop work order for failure to obtain a Certificate of Zoning Compliance or any other required permits. This section shall in no way be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no repairs, alterations, or additions are proposed for such structure or accessory structures.

705.021 For purposes of this Resolution, changes or alterations involving any non-conforming structure and/or accessory development (see Section 110.042) shall result in the modification of all other non-conforming structures and accessory development on the lot or lots involved in the Application for a Certificate of Zoning Compliance so that all alterations, re-construction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located. However, a Certificate of Zoning Compliance may be issued for an existing, non-conforming, principal structure which does not meet current building set-back requirements provided that no structural expansion is made to the exterior of the non-conforming, principal structure.

705.022 Building Permit. No building permit for the extension, erection or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued, and no building shall be occupied until such certificate is approved.

705.023 Application for Certificates. Each application for a Certificate of Zoning Compliance for new development shall be accompanied by a plan in duplicate, prepared by a professional engineer, surveyor or architect drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the following:

- 1) The actual dimensions of the lot including easements;
- 2) The exact size, location and height of all existing and proposed buildings on the lot;
- 3) The existing and intended use of all parts of the land or buildings;
- 4) Existing zoning on all adjacent lots;
- 5) Existing and, or proposed parking spaces, traffic flow, wheel stops access drive(s) and parking set-backs;
- 6) The proposed provision of water and sanitary sewer facilities including a written indication of at least preliminary approval of such provisions from the applicable Franklin County or State of Ohio regulatory agency;
- 7) Existing and proposed screening as required by Section 521 of this Resolution.
- 8) Existing and proposed signs and billboards as required by Section 541 with the following detailed information:
 - a) A completed application and fee for each requested sign.
 - b) Scale elevation drawing(s) of proposed sign(s).

- c) Foundation and anchoring drawing(s) of proposed sign(s).
 - d) A dimensioned site plan showing the location of proposed sign(s) and adjacent buildings or other structures.
 - e) For wall signs, a building elevation drawn to scale showing the proposed wall sign and the dimension from established grade to the top of the sign.
 - f) For ground signs, a sign base landscaping plan.
 - g) Cut sheets for any exterior lighting fixtures and/or details of the lighting type to be used.
- 9) A grading plan and storm sewer layout, to include existing and proposed surface and subsurface drainage features indicating how storm runoff will be handled.
 - 10) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for compliance with and the enforcement of this Zoning Resolution.
 - 11) The requirements of 705.022 or portions thereof, may be waived by the Township Zoning Inspector when, in his/her opinion, the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed.

Applications for Certificates of Zoning Compliance must comply with applicable local and state requirements and regulations. These may include, but are not limited to, the Franklin County Storm Water Management Manual if the proposal will disturb 1 or more acres of land, Franklin County Public Health Regulations, Franklin County Sanitary Engineer requirements, Franklin County Drainage Engineer requirements, Franklin County Engineer requirements and requirements of the applicable Ohio Environmental Protection Agency Construction permit.

705.024 Fees. When making application for a Certificate of Zoning Compliance, the investigation and compliance fees shall be paid in accordance with the Schedule of Fees Resolution as adopted by the Board of Perry Township Trustees. Any person, firm or corporation who begins work for which a permit or Certificate of Zoning Compliance is required without first obtaining said permit or Certificate, shall be assessed a fine of double the amount of the appropriate fee that would otherwise been paid as established by the Schedule of Fees Resolution.

705.025 Issuance of Certificates. Certificates of Zoning Compliance shall be issued or refusal thereof given within thirty (30) working days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

705.026 Expiration of Certificate of Zoning Compliance. If the change or modifications described in any Certificate of Zoning Compliance has not begun within one (1) year from the date of issuance thereof, said Certificate of Zoning Compliance shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Certificate of Zoning Compliance has not been completed within twenty-four (24) months of the date of issuance thereof, said Certificate of Zoning Compliance shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as

described in the canceled Certificate of Zoning Compliance shall not proceed unless and until a new Certificate of Zoning Compliance has been obtained or an extension granted by the Board of Zoning Appeals.

SECTION 710 PENALTIES FOR VIOLATION

710.01 PENALTY FOR VIOLATION OF ZONING RESOLUTION. Any person violating any provision of any article of this Zoning Resolution, or who shall violate or fail to comply with any order made thereunder; or who shall falsify plans or statements filed thereunder; or who shall continue to work upon any structure after having received written notice from the Township Zoning Inspector to cease work, shall be guilty of a misdemeanor, and subject to the penalty provided in Section 519.99, **Ohio Revised Code.**

710.011 Remedies for Violation of Zoning Resolution. 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 any regulation in or any provisions of this Resolution or any amendment thereto, the Board of Township Trustees, the Zoning Inspector, Prosecuting Attorney of the county, 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, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

SECTION 715 AMENDMENTS TO ZONING RESOLUTION

715.01 AMENDMENT BY BOARD OF TOWNSHIP TRUSTEES. The Board of Township Trustees may amend the text of this Zoning Resolution and/or the Zoning District Map.

715.011 Initiation by Resolution or Motion. Proposed amendments may be initiated by the Board of Township Trustees by resolution or by motion of the Township Zoning Commission.

715.012 Initiation by Application. Proposed amendments may be initiated by one or more owners or lessees of land within the area that is proposed to be changed or affected by the proposed amendment.

715.013 Resubmission of Application. If a proposed amendment initiated by application is disapproved by the Board of Township Trustees, another application for amendment affecting the land included in the disapproved application shall not be submitted within one (1) year from the date of disapproval, except with a statement by the Zoning Commission of changed or changing conditions affecting the land sufficient to warrant reconsideration.

715.05 INITIATION OF ACTION BY OWNER OR LESSEE OF LAND. Two hard copies (2) and one electronic copy of a provided application form along with attachments shall be filed with the Zoning Commission.

715.051 Application. The application for any proposed amendment shall contain such information as required in the provided application form including, without limitation, the following:

- 1) A description or statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the district boundaries of the Zoning District Map.
- 2) A description by map or text of the property to be affected by the proposed change or amendment.
- 3) A statement of the relation of the proposed amendment to the general health, safety and morals of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and the relation to appropriate plans for the area.
- 4) A list of the names and addresses of all owners of property within, contiguous to and directly across the road from and all other property owners within two hundred (200) feet of such area proposed to be rezoned. Such a list shall be in accordance with the Franklin County Auditor's current tax list.

715.052 Fees. A fee paid in accordance with the Schedule of Fees Resolution adopted by the Board of Perry Township Trustees shall be paid to Perry Township for each amendment to cover the necessary administrative and advertising costs.

SECTION 716 PROCEDURE FOR CONSIDERATION OF PROPOSED AMENDMENT

716.01 ESTABLISHMENT OF PUBLIC HEARING BY TOWNSHIP ZONING COMMISSION. Upon the certification of such resolution by the Board of Township Trustees, the adoption of such motion by the Perry Township Zoning Commission or the filing of such application for a proposed amendment of the text of this Zoning Resolution or the Zoning District Map, the Township Zoning Commission shall set a date for a public hearing.

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

716.012 Notice of Hearing. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such public hearing as set forth in Section 519.12 Ohio Revised Code.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Township Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from and to all property owners within two hundred (200) feet of such area affected by the proposed amendment. This notice is to be mailed to the address of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

716.013 Notice to County or Regional Planning Commission. One (1) copy of the proposed amendment, together with text and map pertaining thereto, may be forwarded to the County or Regional

Planning Commission within five (5) days from the applicable date of the resolution, motion or application.

716.02 ACTION BY THE COUNTY OR REGIONAL PLANNING COMMISSION. If forwarded pursuant to Section 716.013, the County or Regional Planning Commission shall consider the proposed amendment and make recommendations concerning the approval, denial or some modification thereof to be considered by the Zoning Commission.

716.021 Staff Review. The staff of the County or Regional Planning Commission together with the Franklin County Engineer, the Franklin County Board of Health and other appropriate agencies or bodies may present to the County or Regional Planning Commission a written report including all apparent facts, implications and conclusions concerning the proposed amendment.

716.022 Consideration. If forwarded pursuant to Section 716.013, the County or Regional Planning Commission shall consider approval, denial or some modification of the proposed amendment.

716.023 Recommendation. Any recommendation of the County or Regional Planning Commission shall be submitted to the Zoning Commission for consideration at a public hearing.

716.03 ACTION BY THE TOWNSHIP ZONING COMMISSION. After a public hearing, the Township Zoning Commission shall act on a proposed amendment.

716.031 Consideration. The Township Zoning Commission shall consider the approval, denial or some modification of the proposed amendment.

716.032 Recommendation. Within thirty (30) days after the public hearing, the Township Zoning Commission shall submit to the Board of Township Trustees a recommendation of approval, denial or some modification of the proposed amendment, together with such resolution or application, the text and map pertaining thereto, and the recommendation of the County or Regional Planning Commission.

716.04 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES. Upon receipt of such recommendation concerning a proposed amendment, the Board of Township Trustees shall set a time for a public hearing.

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

716.042 Notice of Hearing. Notice of the public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of the public hearing as set forth in Section 519.12 Ohio Revised Code.

716.043 Final Action. Within twenty (20) days after such public hearing the Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification thereof.

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

SECTION 720 DEFINITIONS

720.01 DEFINITION OF WORDS. Except where specifically defined herein, all words used in this Zoning Resolution shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word structure includes the word building; the word lot includes the word plot or parcel; the term "shall" is always mandatory; the words "used" or "occupied", as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".

720.011 Specifically Defined Words. The following listed words are specifically defined for use in this Zoning Resolution.

ABANDONED SIGN – A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and not repaired within the requirements set forth in Section 541.04.

ACCESSORY USE - A use incidental and subordinate to the principal use on the lot and serving a purpose customarily incidental and subordinate to the use of a principal structure or building.

ADULT BOOK STORE - Adult Book Store means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films, or mechanical or non-mechanical devices, which constitute Adult Materials.

ADULT MATERIAL - Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and;

- 1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
- 2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

ADULT MOTION PICTURE THEATER - Adult Motion Picture Theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from Adult Material for observation by patrons therein.

ADULTS ONLY ENTERTAINMENT ESTABLISHMENT - Adults Only Entertainment Establishment means an establishment which features services which constitute Adult Material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute Adult Material.

ALLEY - Secondary accessway of not less than twenty (20) feet in width dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ANCILLARY DWELLING UNIT - A separate living quarters within a residence for the exclusive independent occupancy of no more than 2 persons who are related by blood, marriage, adoption or other legal relationship to the owner of the residence.

ANEMOMETER - An instrument that measures the force and direction of the wind.

ARBOR OR TRELLIS - A fence of latticework used as a screen or as a support for climbing plants. Trellises, or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose or partially enclose or separate any premises shall be included within the definition of the word FENCE.

AWNING SIGN – Any graphic or commercial message placed on any face of a shade structure attached above a building window.

BASEMENT - A story, all or part of which is underground, but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BENCH SIGN - A sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning.

BILLBOARD - A billboard shall be defined as an outdoor display intended to advertise products or services at locations where activities related to their sale, distribution, production, repair and associated administrative functions are not maintained. Billboards also include outdoor displays intended to convey information, ideas, or opinions to the public at locations not used by their sponsors for other professional administrative activities. Billboards are subject to local zoning and the building permit requirements of Franklin County and the State of Ohio.

BOARD - The Zoning Board of Appeals.

BORROW PIT - A lot or parcel of land or part thereof used for the purpose of extracting sand, gravel or topsoil for sale or use on another premises, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

BOTTOMLESS - Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

BUILDING - A structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

BUILDING, HEIGHT OF - The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

BUILDING SETBACK LINE - A line establishing the minimum allowable distance between the nearest portion of any building and the center line of any street when measured perpendicularly thereto.

CHANNEL - A natural or artificial depression of perceptible extent with definite bed and banks to confine and conduct flowing water either continuously or periodically.

CHILD CARE - Any place, home or institution which cares for young children apart from their parents when received for regular periods of time for compensation such as kindergarten, nursery school or class for young children that develops basic skills and social behavior by games, exercises, toys and simple handicraft.

CHILD DAY CARE TYPE B HOME – means a permanent residence of the provider in which day child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purpose of this provision, any children under six years of age who are related to the provider and who are one the premises of the Type B home shall be counted. A Type B day care home does not include a residence in which the needs of children are administered to, if all of the children are siblings of the same immediate family and the residence is the home of the siblings.

CLEAR FALL ZONE - An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

CIRCULAR DRIVE – A drive on a lot which does not lead to an off-street parking space and requires more than one curb cut on the same right-of -way or a drive which connects one right-of-way with another on a corner lot.

COWLING - A streamlined removable cover that encloses the turbine’s nacelle.

CUTOFF LIGHT FIXTURE - shall mean an artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

DECIBEL - A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

DETONABLE MATERIALS - Generally unstable materials having the propensity to explode violently from a moderately irritating force. Examples of such materials include, but are not limited to, fulminates, nitrocellulose, black powder, dynamite, nitroglycerine, ozonides, perchlorates, gasoline, fuel oil, and other flammable gases and vapors.

DIRECTIONAL SIGN - A permanent sign that provides information regarding location, instructions for use, or functional/directional data.

DISTURBANCE - Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

DIVERGENCE – In a Planned District, a divergence is a deviation of development standards or other standards or requirements contained the Zoning Resolution. A deviation may be approved by the Zoning Commission and/or the Perry Township Board of Trustees, as applicable, at the time of Development Plan approval at the time of rezoning, provided the benefits, improved arrangement and design of the proposed development justify the deviation from the development standards or other standards or requirements of the Zoning Resolution.

DRIVEWAY – A private way, other than a street or alley, that provides access to off-street parking on one lot of record.

Driveway Approach - is an area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property, such as a parking area.

DWELLING, APARTMENT - A building arranged or intended for four (4) or more families living independently of each other in separate dwelling units, any two (2) or more provided with a common entrance or hall and all dwelling units are intended to be maintained under single ownership or owned under condominium.

DWELLING, MULTI-FAMILY – A building arranged or designed for three (3) or more families living independently of each other in separate dwelling units.

DWELLING, SINGLE-FAMILY - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units with separate entrances.

DWELLING, UNIT - A "dwelling unit" means one or more rooms arranged, intended or designed for the primary purpose if independent residential occupancy by the individuals residing therein who live together in such a unit as a single housekeeping unit for living and sleeping purposes, and containing cooking facilities for the exclusive use of such occupants residing therein, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, living and sleeping facilities.

EPA - Environmental Protection Agency, Federal and State.

EQUAL DEGREE OF ENCROACHMENT - An equal reduction of conveyance on both sides of the stream for flood flows.

FAMILY - A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- 1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- 2) two unrelated people; or
- 3) two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.

“Family” does not include any society, club, fraternity, sorority, association, lodge, federation or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth and authorized by applicable law as being permitted uses within residential zoning districts.

FENCE – GENERAL - The word FENCE shall in general terminology mean any structure composed of wood, metal, stone, plastic, or other natural and permanent material erected in such a manner and positioned as to enclose or partially enclose any lot or any part of any lot. Structures erected other than on lot lines or within five feet of lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises, separating premises from adjoining premises, hedges, retaining walls, or radio controlled dog fences, shall not be included within the definition of the word FENCE.

FLOOD - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

FLOOD FREQUENCY - The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded, which is expressed as having a probability of occurring once within a specified number of years.

FLOODWAY FRINGE - That portion of the regulatory flood plain outside of the floodway.

FLOOD PLAIN - The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorology and hydrological conditions.

FLOOD PROOFING - A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOODWAY - The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

FLOOR AREA

RESIDENTIAL - the square foot area of a building at all finished levels above grade, within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, secondary stairways, and unfinished attics.

FREESTANDING SIGN – A sign which is monument in type where the sign face is attached to a wall or supporting base constructed specifically for the display of the sign.

GARAGE – A portion of a dwelling unit used for the parking or temporary storage of automobiles, recreation vehicles and other personal property owned by the occupants of the premises.

GARAGE, DETACHED – A detached accessory building located on the same lot as a dwelling unit for the parking or temporary storage of automobiles, recreation vehicles and other personal property owned by the occupants of the premises.

GARAGE SALE - A sale of personal property to the general public conducted in or on any property within any zoning district, to include, without limitation, garage sales, patio sales, yard sales, porch sales, driveway sales, attic and basement sales and the like.

GRASS - shall mean means a species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

GROSS FLOOR AREA - Gross floor area of a residential structure shall be computed as the sum of the gross horizontal area of the several floors of the residential structure, excluding finished and unfinished basements, breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics, and other unheated and/or unfurnished areas attached to the principal use or structure.

Gross floor area of non-residential structure shall be computed as the sum of the gross horizontal floor area of the specified use.

GROUND COVER - shall mean a plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

HEDGE - A row of dense closely spaced living plant material composed of vines, trees, shrubs, bushes or combination thereof.

HIGH WATER MARK - the point on a stream bank to which the presence and action of surface water is so continuous as to leave a district marked by erosion. High water marks are delineated by the Franklin Soil and Water Conservation District and the Ohio Department of Natural Resources.

IMPERVIOUS SURFACE – Material covering the ground that is incapable of being penetrated by water. Impervious surface includes but is not limited to any Building, Dwelling, Structure, deck, patio, sidewalk, driveway or other concrete, asphalt and/or paved areas and any other similar areas that are constructed or otherwise created in a manner that causes water runoff rather than allowing water to run into the ground. Impervious surfaces may include an area where the ground has been made impervious due to compaction or other manmade condition, regardless of the material placed on the ground.

INTENSE BURNING MATERIALS - Materials having the propensity to burn with great intensity by virtue of characteristics such as low ignition temperature, high rate of burning and large heat evolution. Such materials include, but are not limited to, manganese, pyrotechnics and pyroxylin.

LANDSCAPE - The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

LANDSCAPE UPLIGHT FEATURE – a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.

LOT - a unit of real estate designated as a “lot” by a plat of record, a subdivision of record, or as otherwise created or existing by law. A lot is a parcel and is a tract.

LOT, MINIMUM - A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Zoning Resolution, and having not less than the minimum required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.

LOT, DEPTH OF - The average horizontal distance between front and rear lot lines.

LOT COVERAGE – The portion of a lot that is covered by the principal and accessory building, structures, and impervious surfaces that prevent the passage or absorption of stormwater including paving and driveways.

LOT COVERAGE (BPOD & HPOD) - The ratio of the quantity of horizontal space (area) occupied by impervious structures or surfaces of any type on a lot or parcel to the total area of the lot or parcel, expressed as percentages.

LOT LINE - A line bounding or demarcating a plot of land or ground as established by a plat of record.

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

MEGAWATT (MW) - A unit of power, equal to one million watts.

MOBILE HOME - A single-family dwelling designed to be moved by being built on a frame or chassis and further specifically designed and constructed so that wheels are, or may be attached 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.

If applicable, the following criteria may be used to define and identify a mobile home for purposes of this Resolution:

- 1) A single-family dwelling constructed between 1975 and June 14, 1976 may be defined as a mobile home if constructed in accordance with the standards of Chapter BB-77, Industrialized Units, and Mobile Homes of the Ohio Building Code.

- 2) A single-family dwelling constructed other than between 1975 and June 14, 1976 may be defined as a mobile home if constructed in accordance with the standards of the National Home Construction and Safety Standards Act--42 USC 5042(6) and as hereinafter amended.

A single-family dwelling may be defined as a mobile home if constructed in accordance with the standards of the National Home Construction and Safety Standards Act--42 USC 5042(6) and as hereinafter amended; except those constructed between 1975 and June 14, 1976, which may be defined as mobile home if constructed in accordance with the standards of Chapter BB-77, Industrialized Units and Mobile Homes of the Ohio Building Code.

NACELLE - Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

NON-CONFORMING USE - A legal use of a building and/or of land that antedates the adoption of these Regulations and does not conform to the Regulations for the Zoning District in which it is located.

NUDE - (NUDITY) - Nude (Nudity) means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) 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.

ODOR - A scent of spicy, flowery, fruity, resinous, foul or burnt character of sufficient intensity and duration to be irritating to one or more individuals.

OBSTRUCTION - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter which is in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

ON-STREET PARKING – striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.

OPAQUENESS - The degree to which a wall, fence, structure or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

OPEN FENCE – A fence constructed for its functional, ornamental or decorative effect and, when viewed at right angles, having not more than 50% of its vertical surface area open to light and air. Example varieties include chain link (vinyl coated or painted), split rail, or wrought iron.

OPEN TOP DUMPSTER – A temporary container that is not fully closed and is typically used to haul and dispose of unwanted materials.

ORNAMENTAL TREE - A small to medium tree to be an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

OUTDOOR STORAGE - Outdoor Storage shall mean the keeping of any goods, materials, merchandise, or vehicles outside of a structure or building.

PARKING AISLE – the traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.

PARKING BAY – a row of parking spaces typically separated by a parking island or some other feature used to break up large expanses of asphalt used for surface parking.

PARTIALLY OPEN FENCE - A fence designed to offer a vertical, but not totally blocked visual separation. This fence is used where a low level of screening is adequate to soften the impact of the use or where partial visibility between areas is more important than a total visual screen. When viewed at right angles, the fence would have more than 50% of its vertical surface open to light and air. Example would include a picket fence.

PARTICULATES - Fine particles, either solid or liquid, which are small enough to be dispensed or otherwise carried into the atmosphere.

PAVEMENT - For purposes of this Resolution, pavement is asphaltic concrete, portland cement concrete, chip and sealer, or any combination of the above materials.

PERENNIAL STREAM CHANNEL – a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.

POLITICAL SIGN - A sign designed for the sole purpose of promoting candidates for elective office, public issues, and similar matters to be decided by public election and which is built and/or erected in such a manner as to be temporary in nature.

PORTABLE STORAGE UNIT - A non-permanent, non-habitable, self-contained unit, including open top dumpsters and bagsters as applicable, designed for placement on and subsequent removal from a property which can be transported by vehicle and left on-site for the purpose of facilitating the storage of personal property.

PRIVATE ROAD - a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.

PROJECTING SIGN - A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building.

PUBLIC ROAD - any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

REACH - A hydraulic engineering term to describe a longitudinal segment of a stream or river within which flood heights are primarily controlled by man-made or natural obstructions or constrictions.

RECREATIONAL VEHICLE - A recreational vehicle is a vehicle manufactured or modified to contain temporary living quarters for travel, recreation, or vacation purposes. This definition shall include but is not necessarily limited to campers, travel trailers, truck campers, and motor homes.

REGIONAL FLOOD - A flood which is representative of large floods known to have occurred generally in Ohio and reasonably characteristic of what can be expected to occur on an average frequency in the order of the one hundred (100) year recurrence interval.

REGULATORY FLOOD PLAIN - A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

REGULATORY FLOOD PROTECTION ELEVATION - A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by the flood plain regulations are required to be elevated or flood proofed.

RESIDENTIAL CARE FACILITY - A "Residential Care Facility" is a use of a dwelling unit or dwelling units within a building primarily for providing supervised room, board and care in a residential setting to residents thereof whose disabilities or status limit their ability to live independently, and only secondarily for training, rehabilitation and non-clinical services. The term excludes use as a social and cultural institution as listed in Section 640.023, food and lodging establishments as defined in Section 322.034, clinics, institutions, hospitals, nursing homes, convalescent homes, schools, child day care centers, nursery schools, dormitories and other similar uses.

RESIDENTIAL ZONING DISTRICT OR USE - Residentially zoned District or Use means any residential zoning district as listed in SECTION 201, ARTICLE II or any area where person may reside.

RETAINING WALL - A wall composed of wood, stone, brick or other masonry material designed to hold back a portion of higher ground from a lower one. A retaining wall permits two elevation levels to be placed adjacent to each other with an abrupt vertical change between them.

ROAD FRONTAGE – the lineal amount of land adjacent to a public or private road.

ROOF SIGN - shall mean a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SEXUAL ACTIVITY - Sexual Activity means sexual conduct or sexual contact, or both.

SEXUAL CONDUCT - Sexual Conduct means vaginal intercourse between a male and a female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL EXCITEMENT - Sexual Excitement means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

SIGN - A sign shall be defined as an outdoor display intended to identify or attract attention to the premises on which it is located; the businesses, organizations, or individuals conducting professional activities on the premises; or the products or services sold, distributed, produced, or repaired on the

premises. Signs also include outdoor displays used by businesses, organizations, or individuals to convey information, ideas, and opinions to the public.

SOLID FENCE - A fence designed to inhibit public view and provide seclusion and, when viewed at right angles, having more than 50 percent of its vertical surface area closed to light and air. Example varieties would include board on board, stockade, and walls of brick or stone.

SMALL WIND PROJECT, ACCESSORY STRUCTURES - Structures such as sheds, storage sheds, pool houses, unattached garages, and barns associated with a Wind Project.

SMALL WIND PROJECT - Any wind project less than 5MW which includes the wind turbine generator and anemometer.

STORAGE CONTAINER – A non-habitable, self-contained unit designed for placement on a property for the storage of commercial property.

STREET - A street is an existing state, county, township or municipal roadway, which is shown on a plat approved pursuant to law or by other appropriate official action, consisting of at least forty (40) feet of improved, dedicated and publicly maintained right-of-way; or, a street is an approved private vehicular access which by regulations herein allowing private streets creates legal road frontage for future development.

STREET RIGHT-OF-WAY LINE - The dividing line between a street right-of-way and the contiguous property.

STRUCTURE - Anything constructed or erected, the use of which requires permanent location on the ground, or to something having permanent location on the ground including advertising signs, billboards and other construction or erection with special function or form and for purposes of this Resolution, Mobile Homes which are otherwise herein defined and restricted.

STRUCTURE, ACCESSORY OR ANCILLARY - A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

STRUCTURE, PRINCIPAL - A structure in which is conducted the principal use of the lot on which it is situated.

SWIMMING POOL - Any confined body of water, with a rim/deck elevation less than one foot above the existing finished grade of the site, exceeding 12 feet in diameter, and 18 inches in depth, designed, used, or intended to be used for swimming or bathing purposes.

TELECOMMUNICATIONS TOWER – Any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- 1) That free-standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211 (i.e., 10/31/96).
- 2) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

- 3) The free-standing or attached structure is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use. Areas zoned for residential use shall include all land located within the following Zoning Districts: Restricted Suburban Residential District (R-1); Limited Suburban Residential District (R-2); Suburban Residential District (R-4); Suburban Apartment Residential District (R-24); Exceptional Use District (EU), if a residential use component is included; and all Planned Residential Zoning Districts.
- 4) The free-standing structure is proposed to top at a height that is greater than 35 feet. In the case of an attached structure, such structure is proposed to top at a height that is three (3) feet greater than the height of the building or other structure to which it is to be attached.
- 5) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
 TEMPORARY SWIMMING POOL – A swimming pool that is not a permanent fixture and can be dismantled and installed on a seasonal basis.

TOPLESS - Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

TOWNHOUSE - A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate ownership or condominium.

TOXIC SUBSTANCE - Those toxic substances as defined by regulations adopted pursuant to the Resource Conservation and Recovery Act of 1976, and any future law or regulation of like tenor or effect.

USE - The specific purpose for which land, a structure, or a building, is designed, arranged, intended, occupied or maintained.

WALL SIGN - Sign, Wall shall mean a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

WATERCOURSE - Any natural stream, river, creek, ditch, channel, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

WATER SURFACE PROFILE - A graph showing the relationship of water surface elevation to location, the latter generally expressed as distance above the mouth for a stream of water flowing in an open channel. It is generally drawn to show surface elevation for the crest of a specific flood but may be prepared for conditions at a given time or stage.

WINDOW SIGN - Any signs, posters, symbols and other types of identification or information about the use or premises directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.

WIND POWER TURBINE OWNER_- The person or persons who owns the Wind Turbine structure.

WIND POWER TURBINE TOWER_- The support structure to which the turbine and rotor are attached.

WIND POWER TURBINE TOWER HEIGHT_- The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

YARD, REAR - An open space between the rear line of the principal structure (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory structures.

YARD, SIDE - An open, unoccupied space on the same lot with a structure between the side line of the structure (exclusive of steps) and the side line of the lot and extending from the front line to the rear line of the lot.

ZONING DISTRICT - Any section of Perry Township in which zoning regulations are uniform.

ZONING ENFORCEMENT OFFICER - The official charged with the administration and enforcement of the Zoning Resolution.

SECTION 725 EXISTING ZONING RESOLUTIONS

725.01 REPEAL OF CONFLICTING RESOLUTION. The County Zoning Resolution or parts thereof now in effect in Perry Township, Franklin County, Ohio, not otherwise adopted as a part of this Zoning Resolution, and in conflict with the Zoning Regulations as they are established 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 heretofore in effect, which are not pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Resolution but shall be prosecuted to their finality the same as if 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.

SECTION 730 SEVERABILITY OF ZONING RESOLUTION

730.01 INVALID PROVISIONS. If for any reason any one (1) or more 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 (1) or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

**ARTICLE VIII
BOARD OF ZONING APPEALS**

SECTION 800 CREATION OF THE BOARD OF ZONING APPEALS

800.01 APPOINTED BY THE PERRY TOWNSHIP TRUSTEES. There shall be a Perry Township Board of Zoning Appeals ("BZA") consisting of five (5) members appointed by the Perry Township Trustees as provided by Section 519.13 of the Ohio Revised Code. The Board of Trustees may appoint two (2) alternate members to the BZA.

800.02 ORGANIZATION AND MEMBERS. The BZA shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the BZA shall be held at the call of the chairman, in accordance with this Zoning Resolution, and at such other times as the Board determines. The chairman, or in his absence the acting chairman, may administer oaths, and the BZA may compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA 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, findings of fact and other official actions, all of which shall be immediately filed in the office of the Perry Township Trustees, and be a public record.

SECTION 801 POWERS AND DUTIES OF THE BZA

801.01 POWERS AND DUTIES. The BZA shall have the following powers and duties:

801.011 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.

801.012 Variances. To hear and decide, upon appeal, in specific cases such variance from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions on the land, a literal enforcement of the provisions of this Zoning Resolution would result in unnecessary hardship. In granting such variance, the BZA shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

801.013 Conditional Use. To authorize only such conditional uses as the BZA is specifically authorized to consider by the terms of this Resolution.

SECTION 802 GENERAL PROCEDURES FOR APPEALS, VARIANCES, AND CONDITIONAL USES

802.01 APPLICABILITY. In addition to any other requirement or rule contained within this Zoning Resolution or duly adopted by the BZA in accordance with this Resolution, the general procedures contained within Section 802 shall apply to all appeals, variances and conditional uses.

802.02 SCHEDULE OF HEARINGS. All appeals, variances and applications for conditional uses shall be set down for hearing within a reasonable period of time after the filing with the Zoning Inspector.

802.03 DECISIONS OF THE BZA. Within a reasonable period of time after the hearing, the BZA shall issue its decision based upon the criteria of and in accordance with the Zoning Resolution. The concurring vote of three (3) members of the BZA shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector or assistant; to approve any variance or conditional use permit; or to decide in favor of an applicant on any matter which the BZA is required to hear under the Zoning Resolution. The failure of an applicant to secure at least three (3) such concurring votes shall constitute a decision for disapproval of the application and, in the case of an appeal, shall be deemed a confirmation and an affirmance of the decision of the zoning officer.

SECTION 805 ADMINISTRATIVE APPEAL

805.01 PROCEDURE. Appeals to the BZA may be taken by any person aggrieved or by any officer of Perry Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken. The BZA shall fix a reasonable time for the public hearing of the appeal, give at least 10 days notice in writing to the parties in interest and to all property owners within 200 feet of the subject tract, give notice of such public hearing by one publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing and decide the appeal within a reasonable time after it is submitted.

SECTION 810 PROCEDURES FOR VARIANCES

810.01 NATURE OF VARIANCE. The BZA may authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in any other districts shall be considered grounds for issuance of a variance.

810.02 WRITTEN APPLICATION. Ten (10) copies of a provided application form shall be filed with the Zoning Inspector by the owner of the property for which such variance is proposed.

810.021 Description of Property. The provided application shall contain the following information:

- 1) Name, address and phone number of applicant; and
- 2) Legal description of the property; and
- 3) A list of the names and addresses of all adjacent property owners and those property owners within 200 feet of the subject tract; and
- 4) A detailed description of the nature of the variance requested, including the specific provisions of the Zoning Resolution upon which the variance is requested; and

- 5) A narrative statement demonstrating that the requested variance conforms to the standards set forth in this Resolution.

810.022 Plot Plan. The application shall be accompanied by ten (10) copies of a plot plan drawn to an appropriate scale clearly showing the following:

- 1) The boundaries and dimensions of the subject tract; and
- 2) The nature of the special conditions or circumstances giving rise to the application for approval; and
- 3) The size and location of existing and proposed structures; and
- 4) The proposed use of all parts of the subject tract, including structures, access ways, walks, off-street parking and load spaces, and landscaping; and
- 5) The relationship of the requested variance to the Development Standards; and
- 6) The use of the land and location of structures on adjacent property.

810.03 COUNTY OR REGIONAL PLANNING COMMISSION REVIEW. The Zoning Inspector may forward copies of the application and plot plan to the County or Regional Planning Commission, and any other township or county departments or agencies which, in the opinion of the Zoning Inspector, may have an interest in the variance. The Commission, acting through its staff, the Perry Township Zoning Commission, and all other departments or agencies receiving said application and plot plan may forward their recommendations to the BZA for consideration at the public hearing thereon.

810.04 ACTIONS OF THE BOARD OF ZONING APPEALS. The BZA shall fix a reasonable time for a public hearing of the application, give at least 10 days' notice in writing to the parties in interest and to all property owners within 200 feet of the subject tract, give notice of such public hearing by publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing, and render a decision on the variance within a reasonable period of time after the conclusion of the hearing.

810.041 Approval of a Variance. Except as otherwise provided for area variances in Section 810.043, below, the Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:

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

810.042 Factors to be Considered in Making Findings. In making such findings, the BZA shall consider all relevant factors including, but not limited to, the following:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
- 2) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution; and
- 3) That the special conditions and circumstances do not result from the actions of the applicant; and
- 4) That granting the variance requested will not confer on the applicant the same effect as rezoning to another zoning district classification; and
- 5) That granting the requested variance will conform to the Perry Township Comprehensive Plan and the spirit and intent of the Perry Township Zoning Resolution; and
- 6) That the requested variance is the minimum variance necessary to accomplish the purpose of the request; and
- 7) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to persons or property in such vicinity, or injurious to private property or public improvements in the vicinity.

810.043 Area Variance. The Board of Zoning Appeals shall not grant an area variance unless the property owner has encountered practical difficulties in the use of such owner's property. The BZA shall consider all relevant factors in determining whether the applicant has encountered practical difficulties in the use of such property including, but not limited to:

- 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- 2) Whether the variance is substantial.
- 3) Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- 4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
- 5) Whether the property owner purchased the property with knowledge of the zoning restriction.
- 6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- 7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

810.05 CONDITIONS. In granting any variance request, the BZA may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a variance is granted, shall be deemed a violation of this Resolution. Under no circumstances shall the BZA grant any variance

or impose any conditions which allow a use not permissible under the terms of this Resolution in the Zoning District involved or any use expressly or by implication prohibited by the terms of this Resolution in said District.

810.06 EXPIRATION OF APPROVAL. The applicant for a variance shall obtain the required certificates of zoning compliance and building permits for the proposed use within 1 year of the BZA's approval of the variance; otherwise, the BZA's approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing such a request with the Zoning Inspector at least 30 days prior to the expiration of the 1 year period. The BZA for good cause shown may enlarge the 1 year period prescribed by this Section 810.06.

SECTION 815 PROCEDURES FOR AUTHORIZING A CONDITIONAL USE

815.01 NATURE OF CONDITIONAL USES. Specifically listed conditional uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such Zoning District. No unlisted conditional use may be permitted or otherwise allowed.

The intent of the procedure for authorizing a conditional use is to set forth the Development Standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

Unless otherwise specifically approved by the BZA, a conditional use permit shall not be permanent but shall be personal to the applicant and shall not run with the land. The sale or conveyance of the land and/or structure whereon the conditional use was located and/or conducted shall result in the immediate termination of the conditional use permit, and any subsequent owner of such land and/or structure shall be required to file and obtain the approval of a new application for such conditional use.

815.02 WRITTEN APPLICATION. Ten (10) copies of a provided application form shall be filed with the Zoning Inspector by the owner of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

815.021 Description of Property and Intended Use.

- 1) Name, address and phone number of applicant; and
- 2) Legal description of the property; and
- 3) A list of the names and addresses of all adjacent property owners and property owners within 200 feet of the proposed use; and
- 4) A detailed description of the existing use; and

- 5) The present Zoning District; and
- 6) A narrative statement evaluating the impact upon adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the District; and the relationship of the proposed use to the comprehensive plan; and
- 7) Such other information as may be required by Zoning District requirements; and
- 8) Such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the application or required for appropriate action by the BZA; and
- 9) If the applicant desires that the conditional use be transferable, a written statement specifically requesting that the conditional use permit be approved as a permanent conditional use and that it run with the land.

815.022 Plot Plan. The application shall be accompanied by ten (10) copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

- 1) The boundaries and dimensions of the subject tract; and
- 2) The size and location of existing and proposed structures; and
- 3) Traffic access points, traffic circulation, and parking and loading facilities; and
- 4) A listing of utilities servicing or proposed to service the subject tract; and
- 5) The proposed use of all parts of the subject tracts, including structures, access ways, walks, open spaces, landscaping, signs and yards; and
- 6) The relationship of the proposed development to the Development Standards; and
- 7) The use of land and location of structures on adjacent property; and
- 8) Such other information as the BZA may require to determine if the proposed conditional use meets the applicable requirements of this Resolution.

815.03 REVIEW OF GOVERNMENTAL AGENCIES. The Zoning Inspector may forward copies of the application and plot plan to the County or Regional Planning Commission, the Perry Township Zoning Commission, and any other township or county department or agency which, in the opinion of the Zoning Inspector, may have an interest in the conditional use. All such commissions, departments, and other governmental agencies may forward their recommendations to the BZA for consideration at the public hearing.

815.04 ACTIONS OF THE BZA. The BZA shall fix a reasonable time for a public hearing of the application, give at least 10 days' notice in writing to the parties in interest and to all property owners within 200 feet of the subject tract, give notice of such public hearing by publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing, and

shall within a reasonable time after the application is submitted hold a public hearing and act on the conditional use in one of the following ways:

815.041 Approval. The BZA may, in its discretion, approve an application for a conditional use if the BZA determines that the proposed use meets all of the following conditions:

- 1) The proposed use is a Conditional Use of the Zoning District, and complies with all applicable Development Standards established in this Zoning Resolution.
- 2) The proposed development is in accord with applicable plans or polices for the area.
- 3) The proposed development will be in keeping with the existing land use character and physical development of the area.
- 4) The use is of such nature and will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing and intended character of the general vicinity and that such use will not change the essential character of the same area.
- 5) The use will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 6) The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse removal, water and sewers or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately.
- 7) Any other conditions, factors and/or circumstances that the Board deems relevant.

815.042 Approval with Modification. The BZA may approve with modification an application for a conditional use if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met and the requirements listed above are established by the applicant, but plot plan modification is required:

- 1) To be in accord with appropriate plans for the area; and
- 2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or necessity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required by the BZA.

815.043 Disapproval. The BZA shall not approve an application for a conditional use if the applicant does not clearly establish the requirements listed above.

815.044 Conditions. In granting any conditional use application, the BZA may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a conditional use is granted,

shall be deemed a violation of this Resolution. Under no circumstances shall the BZA grant any conditional use request or impose any conditions which allow a use not permissible under the terms of this Resolution in the Zoning District involved, or any use expressly or by implication prohibited by the terms of this Resolution in said District.

815.045 Expiration of Approval. The applicant for a conditional use shall obtain the required certificate of zoning compliance and building permits for the proposed use within one (1) year of the BZA's approval of the conditional use; otherwise, the BZA's approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing a request with the Zoning Inspector at least 30 days prior to the expiration of the one (1) year period. The BZA for good cause shown may enlarge the one (1) year period prescribed by this Section 815.045.
SECTION 821 FEES FOR CONDITIONAL USES AND VARIANCES

821 FEE TO COVER ADMINISTRATIVE COSTS AND ADVERTISING.

821.01 Fees for Conditional Uses and Variances. In order to cover necessary administrative and advertising costs, fees for each variance or conditional use application shall be paid to Perry Township in accordance with a fee schedule established from time to time by the Perry Township Board of Trustees.

OHIO'S INVASIVE PLANT SPECIES

The majority of invasive plant species in Ohio's natural areas are non-native. Of the more than 700 non-native plant species in Ohio, approximately 60 species threaten natural areas. The following three categories separate the species by their invasiveness in Ohio.

TARGETED SPECIES: These species have a state-wide distribution, are the most invasive in Ohio's natural areas, and are the most difficult to control. These species were chosen as the focus for the Division's Ohio EPA Environmental Education grant in 1999-2000.

WELL-ESTABLISHED INVASIVES: The distribution and invasiveness of these species are state-wide or regional within Ohio. These species pose moderate to serious threats to natural areas in Ohio.

WATCH LIST: These species are very invasive in natural areas in neighboring states and are a potential threat in Ohio. The current distribution of these species may be limited, but should be monitored.

TARGETED SPECIES

Common Name

Autumn-olive
Buckthorn, glossy
Buckthorn, European or common
Common reed grass *
Garlic mustard
Honeysuckle, amur
Honeysuckle, Japanese
Honeysuckle, Morrow
Honeysuckle, Tatarian
Japanese knotweed
Multiflora rose
Purple loosestrife
Reed canary grass *

Scientific Name

Elaeagnus umbellata
Rhamnus frangula
Rhamnus cathartica
Phragmites australis
Alliaria petiolata
Lonicera maackii
Lonicera japonica
Lonicera morrowii
Lonicera tatarica
Polygonum cuspidatum
Rosa multiflora
Lythrum salicaria
Phalaris arundinacea

*these species may have native and non-native strains

WELL-ESTABLISHED INVASIVES

Common Name

Air-potato
Asian bittersweet
Bouncing bet
Canada thistle
Cattail, hybrid
Cattail, narrow-leaved
Celandine, lesser
Crown-vetch
Curly pondweed
Dame's rocket
Day-lily
European cranberry-bush

Scientific Name

Dioscorea batatas
Celastrus orbiculatus
Saponaria officinalis
Cirsium arvense
Typha Xglauca
Typha angustifolia
Ranunculus ficaria
Coronilla varia
Potamogeton crispus
Hesperis matronalis
Hemerocallis fulva
Viburnum opulus var. *opulus*

WELL-ESTABLISHED INVASIVES CONT.

Common Name

Eurasian water-milfoil
Field bindweed
Flowering-rush
Japanese barberry
Johnson grass
Meadow fescue
Moneywort
Lesser naiad
Periwinkle or myrtle
Poison hemlock
Privet, common
Quack grass
Queen Anne's lace
Russian-olive
Smooth brome
Sweet-clover, white
Sweet-clover, yellow
Teasel, common
Teasel, cut-leaved
Tree-of-heaven
Water-cress
Willow-herb, hairy
Willow herb, small-flowered hairy
Winged euonymus
Wintercreeper
Yellow flag

Scientific Name

Myriophyllum spicatum
Convolvulus arvensis
Butomus umbellatus
Berberis thunbergii
Sorghum halepense
Festuca pratensis
Lysimachia nummularia
Najas minor
Vinca minor
Conium maculatum
Ligustrum vulgare
Agropyron repens
Daucus carota
Elaeagnus angustifolia
Bromus inermis
Melilotus alba
Melilotus officinalis
Dipsacus fullonum (sylvestris)
Dipsacus laciniatus
Ailanthus altissima
Rorippa nasturtium-aquaticum
Epilobium hirsutum
Epilobium parviflorum
Euonymus alatus
Euonymus fortunei
Iris pseudacorus

WATCH LIST

Common Name

Black swallow-wort
Chinese silvergrass
Dog rose
Giant knotweed
Honeysuckle, showy pink
Kudzu
Leafy spurge
Mile-a-minute vine
Nepalgrass
Nodding thistle
Porcelain-berry
Privet, border
Spotted knapweed
Star-of-Bethlehem

Scientific Name

Vincetoxicum nigrum
Miscanthus sinensis
Rosa canina
Polygonum sachalinense
Lonicera Xbella
Pueraria lobata
Euphorbia esula
Polygonum perfoliatum
Microstegium vimineum
Carduus nutans
Ampleopsis brevipedunculata
Ligustrum obtusifolium
Centaurea maculosa
Onithagalum umbellatum

FOR MORE INFORMATION CONTACT:

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(614) 265-6453

The Nature Conservancy
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