

# Jefferson Township

Fayette County, Ohio

## **ZONING RESOLUTION**

Version 1.0  
Effective Date:

# Table of Contents

<b>General Provisions</b>		Page
Article I -	Authorization and Purpose	1
<b>Definitions</b>		
Article II -	Definitions	3
<b>Administration and Enforcement</b>		
Article III -	Administrative Bodies and Their Duties	14
Article IV -	Enforcement and Penalty	19
Article V -	Nonconformities	23
Article VI -	District Changes and Amendments	26
Article VII -	Appeals	30
Article VIII -	Variances	31
Article IX -	Conditional Uses	33
<b>Standards Zoning District Regulations</b>		
Article X -	Standard Zoning District Regulations	37
<b>Zoning Districts</b>		
Article XI -	Zoning Districts and District Maps	43
Article XII -	(A) Agricultural Districts	44
Article XIII -	(R-1) Residential Medium-Density District	48
Article XIV -	(R-2) Residential High-Density District	50
Article XV -	(R-3) Residential Low-Density District	53
Article XVI -	(MU) Mixed Use District	55
Article XVII -	(C) Commercial District	59
Article XVIII -	(HS) High Service District	62
Article XIX -	(I) Industrial Districts	64
Article XX -	(PUD) Planned Unit Development District	68
Article XXI -	(SU) Special Use District	73
<b>Additional Zoning Requirements</b>		
Article XXII -	Off-Street Parking Requirements	76
Article XXIII -	Signs	80
Article XXIV -	Adult Entertainment Facilities	86
<b>APPENDIX A – Specific Standards for Selected Conditional Uses</b>		90

**AUTHORIZATION  
AND  
GENERAL PROVISIONS**

## **Article I**

### **Authorization and Purpose**

#### **Section 1.01 Title**

This Resolution shall be known and may be cited as the

#### **Zoning Resolution of Jefferson Township Fayette County, Ohio**

and shall be considered as a comprehensive amendment to the Jefferson Township Zoning Resolution originally adopted October 14<sup>th</sup>, 2019, along with subsequent amendments to said Resolution. Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Resolution as those governing the interpretation of the Ohio Revised Code.

#### **Section 1.02 Purpose**

The Board of Trustees of Jefferson Township hereby find it necessary, advisable and beneficial to the residents of Jefferson Township to provide for division of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare by:

- Regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein.
- Restricting the are dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers.
- Controlling the bulk, height, density, and location of buildings.
- Protecting and preserving existing natural resources.
- Assuring the orderly growth and development of lands in consideration to the *Comprehensive Land Use Plan of Fayette County*.

All as permitted and duly authorized by the provisions of Chapter 519 of the Ohio Revised Code.

#### **Section 1.03 Applicability and Limitations**

Subject to the limitation specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and land of any private individual or entity, or any political subdivision, district taxing unit or bond issuing authority, located in Jefferson Township under the jurisdiction of this Resolution.

#### **Section 1.04 Interpretation and Consistency**

The provisions of this Resolution shall be held to be as the minimum requirements and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses of land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution or regulation of Jefferson Township, or part thereof, not specifically repealed amended, modified, altered or changed herein.

#### **Section 1.05 Separability**

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

## Article II

### Definitions

#### Section 2.01 Interpretation

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this article. Words and terms not specifically defined carry their customarily understood meaning. Words used in the present tense including the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "Used" shall be considered as though following by the words "or intended, arranged or designed to be used or occupied".

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

#### Section 2.02 Definitions

**2.02.01 "Accessory Use"** means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

**2.02.02 "Accessory Building" or "Accessory Structure"** means a building or structure occupied by an accessory or use.

**2.02.03 "Accessory Living Quarters"** means one secondary living quarters that must share a common wall with the primary dwelling, has separate entry and exit, and has no entry or exit to the primary dwelling.

**2.02.04 "Administrative and Business Office"** means office which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

**2.02.05 "Agribusiness"** means manufacturing, warehousing, storage, and/or related industrial or commercial activity that provides services for or are dependent upon the agricultural community but are not necessarily suited to locations within such established areas. Such activities are a principal use not connected with any general farming on the same lot. Agribusiness include, but are not limited to, fertilizer production; commercial stockyards; livestock auctions; poultry hatchery services; sales and servicing of farm implements and equipment; feed lots; grain elevators; agricultural produce processing; retail nurseries; large concentrated animal feeding operations or major concentrated animal feeding facilities as defined in Section 903.01 of the Ohio Revised Code.

**2.02.05 "Agricultural Use"** means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to including farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy productions;

The production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted with, but are secondary to such husbandry or production, provided that:

- A. The operation of any such accessory use shall be secondary to normal agricultural activities.
- B. The use shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoned district (See exemptions Section 13.03 C).
- C. The use shall not include the operation of a feed lot or commercial stockyard.

For the purpose of this resolution "Agricultural Use" shall not include the operation or maintenance of any concentrated animal feeding facility as defined in Section 903.01 of the Ohio Revised Code. For the purposes of this Resolution, any such use of land for these purposes shall constitute an agribusiness as defined above.

**2.02.07 "Building"** means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

**2.02.07.1 "Height of Building"** means the vertical distance from the average grades surrounding the building to the highest point of the roof.

**2.02.07.2 "Building Line"** means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

**2.02.08 "Business Services"** means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

**2.02.09 "Cemetery"** means land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes including crematories, mausoleums, and mortuaries if operated in connection with or within the boundaries of the cemetery.

**2.02.10 "Clinic, Human"** means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

**2.02.11 "Cluster Housing"** means a residential development technique whereby dwelling units are concentrated on one portion of the total site with the remaining portions of the site being retained as open space. This results in a development whereby the overall residential density of the site is significantly lower than that portion of the site actually occupied by dwellings.

**2.02.12 "Commercial Stockyard"** means land used for the confining and commercial feeding of livestock or poultry for mass production and marketing. Such activities are a principal use not connected with any general farming on the same or adjoining lot(s) and require a state or federal permit(s) for operation. Commercial stockyards may include the operation or maintenance of any concentrated animal feeding operation or concentrated animal feeding facility as defined in Section 903.01 of the Ohio Revised Code.

**2.02.13 “Conditional Use”** means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit.

**2.02.14 “Congregate or Group Homes”** means a residential care facility in which unrelated persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

**2.02.15 “Condominiums”** means building or group of buildings, in which dwelling units, offices, or floor areas are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional undivided basis.

**2.02.16 “County”** means Fayette County, Ohio

**2.02.17 “Development”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**2.02.18 “District”** means a part, portion, zone or geographic area within Jefferson Township within which certain development standards, as delineated by the Resolution, apply.

**2.02.19 “Dwelling or Residence”** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**2.02.19.1 “Multiple-Family Dwelling or Multiple-Family Residence”** means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

**2.02.19.2 “Single-Family Dwelling or Single-Family Residence”** means a building designed for or occupied exclusively by one family.

**2.02.19.3 “Two-Family Dwelling or Two-Family Residence”** means a building designed for or occupied exclusively by two families living independently.

**2.02.20 “Family”** means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel, fraternity or sorority house.

**2.02.21 “Farm – Family”** means a farm owned and operated by a family as opposed to a farm owned, managed, or operated by a corporation.

**2.02.22 “Farm – Corporate”** means a farm operated, managed or operated by a registered corporation.

**2.02.23 “Feed Lot – Commercial”** means fenced lots not directly associated with a bona fide agricultural operation and used solely for the feeding of animals for marketing purposes.

**2.02.24 “Fence”** means any structure composed of wood, metal, stone, brick or other material (Including hedges or other plants) erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. A trellis or other structure for the purpose of supporting vines, flowers, or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence.

**2.02.25 “Flag Lot”** means a lot not having a full frontage on a public road and where access to the public road is by a strip of land and a substantial portion of the land lies along the rear lot line of a road-fronted lot of record.

**2.02.26 “Flood or Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland water and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**2.02.27 “Flood Insurance Rate Map (FIRM)”** means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards.

**2.02.28 “Floodway”** means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserves in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**2.02.29 “Floor Area”** of a building means the sum of the gross horizontal areas of the building floors, measured from the interior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps or garages.

**2.02.30 “Frontage or Lot Frontage”** means that portion of the lot that directly abuts the roadway right-of-way and has direct access thereto.

**2.02.31 “Home Occupation”** means any occupation or profession conducted at a dwelling unit when all of the following are met;

- a) Not more than two (2) persons, other than members of the family residing on the premises, shall be engaged in such occupations;
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home business.
- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, non-illuminated.
- d) An accessory building used for a home occupation shall be twelve hundred (1200) square feet or less in floor area.
- e) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard and;

- f) No equipment or process shall be used in such home occupation, which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot. In the case of electrical interference, no equipment or process shall be used which created visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

**2.02.32 “Hospital”** means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

**2.02.33 “Industrialized Unit”** means a building or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, that requires transportation to the site of intended use. “Industrialized Unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standards construction methods to form a completed structural entity. “Industrialized Unit” does not include a manufactured or mobile home as defined herein.

**2.02.34 “Inoperable Vehicles”** means any transportation device that is unfit for use for any of the following reasons:

- a) Not currently licensed for use on the roads of the State of Ohio
- b) Not roadworthy or in a state of disrepair

**2.02.35 “Institution”** means an organization providing social, cultural, educational or health services to member agencies, organizations, or individuals, or to the general public.

**2.02.36 “Junk”** means old or scrap copper, brass, rope, rags, trash, waste, batteries, tires, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, and includes inoperable vehicles, mowers, equipment and parts thereof.

**2.02.37 “Junk Yards”** (Salvage Yards, Recycling Facilities, Garage Dumps) means an open area where waste, used, or second hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely with enclosed buildings. The storage of an inoperable or unlicensed vehicle shall be construed to be a junkyard.

**2.02.38 “Kennel”** means an establishment which provides for the raising and/or boarding of more than five (5) dogs at any one time, on a temporary or permanent basis. For the purposes of this Resolution, the raising of a single litter of related dogs shall not be considered as an activity requiring treatment as a kennel.

**2.02.39 “Lot”** means a division of land separated from other divisions for purposes of sale, lease, or separated use, described on a recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

**2.02.39.1 “Corner Lot”** means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

**2.02.39.2 “Front Lot Line”** means that lot line that directly abuts the roadway right-of-way. In the case of a corner lot, the front lot line shall be the lot line so designed for purpose of computing front yard depth.

**2.02.39.3 “Rear Lot Line”** means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet the rear of the lot (i.e. a triangular lot) the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line.

**2.02.39.4 “Side Lot Line”** means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

**2.02.39.5 “Lot of Record”** means any lot which individually or as a part of a sub-division has been recorded in the Office of the Recorder, Fayette County, Ohio as the effective date of this Resolution.

**2.02.39.6” Minimum Area of Lot”** means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**2.02.39.7 “Lot Width”** is the width of a lot at the front lot line measured at the right angles to its depth.

**2.02.40 “ Manufactured Home”** means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*. And has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

**2.02.41 “Manufactured Home Community” or “Manufactured Home Park”** means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home.

**2.02.42 “Mobile Home”** means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length or, when erected on the site is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the ORC, or as an industrialized unit, as defined herein and in division (C)(4) of Section 3781.06 of the ORC

Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

**2.02.43 “Modular Home”** means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for modular homes. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

**2.02.44 “Nonconforming Use”** means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolutions.

**2.02.45 “Nursery” or Day Care Center”** means a facility which temporarily assumes responsibility of more than four (4) persons other than those related to the resident of the premises. Such responsibility shall consist of administering the needs of those persons during any part of a twenty-four (24) hour day for a period of two (2) consecutive days.

**2.02.46 “Nursing Home”** includes convalescent, assisted living and extended care facilities; an establishment which specializes in providing necessary care, shelter, and nursing and related services and to those unable to be responsible for themselves.

**2.02.47 “Off-Street Parking Space”** means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

**2.02.48 “ORC”** means Ohio Revised Code

**2.02.49 “Parking Area” or “Parking Lot”** means any area other than street, drive, or alley used or intended to be used for the temporary parking of motor vehicles, with or without fee.

**2.02.50 “Permanent Foundation”** means a permanent masonry, concrete, or other durable footing or foundation so constructed so that it can be moved.

**2.02.51 “Permanently Sited Manufactured Home”** means a manufactured home that meets all of the following criteria:

- 1) The structure is affixed to a permanent foundation and is connected to appropriate facilities.
- 2) The structure, excluding any addition, has a width of a least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments.
- 3) The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhanging, including appropriate guttering.
- 4) The structure was manufactured after January 1<sup>st</sup>, 1995;
- 5) The structure is not located in a manufacture home community or manufactured home park as defined herein.

**2.02.52 “Person”** means any individual, corporation, company, business, partnership, association or legal entity.

**2.02.53 “Personal Services”** means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

**2.02.54 “Professional Offices”** means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

**2.02.55 “Recreational Facilities”** means public or privately-operated uses such as county clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and/or passive recreation.

**2.02.56 “Residence”** See “Dwelling”

**2.02.57 “Restaurant”** means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

**2.02.58 “Retail Store”** means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

**2.02.59 “Right-of-Way”** means an area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

**2.02.60 “Sign”** means any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object person, institution, organization, business, product, service, event, or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**2.02.61 “Similar Use”** means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements Section 10.02.05 of this Ordinance.

**2.02.62 “Small Animals”** means rabbit, chicken, turkey, or other similar.

**2.02.63 “Storage Yard” or “Salvage Yard”** means an area for temporary storage of operable motor vehicles for a period of time generally less than one (1) month, such as an impound lot.

**2.02.64 “Story”** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next about, except that the topmost story shall be that habitable portion of the building included between the upper surface of the topmost floor and ceiling or roof above.

**2.05.65 “Street”, “Road” or “Thoroughfare”** means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

**2.05.66 “Structure”** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground but exempting driveways. Sidewalks, uncovered patios, fences, pads of less than four hundred (400) square feet, lawn ornaments, clothesline posts, flagpole, home TV and/or radio antenna and similar incidental items.

**2.05.67 “Structure – Temporary”** means a structure that is made to be moved or does not rest on a permanent foundation.

**2.05.68 “Structure – Permanent”** means a structure that is built to remain in one place and is sited on a foundation.

**2.05.69 “Structure – Adapted”** means a structure either temporary or permanent that is created by the modification of an object that was designed and built for other purposes e.g. A semi-trailer converted to a storage shed.

**2.05.70 “Structure Alteration”** means any change which would replace, change or alter a supporting member of a structure, such as bearing walls, columns, beams, or girders.

**2.05.71 “Tower – Communications”** means a tower, either free standing or attached to a structure used, for transmitting or receiving electromagnetic waves but not including home TV and/or home radio antenna towers.

**2.05.72 “Tower – Electrical Generating”** means a tower, either free standing or attached to a structure, used to support devices for the generation of electrical power. (see ORC 513.213)

**2.05.73 “Township”** means Jefferson Township, Fayette County Ohio

**2.02.74 “Use”** means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

**2.02.75 “Variance”** means a modification from the strict terms of the relevant regulations where such a modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the results of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**2.02.76 “Yard”** means required open spaces, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot.

**2.02.76.1 “Front Yard”** means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure. No accessory building or structures are permitted in the front yard.

**2.02.76.2 “Rear Yard”** means the portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

**2.02.76.3 “Side Yard”** means that portion of a lot that is located between the side lot line and the nearest building or structure.

**2.02.77 “Zero Lot Line”** means a form of cluster housing development in which individual dwelling units are placed on separately platted lots but are attached to each other or the positioning of a house near or on the lot boundary resulting with little or no space between house.

**2.02.78 “Zoning Certificate” or “Zoning Permit”** means an official statement certifying that a proposed building or use complies with all provisions of this Zoning Resolution.

**2.02.79 “Zoning District”** means a portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

**2.02.80 “Zoning District Map” or Zoning Map”** means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees and established pursuant to Section 12.02 of this Resolution.

**2.02.81 “Zoning Inspector”** means the enforcement officer, hired by the Board of Township Trustees, who is charge with enforcing the provisions of this Zoning Resolution.

**2.02.82 “Zoning Official”** means the title of the Zoning Inspector designed by the Township Trustees.

# Administration and Enforcement

## **Article III**

### **Administrative Bodies and Their Duties**

#### **Section 3.01 Zoning Inspector**

##### **3.01.01 Office of Zoning Inspector Established – ORC 519.16**

The Zoning Inspector designed by the Board of Township Trustees shall enforce the Zoning Resolution. He/she shall be employed by the township or the township may contract for his/her services. He/she will hold the title of Zoning Official. He/she will be provided with such assistance and support as is necessary for the performance of his/her duties.

##### **3.01.02 Relief from Personal Liability**

The Zoning Official, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this resolution. In any of these actions, the Zoning Official shall be defended or represented by the jurisdiction's legal counsel until the final termination of the proceedings.

##### **3.01.03 Duties of Zoning Official**

For the purposes of this Resolution, the Zoning Official shall have the following duties:

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, by causing a citation to be issued, and by directing cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B. Issue Zoning Certificate(s) when the provisions of the Zoning Resolution have been met or refuse to issue same in the event of noncompliance.
- C. Collection designated fees as established by separate resolution, for zoning certificates, appeals, variances and conditional uses.
- D. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the zoning resolution and action taken on same.
- E. The right to refuse to use a zoning permit which is judged to be detrimental to the public safety and welfare and inform applicant their right to a Zoning Board of Appeal hearing.
- F. Providing for the inspection of any building or lands to determine whether and violations of the Zoning Resolution have been committed or exist.
- G. Advise the Zoning Commission and the Board of Zoning Appeals of relevant matters to the Zoning Resolution.
- H. Act as the secretary for the Zoning Commission and the Board of Zoning Appeals

- I. On existing lots of record at the time of enactment of this resolution, the Zoning Official may modify set back requirements where conditions, due to nonconforming small narrow lots, make it impossible to the standards set forth in the district. In modifying the standards, he/she shall balance and equalize the setbacks to conform to adjacent property and provide the maximum setbacks obtainable.

#### **3.01.04 Removal of Zoning Official**

The zoning official shall be removed, or his/her contract terminated by the Township Trustees for non-performance of duty, misconduct in office, or other cause upon written charges filed with the trustees and after a public hearing has been held regarding the charges. In such cases a copy of such charges shall be given to the Zoning Official at least ten (10) days prior to the hearing, either personally or by registered mail. The Zoning Official shall be given the opportunity to be heard and answer all charges.

### **Section 3.02 Township Zoning Commission**

#### **3.02.01 Establishment**

Pursuant to Ohio Revised Code Chapter 519.01, there is hereby established a Township Zoning Commission in and for Jefferson Township. Such Commission shall consist of five (5) residents of Jefferson Township appointed by the Township Trustees. The terms of members shall be such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Township Trustees for the unexpired term of the member effected.

#### **3.02.02 Removal of Members**

Members of the Township Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees after a public hearing and notification, following the procedures specified for the Zoning Official in Section 3.01.04 above.

#### **3.02.03 Proceedings**

The Zoning Commission shall organize annually, in January, and elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this resolution. Meetings shall be held at the call of the Chairman, and at such other times deemed appropriate by the commission. All meetings shall be open to the public. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record and shall be immediately filled in the office of the commission. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required.

### **3.02.04 Powers and Duties**

For the purpose of this resolution, the Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Township Trustees.
- C. Make recommendations to the Township Trustees on all matters of Township Zoning.

## **Section 3.3 Board of Zoning Appeals**

### **3.03.01 Establishment**

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Township Trustees. Every member shall be a resident of the unincorporated territory of Jefferson Township under the jurisdiction of this Resolution. The terms of members shall be of such length and so arranged that the term of one shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Township Trustees for the unexpired term of the affected.

### **3.03.02 Removal of Members**

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other causes by the township trustees, after public hearing and notification, following the procedures specified for the Zoning Official in Section 3.01.04 above.

### **3.03.03 Proceedings**

The board shall organize annually, in January, and elect a Chairman, and other officials as it deems necessary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine.

The Board shall adopt, from time to time, such rules and regulations as it may be deemed necessary to implement to provisions of this Zoning Resolution. All meeting of the Board shall be open to the public.

The Board shall designate a Secretary to keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indication such fact. The Secretary shall keep records of its examinations and other official action, all of which shall be a public record and immediately filed in the offices of Jefferson Township.

The Board shall have the power to subpoena witness, administer oaths and may require the production of documents, under such rules as it may establish.

### **3.03.04 Powers and Duties**

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

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Official, in accordance with Article VII of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provision of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in Article V of this Resolutions.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.06 of this Resolution.
- G. Declare zoning permits void, pursuant to Section 4.09 of this Resolution.

### **Section 3.4 Board of Zoning Appeals**

The powers and duties of the Board of Jefferson Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map.
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a unanimous vote.

### **Section 3.5 Powers of Zoning Official, Board of Zoning Appeals, and Township Trustees on Matters of Appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Official. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Official, the recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Zoning Official on matters of appeal or variance. Nothing in this Resolution shall be interpreted to prevent any person from appealing a decision of the Board of Zoning Appeals to the courts pursuant to Chapters 2505 and 2506 of the Ohio Revised Code. Such appeal be made within thirty (30) days of the Board's written decision.

## Article IV

### Enforcement and Penalty

#### Section 4.01 Zoning Certificate Required

It shall be unlawful for any owner or other person to use or to permit the use of a non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the zoning official. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the zoning official until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of Section 519.211 of the Ohio Revised Code.

- A. Construction, Structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article V.

#### Section 4.02 Application for Zoning Certificate

A copy of an application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information

- A. Name, address and telephone number of the applicant
- B. Existing Use
- C. Proposed Use
- D. Plans showing the dimensions and shape of the lot to be built upon; the dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alterations.
- E. Height of proposed buildings
- F. An approved by the Fayette County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Official.
- G. Any permits for driveways or other access to property as required by the Fayette County Engineer and/or Ohio Department of Transportation (ODOT).
- H. Such other material and information as may be requested by the Zoning Official to determine conformance with and provide for the enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Official may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Official may reduce the submittal requirements for an application, when the proposed action warrants.

#### **Section 4.03 Approval of Zoning Certificates**

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Official, in conformance with the provisions of this Resolution, unless the provision of Section 4.04 is applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Official shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Official, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Official, or his/her designated agent on such copy. In the case of disapproval, the zoning official shall state on the returned plans the specific reason for disapproval. A copy of the plans shall be retained by the Zoning Official.

#### **Section 4.04 Submission to the Director of the Department of Transportation**

Before any zoning certificate is issued affecting any land within 300 feet of a centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Official shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Official shall not issue a zoning certificate for 120 days from the date the notice was delivered to the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Official that he shall proceed to acquire the land needed, then the Zoning Official shall refuse to issue the Zoning Certificate. If the Director of the Department of Transportation notifies the Zoning Official that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Official, the Zoning Official shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Certificate.

#### **Section 4.05 Record of Zoning Certificates**

A record of all zoning certificates shall be kept on file in the Office of the Zoning Official, or his/her designated agent, and copies shall be considered part of the public record.

#### **Section 4.06 Expiration of Zoning Certificates**

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, or not been completed with two (2) years from the date of issuance thereof, said certificate shall expire unless an extension has been granted, and it shall be revoked by the Zoning Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained. The Zoning Official is hereby granted the authority to grant not more than two (2) six (6) month extension of this expiration date for cause. Any further extension(s) must be granted by the Board of Zoning Appeals. A new zoning certificate is required after extensions have expired or extensions have been denied.

#### **Section 4.07 Certificate of Zoning Compliance**

It shall be unlawful to use or occupy, or permit the use of occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Official, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution.

#### **Section 4.08 Schedule of Fees, Charges and Expenses**

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this resolution. The schedule of fees shall be available from the zoning official or at the Township Office and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application. Fee charged to the Township by consultants or other person hired by the Township for assistance in specific situations will be paid by the applicant.

#### **Section 4.09 Void Zoning Certificate**

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Official.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to the applicant and sent to the address as it appears on the application. Such notice shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

## **Section 4.10 Violation and Penalty**

### **4.10.01 Construction and Use to be as Provided in Applications, Plans, Permits and Certificates**

Zoning Certificates or certificate of occupancy issued on the basis of plans and applications approved by the Zoning Official authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03

### **4.10.02 Complaints Regarding Violations**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Official. The Zoning Official shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Resolution.

### **4.10.03 Penalties for Violation**

Violation of the provision of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all cost and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, persons or entity, or any adjacent property owner from taking such other legal and lawful action as is necessary to prevent or remedy any violations.

## **Article V**

### **Nonconformities**

#### **Section 5.01 Intent**

Within the district established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these nonconformities to continue until they are removed and to permit reasonable extensions and improvements as allowed by law, but not to encourage their survival.

#### **Section 5.02 When Permitted**

##### **5.02.01 Existing Land or Building**

Any use of land or buildings existing on the effective date of this Resolution may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning resolution in effect in the Township at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Resolution.

##### **5.02.02 Construction Commenced**

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

#### **Section 5.03 Discontinuance**

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist.

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

### **Section 5.04 Substitution**

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification

### **Section 5.05 Extension**

Nonconforming use or structure shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the year or other requirements of this Resolution.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- D. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

### **Section 5.06 Damage and/or Destruction of a Nonconforming Building or Use**

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 5.05

### **Section 5.07 Maintenance and Repair**

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows.

- A. When required by law.
- B. To convert to a conforming use

- C. To improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

### **Section 5.08 Nonconforming Lots of Record**

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Fayette County Board of Health.

If development of a nonconforming lot occurs consistent with the provisions above, the structure shall be located on the lot in such a manner that the resulting front, side and rear yard are as close as possible to the setbacks established in this Resolution for the district in which it is located, as determined by the Zoning Official.

## **Article VI**

### **District Changes and Amendments**

#### **Section 6.01 Intent**

This article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are found to be inconsistent with the provisions of Section 519 of the Ohio Revised Code as may be subsequently amended, the provision of the Ohio Revised Code shall govern.

#### **Section 6.02 Initiation of Zoning Amendments**

Amendments of this Resolution may initiate in one of the following ways:

- A. Be referral of a proposed amendment to the Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

#### **Section 6.03 Contents of Application**

An application for amendment shall be submitted by the applicant to the Zoning Official and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district
- D. Proposed use and district
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Official may require.
- F. A list of all property owners, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Fayette County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Official to determine conformance with and provide for enforcement of this Zoning Resolution.
- I. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Official shall review it for completeness. If the above requirements are met, the Zoning Official shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Official shall return it to the applicant with a listing of deficiencies.

#### **Section 6.04 Submission to Planning Commission**

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, the Fayette County Planning Commission. The Fayette County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

#### **Section 6.05 Public Hearing by Zoning Commission**

##### **6.05.01 Date of Public Hearing**

The zoning commission shall schedule a public hearing after adoption of there motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be help not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

##### **6.05.02 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required, notice of such hearing shall be given by the Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days before the date of such hearing. The notice shall be set forth the following information:

- A. The time and place of the public hearing
- B. A statement that the hearing is being conducted by the Jefferson Township Zoning Commission.
- C. A statement indication that the proposed action is an amendment to the zoning resolution.
- D. A list of the address and owners of all properties to be rezoned and redistricted as they appear on the application, if applicable.
- E. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable
- F. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing.
- G. The name of the person responsible for giving notice of the public hearing.
- H. A statement that, at the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

### **6.05.03 Notice to Property Owners**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by First Class Mail, at least twenty (20) days before the date of the hearing, to all owners of property within, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Fayette County Auditors current tax list, as provided by the applicant in Section 6.03 (F) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02 above.

### **Section 6.06 Recommendation by Zoning Commission**

Within thirty (30) days after the hearing required in Section 6.05 above, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

### **Section 6.07 Public Hearing by the Board of Township Trustees**

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.05 above.

### **Section 6.08 Action by the Board of Township Trustees**

Within twenty (20) days after public hearing required in Section 6.07 above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees is required.

### **Section 6.09 Criteria**

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and consideration of the Comprehensive Plan.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of adjacent properties.

### **Section 6.10 Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof including in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

## **Article VII**

### **Appeals**

#### **Section 7.01 Appeals**

Any official action of the Zoning Official may be appealed to the Board of Zoning Appeals by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Official. The procedures to be followed shall be as specified in Section 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

#### **Section 7.02 Notice of Appeal**

A notice of appeal may be filed with the Secretary of the Board of Zoning Appeals by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Official shall be attached to the notice of appeal.

#### **Section 7.03 Action by the Board of Zoning Appeals**

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a time for a public hearing and give ten (10) days' notice in writing to parties in interest. Notice of such public hearing shall be provided by publication in one (1) or more newspapers of general circulation in Jefferson Township at least ten (10) days before the date of such hearing. At such hearing, any person may appear in person or by representative. The Board of Zoning Appeals shall decide the appeal within thirty (30) days from the date of the hearing.

## **Article VIII**

### **Variances**

#### **Section 8.01 Authority of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the authority to grant, in specific cases, such variances from the provisions of this Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, special exceptions, or uses whereby strict application of such provisions or requirement would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved.

No variance from the application of any provision of this Resolution shall be granted by the Board unless it finds that the following facts and conditions exist.

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or the intended use of the property for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That any hardship that may exist has not been created by the applicant.
- D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue and will not be a detriment to adjacent property or property in the neighborhood.

#### **Section 8.02 Application for Variance**

Any owner, or his/her agent, may file an application to obtain a variance or appeal from the decision of the Zoning Official. An application for a variance shall be filed with the Secretary of the Board of Zoning Appeals. The Secretary shall forward such application to the members of the Board of Zoning Appeals.

The Zoning Official may require the application for a variance or an appeal to contain the following information:

- A. Name, Address and Phone Number of the Applicant
- B. Legal description of property as approved by the Fayette County Engineer and Recorded in Fayette County Recorders Office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed buildings
- D. The name and address of all property owners, contiguous to, and directly across the street from the property, as appearing on the Fayette County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.
- F. A narrative statement explaining the following:

- a. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted.
- b. The specific reasons why the variance is justified, according to Section 8.01 A-D above.

### **Section 8.03 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals may hold a public hearing regarding the application for a variance. If such hearing is held, it shall occur with thirty (30) days after receipt of the application by the Secretary. Notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed variance.

### **Section 8.04 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 8.03, or sixty (60) days if such hearing is not held, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the board of zoning appeals may prescribe appropriate and reasonable conditions. Violations of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If such application is disapproved, the grounds for such action shall be stated in the minutes of the Board.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, buildings or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Official, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

## Article IX

### Conditional Use

#### Section 9.01 Authority and Purpose

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is property controlled and regulated. Such uses shall be listed as *conditional uses* with the respective zoning district.

The conditional use provisions of this article are based upon the recognition that although certain uses are not necessarily inconsistent with the zoning objectives of the specific zoning district, their nature is such that their compatibility in particular areas depends upon surrounding circumstances.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution and the promotion of health, safety, and general welfare of the present and future citizens of the townships.

#### Section 9.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Secretary of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, Address and Phone Number of the Applicant
- B. Legal description of the property as recorded in the Fayette County Recorder's Office
- C. Present zoning district
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all property owners, contiguous to and directly across the street from the property, as appearing on the Fayette County Auditor's current tax list.
- H. Such other information regarding the property, proposed use or surrounding area as may be pertinent to the deliberations of the Board. The applicant shall provide specific evidence that the proposed use complies with the standards in Section 9.03 below.

### **Section 9.03 Standards for Conditional Use**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A. The use is in fact a conditional use as cited under the district regulations
- B. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the character of the general vicinity and that such will not change the essential character of the same area.
- C. The use will not pose a discernible hazard to existing adjacent uses.
- D. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or glare.
- E. The use will be consistent with the objectives of this Zoning Resolution

In addition to the above, requirements for specific conditional uses may be found in the district regulations and in *APPENDIX A*.

### **Section 9.04 Supplementary Conditions**

In granting any conditional use, the Board may prescribe other appropriate conditions and safeguards in conformance with this Resolution.

### **Section 9.05 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals may hold a public hearing regarding the application for a conditional use. If such hearing is held, it shall occur within thirty (30) days after receipt of the application specified in Section 9.02 above. The requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution

### **Section 9.06 Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 9.05, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Official to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

### **Section 9.07 Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions**

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within two (2) years from the date of issuance, unless extended pursuant to the conditions specified in Section 4.06. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

# STANDARD REGULATIONS

## Article X

### Standard Zoning District Regulations

#### Section 10.01 Regulations for the Use of Land or Structure

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

#### Section 10.02 Rules of Application

##### 10.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

##### 10.02.02 Permitted Uses

- A. Only a use designed as permitted shall be allowed as a matter of right in any zoning district and any use not so designed shall be prohibited unless:
  - a. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Resolution.
  - b. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 10.02.05 of this Article.

##### 10.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted buildings or use and located on the same lot such principal buildings or use.

##### 10.02.04 Conditional Uses

A use designed as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with or adversely impact the use of adjacent properties. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.

##### 10.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found substantially similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted buildings or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no greater danger to health and safety, creates not greater levels of offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

**10.02.06 Prohibited and Restricted Use in all Districts**

- A. Large animal husbandry on lots of less than two (2) acres shall be prohibited
- B. Exotic non-native animals that are commonly considered as dangerous including, but not limited to, poisonous reptiles and predators shall be prohibited.
- C. The location of leach field systems and an equivalent reserve area for replacement systems shall be restricted so as not to be built upon.
- D. Adapted structures as defined in Article 2.02.69 will be permitted as accessory structure in A or I district and prohibited in all other districts.

**10.02.07 Development Standards**

In seeking to develop his/her property, an owner/applicant shall meet the development standards of this Resolution in addition to the requirement of any other lawfully adopted rule, regulation, or law, including those that may be more restrictive than the requirements of this Resolution.

**Section 10.03 Lot Frontage**

**Frontage Required**

No new lot shall be established, unless such lot on a publicly dedicated and improved thoroughfare within the Township and has the minimum required frontage specified for the district.

**Section 10.04 Lot Width**

**Lot Width**

Unless otherwise indicated in these regulations, lot width shall be measured along the front lot lines, or that portion of the front lot that abuts such thoroughfare right-of-way. If a lot fronts along a thoroughfare with a centerline degree of curve greater than thirty (30) degrees (such as a cul-de-sac), lot width shall be measured at the front yard setback line.

## **Section 10.05 Front Yards**

### **A. Front Yard Measurements**

Front Yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution. No accessory buildings or structures are permitted in the front yard.

### **B. Corner Lots**

In the event any building or structure is to be located near a curve or bend in any road, said buildings or structure may not be closer to the road at any point than the setback requirement for that road.

### **C. Open Porches and Architectural Features**

In a residential district, all portions of the structure, including open, uncovered porches, decks or terraces and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features shall be located behind the line as established by the front yard setback in that district.

## **Section 10.06 Side Yards**

### **A. Measurement**

Side yard width shall be measured from the nearest side lot line to the building line

### **B. Open Porches and Architectural Feature**

In a residential district, all portions of the structures, including open uncovered porches, decks or terraces and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features shall be located behind the line as established by the side yard setback in that district.

## **Section 10.07 Rear Yards**

### **A. Measurements**

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

### **B. Accessory Uses or Structures**

Accessory uses or structures may be allowed in a rear yard, subject to the following

#### **1. Permitted Area**

The total area of all accessory uses or structures shall not exceed twenty percent (20%) of the area of the lot on which the structure or use is located. These area requirements shall only include structures that require a zoning permit.

### **C. Open Porches and Architectural Features**

On a family dwelling, an open porch, paved terrace, or decks may extend into the rear yard setback not more than ten (10) feet.

### **Section 10.08 Minimum Floor Area Requirements**

Minimum floor area requirements as may be specified in the various zoning districts shall not include open porches, decks or outdoor living areas, garages, breezeways or exterior steps.

### **Section 10.09 Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure, so long as such height does not interfere with the safe landing, takeoff or other operations of any established airport or landing strip.

### **Section 10.10 Regulation of Agriculture on Specific Lots**

Section 519.21 (B) of the ORC allows a Township zoning resolution, or an amendment thereof, to regulate agricultural use within an platted subdivision approved under Section 711.05, 711.09, or 711.10 of the ORC, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the ORC.

- A. Pursuant to Section 519.21 (B) of the ORC, animal and/or poultry husbandry, shall not be permitted on lots which are one (1) acre or less in size. The processing of any such animals or their raw products shall also not be permitted.
- B. Animals and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 519.21 (B) , and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the ORC. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Resolution.

### **Section 10.11 Manufactured Housing**

Permanently sited manufactured homes, as defined in Article 2.02.51 of this Resolution, shall be considered as a permitted use in any district that permits single-family dwellings. Manufactured homes not meeting the standards for permanently sited manufactured homes are addressed as a permitted or conditional use in the MU District. Mobile homes, as defined in Article 2.02.42 of this Resolution, shall not be considered as a permitted or conditional use in any zoning district.

## Section 10.12 Towers

### 10.12.01 Tower – Communications

- A. Telecommunications towers, as defined in Article 2.02.71 of this Resolution, may be allowed as a conditional use in A, C, and I Districts. The process to be used in processing an application for such tower shall be as specified in Section 513.211 of the ORC. Telecommunications towers shall be subject to the following conditions:
1. The maximum height of the tower shall not exceed two hundred and fifty (250) feet.
  2. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
  3. The tower shall be located not less than 1.1 times the tower height from any existing residential dwelling or any public roadway.
  4. The minimum lot size for the site of the tower shall be one-half (1/2) acre.
  5. Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
  6. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
  7. The tower shall not be lighted except to assure safety or as required by the FAA.
  8. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicants service area, that other sites have been considered, and that location at the proposed site is technically necessary.
  9. The applicant shall provide a signed statement indication that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the sites use is discontinued, and proof of notice has been provided as required in Section 519.211 of the ORC, as may be subsequently amended.
  10. The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations Part 77 (*14 CFR Part 77*)
  11. The applicant shall post a bond with the Township to cover the complete cost of removal and restoration of the site if the tower's use is discontinued for 180 days and the owners do not remove all structure and restore the site.
- B. If the public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the use shall be addressed as a permitted use.

### 10.12.02 Tower – Electrical Generating

A. Non-commercial wind towers with/without solar arrays and with an electrical generating capacity of fifty (50) kw or less shall be an accessory use in all districts with the following specifications:

1. All setbacks shall be 1.2 times the total height of tower plus the radius of the circle described by the rotor tip.
2. The minimum distance from the rotor tip to the ground shall be fifteen (15) feet.
3. The maximum height of the tower shall be eighty (80) feet.
4. The noise level measured at the property line shall be no greater than sixty (60) decibels.
5. Towers construction may be monopole or lattice and shall be of metal.
6. No signs or lights, except for security lighting, will be permitted on the tower.

7. Towers will be finished in neutral color.
8. Tower and area must be secured to prevent any unauthorized access.
9. No system shall be installed until evidence has been given that the utility company has been informed of the intent to install an interconnected generator.

B. Commercial wind towers with/without solar arrays and with an electrical generating capacity of fifty (50) kw or greater shall be accessory use in Agricultural, Commercial, or Industrial districts with the following specifications.

1. All setbacks shall be 1.2 times the total height of tower plus the radius of the circle described by the rotor tip.
2. The minimum distance from the rotor tip to the ground shall be fifteen (15) feet.
3. No system shall be installed until evidence has been given that the utility company has been informed of the intent to install an interconnected generator.
4. The noise level measured at the property line shall be no greater than sixty (60) decibels.
5. No signs or lights, except for security lighting, will be permitted on the tower.
6. Warning signs and a sign with emergency contacts and phone numbers will be posted.
7. Tower height and lighting will conform to all FAA requirements.

### **Section 10.13 Swimming Pools**

An outdoor swimming pool as referenced herein, means a structure constructed or placed below ground or above ground, which is suitable or utilized for swimming or wading and is not located in an enclosed building.

- A. A zoning permit is required for in-ground swimming pools.
- B. Swimming pools shall be allowed as an accessory use in any district that permits residences.
- C. All swimming pools, spas, and hot tubs are subject to the Code of the Fayette County Building Department.

### **Section 10.14 Fences and/or Hedges in Particular Districts**

- A. Unless otherwise indicated, the provisions of this Section shall apply only to non-agricultural fences and/or walls.
- B. A fence not exceeding seventy-two (72) inches in height may be erected in any portion of the lot except beyond the front plane of the dwelling. A fence or wall not exceeding forty-two (42) inches in height may be erected beyond the front plane of the building. A fence or wall not exceeding forty-two (42) inches in height may be erected on any vacant lot.
- C. No person shall erect or maintain any fence or wall in a residential zoned area charged with electrical current nor shall any person erect or maintain any fence or wall having prongs or spikes, or other cutting points or edges.

- D. No fence, hedge, or wall shall be erected on any lot in any district in such a manner so as to effectively limit the vision of motorists.
- E. No fence, hedge, tree, or shrub be planted on any lot in any district which will interfere with any drainage or drainage tile. No fence, hedge, tree or shrub shall be planted on any lot in any district within any road right-of-way.

### **Section 10.15 Development Plan**

For particular uses in specific districts, a *Development Plan* may be cited as required. In such cases, unless otherwise indicated, the Development Plan shall be submitted by the applicant at the time of the application for a zoning certificate. The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and buildings outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent property.

The Development Plan shall be reviewed by the Zoning Official and a recommendation shall be made to the Zoning Commission.

The Development Plan must be approved by the Zoning Commission as condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission shall find that the following criteria have been met.

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and buffering of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed use has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

# ZONING DISTRICTS

## **Article XI**

### **Zoning Districts and Zoning District Map**

#### **Section 11.01 Zoning Districts Established**

The Following zoning districts are hereby established for Jefferson Township, Fayette County Ohio:

(A)	Agricultural District
(R-1)	Residential Medium-Density District
(R-2)	Residential High-Density District
(R-3)	Residential Low-Density District
(MU)	Mixed Use District
(C)	Commercial District
(HS)	Highway Service District
(I)	Industrial District
(PUD)	Planned Unit Development District
(SU)	Special Use District

#### **Section 11.02 Official Zoning Map**

The districts established in Section 11.01 of this Resolution are shown on the Official Zoning Map(s) which, together with all notations, references, data, district boundaries and other explanatory information, is/are hereby adopted as a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Board of Township Trustees and shall be on File in the Jefferson Township Office and an original copy will be on file at the office of the Zoning Official.

#### **Section 11.03 Interpretation of Zoning District Boundaries**

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Official shall interpret the boundary lines from the Zoning Map. When and if the Zoning Official's interpretation of such boundary line is disputed, the final interpretation shall be made by the Board of Zoning Appeals.

## Article XII

### (A) Agricultural District

#### Section 12.01 Purpose

The Agricultural District is established to promote the continuance of agriculture and farm-based uses, the family farm, and to provide areas for single family residential environments reflecting a rural lifestyle. Such areas are typically not served by public water or sewer systems but are serviced primarily by the existing roadway system.

#### Section 12.02 Permitted Uses

- A. Agriculture
- B. Single-Family Dwellings
- C. Public Parks and Nature Preserves
- D. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- E. Agricultural Expositions
- F. Public and Private Schools, Colleges, and Universities
- G. Specialized care and rehabilitation services
- H. Churches and places of public worship provided the seating of the main sanctuary does not exceed four hundred (400) persons.
- I. Day Care Facilities

#### Section 12.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with the permitted use, subject to the requirements of this Resolution.
- B. Home occupations as defined in Article 2.02.31 of this Resolution.
- C. Temporary seasonal roadside stands offering for sale primarily agricultural products of which at least fifty (50%) percent must be grown on the premises.

#### Section 12.04 Conditional Uses

- A. Agribusiness, as defined in Article 2.02.05, subject to the conditions in *APPENDIX A*.
- B. Kennels and similar facilities for boarding animals, provided adequate measures will be employed to minimize any adverse impacts on adjoining properties.
- C. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least two hundred (200) feet from any adjacent property.
- D. Funeral homes and mortuaries
- E. Cemeteries, provided that a distance of not less than fifty (50) feet is maintained from burial plots and/or structure to any adjacent property line.
- F. Bed and Breakfast establishments provided the facility is owned and operated by the resident of the property.
- G. Public or Private recreational facilities.
- H. Nursing and Convalescent Homes
- I. Accessory Living quarters as defined in Article 2.02.03 for members of the owner's family.

- J. Additional single-family dwellings provided all the following conditions are met.
  - a. Farm meets the Farm – Family definition Article 2.02.21 of this Resolution and continues to remain a Family Farm. If the land use changes from a family farm, conforming lots must be subdivided and conform to the zoning regulations in effect at the time of construction, with one dwelling per lot.
  - b. Dwellings will be only for owner’s family members and/or full-time employees engaged in the farming operation.
  - c. Dwellings meet all set back requirements
  - d. Required lot size and dimensions are met.
  - e. Any additional conditions as determined by the Zoning Board of Appeals.

## **Section 12.05 Development Standards**

### **12.05.01 Minimum Lot Area**

- 1. For permitted and conditional uses for residences in the A District, the lot area shall be not less than:
  - a. Sixty-Two thousand and Five Hundred (62,500) square feet (1.435 acres), on a state or federal highway or such size as determined by the Fayette County Health Department, whichever is larger.
  - b. Fifty thousand (50,000) square feet (1.14 acres) on a county highway or township road or such size as determined by the Fayette County Health Department whichever is larger.
- 2. For conditional uses that are non-residential use in the A District, the lot area shall be not less than the area for residential use and the required minimum lot area will be determined by the Board of Zoning Appeals dependent on the conditional use, and meet the requirement of the Fayette County Health Dept.

### **12.05.02 Minimum Lot Width**

Lots on a state or federal highway shall have a minimum lot width of two-hundred and fifty (250) feet, or such distance as is required by the Ohio Department of Transportation or other applicable agency for obtaining a permit for driveway installation. The driveway entrance location should be determined in consideration to the Ohio Department of Transportation requirement of four-hundred and ninety-five (495) feet between driveway entrances.

Lots on a county or township road shall have a minimum lot width of two hundred (200) feet, or such distance as is required by the Fayette County Engineer’s Department, or other applicable agency for obtaining a permit for driveway installation.

### **12.05.03 Minimum Lot Depth**

The minimum lot depth is two hundred and fifty (250) feet.

**12.05.04 Maximum Lot Depth to Width Ratio**

The maximum lot depth to width ratio is 2.5

**12.05.05 Minimum Front Yard Depth**

All single-family dwellings shall be located not less than one hundred (100) feet from the center line of any road, or seventy-five (75) feet from the edge of the right-of-way.

All non-residential conditional use structures shall be located not less than one hundred and fifty (150) feet from the center line of any road.

**12.05.06 Minimum Side Yard Width**

Twenty (20) feet each side for single family dwelling. Ten (10) feet each side for accessory structures.

**12.05.07 Minimum Rear Yard Depth**

Forty (40) feet for single family dwelling. Ten (10) feet for accessory structure or non-residential conditional use structures.

**12.05.08 Maximum Building Height**

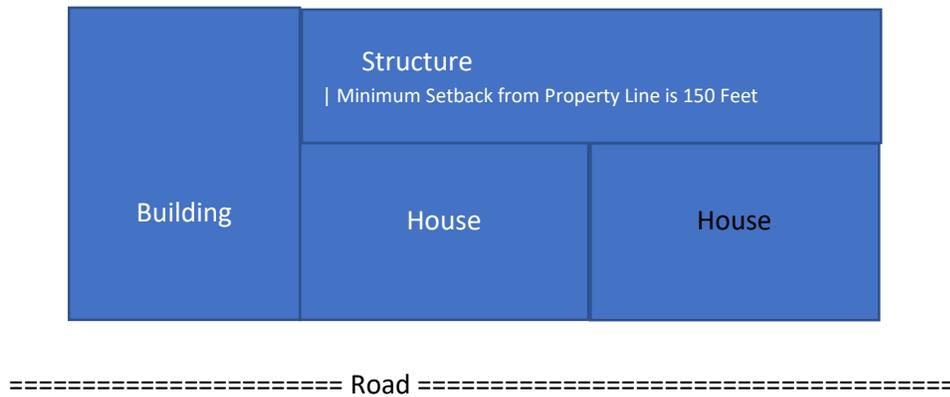
Fifty (50) feet

**12.05.09 Minimum Distance Between Structures**

Six (6) feet for accessory structures.

**12.05.10 Minimum Distance for Flag Lots and Land that Does Not have Full Frontage on a Public Road.**

Where the land lays behind a lot and meets the definition in Article 2.02.25 for a Flag lot and/or thus does not have full frontage on a public road, the minimum set back for any structure shall be one hundred and fifty (150) feet from the rear property line of the road fronting property.



#### **12.05.11 Permit for Driveway Installation Required**

Before any zoning certificate is issued in the A District, when required by the zoning official, the applicant shall provide documentation that a permit for driveway installation can be obtained from the Fayette County Engineers Department, the Ohio Department of Transportation or other applicable authority.

#### **12.05.12 Parking and Loading**

Parking and Loading spaces shall be provided as required in Article XXII of this Resolution.

### **Section 12.06 Agricultural Nuisance Disclaimer**

Lands within the Agricultural District may be located within areas where land is utilized for agricultural purposes. Residents and other users of property within this District may be subject to inconvenience and/or discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of property within the A District should be prepared to accept such inconvenience and/or discomfort.

## Article XIII

### (R-1) Residential Medium Density District

#### Section 13.01 Purpose

The R-1 Density District is established allow for the development of medium-density suburban type subdivisions growth in selected rural areas. It is intended that the development would be primarily served by new streets and roadways constructed to approved subdivision standards. The residential densities allowed in the R-1 District are dependent on the availability of central water and sewer systems.

#### Section 13.02 Permitted Uses

- A. One-Family detached dwellings
- B. Public Parks and Nature Preserves
- C. Golf Courses, provided clubhouses, maintenance facilities and parking areas are at least two hundred (200) feet from any adjacent property.

#### Section 13.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool, or garden sheds, playhouses, swimming pools and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Resolution.
- B. Home occupations, as defined in Article 2.02.31 of this Resolution.
- C. Small animal 4-H and FFA projects as defined in Article 2.02.62 for the duration of the project with a limit of six (6) small animals per project.

#### Section 13.04 Conditional Uses

Cluster housing, provided that the overall density of the residential development, including open space, does not exceed that which would result if the project was constructed to the standards in 13.05.A below, that the lot is provided with public water and sewer, and subject to the submittal and approval of a development plan by the Board of Zoning Appeals.

#### Section 13.05 Development Standards

##### A. Minimum Lot Area

- 1. Lot served by both public water and sewer 20,000 sq. ft.
- 2. Lot served by public sewer and no public water 30,000 sq. ft.
- 3. Lot served b public water and no public sewer 40,000 sq. ft.
- 4. Lot not served by public water and sewer 45,000 sq. ft.

or such size as determined necessary by the Fayette County Health Department, whichever is larger.

**B. Minimum Lot Width**

For each principal use, there shall be lot width of not less than one hundred (100) feet with continuous frontage on a publicly dedicated, improved roadway within the development. Minimum lot width on curved street shall be not less than sixty (60) feet. Notwithstanding the above, the minimum lot width shall not be less than is required by the Fayette County Engineer, Ohio Department of Transportation or another applicable agency for obtaining a permit for driveway installation. In addition, lot width shall be sufficient to maintain a lot length-to-lot width ratio of not greater than 3:1.

**C. Minimum Front Yard Depth**

Eighty (80) feet from the center line of any roadway

**D. Minimum Side Yard**

Twenty (20) feet for single family dwelling  
Ten (10) feet for accessory structures

**E. Minimum Rear Yard Depth**

Thirty (30) feet for a single-family dwelling  
Ten (10) feet for accessory structures.

**F. Maximum Building Height**

Thirty-Five (35 Feet)

**G. Parking**

Parking spaces shall be provided as required in Article XXII of this Resolution

**H. Permit for Driveway Installation Required**

Before any zoning certificate is issued in the R-1 District, or any land is rezoned into the R-1 District, the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Fayette County Engineers, Ohio Department of Transportation or other applicable authority.

## **Article XIV**

### **(R-2) Residential High-Density District**

#### **Section 14.01 Purpose**

The R-2 is established to allow for a diversity of housing opportunity and choice with Jefferson Township by providing for higher density housing. The R-2 District may be used in those cases where particular and specific conditions warrant the creation of home sites at higher densities than those allowed under R-1 standards. Such housing may have unique characteristics that require special treatment related to location, placement and land use compatibility. The higher residential densities allowed in the R-2 District mean that the district shall be used only in areas served by central water and sewer systems.

#### **Section 14.02 Permitted Uses**

- A. One-Family detached dwellings, subject to the development standards below
- B. Public Parks, playgrounds and play fields

#### **Section 14.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool, or garden sheds, playhouses, swimming pools and/or similar facilities for primary use by occupants of the principal use of the property on which the principal use is located.
- B. Home occupations, as defined in Article 2.02.31 of this Resolution.

#### **Section 14.04 Conditional Uses**

- A. One-Family detached dwellings on lots of less than ten thousand (10,000) square feet in area, provided that the lot is provided with public water and sewer, a Development Plan is submitted, and specific approval is granted by the Board of Zoning Appeals.
- B. Cluster housing provided that a Development Plan is submitted, and specific approval is granted by the Board of Zoning Appeals.
- C. Zero lot line housing for condominiums or townhouse provided that a Development Plan is submitted, and specific approval is granted by the Board of Zoning Appeals.
- D. Multiple-Family housing, subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals
- E. Congregate or group homes, as defined in Article 2.02.14 of this Resolution.
- F. Churches and places of public worship or assembly provided the seating of the main sanctuary does not exceed four hundred (400) persons and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.

## Section 14.05 Development Standards

### A. Development Plan

A Development Plan pursuant to the requirements of Section 10.15 of this Resolution shall be required for all permitted and conditional uses in the R-2 District, Such Development Plan shall be submitted to the Board of Zoning Appeals and approved prior to issuance of any zoning certificate.

In reviewing the Development Plan required above, the Zoning Commission or Board of Zoning Appeals has the authority to seek the recommendation of the Soil and Water Conservation District (SWCD), Fayette County Engineer and/or other sources for input on specific issues. In the event such input is deemed necessary, the costs of such assistance shall be paid by the applicant.

### B. Water and Sewer

Any development or individual lot shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system. The design and construction of such distribution system shall be approved by the Ohio Environmental Protection Agency.

### C. Minimum Lot Area

The minimum lot area for any permitted use shall be ten thousand (10,000) sq. ft.

### C. Minimum Lot Width

The minimum lot width shall be not less than eighty (80) feet

### D. Minimum Front Yard

The minimum front yard depth shall be not less than seventy (70) feet from the center line of any roadway.

### E. Minimum Side Yard Width

The minimum side yard width shall be not less than ten (10) feet

### F. Minimum Rear Yard Depth

The minimum rear yard depth for any other permitted use shall be not less than thirty (30) feet.

### G. Required Open Space and Recreational Area

At least twenty percent (20%) of the gross land area for multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

**H. Off-Street Parking (ref. Article XXII)**

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than three hundred (300) feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets.

**I. Access**

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot shall have direct vehicular access to a street bordering the development.

**J. Streets and Street Layouts**

All streets and drives shall be dimensioned and improved in accordance with the standards and requirements of the Jefferson Township Subdivision Regulations. The proposed layout of such streets shall be shown on the required Development Plan and approved by the Board of Zoning Appeals. In making such determinations, the Board may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant.

**K. Storm Drainage**

All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Fayette County Engineer, or his designated agent. All cost associated with such approvals shall be paid by the applicant

**L. Underground Utilities**

All utility lines, including electricity, telephone, and cable television shall be located underground.

## Article XV

### (R-3) Residential Low-Density District

#### Section 15.01 Purpose

The R-3 Low Density District is established to allow for the development of low-density growth in selected rural areas in a more restricted residential environment. It is intended that the residences would be served by existing roadways and/or new streets. These areas are typically not served by public water or sewer systems.

#### Section 15.02 Permitted Uses

- A. Single-Family dwellings
- C. Agriculture

#### Section 15.03 Accessory Uses

Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool, or garden sheds, playhouses, swimming pools, tennis courts and/or similar facilities for primary use by occupants of the principal use of the property on which the principal use is located.

#### Section 15.04 Conditional Uses

- A. Accessory living quarters as defined in Article 2.02.03 for members of the owner's family
- B. Home occupations, as defined in Article 2.02.31 of this Resolution.

#### Section 15.05 Development Standards

- A. Minimum Lot Area**  
Four (4) acres, or such size as determined necessary by the Fayette County Health Department, whichever is larger.
- B. Minimum Lot Width**  
Three Hundred (300) feet
- C. Minimum Front Yard Depth**  
One Hundred (100) feet from the center line of any roadway
- D. Minimum Side Yard Width**  
Forty (40) feet
- E. Minimum Rear Yard Depth**  
Fifty (50) feet
- F. Maximum Building Height**  
Thirty-Five (35) feet

**G. Residence Minimum Size**

Two Thousand Five Hundred (2,500) sq. ft. of living space

**H. Minimum Distance Between Structures**

Ten (10) feet

**I. Underground Utilities**

All utility lines, including electricity, telephone, and cable television shall be located underground.

**J. Parking**

Parking Spaces shall be provided as required in Article XXII of this Resolution.

**K. Permit for Driveway Installation Required**

Before any zoning certificate is issued in the R-3 District, or any land is rezoned into the R-3 District, the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Fayette County Engineer, Ohio Department of Transportation or other applicable authority.

**L. Storm Drainage**

All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited.

**M. Landscaping**

The planting of lawn, trees, shrubs, flowers, and water features is encouraged in this district.

On wooded lots two (2) percent of the cost of the structures shall be assigned to landscaping.

On bare lots five (5) percent of the cost of the structures shall be assigned to landscaping.

A landscaping plan should be submitted with the request for the zoning permit.

## **Article XVI**

### **(MU) Mixed Use District**

#### **Section 16.01 Purpose**

The MU District is established to allow for a diversity of housing opportunity and choice with Jefferson Township by providing areas for alternative forms of residential development and may include limited commercial uses. Such housing has unique characteristics that require special treatment related to location, placement and land use compatibility. The higher residential densities allowed in the MU District mean that the district shall be served by central water and sewer systems.

#### **Section 16.02 Permitted Uses**

- A. One-Family detached dwellings, subject to the development standards below.
- B. Multiple-Family Housing
- C. Manufactured housing, as defined in Article 2.02.40 of this Resolution, on individual lots.
- D. Public Parks, playgrounds and play fields.

#### **Section 16.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool, or garden sheds, playhouses, swimming pools, and/or similar facilities for primary use by occupants of the principal use of the property on which the principal use is located.
- B. Home Occupations, as defined in Article 2.02.31 of this Resolution.

#### **Section 16.04 Conditional Uses**

- A. Manufactured home communities, subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.
- B. One-Family detached dwellings on lots of less than ten thousand (10,000) sq. ft. in area provided that a development plan is submitted, and specific approval is granted by the Board of Zoning Appeals.
- C. Cluster and Zero lot line housing, provided that a Development Plan is submitted, and specific approval is granted by the Board of Zoning Appeals.
- D. Congregate or Group Homes, as defined in Article 2.02.14 of this Resolution.
- E. Churches and Places of Public worship or assembly provided the seating of the main sanctuary does not exceed four hundred (400) persons and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.
- F. Commercial uses limited to businesses serving the needs of the community such as convenient stores, beauty shops, barber shops, and similar retail establishments.

## Section 16.05 Development Standards

### A. Development Plan

A Development Plan pursuant to the requirements of Section 10.15 of this Resolution shall be required for all permitted and conditional uses in the MU District. Such Development Plan shall be submitted to the Board of Zoning Appeals and approved prior to issuance of any zoning certificate.

In reviewing the Development Plan required above, the Zoning Commission or Board of Zoning Appeals has the authority to seek the recommendation of the Soil and Water Conservation District (SWCD), Fayette County Engineer and/or other sources for input on specific issues. In the event such input is deemed necessary, the cost of such assistance shall be paid by the applicant.

### B. Water and Sewer

Any development or individual lot shall be provided with water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water or sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

### C. Minimum Lot Area

The minimum lot area for any permitted use shall be ten thousand (10,000) sq. ft. Individual lots within a manufactured home community shall be not less than four thousand (4,000) sq. ft. in area, and the maximum gross density shall not exceed six (6) dwelling units per acre. For multiple family housing, a minimum of four thousand (4,000) sq. ft. of aggregate lot area per dwelling unit shall be provided.

### D. Minimum Lot Width

The minimum lot width for any manufactured home community or multiple family project shall be not less than three hundred (300) feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet. The minimum lot width for any other use shall be not less than eighty (80) feet.

### E. Minimum Front Yard Depth

The minimum front yard depth for any manufactured home community or multiple family project shall be not less than one hundred and fifty (150) feet from the center line of any roadway. The minimum front yard depth for any other use shall be not less than seventy (70) feet from the center line of any roadway.

### F. Minimum Side Yard Width

The minimum side yard width for any manufactured home community or multiple family project shall be not less than fifty (50) feet from any adjacent property line. The minimum side yard width for any individual lot within a manufactured home community or other use shall be not less than ten (10) feet.

**G. Minimum Rear Yard Depth**

The minimum rear yard depth for any manufactured home community or multiple family project shall be not less than eighty (80) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet. The minimum rear yard depth for any other permitted use shall be not less than thirty (30) feet.

**H. Required Open Space and Recreational Areas**

At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

**I. Off-Street Parking (ref. Article XXII)**

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than three hundred (300) feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

**J. Access**

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

**K. Underground Utilities**

All utility lines, including electricity, telephone, and cable television shall be located underground.

**L. Parking**

Parking Spaces shall be provided as required in Article XXII of this Resolution.

**M. Permit for Driveway Installation Required**

Before any zoning certificate is issued in the R-3 District, or any land is rezoned into the R-3 District, the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Fayette County Engineer, Ohio Department of Transportation or other applicable authority.

**N. Streets and Street Layouts**

All streets and drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the standards and requirements of the Jefferson Township Subdivision Regulations. The proposed layout of such streets shall be shown on the required Development Plan and approved by the Board of Zoning Appeals. In making such determinations, the Board may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant.

**M. Storm Drainage**

All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Fayette County Engineer, or his designated agent. All cost associated with such approvals shall be paid by the applicant

**O. Underground Utilities**

All utility lines, including electricity, telephone, and cable television shall be located underground.

## **Article XVII**

### **(C) Commercial District**

#### **Section 17.01 Purpose**

The C District is established to provide for the orderly development of a wide range of commercial activity. Because these businesses may be located in close proximity to residences, possible adverse impacts on adjacent property are considered.

#### **Section 17.02 Permitted Uses**

- A. Multi-Family dwellings and apartments.
- B. Administrative, business and/or professional offices engaged in providing services to the general public including but not limited to banks and savings and loans, credit unions, medical related offices, optometrists, veterinarians,
- C. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.
- D. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods, including food and food products, drug and hardware stores, home furnishings and specialty retail stores.
- E. Restaurants and beverage establishments with or without drive-through facilities.
- F. Personal services involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal property.
- G. Churches and similar places for public assembly, along with accessory uses commonly associated with the principal use, such as church sponsored day care.
- H. Nursery schools and day care facilities
- I. Veterinary and animal hospitals
- J. Outdoor advertising, subject to the requirements of Section 23.05 of this Resolution.
- K. Commercial recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.

#### **Section 17.03 Accessory Uses**

Any use customarily accessory to the principal permitted use.

#### **Section 17.04 Conditional Uses**

- A. Nursing homes, as defined in Article 2.02.46 of this Resolution.
- B. Institutions for human care, including congregate or group homes, hospitals, clinics, sanitariums and homes for the elderly.
- C. Auction or public sale facilities

- D. Establishments selling gasoline, kerosene, propane, diesel fuel, and/or other fuels provided that all buildings and parking/service areas are located not less than one hundred and fifty (150) feet from any adjacent property and that a plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.
- E. Motor vehicle sales and service establishments, provided that no inoperable or unlicensed vehicles are stored or parked outside the principal building(s) for a time period exceeding six (6) months.
- F. Lumber and home improvement sales provided a Development Plan is submitted and approved by the Board of Zoning Appeals.
- G. Kennels
- H. Similar uses consistent with the purpose of the C District, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 10.02.05 of this Resolution.
- I. Agribusiness as defined in Article 2.02.05 of this Resolution.
- J. Warehousing and Distribution, consisting of firms involved with the movement, storage and/or sale of goods for themselves or other firms.
- K. Funeral homes and mortuaries
- L. Light manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods. All operations must be totally in an enclosed building with no outside storage.

## **Section 17.05 Development Standards**

### **17.05.01 Minimum Lot Area**

No minimum lot area is required; however, lot are shall be adequate to provide for the required parking and yard areas.

### **17.05.02 Minimum Lot Width**

Continuous frontage on a publicly dedicated and improved street or highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes.

### **17.05.03 Minimum Front Yard Depth**

One hundred and ten (110) feet from the center line of any state or federal highway; Seventy-five (75) feet from the center line of all other roadways.

### **17.05.04 Minimum Side Yard**

When abutting a non-residential zoning district, twenty (20) feet for structures, five (5) feet for paved areas: When abutting a residential zoning district, one hundred (100) feet for structures, fifty (50) feet for paved areas.

### **17.05.05 Minimum Rear Yard**

When abutting a non-residential zoning district, thirty (30) feet for structures, five (5) feet for paved areas: When abutting a residential zoning district, one hundred (100) feet from structures, fifty (50) feet for paved areas.

**17.05.06 Height of Structures**

Fifty (50) feet

**17.05.07 Parking and Loading**

Parking and loading spaces shall be provided as required in Article XXII of this Resolution.

**17.05.08 Landscaping**

The landscaping of all yards adjacent to areas zoned for single-family dwellings is encouraged in the C District.

**17.05.09 Trash and Garbage Control**

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

**17.05.10 Lighting**

Lighting shall be adequate for safety and be arranged so as not to shine on adjacent properties. When abutting a residential district, the light intensity shall be no greater than 0.5 lumens at the property line.

## **Article XVIII**

### **(HS) Highway Service District**

#### **Section 18.01 Purpose**

The HS District is established to provide for commercial projects offering accommodations, supplies and services to the motoring public. Such projects are characterized by a mixture of large scale uses, large volumes of traffic and increased needs for accessibility and visibility from interstate highways and interchanges with state route or county roads. Central water and sewer shall be required for any project in the HS District and may be public supplied or owned and operated by private developers.

#### **Section 18.02 Principal Permitted Uses**

Principal permitted uses shall be limited to these specific uses:

- A. Hotels and/or Motels
- B. Automobile service stations and/or car washes
- C. Administrative, professional or business offices
- D. Commercial, recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.
- E. Restaurants, food courts, lounges, and fast food facilities
- F. Outdoor advertising, subject to the requirements of Section 23.05 of this Resolution.
- G. Shopping Malls
- H. Gift Shops

#### **Section 18.03 Accessory Uses**

Any use customarily accessory to the principal permitted use.

#### **Section 18.04 Conditional Uses**

Any retail business, service establishment or office that is not a principal permitted use.

#### **Section 18.05 Development Standards**

##### **18.05.01 Minimum Lot Area**

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

##### **18.05.02 Minimum Lot Width**

Continuous frontage on a publicly dedicated and improved street or highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes.

### **18.05.03 Minimum Front Yard Depth**

One hundred and twenty-five (125) feet from the center line of any state or federal highway; Eighty-five (85) feet from the center line of all other roadways.

### **18.05.04 Minimum Side Yard**

When abutting a non-residential zoning district, twenty (20) feet for structures, five (5) feet for paved areas: When abutting a residential zoning district, Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

### **18.05.05 Minimum Rear Yard**

When abutting a non-residential zoning district, thirty (30) feet for structures, five (5) feet for paved areas: When abutting a residential zoning district, Fifty (50) feet from structures, thirty-five (35) feet for paved areas.

### **18.05.06 Height of Structures**

Fifty (50) feet

### **18.05.07 Parking and Loading**

Parking and loading spaces shall be provided as required in Article XXII of this Resolution.

### **18.05.08 Trash and Garbage Control**

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

### **18.05.09 Lighting**

Lighting shall be adequate for safety and be arranged so as not to shine on adjacent properties. When abutting a residential district, the light intensity shall be no greater than 0.5 lumens at the property line.

### **18.05.10 Exterior Storage**

Exterior storage includes the outdoor storage of any items. Exterior storage shall not be permitted in the HS District unless an acceptable plan for screening such storage is submitted to and approved by the Board of Zoning Appeals.

## **Article XIX**

### **(I) Industrial District**

#### **Section 19.01 Purpose**

The I District is established to provide for a range of industrial and similar activities. The district provides areas where most industrial and industrial-related activities may locate. Residential uses are prohibited, but some non-industrial activities (i.e., office, business and retail uses) are allowed. The I District limits the exterior adverse impacts of such activities on adjacent property.

#### **Section 19.02 Permitted Uses**

- A. Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, package or assembly of goods.
- B. Industrial service, consisting of firms engaged with the repair or servicing of industrial, business or consumer machinery, equipment or products.
- C. Industrial product sales, consisting of firms involved with the sale, rent or lease of products generally intended for industrial or commercial users. Emphasis is on-site order-taking and may include display areas, with products typically delivered to the customer.
- D. Vehicle service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles, provided all service activities occur within the structures on the site.
- E. Warehousing and distribution, consisting of firms involved with the movement, storage and/or sale of goods for themselves or other firms.
- F. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity.
- G. Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing on-site product repair or services for consumer or business goods.
- H. Outdoor advertising subject to the requirements of Section 23.05 of this Resolution.

#### **Section 19.03 Accessory Uses**

Any use customarily accessory to the principal permitted use.

#### **Section 19.04 Conditional Uses**

- A. Personal Services consisting of firms providing personal services or entertainment, including adult entertainment as defined in Section 24.03 and subject to Article XXIV, to businesspersons or the general public.
- B. Contractor equipment storage yards, providing adequate fencing and screening devices are installed.
- C. Motor vehicle storage and salvage yards provided those uses meet applicable state requirements related to fencing and other standards.
- D. Quarrying or mining operations, provided that all State and Federal regulations are met, and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate in accordance with Appendix A.

- E. Prisons, jails, correctional, and other confinement facilities in accordance with Appendix
- F. Other use of an industrial nature determined by the Board of Zoning Appeals to be similar to those listed in 19.04 above.

## **Section 19.05 Minimum Development Standards**

### **19.05.01 Distance from Residential Districts**

All structures, service areas and parking areas shall be located not less than two hundred (200) feet from any district where residences are a permitted use.

### **19.05.02 Minimum Lot Area**

No minimum lot area is required in the I District; however, lot area shall be sufficient to provide for all yards and distances as required by this Section. All lots shall abut a publicly dedicated and improved street or roadway.

### **19.05.03 Minimum Lot Width**

No minimum lot width is required; however, lots shall abut a publicly dedicated and improved street or roadway and shall have adequate width to provide for yard spaces and distances as required by this Section.

### **19.05.04 Front Yard Depth**

Any structure must be located not less than two hundred (200) feet from the center line of the road or highway on which the use has frontage. Parking areas must be no less than seventy (70) feet from the center line.

### **19.05.05 Side Yard**

When abutting a non-residential zoning district, twenty (20) feet for structures, five (5) feet for paved areas:

### **19.05.06 Minimum Rear Yard**

When abutting a non-residential zoning district, twenty (20) feet for structures, five (5) feet for paved areas:

### **19.05.07 Height of Structures**

No structure shall exceed height of Fifty (50) feet unless the Board of Zoning Appeals grants a conditional use that would require a greater height.

### **19.05.08 Parking and Loading**

Parking and loading spaces shall be provided as required in Article XXII of this Resolution.

### **19.05.09 Trash and Garbage Control**

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

## **Section 19.06 Exterior Development**

### **19.06.01 Exterior Operations**

Exterior Operations include outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall be allowed, provided the area used shall be effectively screened from adjoining properties by means of walls, fences or planting, as approved by the Board of Zoning Appeals.

### **19.06.02 Exterior Display**

Exterior display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall be permitted.

### **19.06.03 Exterior Storage**

Exterior Storage includes the outdoor storage of raw or finished goods (packaged or bulk), and shall be allowed, provided the area used for open storage shall be effectively screened from adjoining properties by means of walls, fences or planting, as approved by the Board of Zoning Appeals.

## **Section 19.07 Off-Site Impacts**

No land or structure shall be used or occupied in such a manner so as to create any dangerous, injurious or noxious impact on adjacent or proximate property. Such impacts may result from noise, vibration, odor, smoke or dust or glare. Statements in writing that such uses comply or will comply with such standards may be required from the owner by the Board of Zoning Appeals. In cases of doubt, the Township shall have the authority to select and arrange for an independent survey by a professional engineer qualified in the particular field and the cost for such service shall be paid by the applicant.

#### **A. Fire and Explosion Standards**

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshal. 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 (OEPA).

#### **B. Air Pollution**

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

#### **C. Glare, Heat, and Exterior Light**

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within and enclosed building and not be visible beyond the lot line bounding the property whereon the operation is conducted.

**D. Liquid and Solids Waste**

No discharge at any point into any public sewer, private sewer disposal system or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

**E. Vibration and Noise**

No uses shall be located, and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises.

**F. Odors**

The applicable standards of the OEPA shall apply.

**G. Storm Drainage and Runoff**

Excessive water runoff from the developed site shall be addressed in a manner that minimizes the impact of such runoff on adjacent property. Generally, it will be necessary to route such storm water to a watercourse, stream, or storm sewer system that has the capacity to accommodate the additional flow, or other acceptable on-site water retention methods. No discharge of storm drainage or runoff of such nature that may contain materials that may contaminate any water supply, watercourse, creek, or storm sewer system shall be permitted. The standards of the OEPA shall apply.

## **Article XX**

### **(PUD) Planned Unit Development**

#### **Section 20.01 Purpose**

The Planned Unit Development (PUD) District is established to provide areas in Jefferson Township for developments containing a mixture of uses and/or housing densities. It is the intent of the PUD District to achieve.

- A. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development, and
- B. A development pattern which preserves and utilizes natural terrain and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns, and
- C. A more efficient use of land than is generally achieved through conventional development under standard zoning district(s), resulting in substantial savings through shorter utilities and streets, and
- D. A development pattern that considers the land use, density, transportation, and community facilities objectives of the Comprehensive Land Use Plan for Fayette County.

Due to the generally higher housing densities, the PUD District is to be used in areas serviceable by central water and/or sewer systems.

#### **Section 20.02 Definition**

“Planned Unit Development” (or PUD) shall mean a single property in which a variety of uses and/or housing types are accommodated in a planned environment, under more flexible standards, such as lot size and setbacks, than would normally apply under these regulations. The effective use of such flexible standards and generally higher residential densities means that the approval of planned unit development typically involves additional requirements to those of the standard zoning districts, such as building design principles, and landscaping plans.

Under this Resolution, use of the planned unit development approach shall require a rezoning of the subject property into the PUD District.

#### **Section 20.03 Permitted and Conditional Uses**

An approved PUD may contain a combination of residential and nonresidential uses as specified in the Development Plan, as approved. The “clustering” of residential units is specifically encouraged in the PUD District.

#### **Section 20.04 Project Area**

The gross area of a tract of land proposed to be developed in a single PUD District shall be a minimum of ten (10) acres.

#### **Section 20.05 Common Open Space**

A minimum of fifteen percent (15%) of the gross area of any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be restricted by easement, covenant, deed or dedication. Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Board of Township Trustees in the Review of the Development Plan.

### **Section 20.06 Utilities**

All electric, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

### **Section 20.07 Residential Density**

Jefferson Township is prepared to accept a higher density in particular portions of a property than that reflected by the standard zoning districts, provided the developer can demonstrate that any increase in density will be compensated for by the private and/or public amenities and benefits. The overall residential density of the total development shall not exceed four (4) dwelling units per acre; however, the Zoning Commission shall have the authority to approve a greater overall density of dwelling units per acre for the residential portions of a PUD, provided that it is determined that the proposed development incorporates measure to effectively integrate the development with preserved open space and natural resources.

### **Section 20.08 Private Roads**

Private roads or streets may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit development in accordance with the following requirements.

- A. The easement shall no be counted as required open space.
- B. The road or street is approved by the Fayette County Engineer as the most appropriate for of access and meets the design standards for roads and/or streets in Jefferson Township Subdivision Regulations.
- C. Maintenance for private roads and/or streets is addressed through the creation of a homeowner's association or similar arrangements.
- D. Parking and Loading spaces shall be provided as required in Article XXII of this Resolution.

### **Section 20.09 Procedure for Approval of PUD District**

Planned development projects shall be processed in accordance with the procedures specified in Section 20.10 through 20.16, as follows. When the requirements below differ from the process for zoning amendment as specified in Article VI, the requirements of this Article shall govern.

### **Section 20.10 Pre-Application**

The developer is encouraged to meet with Zoning Official and Zoning Commission prior to the submission of the Preliminary Development Plan. The purpose of this meet is to discuss early and informally the purposes of this Article and the creiteria and standards contained herein, and to familzarize the developer with the planned residential development process, other provisions of this Resolution, and the drainage and infrastructure systems within the Township.

### **Section 20.11 Contents of Application for Preliminary Development Plan**

- A. Name, Address and Phone Number of the Applicant
- B. Legal Description of property
- C. Description of existing use.
- D. Present Zoning District
- E. A vicinity map at a suitable scale, showing property lines, streets, and existing zoning for all property adjacent to and within two hundred (200) feet from the proposed site.

- F. A list of all property owners contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and their addresses as appearing on the Fayette County Auditor's current tax list.
- G. Evidence that the applicant has sufficient control over the land in question to effectuate to proposed development plans.
- H. A preliminary Development Plan drawn to scale. Such plan shall contain the following information at a minimum:
  - a. Selected land uses by area and building location, and relationship to adjacent land use.
  - b. The number of housing units proposed by type; estimated residential population by type of housing; public improvements proposed for each unit of the development.
  - c. Open space and the intended uses therein and acreage provided.
  - d. Residential land uses summarized by lot size, dwelling type and density.
  - e. Existing and proposed roads, buildings, utilities, permanent facilities, and abutting property boundaries.
  - f. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  - g. Surface drainage and areas subject to flooding.
  - h. General engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, waste disposal facilities, street improvements and, the nature and extent of earth work required for site preparation and development. Such studies shall be in sufficient detail to document that the development of the site in the manner proposed is feasible.
  - i. A description of the code requirements from the adjacent standard zoning districts that would require variance or exception.

The Preliminary Development Plan shall be accompanied by a written statement by the applicant setting forth the reasons why the property should be developed as a planned unit development, and how the proposed development meets the objectives and purposes stated in Section 20.01 of this Article.

### **Section 20.12 Submittal of Preliminary Development Plan**

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Official at least ten (10) days prior to the Zoning Commissions next scheduled meeting. Failure to submit a complete application, as determined by the Zoning Official, shall result in a refusal of acceptance. The Zoning Official shall transmit the complete application package to the Zoning Commission and other parties as the Zoning Official deems appropriate.

### **Section 20.13 Public Hearing by Zoning Commission**

Within thirty (30) days after proper submission of the Preliminary Development Plan, the Zoning Commission shall hold a public hearing, following the notification procedures as specified in Article VI of this Resolution.

### **Section 20.14 Recommendation by the Zoning Commission**

Within sixty (60) Days from submittal of the items specified for approval of the Preliminary Development Plan, the Zoning Commission shall recommend to the Board of Township Trustees that the Preliminary Development Plan be approved as submitted, approved with modification, or disapproved.

Before making its recommendation as required above, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing(s) established that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate volumes of traffic which would overload the street network outside the development
- C. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Preliminary Development Plan.
- D. The proposed project is generally compatible with existing development in the surrounding area in terms of type, size and scale.
- E. The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.
- F. The proposed project is generally consistent with the principles of the adopted *Comprehensive Land Use Plan for Fayette County*.

In making recommendation, the Zoning Commission may seek the assistance and input of the Fayette County Engineer, and/or outside consultants and/or experts procured for the purpose. All expenses involved with such review shall be paid by the applicant.

### **Section 20.15 Action by Board of Township Trustees**

Upon receipt of the recommendation by the Commission, the Board of Township Trustees shall review and take action on the application following the procedures specified in Article VI of this Resolution. If approved by the Board of Township Trustees, the subject property shall be considered as zoned PUD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Preliminary and Final Development Plans.

### **Section 20.16 Final Development Plan**

Not later than two (2) years from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Zoning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void, and the property shall revert to its most previous zoning classification.

### **Section 20.17 Contents of Final Development Plan**

The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall include the following:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded area, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use impact upon for adjacent properties.

- C. A schedule for the development of units to be constructed in progression; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. A proposed landscaping plan(s)
- E. Engineering plans showing, all utilities, including by not limited to, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
- F. Architectural renderings and accompanying narrative to discuss the design treatment of all buildings and structure where applicable
- G. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

### **Section 20.18 Action by the Zoning Commission**

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as have been agreed to by the applicant, the Zoning Commission shall approve, disapprove, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan and the standards specified in this Resolution, and that no significant constraints exist to construction of the project as planned.

### **Section 20.19 Expiration and Extension of Approval Period**

The approval of the Final Development Plan shall be for a period of not to exceed one (1) year. If no construction has begun within one (1) year after approval is granted, the approved Preliminary and Final Development Plan shall be null, and void and the land shall revert to its not previous zoning classification. An extension of this time limit, for a specific period, may be approved if the Board of Zoning Appeals finds that such extension is necessitated by conditions beyond the control of the applicant.

### **Section 20.20 Platting**

The creation of new parcels under any planned unit development shall be subject to platting under the Jefferson Township Subdivision Regulations. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Resolution rezoning the property to PUD has been approved by Board of Township Trustees and such amendment has become effective.

## **Article XXI**

### **(SU) Special Use District**

#### **Section 21.01 Purpose**

The (SU) Special Use District is established to accommodate particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District are intended to promote the compatibility of the use with adjoining districts and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

#### **Section 21.02 Permitted Uses**

Building and land within the SU District shall be utilized only for one of the uses set forth in the following use classifications:

##### **Principal Buildings and Uses**

1. Public, natural or historic monuments and/or museums.
2. Commercial facilities such as stadiums, amphitheaters, racetracks or similar facilities for conducting sporting events, concerts, and similar outdoor events on a temporary or permanent basis.
3. Commercial recreational areas such as golf courses, gun clubs, summer camps, sportsmen's clubs, seasonal campgrounds and similar uses, including non-commercial recreational facilities that are similar in size, scale and intensity to commercial facilities.
4. Venues for events involving the display of local agricultural products, entertainment, and/or public assembly.

#### **Section 21.03 Accessory Uses**

Accessory Uses in the SU District shall consist of those secondary and incidental uses and/or structures that are necessary for the effective functioning of a permitted use. Examples include necessary signs, parking areas, and administrative and maintenance structures.

#### **Section 21.04 Development Plan Required**

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Resolution, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed development, calculations of the proposed traffic by daily and peak hour components, an analysis of facility's impact on any adjacent districts and explanation of the methods proposed by the applicant to alleviate or minimize these impacts, as well as any other information deemed necessary by the Zoning Official or the Zoning Commission to determine compliance with the Resolution.

The Development Plan shall be reviewed by the Zoning Commission and considered in making its recommendations to the Township Trustees. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Article VI of this Resolution. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent districts.
- B. The location, design and operation of the proposed facility shall not impose undue adverse impacts on surrounding districts, and the Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate such impacts.
- C. The proposed building or use can be adequately served by existing public facilities and services available to the property, including but not limited to, roadways, police and fire protection, emergency services, drainage, structures, refuse disposal, water and sewers, and/or schools.

## **Section 21.05 Development Standards**

### **A. Lot and Area Requirements**

The area or parcel of land for special use shall not be less than that required to provide space adequate for off-street parking areas. Yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 21.03

### **B. Front Yard**

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

### **C. Side and Rear Yards**

Where any special use abuts a district where residences are a permitted use, a side and rear yard of not less than one hundred and fifty (15) feet shall be maintained. In addition, a landscaped buffer shall be shown on the Development Plan and installed in such yard. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

### **D. Compliance with Building and Fire Codes**

All proposed structure within the SU District shall be located and constructed so as to comply with all fire and/or building codes

### **E. Off-Site Adverse Impacts**

Property zoned within the SU District shall be used or occupied in such a manner so that dangerous, injurious or noxious impacts on adjacent property are minimized or controlled. All proposed structures within the SU District shall be controlled. Such impacts shall include those related to noise, vibration, odor, dust, glare, or storm, runoff. The applicant shall provide evidence in the Development Plan that such impacts have been identified and addressed.

### **F. Parking and Loading**

Parking and loading spaces shall be provided as required in Article XXII of this Resolution.

### **Section 21.06 Action by Board of Township Trustees**

Pursuant to Section 21.04 of this Resolution, the Zoning Commission shall recommend the approval, disapproval, or approval with modification of the establishment of the Special Use District. The Zoning Commission may recommend appropriate conditions and safeguards that they deem necessary for the protection of adjoining districts. Upon receiving the Zoning Commission's recommendations, a majority vote by the Board of Township Trustees shall be required to approve or disapprove the creation of the Special Use District. If the Township Trustee modify the recommendations of the Zoning Commission of the Development Plan unanimous vote of the Township Trustees shall be required for passage.

### **Section 21.07 Compliance with Development Plan**

The construction of all buildings and the development of the site within the SU District shall be in conformity and compliance with the approved Development Plan. Any subsequent changes to the site not shown on the approved Development Plan, including but not limited to the addition of new accessory facilities or changes in activities on performed on the site, shall require separated approval by the Board of Zoning Appeals. In evaluation such changes, the Board may require an amendment to the Development Plan and shall consider the criteria specified in Section 21.04 A-C above.

# ADDITIONAL ZONING REQUIREMENTS

## Article XXII

### Off-Street Parking and Loading Space Requirements

#### Section 22.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Jefferson Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

#### Section 22.02 Provision for Parking Required

Unless otherwise indicated in this Resolution, in all zoning districts, off-street parking shall be addressed in accordance with the provisions of this Article.

#### Section 22.03 General Requirements

##### A. Surfacing and Drainage

All off-street parking areas for commercial or industrial projects within the C, HS and/or I Districts shall be properly graded, marked and surfaced so as to provide a hard, durable, and dustless surface. All parking areas shall be graded and drained into subsurface tiles or storm sewers so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

##### B. Lighting

1. All off-street parking area shall be illuminated with adequate lighting to provide for safety
2. All lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

##### C. Location of Parking Spaces

A five (5) feet clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

##### D. Parking of Inoperable or Disabled Equipment or Vehicles

The exterior parking or storage of inoperable or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Section 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.

**E. Parking of Recreational Equipment**

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and vehicles used primarily for recreation or similar recreational equipment shall be subject to the following requirements:

1. Not more than three (3) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
2. Recreational equipment shall not be used for permanent occupancy.
3. Recreational equipment may be used for temporary occupancy for a period of time not exceeding three (3) months.
4. Exterior storage of recreation vehicles or equipment shall not exceed 12 continuous months of non-use or movement.

**F. Loading Area and Loading Spaces**

All loading and unloading spaces must be on the property. No loading or unloading shall be permitted on public streets or roads. An adequate area shall be provided for vehicles waiting to load or unload. Vehicles waiting to load, or unload shall not park on a public street or road.

**Section 22.04 Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule.

**Section 22.05 Schedule of Required Off-Street Spaces**

**A. Residential**

Single or Multiple-Family Residences	Two (2) per dwelling unit
Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift

**B. Commercial**

Professional, Administrative and Business	One (1) for each four hundred (400) sq. ft. of gross floor area of offices
Food, Department, General Merchandise	One (1) for each three hundred (300) sq. ft. of gross floor for hardware, drugs, or other retail sales
Eating or drinking establishment without drive-through facilities	One (1) for each one hundred (100) sq. ft. of gross floor area.
All uses and Businesses with drive-through facilities	The number of spaces required for the use or business plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces
Personal Services, including banks, savings, and loans and repair services <i>without</i> drive-through facilities	One (1) for each three hundred (300) sq. ft. of gross floor area.
Barber and Beauty Shops	Two (2) for each workstation
Gasoline and Service Stations, Automobile	Two (2) for each service bay plus one (1) for each service pump, plus one (1) for each employee during the main shift
Medical and Dental Offices, Human Clinics, Veterinary Clinics, Animal Hospitals	Four (4) for each doctor or dentist
Hotels, Bed and Breakfast establishments	One (1) for each sleeping room plus one(1) for each employee during the main shift.
Funeral Homes	One (1) for each four hundred (400) sq. ft. of gross floor area.

### C. Industrial

Any Manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises
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### D. Institutional

Churches, and places of public worship	One (1) for each four (4) seats in main sanctuary
Public or Private Elementary or Secondary School	Four (4) for each classroom, or one (1) for each four (4) seats in main auditorium, whichever is greater
Business, Trade, or Technical School, Collage, University	One (1) for each two (2) students and one (1) for each faculty member
Nursery School/Day-Care	One (1) for each fifteen (15) students
Libraries, Museums, Community Centers and Similar Facilities	One (1) for each three (3) persons allowed in main meeting room at full capacity
Civic, Social and Fraternal Organizations	One (1) for each three (3) persons allowed in main meeting room at full capacity
Hospitals, Nursing Facilities	One (1) for each four (4) beds plus (1) per employee on main shift.

### E. Recreational

Baseball, Softball, Football, Soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one (1) for each six (6) seats in stands
Tennis, Handball, or Racquetball Courts	Three (3) for each court
Bowling Alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants
Theatres, Stadiums, Sports Arenas, Auditoriums	One (1) for each (4) seats or other assembly halls other than schools.

## Article XXIII

### Signs

#### Section 23.01 Purpose

The purpose of these regulations is

##### A. To Encourage:

- a. Creative and well-designed signs that contribute in a positive way to the Townships visual environment.
- b. The proper development of signs and signage systems within Jefferson Township
- c. Signs that are responsive to the aesthetics of their location, uses, and the surrounding neighborhood.

##### B. To provide standards that:

- a. Assure signs are not a distraction to the safe flow of traffic
  - b. Prevent signs from becoming a nuisance to adjacent properties
  - c. Safeguard life, health, property, safety and public welfare.
- C. To regulate only the physical location, size and appearance of signage and this Resolution shall not be used to restrict legal content or free speech.
- D. To recognize that signs are a necessary form of communication for businesses and to provide for unique circumstances and creativity.

#### Section 23.02 Definitions

As used in this Article, the following word or phrases shall have the meaning herein:

- A. **“Billboard”** means any sign identifying promoting or advertising a product or service not located on the same property as the sign, that exceeds three hundred (300) sq. ft. in area.
- B. **“Free Standing Sign”** means a sign erected on a pole, poles, pillars, or posts and which is wholly independent of any building for support.
- C. **“Permanent Sign”** means a sign intended to be erected, displayed or used, or in fact which is used for time period in excess of six (6) months.
- D. **“Portable Sign”** means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis or trailer.
- E. **“Temporary Sign”** means a sign intended to be displayed, or in fact displayed, for a time period of less than (6) months.
- F. **“Adapted Structure Sign”** means a sign that is on a structure that was originally built for a different use e.g. a semi-truck trailer.

#### Section 23.03 Sign Permits

##### A. Permit Required

No permanent or temporary sign, except as exempted in Section 23.04 of this Resolution, shall hereafter be erected, constructed or maintained within Jefferson Township unless a permit for the same has been issued by the Zoning Official. A sign for which a permit has been issued shall not be modified, changed or amended so as to differ from that approved in the permit unless a new or amended permit is issued.

## **B. Contents of Application**

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his/her agent. The fee shall be established by separate resolution. The application for a sign permit shall be made on forms as provided by the Zoning Official, and shall include the following information:

1. Name, Address and Contact Information for the Applicant
2. Drawing or drawings showing, at a minimum
  - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines and symbols
  - b. The method of illumination, if proposed
  - c. The exact location of the sign in relation to the building and property.

## **C. Criteria for Approval**

The Zoning Official may approve a sign permit if the proposed sign:

1. Meets the requirements of this Resolution
2. Will not interfere with Public Safety
3. Will not have a negative impact on adjacent properties or the area.
4. Will not add to an over proliferation signs on a particular property or area.

## **D. Criteria for Removal of Signs without a Zoning Permit**

If a sign is installed without a valid permit, the Zoning Official may cause the removal of such signs without notice.

## **Section 23.04 Signs which Do Not Require a Permit**

The following signs may be erected without a permit:

- A. Address and Name of Occupant of premises for a residential structure, to be limited to size to three (3) sq. ft.
- B. Signs which are in the nature of cornerstones, commemorative tables and historical plaques, provided that such signs are less than ten (10) sq. ft. in size and not illuminated.
- C. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.
- D. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election.
- E. Signs that indicate the auction or sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per road front on parcels of less than twenty (20) acres. On parcels of land greater than twenty (20) acres, one (1) sign per twenty (20) acres will be permitted. Such signs shall not be located in a public right-of-way. Such signs shall be removed when the land is sold, developed, rented, or leased.
- F. Signs, which are less that four (4) sq. ft. in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one (1) tenant is located

- G. Signs which advertise the sale of personal property, such as a garage, yard, porch, or moving sales or auctions, provided such signs are displayed for a time period not greater than three (3) consecutive days, are removed within two (2) days after the sale.
- H. Farm signs denoting the name and address of the occupant, produce or products for sale.
- I. Temporary construction signs which display the identification of a construction project, including identification of the contractors, architects and other construction principals. Such construction signs shall be removed within sixty (60) days following the completion of the construction project.
- J. Signs promoting community events and programs sponsored by nonprofit, public, educational, religious, and charitable organizations. Such signs may be erected thirty (30) days before an event or program and removed within three (3) days after the event or program.
- K. Signs identifying nonprofit, public, educational, religious and charitable organizations.
- L. Signs placed by State or Local Governments
- M. Portable business signs shall be limited to two (2) weeks per year for each business.

### **Section 23.05 General Requirements**

Temporary and/or permanent signs erected after the date of this Resolution shall comply with the following standards and requirements:

#### **A. Off Premises Signs and Outdoor Advertising**

Outdoor advertising and other signs promoting a product or service not located on the premises shall be permitted in the A, C, I and HS District subject to the development standards of that district, Chapter 5516 of the ORC, and the following:

1. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located elsewhere. Each such directional sign shall not exceed ten (10) sq. ft. in area.
2. Any outdoor advertising sign equal to or exceeding three hundred (300) sq. ft. in area per side shall be considered as a billboard and shall be subject to the provisions of Section 23.05 B below.
3. All permitted outdoor advertising signs shall be licensed as may be required by other local, federal, or state agencies and conform to all local, state, and federal regulations.
4. Outdoor advertising signs shall be located behind the building setback line for the district in which it is located and shall be located not less than four hundred (400) feet from any adjacent residence or four hundred (400) feet from another sign.
5. No outdoor advertising shall be erected or maintained in trees or constructed, drawn or painted directly onto rocks or other natural features.

#### **B. Off Premises Signs and Outdoor Advertising**

Billboards, as defined in Section 23.02 A, intended to be viewed from any state or federal highway shall be considered as a conditional use in the A, C, I, and HS Districts. Billboards shall not be allowed along county or township roadways. Billboards shall be located not closer than fifteen hundred (1,500) ft. from any residence on a contiguous property and not less than one thousand (1,000) feet from any other billboard. Billboards shall meet the requirements of Chapter 5516 of the ORC.

Billboards may be back-to-back, double faced, "V" type or multiple faced, with not more than two (2) faces facing the same direction. The total area of all faces toward one direction on any single billboard shall not exceed six hundred (600) sq. ft.

The application for such signs shall include a site plan showing the exact location of the sign and shall be reviewed by the Board of Zoning Appeals following the procedures and standards cited in Article IX.

**C. Off Premises Signs and Outdoor Advertising**

Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the C, HS, and I Districts.

1. No single sign shall have an area of more than one hundred (100) sq. ft. per side.
2. No single use or property shall maintain a total sign area for all signs of more than 200 sq. ft.
3. No on-premises sign shall be erected closer than twenty-five (25) feet to the road right-of-way.
4. No sign shall exceed fifty (50) feet in height unless granted by the Board of Zoning Appeals. Height of the sign shall be measured from ground level.

**D. Portable Signs**

Portable signs, as defined in Section 23.02 D, shall be permitted as temporary signs as long as the gross sign area conforms to the specifications in Section 23.05 C, 2. Above.

**E. Permanent Subdivision Identification Signs**

Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision.

**F. General Requirements for All Signs**

1. All signs and advertising structures, except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or hazard to traffic or conflict with traffic control devices, signs, or lights.
2. Illumination involving movement or causing the illusion of movement by reason of the lighting arrangement, or fluctuation in intensity, shall be arranged to have no negative impact on adjacent property.
3. All signs and part thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard and require the approval of the Fayette County Building Department.
4. No sign nor part of any of a sign be placed in, over, or extend onto any public right-of-way.
5. No sign shall be located so as to hinder clear sight within one hundred and fifty (150) feet in both directions at the intersection of any roadway with a federal or state highway.

**Section 23.06 Measurement of Sign Area**

For the purposes of this Resolution, sign area shall be measured so as to include the face of all the display area of the sign not including bracing, framing, and structural supports of the sign, unless such support members are made part of the message or face of the design. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign.

## **Section 23.07 Nonconforming Signs**

### **A. Abandonment**

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from that requirement.
3. When the sign is not maintained or does not conform to the following:
  - a. All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
  - b. Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

### **B. Relocation or Replacement**

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provision of this Section.

### **C. Maintenance of Nonconforming Signs**

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

## **Section 23.08 Maintenance of Signs**

### **Maintenance Standards**

Signs and supporting hardware for permanent and temporary signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or ruse, falling parts, burned out bulbs, or broken parts are prima fascia evidence that a sign is not in a state of good repair. Repair to signs will be equal to or better in quality of materials and design than the original sign.

When the Zoning Official determines that a sign exists in a state of disrepair, the Zoning Official shall issue to the owner of the sign and to the owner of the real estate, if different, a notice of such disrepair and the need for corrective action. A copy of the notice shall be sent to the Board of Township Trustees.

## **Section 23.09 Removal of Signage**

### **Sign Removal**

- A. When a business ceases operations for at least three (3) months the sign shall be removed unless an extension is granted by the Board of Zoning Appeals.
- B. When a sign is removed all structural elements that supported the sign shall be removed and the area restored to the condition prior to the sign installation. This applies to all building surfaces and to land areas.
- C. Removal will be at the expense of the sign owner, his agent, or the property owner.
- D. Signs placed in the right-of-way of any public road, street, or highway in the Township may be removed, without notice, by the Zoning Official or his designee.

## Article XXIV

### Adult Entertainment Facilities

#### Section 24.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare of the residents of Jefferson Township through the regulation of adult entertainment facilities. It is the intent of this Article to control the establishment of such facilities within locations in close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds, and to prevent the erosion of the economic viability and character of the surrounding and proximate areas.

#### Section 24.02 Compliance with other Regulations and/or Statutes

Nothing in this Article is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any local ordinance or regulation, or any statute of the State of Ohio, regarding public nuisance, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

#### Section 24.03 Definitions

- A. **“Adult Entertainment Facility”** means any establishment which is involved in one or more of the following listed categories.
  - a. **“Adult Book Store”** means an establishment which utilizes twenty percent (20%) or more of its retail display area for the purpose of retail sale or rental of motion picture machines, projectors, or other image-producing devices, books, magazines, other periodicals films, tapes, video discs, or cassettes with are distinguished by their emphasis on “specified sexual activities” or “specified anatomical areas” as defined below, or instruments, devices or paraphernalia designed for use in connection with sexual activity. For the purposes of this Chapter, retail display area shall be measured as follows
    - i. For bookshelves, racks, display cases, tabletops or similar devices, the display area shall be calculated by multiplying the length times the width of each surface on which merchandise is displayed. If sexual material as referenced above is mixed with non-sexual material, the entire surface shall be considered as consisting of sexual material.
    - ii. For walls, display area shall be the area of the wall enclosed by the smallest imaginary rectangle which completely encloses the material.
- B. **“Adult Theater”** means a facility for the display of films, motion pictures, slides, video disc or similar photographic or image-bearing media, which is regularly used or utilizes twenty-five percent (25%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to “specified sexual activities or “specified anatomical areas” for observation by patrons therein.
- C. **“Adult Entertainment Business”** means any establishment, including nightclubs, bars and/or restaurants, involved in the sale or services of products characterized or accompanied by the exposure or presentation of “specified anatomical areas” or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

- D. **“Adult Motel”** means a hotel, motel or similar commercial establishment which:
- i. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, slides, video discs or similar photographic or image-bearing media, which is characterized by an emphasis on “specified sexual activities” or specified anatomical areas” as defined below; and has a sign visible from a public right-of-way which advertises the availability of such material; or
  - ii. Offers a sleeping room for a period of time that is less than ten (10) hours; or
  - iii. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
- E. **“Sexual Encounter Center”** means a business or commercial enterprise that, as one of its primary purposes, offers for any form of consideration:
- i. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and/or
  - ii. Activities between persons or physical contact of live male or females, which is characterized by salacious conduct appealing to prurient interest, when one or more of the persons is in a state of semi-or complete nudity.
- F. **“Specified Sexual Activities”** means any of the following:
- a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- G. **“Specified Anatomical Areas”** mean any of the following:
- a. Less than completely covered human genitals, public region, buttocks, and female breasts below a point immediately above the top of the areola.
  - b. Human male genitals in a discernible turgid state.
- H. **“Fine Art Gallery”** means any display of artwork which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- I. **“Sexually Explicit Nudity”** means the sexually oriented and explicit showing of nudity, including, but not limited to, close up views, poses, or depiction in such position or manner with present or expose such nudity to prominent, focal, or obvious viewing attention.
- J. **“Sadomasochistic Sexual Abuse”** means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.

- K. **“Visibly Displayed”** means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

#### **Section 24.04 Exceptions**

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

#### **Section 24.05 Criteria**

Adult Entertainment Facilities shall be considered a conditional use in the I District and shall be subject to the following conditions.

- A. No adult entertainment facility shall be established within fifteen hundred (1,500) feet of any residence or district where residences are permitted use.
- B. No adult entertainment facility shall be established within a radius of fifteen hundred (1,500) feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of fifteen hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- D. No adult entertainment facility shall be established within a radius of fifteen hundred (1,500) feet of any church, synagogue, or permanently established place of religious services attended by persons under eighteen (18) years of age.
- E. No adult entertainment facility shall be established within a radius of fifteen hundred (1,500) feet of any other adult entertainment facility.
- F. No advertisements display or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, window etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public areas.
- I. Lighting on the exterior of the building shall be arranged so as to illuminate the entire off-street parking area.

The distances as cited in the Section above shall be measure by following a straight line, without regards of intervening buildings, from the nearest point of the property line upon which is proposed use is to be located, to the nearest point of the property line or district from which the proposed facility is to be separated.

# APPENDIX A

## Specific Standards for Selected Conditional Uses

### Bed and Breakfast Establishments

1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale.
2. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties.
3. Exterior signage shall be limited to a single sign not more than four (4) sq. ft. in size. No signs shall be internally illuminated.
4. Not more than three (3) persons shall be employed that is not a resident of the dwelling.
5. Accommodations shall be provided for not more than five (5) guest rooms.

### Commercial Cemeteries

1. Minimum area for a cemetery site shall not be less than ten (10) acres
2. Except for administrative offices incidental to cemetery operations, no business or commercial uses shall be permitted on the cemetery site.
3. Adequate screening with trees, shrubs, hedges or similar landscaping shall be provided parallel to the property lines adjacent to abutting residential properties.
4. No grave site shall be located within fifty (50) feet from any publicly dedicated thoroughfare, or any property line.

### Golf Courses

1. A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Fayette County Engineer or outside consultants.
2. All buildings or structures, including maintenance structures, shall be located not less than one hundred (100) feet from any property line.
3. Fairways, tees and holes shall be located not less than two hundred (200) feet from adjacent existing residential property.

### Junkyards

1. A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Fayette County Engineer, or outside consultants.
2. A minimum area of twenty (20) acres shall be required.
3. The junkyard shall be located not less than two hundred (200) feet from any zoning district that specifies residences as a permitted use, and/or any publicly dedicated thoroughfare.
4. A landscape strip not less than fifty (50) feet shall be provided with the two hundred (200) foot setback specified in 3. above. Such strip shall be planted with Norway Spruce, Evergreens or similar vegetation of similar screening value. The applicant shall certify that junk so contained within the junkyard shall not be piled or located to such height to exceed the landscaped screen or fence surrounding the property.
5. The applicant shall submit evidence that applicable state and other local regulations have been met.

## **Sanitary Landfills**

1. All sanitary landfills shall be subject to approval and the requirements of appropriate county, multi-county and state agencies with authority in such matters. The applicant shall submit evidence to the Board of Zoning Appeals that such approvals and requirements have been met.
2. A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Fayette County Engineer, or outside consultants.
3. A minimum of fifty (50) acres shall be required.
4. Truck routes shall be established for movement in and out of the development in such a manner so as to minimize use of non-arterial thoroughfare and prevent damage and/or hazards to other properties.
5. All structures and activity area shall be located at least five hundred (500) feet from any adjacent residential property.
6. Evidence shall be submitted that the landfill will be operated and maintained in a neat and orderly manner consistent with practices accepted by the industry. The Board of Zoning Appeals may require a suitable bond to insure this provision is met.

## **Quarries and Mining Operations**

1. All quarries and/or mining facilities shall be subject to approval and the requirements of appropriate county and state agencies with authority in such matters. The applicant shall submit evidence to the Board of Zoning Appeals that such approval and requirements have been met, including compliance with the provisions of Chapter 1514 of the Ohio Revised Code.
2. No sand, gravel, minerals or water shall be removed or stored, or any overburden stored with two hundred (200) feet of any adjacent property not owned or controlled by the developer or operator of said business. No activity area shall be located closer to any lot line or street so that areas contiguous and adjacent do not have adequate lateral support.
3. All areas within a single development shall be rehabilitated progressively as they are worked or abandoned to a condition of being, to the greatest practical degree, free of hazard, inconspicuous and blended with the surrounding ground forms.
4. Truck routes shall be established for movement in and out of the development in such a manner so as to minimize use of non-arterial thoroughfare and prevent damage and/or hazards to other properties.
5. Commercial water extraction where water is transported out of Jefferson Township shall be limited to quantities that will not result in lowering of the existing water table.

## **Agribusiness**

1. The agribusiness establishment shall be incidental and necessary to the conduct of agriculture within the district and shall be a business which is dependent upon the surrounding agricultural community.
2. The owner or operator of the agribusiness establishment shall demonstrate approval from the Ohio Environmental Protection Agency, Ohio Department of Agriculture and/or other applicable state or federal agencies for any on-site water supply and/or wastewater disposal system.
3. The agribusinesses shall not emit noise, dust or chemical residues which result in the creation of a nuisance or trespass to the surrounding properties.

Notwithstanding the above, the following subjects are not to be regulated, negotiated or otherwise considered by the Board of Zoning Appeals in any conditional use permit proceeding by the owner or operator of a concentrated animal feeding operation or concentrated animal feeding facility as those terms are defined in Section 903.01 of the Ohio Revised Code

- a. Manure
  - b. Insects or Rodents
  - c. Odor
  - d. Siting Requirements
4. A specific plan for addressing stormwater and surface drainage on the site shall be submitted and approved by the Board of Zoning Appeals. In this plan excessive water runoff from the developed site shall be addressed in a manner that minimizes the impact of such runoff on adjacent property. Generally, it will be necessary to route such storm water to a watercourse, stream or storm sewer system that has the capacity to accommodate the additional flow, or other acceptable on-site water retention methods. No discharge of storm drainage or runoff of such nature that may contain materials that may contaminate any water supply, watercourse, creek or storm sewer system shall be permitted. The standards of the OEPA shall apply. The Board of Zoning Appeals may seek the input of the Fayette County Engineer, or outside consultants.
  5. A specific plan for addressing traffic patterns and an engineering evaluation on the effects to existing roadways shall be submitted and approved by the Board of Zoning Appeals. All cost associated with modifying traffic patterns and/or the roadways shall be paid by the agribusinesses. The Board of Zoning Appeals may seek the input of the Fayette County Engineer, or outside consultants.

### **Jails, Prisons, Detention Centers, and Places of Confinement**

1. A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Fayette County Engineer, or outside consultants.
2. A minimum area of ten (10) acres shall be required
3. All structures must be located not less than two hundred (200) feet from the center line of the road or highway. Lot shall abut a publicly dedicated and improved street or roadway,
4. All buildings and yards shall be located no closer than fifteen hundred (1,500) feet from any residence, school, place of worship, or day care facility.
5. Facility shall be subject to approval and the requirements of appropriate county and state agencies with authority in such matters. The applicant shall submit evidence to the Board of Zoning Appeals that such approvals and requirements have been secured as part of the application for a conditional use permit.

## Index

<b>Article I Authorization and Purpose</b>		
Section 1.01 Title	Article I	Page 1
Section 1.02 Purpose	Article I	Page 1
Section 1.03 Applicability and Limitations	Article I	Page 1
Section 1.04 Interpretation and Consistency	Article I	Page 2
Section 1.05 Separability	Article I	Page 2
<b>Article II Definitions</b>		
Section 2.01 Interpretation	Article II	Page 3
Section 2.02 Definitions	Article II	Page 3
2.02.01 Accessory Use	Article II	Page 3
2.02.02 Accessory Building and Structure	Article II	Page 3
2.02.03 Accessory Living Quarters	Article II	Page 3
2.02.04 Administrative and Business Office	Article II	Page 3
2.02.05 Agribusiness	Article II	Page 3
2.02.06 Agricultural Use	Article II	Page 4
2.02.07 Building	Article II	Page 4
2.02.07.1 Height of Building	Article II	Page 4
2.02.07.2 Building Line	Article II	Page 4
2.02.08 Business Services	Article II	Page 4
2.02.09 Cemetery	Article II	Page 4
2.02.10 Clinic Human	Article II	Page 4
2.02.11 Cluster Housing	Article II	Page 4
2.02.12 Commercial Stockyard	Article II	Page 4
2.02.13 Conditional Use	Article II	Page 5
2.02.14 Congregate or Group Home	Article II	Page 5
2.02.15 Condominiums	Article II	Page 5
2.02.16 County	Article II	Page 5
2.02.17 Development	Article II	Page 5
2.02.18 District	Article II	Page 5
2.02.19 Dwelling or Residence	Article II	Page 5
2.02.19.1 Multiple Family	Article II	Page 5
2.02.19.2 Single Family	Article II	Page 5
2.02.19.3 Two Family	Article II	Page 5
2.02.20 Family	Article II	Page 5
2.02.21 Farm Family	Article II	Page 5
2.02.22 Farm Corporate	Article II	Page 5
2.02.23 Feed Lot Commercial	Article II	Page 5
2.02.24 Fence	Article II	Page 6
2.02.25 Flag Lot	Article II	Page 6
2.02.26 Flood and Flooding	Article II	Page 6

2.02.27 Flood Insurance Rate Map	Article II	Page 6
2.02.28 Flood Way	Article II	Page 6
2.02.29 Floor Area	Article II	Page 6
2.02.30 Frontage or Lot Frontage	Article II	Page 6
2.02.31 Home Occupation	Article II	Page 6
2.02.32 Hospital	Article II	Page 7
2.02.33 Industrialized Unit	Article II	Page 7
2.02.34 Inoperable Vehicles	Article II	Page 7
2.02.35 Institution	Article II	Page 7
2.02.36 Junk	Article II	Page 7
2.02.37 Junk Yard	Article II	Page 7
2.02.38 Kennel	Article II	Page 7
2.02.39 Lot	Article II	Page 7
2.02.39.1 Corner Lot	Article II	Page 7
2.02.39.2 Front Lot Line	Article II	Page 8
2.02.39.3 Rear Lot Line	Article II	Page 8
2.02.39.4 Side Lot Line	Article II	Page 8
2.02.39.5 Lot of Record	Article II	Page 8
2.02.39.6 Minimum Area of Lot	Article II	Page 8
2.02.39.7 Lot Width	Article II	Page 8
2.02.40 Manufactured Home	Article II	Page 8
2.02.41 Manufactured Home Community/Park	Article II	Page 8
2.02.42 Mobile Home	Article II	Page 8
2.02.43 Modular Home	Article II	Page 9
2.02.44 Nonconforming Use	Article II	Page 9
2.02.45 Nursery or Day Care Center	Article II	Page 9
2.02.46 Nursing Home	Article II	Page 9
2.02.47 Off Street Parking	Article II	Page 9
2.02.48 ORC	Article II	Page 9
2.02.49 Parking Area or Lot	Article II	Page 9
2.02.50 Permanently Foundation	Article II	Page 9
2.02.51 Permanently Sited Mfg. Home	Article II	Page 9
2.02.52 Person	Article II	Page 9
2.02.53 Personal Services	Article II	Page 9
2.02.54 Professional Offices	Article II	Page 10
2.02.55 Recreational Facilities	Article II	Page 10
2.02.56 Residence	Article II	Page 10
2.02.57 Restaurant	Article II	Page 10
2.02.58 Retail Store	Article II	Page 10
2.02.59 Right-of-Way	Article II	Page 10
2.02.60 Sign	Article II	Page 10
2.02.61 Similar Use	Article II	Page 10

2.02.62 Small Animal	Article II	Page 10
2.02.63 Storage Yard or Salvage Yard	Article II	Page 10
2.02.64 Story	Article II	Page 10
2.02.65 Street or Road or Thoroughfare	Article II	Page 10
2.02.66 Structure	Article II	Page 11
2.02.67 Structure Temporary	Article II	Page 11
2.02.68 Structure Permanent	Article II	Page 11
2.02.69 Structure Adapted	Article II	Page 11
2.02.70 Structural Alteration	Article II	Page 11
2.02.71 Tower Communication	Article II	Page 11
2.02.72 Tower Electrical Generating	Article II	Page 11
2.02.73 Township	Article II	Page 11
2.02.74 Use	Article II	Page 11
2.02.75 Variance	Article II	Page 11
2.02.76 Yard	Article II	Page 11
2.02.76.1 Front Yard	Article II	Page 11
2.02.76.2 Rear Yard	Article II	Page 11
2.02.76.3 Side Yard	Article II	Page 12
2.02.77 Zero Lot Line	Article II	Page 12
2.02.78 Zoning Certificate or Permit	Article II	Page 12
2.02.79 Zoning District	Article II	Page 12
2.02.80 Zoning District Map or Map	Article II	Page 12
2.02.81 Zoning Inspector	Article II	Page 12
2.02.82 Zoning Official	Article II	Page 12
<b>Article III Administrative Bodies and Their Duties</b>		
Section 3.01 Zoning Inspector	Article III	Page 14
3.01.01 Office of Zoning Inspector	Article III	Page 14
3.01.02 Relief from Personal Liability	Article III	Page 14
3.01.03 Duties of Zoning Inspector	Article III	Page 14
3.01.04 Removal of Zoning Inspector	Article III	Page 15
Section 3.02 Township Zoning Commission	Article III	Page 15
3.02.01 Establishment	Article III	Page 15
3.02.02 Removal of Members	Article III	Page 15
3.02.03 Proceedings	Article III	Page 15
3.02.04 Powers and Duties	Article III	Page 16
Section 3.03 Board of Zoning Appeals	Article III	Page 16
3.03.01 Establishment	Article III	Page 16
3.03.02 Removal of Members	Article III	Page 16
3.03.03 Proceedings	Article III	Page 16
3.03.04 Power and Duties	Article III	Page 17
Section 3.04 Board of Township Trustees	Article III	Page 17
Section 3.05 Powers of Zoning Official, Board, and Trustees	Article III	Page 18

<b>Article IV Enforcement and Penalty</b>	Article IV	
Section 4.01 Zoning Certificate Required	Article IV	Page 19
Section 4.02 Application for Zoning Certificate	Article IV	Page 19
Section 4.03 Approval of Zoning Certificate	Article IV	Page 20
Section 4.04 Submission to the Director of ODOT	Article IV	Page 20
Section 4.05 Record of Zoning Certificate	Article IV	Page 20
Section 4.06 Expiration of Zoning Certificate	Article IV	Page 21
Section 4.07 Certificate of Zoning Compliance	Article IV	Page 21
Section 4.08 Schedule of Fees, Charges and Expenses	Article IV	Page 21
Section 4.09 Void Zoning Certificate	Article IV	Page 21
Section 4.10 Violation and Penalty	Article IV	Page 22
4.10.01 Construction and Use to be Provided in Application, Plans, Permits and Certificate	Article IV	Page 22
4.10.02 Complaints Regarding Violations	Article IV	Page 22
4.10.03 Penalties for Violations	Article IV	Page 22
<b>Article V Nonconformities</b>		
Section 5.01 Intent	Article V	Page 23
Section 5.02 When Permitted	Article V	Page 23
5.02.01 Existing Land or Buildings	Article V	Page 23
5.02.02 Construction Commenced	Article V	Page 23
Section 5.03 Discontinuance	Article V	Page 23
Section 5.04 Substitution	Article V	Page 24
Section 5.05 Extension	Article V	Page 24
Section 5.06 Damage and/or Destruction of a Nonconforming Building Use	Article V	Page 24
Section 5.07 Maintenance and Repair	Article V	Page 24
Section 5.08 Nonconforming Lot of Record	Article V	Page 25
<b>Article VI District Charges and Amendments</b>		
Section 6.01 Intent	Article VI	Page 26
Section 6.02 Initiation of Zoning Amendment	Article VI	Page 26
Section 6.03 Content of Application	Article VI	Page 26
Section 6.04 Submission of Planning Commission	Article VI	Page 27
Section 6.05 Public Hearing by Zoning Commission	Article VI	Page 27
6.05.01 Date of Public Hearing	Article VI	Page 27
6.05.02 Notice of Public Hearing	Article VI	Page 27
6.05.03 Notice to Property Owners	Article VI	Page 28
Section 6.06 Recommendation by Zoning Commission	Article VI	Page 28
Section 6.07 Public Hearing by the Board of Township Trustees	Article VI	Page 28
Section 6.08 Action by the Board of Township Trustees	Article VI	Page 28
Section 6.09 Criteria	Article VI	Page 28
Section 6.10 Effective Date and Referendum	Article VI	Page 29
<b>Article VII Appeals</b>		

Section 7.01 Appeals	Article VII	Page 30
Section 7.02 Notice of Appeal	Article VII	Page 30
Section 7.03 Action by the Board of Zoning Appeals	Article VII	Page 30
<b>Article VIII Variances</b>		
Section 8.01 Authority of the Board of Zoning Appeals	Article VIII	Page 31
Section 8.02 Application for Variance	Article VIII	Page 31
Section 8.03 Public Hearing by the Board of Zoning Appeals	Article VIII	Page 32
Section 8.04 Action by the Board of Zoning Appeals	Article VIII	Page 32
<b>Article IX Conditional Uses</b>		
Section 9.01 Authority and Purpose	Article IX	Page 33
Section 9.02 Application for Conditional Use	Article IX	Page 33
Section 9.03 Standards for Conditional Uses	Article IX	Page 34
Section 9.04 Supplementary Conditions	Article IX	Page 34
Section 9.05 Public Hearing by the Board of Zoning Appeals	Article IX	Page 34
Section 9.06 Action by the Board of Zoning Appeals	Article IX	Page 34
Section 9.07 Expiration and Revocation Zoning Certificate issues under conditional use provisions	Article IX	Page 34
<b>Article X Standard District Regulations</b>		
Section 10.01 Regulations for the Use of Land and Structures	Article X	Page 36
Section 10.02 Rules of Application	Article X	Page 36
10.02.01 Identification for Uses	Article X	Page 36
10.02.02 Permitted Uses	Article X	Page 36
10.02.03 Accessory Uses	Article X	Page 36
10.02.04 Conditional Uses	Article X	Page 36
10.02.05 Similar Uses	Article X	Page 36
10.02.06 Prohibited and Restricted Uses in all Districts	Article X	Page 37
10.02.07 Development Standards	Article X	Page 37
Section 10.03 Lot Frontage	Article X	Page 37
Section 10.04 Lot Width	Article X	Page 38
Section 10.05 Front Yards	Article X	Page 38
Section 10.06 Side Yards	Article X	Page 38
Section 10.07 Rear Yards	Article X	Page 38
Section 10.08 Minimum Floor Area	Article X	Page 39
Section 10.09 Height	Article X	Page 39
Section 10.10 Regulation of Agriculture on Specific Lots	Article X	Page 39
Section 10.11 Manufactured Homes	Article X	Page 39
Section 10.12 Towers	Article X	Page 40
10.12.01 Tower – Communication	Article X	Page 40
10.12.02 Tower - Electrical Generating	Article X	Page 40
Section 10.13 Swimming Pools	Article X	Page 41
Section 10.14 Fences and/or Hedges in Particular Districts	Article X	Page 41
Section 10.15 Development Plan	Article X	Page 42

<b>Article XI Zoning Districts and Zoning District Map</b>		
Section 11.01 Zoning Districts Established	Article XI	Page 43
Section 11.02 Official Zoning Map	Article XI	Page 43
Section 11.03 Interpretation Zoning District Boundaries	Article XI	Page 43
<b>Article XII Agricultural District</b>		
Section 12.01 Purpose	Article XII	Page 44
Section 12.02 Permitted Uses	Article XII	Page 44
Section 12.03 Accessory Uses	Article XII	Page 44
Section 12.04 Conditional Uses	Article XII	Page 44
Section 12.05 Development Standards	Article XII	Page 45
12.05.01 Minimum Lot Area	Article XII	Page 45
12.05.02 Minimum Lot Width	Article XII	Page 45
12.05.03 Minimum Lot Depth	Article XII	Page 45
12.05.04 Maximum Lot Depth to Width Ratio	Article XII	Page 46
12.05.05 Minimum Front Yard Depth	Article XII	Page 46
12.05.06 Minimum Side Yard Width	Article XII	Page 46
12.05.07 Minimum Rear Yard Depth	Article XII	Page 46
12.05.08 Maximum Distance Building Height	Article XII	Page 46
12.05.09 Maximum Distance Between Structures	Article XII	Page 46
12.05.10 Minimum Distance for Flag Lots and Land that does not have Full Frontage on a Public Road	Article XII	Page 46
12.05.11 Permit for Driveway Installation Required	Article XII	Page 47
12.05.12 Parking and Loading	Article XII	Page 47
Section 12.06 Agricultural Nuisance Disclaimer	Article XII	Page 47
<b>Article XIII Residential Medium Density District</b>		
Section 13.01 Purpose	Article XIII	Page 48
Section 13.02 Permitted Uses	Article XIII	Page 48
Section 13.03 Accessory Uses	Article XIII	Page 48
Section 13.04 Conditional Uses	Article XIII	Page 48
Section 13.05 Development Standards	Article XIII	Page 48
<b>Article XIV Residential High-Density District</b>		
Section 14.01 Purpose	Article XIV	Page 50
Section 14.02 Permitted Uses	Article XIV	Page 50
Section 14.03 Accessory Uses	Article XIV	Page 50
Section 14.04 Conditional Uses	Article XIV	Page 50
Section 14.05 Development Standards	Article XIV	Page 51
<b>Article XV Residential Low-Density District</b>		
Section 15.01 Purpose	Article XV	Page 53
Section 15.02 Permitted Uses	Article XV	Page 53
Section 15.03 Accessory Uses	Article XV	Page 53
Section 15.04 Conditional Uses	Article XV	Page 53
Section 15.05 Development Uses	Article XV	Page 53

<b>Article VI Mixed Use District</b>		
Section 16.01 Purpose	Article VI	Page 55
Section 16.02 Permitted Uses	Article VI	Page 55
Section 16.03 Accessory Uses	Article VI	Page 55
Section 16.04 Conditional Uses	Article VI	Page 55
Section 16.05 Development Standards	Article VI	Page 56
<b>Article XVII Commercial District</b>		
Section 17.01 Purpose	Article XVII	Page 59
Section 17.02 Permitted Uses	Article XVII	Page 59
Section 17.03 Accessory Uses	Article XVII	Page 59
Section 17.04 Conditional Uses	Article XVII	Page 59
Section 17.05 Development Standards	Article XVII	Page 60
<b>Article XVIII Highway Service District</b>		
Section 18.01 Purpose	Article XVIII	Page 62
Section 18.02 Permitted Uses	Article XVIII	Page 62
Section 18.03 Accessory Uses	Article XVIII	Page 62
Section 18.04 Conditional Uses	Article XVIII	Page 62
Section 18.05 Development Standards	Article XVIII	Page 62
<b>Article XIX Industrial District</b>		
Section 19.01 Purpose	Article XIX	Page 64
Section 19.02 Permitted Uses	Article XIX	Page 64
Section 19.03 Accessory Uses	Article XIX	Page 64
Section 19.04 Conditional Uses	Article XIX	Page 64
Section 19.05 Development Standards	Article XIX	Page 65
Section 19.06 Exterior Development	Article XIX	Page 66
Section 19.07 Off-Site Impact	Article XIX	Page 66
<b>Article XX Planned Unit Development</b>		
Section 20.01 Purpose	Article XX	Page 68
Section 20.02 Definition	Article XX	Page 68
Section 20.03 Permitted and Conditional Uses	Article XX	Page 68
Section 20.04 Project Area	Article XX	Page 68
Section 20.05 Common Open Spaces	Article XX	Page 68
Section 20.06 Utilities	Article XX	Page 69
Section 20.07 Residential Density	Article XX	Page 69
Section 20.08 Private Roads	Article XX	Page 69
Section 20.09 Procedure for Approval of PUD District	Article XX	Page 69
Section 20.10 Pre-Application	Article XX	Page 69
Section 20.11 Content of Application for Preliminary Development Plan	Article XX	Page 69
Section 20.12 Submittal of Preliminary Development Plan	Article XX	Page 70
Section 20.13 Public Hearing by Zoning Commission	Article XX	Page 70
Section 20.14 Recommendation by the Zoning Commission	Article XX	Page 70

Section 20.15 Action by Board of Township Trustees	Article XX	Page 71
Section 20.16 Final Development Plan	Article XX	Page 71
Section 20.17 Content of Final Development Plan	Article XX	Page 71
Section 20.18 Action by the Zoning Commission	Article XX	Page 72
Section 20.19 Expiration and Extension of Approval Period	Article XX	Page 72
Section 20.20 Platting	Article XX	Page 72
<b>Article XXI Special Use District</b>		
Section 21.01 Purpose	Article XXI	Page 73
Section 21.02 Permitted Use	Article XXI	Page 73
Section 21.03 Accessory Uses	Article XXI	Page 73
Section 21.04 Development Plan Required	Article XXI	Page 73
Section 21.05 Development Standards	Article XXI	Page 74
Section 21.06 Action by the Board of Township Trustees	Article XXI	Page 75
Section 21.07 Compliance with Development Plan	Article XXI	Page 75
<b>Article XXII Off-Street Parking and Loading Space Requirements</b>		
Section 22.01 Purpose	Article XXII	Page 76
Section 22.02 Provision for Parking Required	Article XXII	Page 76
Section 22.03 General Requirements	Article XXII	Page 76
Section 22.04 Required Number of Off-Street Parking Spaces	Article XXII	Page 78
Section 22.05 Schedule of Required Off-Street Spaces	Article XXII	Page 78
<b>Article XIII Signs</b>		
Section 23.01 Purpose	Article XIII	Page 80
Section 23.02 Definitions	Article XIII	Page 80
Section 23.03 Signs Permits	Article XIII	Page 80
Section 23.04 Signs which Do Not Require a Permit	Article XIII	Page 81
Section 23.05 General Requirements	Article XIII	Page 82
Section 23.06 Measurement of Sign Area	Article XIII	Page 83
Section 23.07 Nonconforming Signs	Article XIII	Page 84
Section 23.08 Maintenance of Signs	Article XIII	Page 84
Section 23.09 Removal of Signs	Article XIII	Page 85
<b>Article XXIV Adult Entertainment Facilities</b>		
Section 24.01 Purpose	Article XXIV	Page 86
Section 24.02 Compliance with other Regulations and/or Statues	Article XXIV	Page 86
Section 24.03 Definitions	Article XXIV	Page 86
Section 24.04 Exceptions	Article XXIV	Page 88
Section 24.05 Criteria	Article XXIV	Page 88
<b>Appendix A Specific Standards for Selected Conditional Uses</b>		
Bed and Breakfast Establishments	Appendix	Page 90
Commercial Cemeteries	Appendix	Page 90
Golf Course	Appendix	Page 90
Junkyards	Appendix	Page 90
Sanitary Landfills	Appendix	Page 91

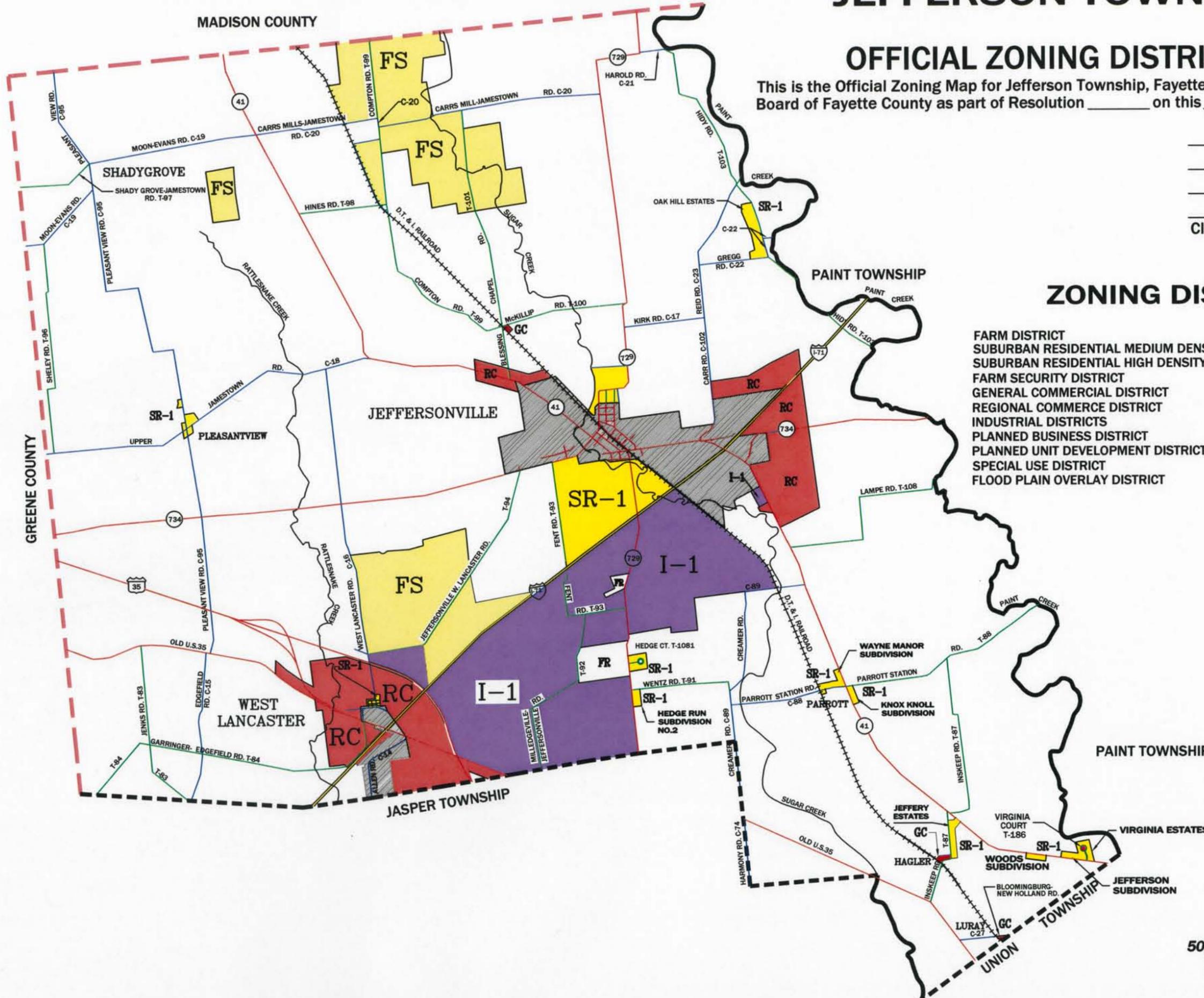
Quarries or Mining Operations	Appendix	Page 91
Agribusinesses	Appendix	Page 91
Jail, Prisons, Detention Centers and Places of Confinement	Appendix	Page 92

# FAYETTE COUNTY ZONING RESOLUTION JEFFERSON TOWNSHIP

## OFFICIAL ZONING DISTRICT MAP

This is the Official Zoning Map for Jefferson Township, Fayette County, Ohio, adopted by the Board of Fayette County as part of Resolution \_\_\_\_\_ on this \_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Clerk



### ZONING DISTRICTS

- F FARM DISTRICT
- SR-1 SUBURBAN RESIDENTIAL MEDIUM DENSITY DISTRICT
- SR-2 SUBURBAN RESIDENTIAL HIGH DENSITY DISTRICT
- FS FARM SECURITY DISTRICT
- GC GENERAL COMMERCIAL DISTRICT
- RC REGIONAL COMMERCE DISTRICT
- I-1, I-2 INDUSTRIAL DISTRICTS
- PB PLANNED BUSINESS DISTRICT
- PUD PLANNED UNIT DEVELOPMENT DISTRICT
- SU SPECIAL USE DISTRICT
- FP FLOOD PLAIN OVERLAY DISTRICT

F	
SR-1	
SR-2	
FS	
GC	
RC	
I-1, I-2	
PB	
PUD	
SU	
FP	

