

**PLEASANT TOWNSHIP**

**ZONING CODE**

**Adopted at the General Election of November 4, 1975**

**Revised 1997**

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## SECTION I

### 1.1 Title.

This code as amended or supplemented hereby shall be known and may be cited as the “Zoning Code of Pleasant Township, Fairfield County, Ohio”.

### 1.2 Purpose.

The purpose of this code is to promote public health and safety for the residents of Pleasant Township, Fairfield County, Ohio. It is further the purpose of this code to protect the property rights of all individuals by assuring the compatibility of uses and practices within zoning districts; assuring that reasonable standards and procedures are established for development within the township; ensuring the established standards enable the township to grow with the most appropriate uses and that development includes adequate access, utilities, and setbacks that will promote health and safety throughout the township; to provide for a mechanism for administering and enforcing the regulations found within this code, including the provision for penalties for violations of the code; and for any other purpose provided in this code, the Ohio Revised Code, or under common law rulings.

### 1.3 Interpretation and Conflict.

In their interpretation and application, the provisions of this code shall be held to be minimum requirements, adopted for the promotion of the public health and safety. It is not intended by this code to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this code. When two specific provisions of this code conflict, or a provision of this code conflicts with any other lawfully adopted rules, regulations, ordinances, or codes, the more restrictive, or that imposing the higher standards shall apply.

### 1.4 Separability Clause.

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

### 1.5 Adoption.

This code shall become effective upon certification by the Board of Elections that the code was approved as set forth in Section 519.11 of the Ohio Revised Code. Upon adoption of this Code all/or any previous zoning Codes now in effect shall be deemed to be repealed.

## SECTION II – ENFORCEMENT

### 2.1 Duty of Zoning Inspector.

It shall be the duty of the Zoning Inspector to enforce this code in accordance with the provisions hereof. All officials and public employees of Pleasant Township shall act in conformance with the provisions of this code and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of the code. Any permit issued that is in conflict with the provisions of the Code shall be null and void.

### 2.2 Zoning Permits Required.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector, that does not conform with the provisions of this code, except agricultural structures or uses as defined in Section 519.01 of the Ohio Revised Code.

### 2.3 Contents of Application for Zoning Permit.

Three copies of the application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2 1/2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Name, address, phone number of property owner.
- C. Legal description of property.
- D. Parcel number.
- E. Existing use.
- F. Proposed use.
- G. Zoning district.
- H. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration.
- I. Building height.
- J. Number of off-street parking spaces or loading berths.
- K. Number of dwelling units.
- L. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this code.

### 2.4 Approval of Zoning Permit.

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this code. All zoning permits shall, however, be conditional upon the commencement of work within one

year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. Two copies of plans, similarly marked, shall be retained by the Zoning Inspector. One copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of the Certificate of Occupancy along with one copy of the application. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact the use or alteration is in conformance with the provisions of this code. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Fairfield Health Department of the proposed method of water supply and/or disposal of sanitary wastes prior to approval by the Zoning Inspector.

## **2.5 Submission to the Director of the Department of Transportation.**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway 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 five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this code, issue the zoning permit. (Reference ORC 5511.01).

## **2.6 Expiration of Zoning Permit.**

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire and it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

## **2.7 Certificate of Occupancy.**

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this code.

- B. Certificates of Occupancy shall be applied for coincident with the application of Zoning permit, and shall be issued within ten (10) days after notice by the applicant that the exterior erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations.
- C. A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.
- D. The Zoning Inspector shall maintain a record of all certificates of occupancy and a copy of any individual certificate shall be furnished upon request to any occupant or his legally authorized representative.

## **2.8 Violation.**

- A. Failure to Obtain a Zoning Permit or Certificate of Occupancy. Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this code and punishable under Section 2.8 (D) of this code.
- B. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates. Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this code, and punishable as provided in Section 2.8 (D) of this code.
- C. Complaints Regarding Violations. Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and as provided by this code.
- D. Penalties for Violation. Violation of the provisions of this code or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this code) shall constitute a misdemeanor. Any person who violates this code 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 costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, 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 from taking such other lawful action as is necessary to prevent or remedy any violations.

## **2.9 Schedule of Fees, Charges, and Expenses.**

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

## **SECTION III – NON-CONFORMING USES AND EXISTING NON-CONFORMING LOTS OF RECORD**

### **3.1 Intent.**

Within the districts established by this code or amendments hereinafter adopted, there exist lots, uses of land and structures which were lawful before this code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this code or future amendments. Such lots, uses, and structures shall be referred to hereinafter as legally non-conforming lots, uses and structures. It is the intent of this code to permit these legally non-conforming lots, uses, and structures to continue until they are removed or discontinued, but not to encourage their survival.

### **3.2 Grace Period.**

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

### **3.3 Legally Non-Conforming Uses of Land.**

- A. Legally non-conforming uses may be continued so long as they remain lawful, provided:
1. No such legally non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code.
  2. No such legally non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
  3. If any such legally non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located.
  4. Additional structures that do not conform to the requirements of this code shall not be constructed in connection with such non-conforming use of land.

### **3.4 Legally Non-Conforming Structures.**

- A. Legally non-conforming structures may be continued so long as they remain otherwise lawful, subject to the following provisions:
1. No such legally non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

2. If the legally non-conforming structure or non-conforming portion of a structure is destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this code.
3. If a legally non-conforming structure is moved for any distance for any reason, the non-conforming structure shall conform to the regulations for the district in which it is located after it is moved.

### **3.5 Legally Non-Conforming Uses of Structures and Land in Combination.**

- A. Legally non-conforming uses of structures and land in combination may be continued so long as they remain otherwise lawful, subject to the following provisions:
  1. No legally non-conforming structure shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  2. Any legally non-conforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption or amendment of this code, but no such use shall be extended to occupy any land outside such building.
  3. Any structure, or structure and land in combination, in or on which a legally non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
  4. When a legally non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
  5. Where legally non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

### **3.6 Termination of Use by Damage or Destruction.**

In the event that any legally non-conforming building or structure is destroyed by fire, explosion, flood, riot or act of God to the extent of more than fifty (50) percent of the fair market value of such structure, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this code. When such a legally non-conforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the fair market value of the structure, reconstruction shall be permitted provided it commences within twelve (12) months of such destruction and continues in a reasonable manner until completed. Such restoration shall not cause a new non-conformity, nor shall it increase the degree of non-conformance or non-compliance existing prior to such damage or destruction.

### **3.7 Repairs and Maintenance.**

For any legally non-conforming structure or portion of a structure containing a legally non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **3.8 Legally Non-Conforming Lots of Record.**

- A. The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any single legal non-conforming lot of record on the effective date of this code which has an area, lot width, and/or frontage less than that required for such structure or permitted use in the zoning district in which the lot is located. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances from the required yard setback standards shall be obtained only through action of the Board of Zoning Appeals.
- B. If two or more lots, combination of lots, or portion of lots with continuous frontage in single ownership are of record at the time of adoption of this code or amendments of this code, and if all or part of the lots without buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this code. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this code.

## SECTION IV – ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

### 4.1 Zoning Inspector.

- A. Zoning Inspector. A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this code. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code. The duties shall be:
1. Upon finding that any of the provisions of this code are being violated, he shall notify in writing the person responsible for such violations(s), ordering the action necessary to correct such violations(s).
  2. Order discontinuance of illegal zoning, uses of land, buildings, or structures.
  3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
  4. Order discontinuance of any illegal work being done.
  5. Take any other action authorized by this code to insure compliance with or to prevent violations(s) of this code. This includes the issuance of any permits and such similar administrative duties as are permissible under the law.

### 4.2 Township Zoning Commission.

- A. Township Zoning Commission. The Board of Township Trustees of any township proceeding under Section 519.01 to 510.99, inclusive, of the Ohio Revised Code shall create and establish a township zoning commission. The commission shall be composed of five (5) members who are legal residents of the unincorporated area of the township, to be appointed by the board, and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. The Board of Township Trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each regular and alternate member shall serve until his successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior

to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

- B. Proceedings of Zoning Commission. The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this code. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be a public record and be immediately filed in the office of the Commission.
- C. Duties of the Zoning Commission. For the purpose of this code, the Commission shall have the following duties:
1. Review all proposed amendments to this code in accordance with Section 5.1 and make recommendations to the Board of Township Trustees.
  2. Review all planned unit developments and make recommendations to the Board of Township Trustees.
  3. Review all proposed new zoning resolutions and make recommendations to the Board of Township Trustees.

#### **4.3 Board of Zoning Appeals.**

- A. Creation and Appointment. A Board of Zoning Appeals is hereby established having the powers as hereinafter indicated. Said Board shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a legal resident of the unincorporated area of Pleasant Township. Members shall be appointed for a term of five (5) years, except that the initial appointments shall be, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. However, each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected. Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
- B. Proceedings of the Board of Zoning Appeals. The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the resolution. Meetings of the board shall be held at the call of the chairman, and at such other times as the Board determines. The chairman, or in his absence the acting

chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of township trustees and be a public record.

- C. Duties of the Board of Zoning Appeals. In exercising its duties, the Board may, as long such action is in conformity with the terms of this code, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant of any matter upon which it is required to pass under this code or to effect any variation in the application of this code. For the purposes of this code the Board has the following specific responsibilities:
1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
  2. To authorize such variance from the terms of this code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this code will result in unnecessary hardship, and so that the spirit of this code shall be observed and substantial justice done.
  3. To grant conditional use permits as specified elsewhere in this code and under the conditions specified and such additional safeguards as will uphold the intent of this code.
- D. Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. It is the intent of this code that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by law. It is further the intent of this code that the duties of the Board of Township Trustees in connection with this code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this code. Under this code the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this code as provided by law, and of establishing a schedule of fees and charges as stated in Section 2.9 of this code.

## SECTION V – ADMINISTRATIVE PROCEDURES

### 5.1 Procedures for Amendment or District Changes.

This code may be amended by utilizing the procedure specified in Section 5.1 A-O inclusive, of this code.

- A. Whenever the public necessity, general welfare, or good zoning practice require, the Board of Township Trustees may by resolution after receipt of recommendations thereon from the Township Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classifications of property.
- B. Initiation of Zoning Amendments. Amendments to this code may be initiated in one of the following ways:
  1. By adoption of a resolution by the Board of Township Trustees.
  2. By adoption of a motion by the Township Zoning Commission.
  3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed or affected by said amendment. If a lessee of a property files an application for rezoning, the application shall include the signature of the property owner.
- C. Contents of Application. The application for amendment shall be signed by the property owner and shall contain at a minimum the following information:
  1. Name, address, and phone number of the applicant.
  2. Proposed amendment to the text or legal description of the property affected.
  3. Present use and district.
  4. Proposed use and district.
  5. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
  6. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the county auditor's then current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
  7. A statement on how the proposed amendment relates to the Fairfield County Comprehensive Plan, when and if adopted, and to the neighboring properties.
  8. A fee as established by the Board of Township Trustees.
- D. Transmittal to Zoning Commission. Immediately after the adoption of a resolution by the Board of Trustees or the filing of an application by at least one (1) owner

or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

- E. Submission to Regional Planning Commission. Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Trustees, or the filing of an application by a property owner or lessee, the Zoning Commission shall transmit a copy of such document together with the text and map pertaining to the case in question to the Fairfield County Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing by the Zoning Commission.
- F. Submission to the Director of the Department of Transportation Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered mail or certified mail to the Director of the Department of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the director of the Department of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law. Reference: (Ohio Revised Code 55.11.01).
- G. Public Hearing by Zoning Commission. The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.
- H. Notice of Public Hearing in Newspaper. Before holding the public hearing as required in Section 5.1G, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing by the Pleasant Township Zoning Commission, the nature of the proposed amendment, the name of the person giving notice of the public hearing, the time and place where the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing, and a statement that

after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment, as they appear on the county auditor's then current tax list, as well as, the present zoning classification and the proposed zoning classification of the subject property.

- I. Notice of Property Owners by Zoning Commission. 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 the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such are proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's then current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.1H.
- J. Recommendation by Zoning Commission. Within thirty (30) days after the public hearing required by Section 5.1G, 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 not be granted.
- K. Public Hearing by Board of Township Trustees. Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.
- L. Notice of Public Hearing. Notice of the public hearing required in Section 5.1K shall be given by the Board of Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township affected. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing by the Pleasant Township Board of Trustees, the nature of the proposed rezoning, the name of the person giving notice of the public hearing, and the time and place where the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment, as they appear on the county auditor's then current tax list, as well as, the present zoning classification and the proposed zoning classification of the subject property.
- M. Notice to Property Owners by Board of Township Trustees. 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 the hearing may be mailed by the Clerk of

the Board of Township Trustees, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's then current tax list and to such other lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.1L.

- N. Action by Board of Township Trustees. Within twenty (20) days after the public hearing required in Section 5.1K, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.
- O. Effective Date and Referendum.
1. Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.
  2. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters it shall take immediate effect.

## **5.2 Procedure and Requirements for Appeals and Variances.**

Appeals and variances shall conform to the procedures and requirements of Sections 5.2 A-J inclusive.

- A. Appeals.
1. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this code may be taken by any person aggrieved or by any officer of the legislative authority of the Township affected by any decision of the Zoning Inspector.
  2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be

stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

- B. Variance. The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of this code as will not be contrary to the public interest, but only in the case of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved, but in no other case. Provided, however, no variances from the strict application of any provision of this code shall be granted by the Board unless it finds, beyond reasonable doubt that all the following facts and conditions exist:
1. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.
  2. That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.
  3. That the granting of the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
  4. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of this code of a general regulations for such condition or situation.
- C. Application for Variance and Appeals: Any person owning or having an interest in property may file an application furnished by the township to obtain a variance or appeal a decision of the Zoning Inspector. An application for a variance or an appeal shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Board of Zoning Appeals. The application shall be signed by the property owner.

- D. Contents of Application. The application for a variance or an appeal shall contain the following information:
1. Name, address and phone number of the applicant.
  2. Legal description of property.
  3. Each application on an appeal shall refer to the specific provisions of this code.
  4. A list of property owners within, contiguous to, and directly across the street from the parcel being considered and their addresses as appearing on the county auditor's then current tax list.
  5. Each application for a variance shall set forth:
    - a. The use for which special exception is sought.
    - b. Details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
    - c. The application for a variance must also be addressed to answering provision 5.2(B) 1-4.
- E. Supplementary Conditions and Safeguards. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this code. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this code and punishable under Section 2.8D of this code. Under no circumstance shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this code in the district involved, or any use expressly or by implication prohibited by the terms of this code in said district.
- F. Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.
- G. Notice of Public Hearing in Newspaper. Before holding the public hearing required in Section 5.2F, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
- H. Notice to Parties of Interest. Before holding the public hearing required in Section 5.2F, written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.2G. Parties of interest shall include owner's of property contiguous to, and directly across the street from the property being considered.

- I. Adjournment of Hearings. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decided.
- J. Decisions of the Board of Zoning Appeals. The Board shall decide all applications and appeals within sixty (60) days after completion of the hearings thereon, and such decision shall become effective upon certification of the resolution binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board by resolution certifies its approval on any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application or appeal is filed within one (1) year of the date of the Board's decision the secretary shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence, or facts to be heard by the Board.

### **5.3 Procedure and Requirements for Approval of Conditional Uses.**

- A. Authorization. Specifically listed Conditional Uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding areas in which they are located than the Principal Permitted Uses of such Zoning District. The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.
- B. Application for Conditional Use. Any person owning or having an interest in property may file an application to use such property for one or more 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 Certificate shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Board of Zoning Appeals.
- C. Contents of Application. The application for a Conditional Use shall be signed by the property owner or authorized representative and shall contain the following information:
  1. Name, address, and phone number of the applicant.
  2. Legal Description of the property.
  3. The proposed use of the property.
  4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.

5. A statement of the compatibility of the proposed use to adjacent property and land use.
  6. The application shall be accompanied by three (3) copies of the plat plan, drawn to an appropriate scale, clearly showing the following:
    - a. Boundaries and dimensions of the lot.
    - b. The size and location of existing and proposed structures.
    - c. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking, loading spaces, and landscaping.
    - d. The use of land and location of structures on adjacent property.
    - e. Architectural rendering when requested by the Board of Zoning Appeals.
  7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the Board of Zoning Appeals.
- D. Standards for Conditional Use. The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that such use complies with the following criteria and any specific criteria listed in Section 9.
1. The proposed Conditional Use will comply with all applicable regulations of this code, including lot size requirements, development standards, and use limitations.
  2. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
  3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
  4. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
  5. All exterior lights for artificial open-air illumination are so shaded as to avoid causing direct light upon any property located in an R District.
  6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  7. The location, nature, and height of buildings, structures, walls, and fences, on the site and the nature and extent of landscaping and screening on the

- site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
8. The Conditional Use desired will not adversely affect the public health and safety.
- E. Supplementary Conditions and Safeguards. In granting any Conditional Use, the Board may prescribe appropriate conditions and safeguards in conformity with this code. Violations of such conditions and safeguards, when granted, shall be deemed a violation of this code and punishable under Section 2.8D of this code.
- F. Public Hearing by the Board of Zoning Appeals. The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in Section 5.3B.
- G. Notice of Public Hearing in Newspaper. Before holding the public hearing required in Section 5.3F, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.
- H. Notice to Parties in Interest. Before holding the public hearing required in Section 5.3F, written notice of such hearing shall be mailed by the Secretary of the Board, by first class mail, at least ten (10) days before the day of the hearing to all interested parties. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.3G.
- I. Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 5.3F, the Board shall either approve, approve with supplementary conditions as specified in Section 5.3E, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas.
- J. Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

#### **5.4 Procedures and Requirements for Amending to a Planned Unit Development.**

- A. Procedure. Planned Unit Development (PUD) Districts shall be approved as a district on the zoning map in accordance with the procedures set forth in this section and the PUD standards listed in Section 7.9. It is the intent of this section to incorporate the review and approval of a development plan with the amendment process. In addition to the procedures set forth in this section, Section 5.1(O) shall apply at such time an amendment to a PUD designation is adopted by the Board of Township Trustees.

- B. Application. An application to amend a tract of land to the PUD designation shall be filed with the zoning inspector. The application shall be signed by all owners of parcels within the tract of land for which the PUD is proposed. At a minimum, the application shall contain the following information:
1. Name(s), address(es), phone number(s) of all property owners for each parcel within the tract to be rezoned.
  2. Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the development plan.
  3. Legal description of the tract of land to be rezoned.
  4. Present use(s).
  5. Proposed use(s).
  6. A vicinity map showing the property lines and streets.
  7. A development plan for the entire tract to be rezoned drawn to scale showing:
    - a. layout of proposed lots and building setback lines, indicating dwelling unit types and the total number of dwelling units proposed in the development plan.
    - b. layout, dimensions and names of existing and proposed streets and rights-of-way.
    - c. existing topography at two (2)-foot or five (5)-foot intervals.
    - d. location, type, and size of commercial uses.
    - e. utility easements.
    - f. any existing features on the tract of land to be rezoned to PUD, including, but not limited to existing water bodies, buildings, utilities, rights-of-way or streets, wetlands, parks, wooded areas, and other significant topographic or natural features.
    - g. proposed parks, community spaces, and open spaces and any proposed amenities included within these areas.
    - h. preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
    - i. any proposed landscaping.
    - j. any proposed signage.
    - k. the proposed schedule of site development.
  8. The required fee as established in Section 2.9.
  9. A list containing the names and mailing addresses of all owners of property within and contiguous to and directly across the street from the tract of land proposed for PUD zoning.

10. Verification by at least one owner of the tract of land that all information in the application is true and correct to the best of his knowledge.
  11. A written statement from the property owners setting forth the reasons why, in the applicants' opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these planned unit development requirements.
- C. Notice to Fairfield County Regional Planning Commission. Within five (5) days of an application being filed for a PUD zoning, the Zoning Commission shall transmit a copy of the application including the development plan to the Fairfield County Regional Planning Commission. The Fairfield County Regional Planning Commission shall recommend approval, approval with conditions, or denial of the proposed zone change. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed zoning amendment.
- D. Zoning Commission Public Hearing. The Zoning Commission shall schedule a public hearing on the application for approval of the application, including the development plan, not less than twenty (20) nor more than forty (40) days from the date the application is filed by the property owner(s).
- E. Notice of Public Hearing. The Zoning Commission shall give notice of the public hearing required in Section 5.4 D by one publication in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of the property within and contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the county auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.
- F. Zoning Commission Finding Required. Prior to making its recommendation, the Zoning Commission shall determine if the facts submitted with the application/development plan and presented at the public hearing establish that:
1. The site has been designed in the most efficient manner possible.
  2. The proposed roads will be able to carry the traffic generated by the development.
  3. The proposed development will not be detrimental to the existing road networks outside of the proposed district.
  4. The land has been designed in a manner that protects existing critical resources and creates new, usable open spaces.
  5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.

- G. Recommendation by Zoning Commission. Within thirty (30) days after the public hearing required in 5.4 D, the Zoning Commission shall recommend to the Board of Township Trustees that the application, including the development plan, be approved as requested, approved with conditions, or denied.
- H. Township Trustees Public Hearing. Upon receipt of the Zoning Commission's recommendation, the Township Trustees shall schedule a public hearing on the application, including the development plan. The public hearing shall not be more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.
- I. Notice of Public Hearing. The Township Trustees shall give notice of the public hearing by one publication in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Township Trustees, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of the property within and contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the county auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.
- J. Action by Township Trustees. Within twenty (20) days after such public hearing, the township trustees shall either adopt or deny the Zoning Commission's recommendations on the application and development plan or adopt some modification of them. If the board denies or substantially modifies the recommendation of the Zoning Commission, the unanimous vote of the Trustees shall be required. Substantially modified shall include any changes in use, density, open space, layout of roads, access, etc. If the application for rezoning is granted, the area of land included in the application shall be designated as a Planned Unit Development on the zoning map upon the effective date of the rezoning. The resolution passed by the Township Trustees approving the rezoning application shall incorporate the development plan, including any conditions that may be imposed by the Township Trustees. Any violation of such conditions when made part of the terms under which the development plan is approved, shall be deemed a violation of this Code and subject to the provisions of 2.8D.
- K. Zoning Permit. The Zoning Inspector shall not issue a zoning permit for any structure in any portion of a PUD for which a plat is required by the Fairfield County Subdivision Regulations until the plat has been approved by the applicable county agencies and is recorded. Any modifications to a development plan approved by the Township Trustees that may be required during the platting process must be approved by the Township Trustees in accordance with Section 5.4L.
- L. Modifications to Approved Development Plan. The Township Trustees may approve minor modifications to an approved development plan without a public

hearing. If substantial modifications are proposed, such as a change in use, density, open space, layout of roads, access points, etc., the Township Trustees shall require the modification to be considered through the public hearing process followed in the original application for rezoning.

- M. Expiration. If construction has not commenced within two (2) years of development plan approval, the development plan shall be void and a new development plan shall be approved through the process followed in the original application for rezoning, unless an extension is granted by the Township Trustees.

**SECTION VI – ZONING DISTRICTS AND ZONING MAPS**

**6.1 Districts.**

In order to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and limit the heights and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, Pleasant Township, Fairfield County, Ohio is divided into ten (10) zoning districts. The districts shall be known as:

		Section Number
A	Restricted Agricultural District	7.1
R-R	Rural Residential District	7.2
R-1	Single-Family Residential District	7.3
R-2	Two-Family Residential District	7.4
R-3	Multi-Family Residential District	7.5
MHP	Manufactured Home Park District	7.6
B	Business District	7.7
I	Industrial District	7.8
PUD	Planned Unit Development District	7.9

**6.2 Map.**

The boundaries of these districts are hereby established as shown on the Zoning Map of Pleasant Township, Fairfield County, Ohio. Said Zoning Map and all notations and references and other matters shown thereon, shall be and are hereby made a part of this code. Said Zoning Map shall be and remain on file in the Township Trustees’ Office.

**6.3 District Boundaries.**

- A. Except where referenced and noted on the 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, or railroads or the extension of such lines as they existed at the time of the passage of this code.
- B. The Zoning Inspector shall interpret the boundary lines which are on the Zoning Map. When the Zoning Inspector’s interpretation is disputed, the boundary lines shall be determined by the Board of Zoning Appeals.

Until this code is amended to include other Zoning Districts and the Zoning Map is changed to reflect these amendments and attached hereto, the only Zoning Districts in this code and on the Zoning Map shall be:

A	Restricted Agricultural District
R-R	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multi-Family Residential District
MHP	Manufactured Home Park District
B	Business District

I            Industrial District  
PUD        Planned Unit Development District

Districts shall be as shown on the Zoning Map attached hereto and dated September 2004 (adopted on August 5, 2004).

## SECTION VII – USE DISTRICTS

### 7.1 A – Restricted Agricultural District.

- A. Intent. It is the intent of the A, Restricted Agricultural District, to provide large tracts of land for present agricultural activity, to protect this land from urban encroachment, and to provide adequate areas for future agricultural activity.
- B. Principal Permitted Uses. A building or lot in the A-District shall be used only for the following purposes:
1. Agriculture and the usual agriculture buildings and structures.
  2. Single-family detached dwellings, including permanently sited manufactured homes, with a minimum of one thousand (1,000) square feet of livable floor area on the first floor.
  3. Adult Family Homes.
  4. Residential Facilities – Type A.
  5. Child Day Care Home – Type B; provided no person operates or is employed by the child day care home unless the person is a resident of the dwelling unit in which the child day care is operated.
  6. Telecommunication Towers.
  7. Churches or other places of worship, Sunday School buildings and parish houses; provided, that churches and other places of worship and Sunday School buildings shall be located not less than one hundred (100) feet from any other lot.
  8. Public and parochial schools; provided, that no building intended for such use shall be located less than one hundred (100) feet from any other lot.
  9. Parks, playgrounds, recreational and community center buildings and grounds, golf courses, tennis courts, country clubs, and swimming pools; provided, that any principal building, tennis court or swimming pool shall be located not less than two hundred (200) feet from any other lot.
- C. Accessory Uses.
1. Roadside stands, offering for sale only agricultural products grown on the premises.
  2. Accessory Structures, as regulated in Section 8.7.
  3. Home Occupations, subject to the standards in Section 8.9.
  4. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 8.8.
  5. Temporary buildings for uses incidental to construction work on the property provided such buildings are removed upon completion or abandonment of the construction work.

- D. Conditional Uses. Subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and any applicable standards in Section 9.
1. Kennels and boarding of dogs or other small animals, subject to the standards in Section 9.4.
  2. Riding academies, provided that such buildings or stables shall be two hundred (200) feet from any other lot in an R District.
  3. Commercial mines, quarries, and gravel pits as permitted and regulated in Section 9.1.
  4. Cemeteries, subject to the standards in Section 9.5.
  5. Child Day Care Home – Type A and Child Day Care Centers, subject to the standards in Section 9.7.
- E. Signs. The only signs permitted in the A District shall be:
1. Outdoor advertising signs and billboards subject to the provisions of Section 8.10.
  2. One illuminated bulletin board not exceeding twelve (12) square feet in area for any church, school, park, community center, golf course or other public or semi-public institution provided the source of light is not visible from the street.
  3. One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six (6) square feet on any face or a total of twelve (12) square feet. The sign must be located at least six (6) feet from all right-of-way lines or attached flat against the principal building.
- F. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 8.11.
- G. Lot Area, Yard Requirements, and Height Limits. Lot area, yard requirements, and height limits shall be as provided in Section 8.2.

## 7.2 R-R – Rural Residential District.

- A. Intent. It is the intent of the R-R, Rural Residential District, to provide areas for large-lot, single-family residential development that will help to protect and enhance the existing rural character found in Pleasant Township. It is further the purpose of this district to serve as a transitional area between agricultural uses and the more intensely developed residential neighborhoods. Development within the R-R, Rural Residential District, is typically not served by public water or sewer systems.
- B. Principal Permitted Uses. A building or lot in the R-R District shall be used only for the following purposes:

1. Single-family detached dwellings, including permanently sited manufactured homes, with a minimum of one thousand (1,000) square feet of livable floor area on the first floor.
  2. Agriculture and the usual agricultural buildings and structures.
  3. Adult Family Homes.
  4. Residential Facilities – Type A.
  5. Child Day Care Home – Type B; provided no person operates or is employed by the child day care home unless the person is a resident of the dwelling unit in which the child day care is operated.
  6. Churches or other places of worship, Sunday School buildings and parish houses; provided, that churches and other places of worship and Sunday School buildings shall be located not less than fifty (50) feet from any other lot.
  7. Public and parochial schools; provided, that no building intended for such use shall be located less than fifty (50) feet from any other lot.
  8. Parks, playgrounds, recreational and community center buildings and grounds, golf courses, tennis courts, country clubs, and swimming pools; provided, that any principal building, tennis court or swimming pool shall be located not less than one hundred fifty (150) feet from any other lot.
- C. Accessory Uses.
1. Accessory Structures, as regulated in Section 8.7.
  2. Home Occupations, subject to the standards in Section 8.9.
  3. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 8.8.
  4. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
  5. Temporary buildings for uses incidental to construction work on the property provided such buildings are removed upon the completion or abandonment of the construction work.
- D. Conditional Uses. Subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and any applicable standards in Section 9.
1. Kennels and boarding of dogs or other small animals, subject to the standards in Section 9.4.
  2. Free Standing Telecommunication Towers, subject to the conditions in Section 9.2.

3. Child Day Care Home – Type A and Child Day Care Centers, subject to the standards in Section 9.7.
- E. Signs. The only signs permitted in the R-R District shall be:
1. One illuminated bulletin board not exceeding twelve (12) square feet in area for any church, school, park, community center, golf course, or other public or semi-public institution provided the source of light is not visible from the street.
  2. One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six (6) square feet on any face or a total of twelve (12) square feet. The sign must be located at least six (6) feet from all right-of-way lines or attached flat against the principal building.
- F. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 8.11.
- G. Lot Areas, Yard Requirements, and Height Limits. Lot areas, yard requirements, and height limits shall be as provided in Section 8.2.

### 7.3 R-1 – Single-Family Residential District.

- A. Intent. It is the intent of the R-1, Single-Family Residential District, to establish areas for single-family residential development adjacent to municipal or village boundaries where suburban type development can be found. Actual lot sizes will depend upon the type of water and sewer services available to the site.
- B. Principal Permitted Uses. A building or lot in the R-1 District shall be used only for the following purposes:
1. Single-family detached dwellings, including permanently sited manufactured homes, with a minimum of one thousand (1,000) square feet of livable floor area on the first floor.
  2. Adult Family Homes.
  3. Residential Facilities – Type A.
  4. Child Day Care Home – Type B; provided no person operates or is employed by the child day care home unless the person is a resident of the dwelling unit in which the child day care is operated.
  5. Churches or other places of worship, Sunday School buildings and parish houses; provided that churches and other places of worship and Sunday School buildings shall be located not less than fifty (50) feet from any other lot in an R-1 or R-R District; thirty-five (35) feet from any other lot in an R-2 District; and twenty-five (25) feet from any other lot in an R-3 District.
  6. Public and parochial schools, provided that no building intended for such use shall be located less than fifty (50) feet from any other lot in an R-1 or

R-R District; forty (40) feet from any other lot in an R-2 District; and thirty (30) feet from any other lot in an R-3 District.

7. Libraries, museums, and art galleries, provided that no building intended for such use shall be located less than thirty (30) feet from any other lot in an R-1 or R-R District; or twenty (20) feet from any other lot in an R-2 or R-3 District.
8. Parks, playgrounds, recreational and community center buildings and grounds, golf courses, tennis courts, country clubs, and swimming pools, provided that any principal building, tennis court, or swimming pool shall be located not less than one hundred fifty (150) feet from any other lot in an R-1 or R-R District; one hundred (100) feet from any other lot in an R-2 District; or seventy-five (75) feet from any lot in an R-3 District.

C. Accessory Uses.

1. Accessory Structures, as regulated in Section 8.7.
2. Home Occupations, subject to the standards in Section 8.9.
3. Private swimming pools to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 8.8.
4. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
5. Temporary buildings for uses incidental to construction work on the property provided such buildings are removed upon the completion or abandonment of the construction work.

D. Conditional Uses. Subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and any applicable standards in Section 9.

1. Free-Standing Telecommunication Towers, subject to the conditions Section 9.2.
2. Child Day Care Home – Type A and Child Day Care Centers, subject to the standards in Section 9.7.

E. Signs. The only signs permitted in the R-1 District shall be:

1. One illuminated bulletin board not exceeding twelve (12) square feet in area for any church, school, park, community center, golf course, or other public or semi-public institution provided the source of light is not visible from the street.
2. One temporary unlighted real estate sign advertising the sale of rental of only the premises on which it is maintained, not exceeding a total of six (6) square feet on any face or a total of twelve (12) square feet. The sign

must be located at least six (6) feet from all right-of-way lines or attached flat against the principal building.

3. One temporary unlighted sign not exceeding one hundred (100) square feet in area in a real estate development containing twenty-five (25) or more lots. Such signs shall be removed within three (3) years of the date of its construction.
- F. Off-Street Parking and Loading. Off-Street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 8.11.
- G. Lot Areas, Yard Requirements, and Height Limits. Lot areas, yard requirements, and height limits shall be as provided as in Section 8.2.

#### **7.4 R-2 – Two-Family Residential District.**

- A. Intent. It is the intent of the R-2, Two-Family Residential District, to provide an area for single and two-family dwelling units on smaller lots adjacent to urban area where public sewer and water would be provided.
- B. Principal Permitted Uses.
1. Single-family detached dwellings, including permanently sited manufactured homes, with a minimum of eight hundred (800) square feet of livable floor area on the first floor.
  2. Two-family dwellings.
  3. Adult Family Homes.
  4. Residential Facilities – Type A.
  5. Child Day Care Home – Type B; provided no person operates or is employed by the child day care home unless the person is a resident of the dwelling unit in which the child day care is operated.
  6. Churches or other places of worship, Sunday School buildings and parish houses; provided that churches and other places of worship and Sunday School buildings shall be located not less than fifty (50) feet from any other lot in an R-1 or R-R District; thirty-five (35) feet from any other lot in an R-2 District; and twenty-five (25) feet from any other lot in an R-3 District.
  7. Public and parochial schools, provided that no building intended for such use shall be located less than fifty (50) feet from any other lot in an R-1 or R-R District; forty (40) feet from any other lot in an R-2 District; and thirty (30) feet from any other lot in an R-3 District.
  8. Libraries, museums, and art galleries, provided that no building intended for such use shall be located less than thirty (30) feet from any other lot in an R-1 or R-R District; or twenty (20) feet from any other lot in an R-2 or R-3 District.

- C. Accessory Uses.
1. Accessory Structures, as regulated in Section 8.7.
  2. Home Occupations, subject to the standards in Section 8.9.
  3. Private swimming pools to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 8.8.
  4. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
  5. Temporary buildings for uses incidental to construction work on site provided such buildings are removed upon the completion or abandonment of the construction work.
- D. Conditional Uses. Subject to the approval of the Board of Zoning Appeals as provided in Section 5.3 and any applicable standards in Section 9.
1. Free-Standing Telecommunication Towers, subject to the conditions Section 9.2.
  2. Child Day Care Home, Type A and Child Day Care Centers, subject to the standards in Section 9.7.
- E. Signs. The only signs permitted in the R-2 District shall be:
1. One illuminated bulletin board not exceeding twelve (12) square feet in area for any church, school, park, community center, golf course, or other public or semi-public institution provided the source of light is not visible from the street.
  2. One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six (6) square feet on any face or a total of twelve (12) square feet. The sign must be located at least six (6) feet from all right-of-way lines or attached flat against the principal building.
  3. One temporary unlighted sign not exceeding one hundred (100) square feet in area in a real estate development containing twenty-five (25) or more lots. Such signs shall be removed within three (3) years of the date of its construction.
- F. Off-Street Parking and Loading. Off-Street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 8.11.
- G. Lot Areas, Yard Requirements, and Height Limits. Lot areas, yard requirements, and height limits shall be as provided in Section 8.2.

## 7.5 R-3 – Multi-Family Residential District.

- A. Intent. It is the intent of the R-3, Multi-Family Residential District, to provide an area for low density apartments in areas where public water and sewer are available.
- B. Principal Permitted Uses. A building or lot in the R-3 District shall be used only for the following:
1. Single-family detached dwellings, including permanently sited manufactured homes, with a minimum of eight hundred (800) square feet of livable floor area on the first floor.
  2. Two-family dwellings.
  3. Multi-unit dwellings for up to four (4) dwelling units.
  4. Adult Family Homes.
  5. Residential Facilities – Type A.
  6. Child Day Care Home – Type B; provided no person operates or is employed by the child day care home unless the person is a resident of the dwelling unit in which the child day care is operated.
  7. Rooming or boarding houses having not more than five (5) guest rooms; provided they are not primarily operated for transients.
  8. Private clubs, lodges, and meeting places for other organizations, not including any use that is conducted as gainful business; provided that the buildings in which such uses are housed shall be located at least twenty five (25) feet from any other lot in an R District.
  9. Churches or other places of worship, Sunday School buildings and parish houses; provided that churches and other places of worship and Sunday School buildings shall be located not less than fifty (50) feet from any other lot in an R-1 or R-R District; thirty-five (35) feet from any other lot in an R-2 District; and twenty-five (25) feet from any other lot in an R-3 District.
  10. Public and parochial schools, provided that no building intended for such use shall be located less than fifty (50) feet from any other lot in an R-1 or R-R District; forty (40) feet from any other lot in an R-2 District; and thirty (30) feet from any other lot in an R-3 District.
  11. Libraries, museums, and art galleries, provided that no building intended for such use shall be located less than thirty (30) feet from any other lot in an R-1 or R-R District; or twenty (20) feet from any other lot in an R-2 or R-3 District.
- C. Accessory Uses
1. Accessory structures, as regulated in Section 8.7.
  2. Home Occupations, subject to the standards in Section 8.9.

3. Private swimming pools to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 8.8.
  4. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
  5. Temporary buildings for uses incidental to construction work on the property provided such buildings are removed upon the completion or abandonment of the construction work.
- D. Conditional Uses. Subject to the approval of the Board of Zoning Appeals as provided in Section 5.3 and any applicable standards in Section 9.
1. Adult Group Homes; Residential Facilities – Type B, Nursing Homes; Residential Care Facilities – Types A and B; and Homes for the Aging, subject to the criteria in Section 9.3.
  2. Free-Standing Telecommunication Towers, subject to the conditions in Section 9.2.
  3. Child Day Care Home, Type A and Child Day Care Centers, subject to the standards in Section 9.7.
  4. Offices and clinics of physicians, dentists, architects, engineers, attorneys, or similar professional persons, provided:
    - a. That any building used therefore shall retain or have an exterior appearance of a residential structure similar to that of surrounding properties, excepting a one story structure may be built adjacent to a two story structure.
    - b. That the yard requirements for a three (3) family dwelling are complied with.
- E. Signs. The only signs permitted in the R-3 District shall be:
1. One illuminated bulletin board not exceeding twelve (12) square feet in area for any church, school, park, community center, golf course, or other public or semi-public institution provided the source of light is not visible from the street.
  2. One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six (6) square feet on any face or a total of twelve (12) square feet. The sign must be located at least six (6) feet from all right-of-way lines or attached flat against the principal building.
  3. One temporary unlighted sign not exceeding one hundred (100) square feet in area in a real estate development containing twenty-five (25) or

more lots. Such signs shall be removed within three (3) years of the date of its construction.

4. A non-illuminated sign not exceeding six (6) square feet in area or an illuminated sign not exceeding four (4) square feet in area when erected in such a manner that the source of light shall not be visible from the street or from adjoining premises identifying by name the building to which it is accessory and any lawful principal use thereof and attached flat to the building.
- F. Off-Street Parking and Loading. Off-Street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 8.11.
- G. Lot Areas, Yard Requirements, and Height Limits. Lot areas, yard requirements, and height limits shall be as provided in Section 8.2.

#### **7.6 MHP – Manufactured Home Park District.**

- A. Intent. It is the intent of the MHP, Manufactured Home Park District, to provide an area for planned manufactured home parks in accordance with Ohio Administrative Code 3701 and the Ohio Revised Code Section 3733.
- B. Principal Permitted Uses.
  1. Manufactured Homes.
  2. Child Day Care Homes – Type B.
- C. Accessory Uses.

Accessory uses, buildings, or other structure customarily incidental to manufactured homes, including Home Occupations as regulated by Section 8.9.
- D. Approval Procedures. Manufactured home parks shall be developed according to the standards and regulations stated and referenced in Section 7.6 E. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Section 5.1.
- E. The Pleasant Township Zoning Commission and Board of Trustees shall review the particular facts and circumstances of each proposed Manufactured Home Park District in terms of the following standards and shall find adequate evidence that such development meets the following standards:
  1. The proposed manufactured home park will be adequately served by essential public facilities and services such as highways, streets, drainage, water, sewage disposal, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
  2. The vehicular approaches to the proposed manufactured park will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.

3. The proposed manufactured home park will not result in the damage, destruction, or loss of any natural, scenic or historic features of major importance.
4. The establishment of the proposed park shall not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhoods.
5. All manufactured home parks shall have a twenty (20) foot landscape buffer along all public rights-of-way and adjacent parcels and shall comply with all the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

### 7.7 B – Business District

- A. Intent. It is the intent of the B, Business District, to provide an area for most retail business and limited service uses. It is further the intent of this district to prohibit residential units except in conjunction with business uses.
- B. Principal Permitted Uses. A building or lot in the B District shall be used only for the following purposes:
  1. Any retail business.
  2. Restaurants, cafes, and eating establishments without drive-thru facilities.
  3. Bank, building and loan associations and personal loan company, without drive-thru facilities.
  4. Indoor theater or assembly hall.
  5. Bar, cocktail lounge, night club, billiard parlor, pool hall, bowling alley, and dance hall provided the principal building shall be located not less than one hundred (100) feet from any lot in an R District.
  6. Motel/Hotel.
  7. Self-service laundry and dry cleaner, without drive-thru facilities.
  8. Nursing Homes and Homes for the Aging.
  9. Hospitals and Sanitariums.
  10. Funeral parlor.
  11. Offices of business, professional or industrial firms, not including the manufacture or storage of goods on the premises.
  12. Veterinary offices; provided all business is conducted entirely within an enclosed building.
  13. Commercial recreational area.
  14. Outdoor advertising signs and billboards subject to the provisions of Section 8.10.
  15. Telecommunication Towers.

- C. Accessory Uses.
1. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use.
  2. Temporary buildings for uses incidental to construction work on the property provided such buildings are removed upon completion or abandonment of the construction work.
  3. Dwelling units, provided said units are located in a building whose principal use is first permitted in the B District.
- D. Conditional Uses. Subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and any applicable standards in Section 9.
1. Automobile service stations, automobile repair shops, automobile oil changing facilities, subject to the standards in Section 9.6.
  2. Commercial parking lots, subject to the standards in Section 9.6.
  3. Kennels and boarding of dogs or other small animals, subject to the standards in Section 9.4.
  4. Drive-thru facilities, developed independently or in association with a permitted use, subject to the standards in Section 9.6.
- E. Signs. The only signs permitted in the B District shall be:
1. Signs which contain only the name of the permitted use conducted on the premises, and;
    - a. Are painted on a vertical surface of the building or attached flat thereto or project not more than four (4) feet beyond the building line but not over any street right-of-way.
    - b. Do not project above the principal roof of a building, except a sign may be attached flat against or painted on a parapet wall not exceeding three (3) feet above such roof line.
    - c. Do not exceed in square feet for each lot, two (2) square feet per lineal foot of frontage of a structure providing in no case shall it exceed a total of sixty (60) square feet on any one structure or business except as elsewhere exempted in this code.
    - d. Shall not face an R District unless said sign is fifty (50) feet from any lot in an R District.
    - e. If illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on residential property located in a R District; illumination of such signs shall not be flashing and no sign simulating movement shall be permitted.
  2. One sign, in addition to the above, located on a lot having a minimum of thirty thousand (30,000) square feet of area and where the principal

building is set back at least fifty (50) feet from the street right-of-way, provided said sign:

- a. Is free standing and not over eighteen (18) inches in thickness.
  - b. Advertises only the name of the permitted uses conducted on the premises.
  - c. Does not project over the street right-of-way.
  - d. Shall have its lowest portion at least twelve (12) feet off the ground.
  - e. Shall not exceed one hundred fifty (150) square feet in area on one face of the sign or three hundred (300) square feet total area.
- F. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 8.11.
- G. Lot Areas, Yard Requirements, and Height Limits. Lot areas, yard requirements, and height limits shall be as provided in Section 8.3.

## 7.8 I – Industrial District.

- A. Intent. It is the intent of the I, Industrial District, to provide area for businesses, service establishments, and industrial uses. It is further the intent of the I District to prohibit dwelling uses.
- B. Principal Permitted Uses. A building or lot in the I District shall be used only for the following purposes:
1. Any retail business.
  2. Warehouses.
  3. Railroad yards, not including railroad repair shops.
  4. Bar, cocktail lounge, night club, billiard parlor, pool hall, bowling alley and dance hall provided the principal building shall be located not less than one hundred (100) feet from any lot in an R District.
  5. Offices of business, professional or industrial firms.
  6. Any other industrial use provided the building, structures, area, or lot used for such purposes is set back one hundred (100) feet from any R District.
  7. Outdoor advertising signs and billboards, subject to the provisions of Section 8.10.
- C. Accessory Uses. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted uses shall be allowed.
- D. Signs. The only signs permitted in I District shall be:
1. Signs which contain only the name of the permitted use conducted on the premises, and;

- a. Are painted on a vertical surface of the building or attached flat thereto or project not more than four (4) feet beyond the building line but not over any street right-of-way.
  - b. Do not project above the principal roof of a building, except a sign may be attached flat against or painted on a parapet wall not exceeding three (3) feet above such roof line.
  - c. Do not exceed in square feet for each lot, two (2) square feet per lineal foot of frontage of a structure providing in no case shall it exceed a total of one hundred (100) square feet on any on structure or business except as elsewhere exempted in this resolution.
  - d. Shall not face an R District unless said sign is fifty (50) feet from any lot in an R District.
  - e. If illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on residential property located in an R District; illumination of such signs shall not be flashing and no sign simulating movement shall be permitted.
2. One sign, in addition to the above, located on a lot having a minimum of thirty (30,000) square feet of area and where the principal building is set back at least fifty (50) feet from the street right-of-way, provided said sign:
- a. Is free standing and not over eighteen (18) inches in thickness.
  - b. Advertises only the name of the permitted uses conducted on the premises.
  - c. Does not project over the street right-of-way.
  - d. Shall have its lowest portion at least twelve (12) feet off the ground.
  - e. Shall not exceed one hundred fifty (150) square feet in area on one face of the sign or three hundred (300) square feet total area.
- E. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 8.11.
- F. Lot Areas, Yard Requirements, and Height Limits. Lot areas, yard requirements, and height limits shall be as provided in Section 8.3.
- G. Prohibited Uses. No land, building, or structure in the I District shall be used for the following:
1. Dwellings, residences, living quarters, or other residential uses, except for watchman quarters.

2. Motel or hotel.
3. Schools and colleges.
4. Churches.
5. Hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use.

## **7.9 PUD – Planned Unit Development District.**

- A. Intent. The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that may not be included within traditional zoning districts. It is further the purpose of the PUD District to encourage a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features and providing for a variety of building styles, types, and uses through the use of mixed-use, cluster, or alternative land designs.
- B. Conflict. Whenever there is a conflict or difference between Section 7.9 and those of other sections of the Zoning Code, the provisions of Section 7.9 shall prevail for the development of land within the PUD district. Subjects not addressed within Section 7.9 shall be governed by the respective provisions found elsewhere in this zoning code.
- C. Procedures for Rezoning to PUD. The procedures for rezoning a tract of land to a PUD district are provided in Section 5.4.
- D. Permitted Uses. Single-family; multi-family; commercial including retail uses, neighborhood commercial uses, and personal services; public and semi-public uses, open space, recreational uses, and accessory structures shall be permitted within the PUD district, provided that the proposed locations of commercial uses do not adversely impact adjacent property or the public health and safety, and that the location of commercial uses are limited to the specific locations approved by the Township Trustees on the development plan.
- E. Minimum Project Area and Ownership. No tract of land shall be rezoned to the PUD district unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD district. A development plan approved under the procedures of Section 5.4 shall be binding upon the applicant(s), successors, and assigns.
- F. Development Standards. The following standards shall apply to development with the PUD district in addition to any requirements included in an approved development plan.
  1. Arrangement of Areas. The location and arrangement of various densities within the PUD shall be distributed so that the more intense uses are balanced with open space and less intense development. Less intense uses and open spaces should be placed around critical resources areas, such as existing water bodies, drainage patterns, wetlands, wooded areas, etc.
  2. Open Space. A minimum of twenty (20) percent of the gross acreage of the tract of land shall be set aside as common open space. Yard space on individual lots shall not count towards the open space requirements. Open

space shall be placed within a reserve or protected by deed, easements or covenants. Open space shall be maintained by a Homeowners' or Property Owners' Association for the development, unless other arrangements for maintenance are made with the Township Trustees during the rezoning process.

3. Lot Area. No minimum lot area shall be required for an individual unit. However, the Township Trustees shall consider the type of water and waste disposal systems proposed when determining if sufficient lot area has been provided for individual units.
4. Setbacks. Minimum front, side and rear setbacks for individual lots within the PUD shall be determined by the approved development plan.
5. Height. No structure within a PUD shall exceed thirty-five (35) feet in height.
6. Utilities. Potable water and adequate sewage facilities shall be provided to accommodate the development.
7. Signs. Only those signs approved with the development plan shall be permitted within the PUD, except for political and real estate signs, which shall be permitted throughout the PUD.
8. Parking. Parking, unless otherwise approved with a development plan, shall be provided in accordance with Section 8.11.
9. Landscaping. The Township Trustees, upon recommendation from the Township Zoning Commission, may require landscaping for non single-family developments within the PUD. The required landscaping shall be as approved by the development plan.

**SECTION VIII – GENERAL DEVELOPMENT STANDARDS****8.1 Lot Area, Yard Requirements, and Height Limits.**

- A. Residential Districts. The minimum lot area, yard requirements, and height limits for a residential district shall be established in Section 8.2. For principal buildings other than residence buildings, minimum lot area, yard requirements, and height limits, shall be the least restrictive requirements established in the applicable residential district, provided, however, the requirements established in principal permitted use section or conditional use section shall take precedence over any requirements established in this section.
- B. Business and Industrial District: The minimum lot area, yard requirements, and height limits for business and industrial districts shall be established in Section 8.3.

## 8.2 Residential Development Standards Table – Lot Area, Yard Requirements, and Height Limitations

District	Number Of Dwellings	Minimum Lot Area (Square Feet)	Maximum Lot Coverage	Maximum Depth To Width Ratio	Minimum Frontage (Feet)	Minimum Front Yard (Feet)	Minimum Side Yard		Minimum Rear Yard (Feet)	Maximum Height (Feet)
							One Side (Feet)	Sum Of Sides (Feet)		
A	1	5 acres	NA	3:1	300	50	30	80	50	35
R-R	1	2 acres	NA	3:1	175	40	25	60	50	35
R-1	1	30,000*	25%	4.5:1	125**	35	20	50	50	35
R-2	1	10,000	35%	NA	80*	30	10	20	30	35
	2	12,000	35%	NA	100	30	10	20	35	35
R-3	1	10,000	35%	NA	80**	30	10	20	30	35
	2	10,000	35%	NA	100	30	10	20	35	35
	3	12,000	35%	NA	120	30	12	25	40	35
	4	12,000	35%	NA	120	30	15	35	50	35

\* Where public sewer and water are not available, a minimum 1.5 acres shall be required.

\*\* For lots fronting a cul-de-sac, the lot frontage shall be measured at the required front setback and the minimum lot width measured at the right-of-way; such lot width shall be sixty (60) feet or greater.

**8.3 Business and Industrial Standards Table – Lot Area, Yard Requirements, and Height Limitations**

The lot area, yard requirements, and height limits for business and industrial districts shall be as follows for each principal structure:

	<u>B Business District</u>	<u>I Industrial District</u>
Minimum Front Setback (Feet)	30	40
Minimum Lot Area (Square Feet)	10,000*	10,000*
Minimum Lot Frontage (Feet)	80*	80*
Minimum Side Yard (Feet)	None required, except adjoining any R District, then fifteen (15).	None required, except adjoining any R District, then not less than twenty-five (25).
Minimum Rear Yard (Feet)	Twenty-five (25), except abutting any R District, then no less than that required in the adjoining R District	Same as for B District
Maximum Height (Feet)	35	45

\*Where public sewer and water are not available the minimum lot requirements shall be 1.5 acres of area and 150 feet of frontage

**8.4 Measurements.**

- A. Front Yard Depth. The front yard depth shall be measured from the right-of-way line of the existing street on which the lot fronts provided there is a minimum right-of-way of sixty (60) feet. In cases where the right-of-way is less than sixty (60) feet the front yard depth shall be measured from a point thirty (30) feet from the centerline of the street.
- B. Side Yard Width. The side yard width shall be measured from the nearest side lot line. In cases where the nearest side lot line is a side street lot line, it shall be measured from the right-of-way line of the existing street, provided there is a minimum right-of-way of sixty (60) feet. In cases where the right-of-way is less than sixty (60) feet, the side yard width shall be measured from a point thirty (30) feet from the centerline of the street.
- C. Exceptions.
  - 1. Side Yard Exceptions. The only side yard modifications and exceptions shall be:

- a. Along the side line of a corner lot in a residence district, the width of the street side yard shall not be less than twenty (20) feet.
  - b. The side yard requirements for a multi-family dwelling are the same as if said multi-family dwelling was considered one structure.
  - c. Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In cases the average width of the side yard shall not be less than the otherwise required least width provided, however, that such side yard shall not be narrower at any point than three-fourths (3/4) the otherwise required least width.
2. Front Yard Exception. In any R District where a block has thirty (30) percent of the lot frontage on one side of the street improved with buildings, and the average depth of the front yards of said existing buildings along the entire block front, excluding corner lots, is less than the front yard depth prescribed elsewhere in this code the required depth of the front yards shall be modified, provided, however, there are two (2) or more front yards of existing buildings involved. In such cases the required front yard in question shall be the average depth of existing front yards provided, further, that said front yard shall be at least twenty (20) feet.
- D. Projections Into Yards. The only projections into yards shall be:
1. A wall or fence not over six (6) feet high may be erected in any yard or court, except a front yard or side street-side yard in which case the height of the wall or fence shall not be over four (4) feet. If the wall is a retaining wall, the height shall be measured on the higher (fill) side. No fence, trees, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle.
  2. Steps, uncovered porches, or other similar features not over three and one-half (3 1/2) feet high above the average finished grade and at least five (5) feet from every lot line may project into any yard.
  3. Cornices, canopies, eaves, pilasters, sills, or other architectural features may project into any yard or court a distance not exceeding three (3) feet.
  4. Chimneys may project into any yard a distance not exceeding two and one-half (2 1/2) feet, any bay windows or balconies may project into any yard a distance not exceeding three (3) feet, provided; such chimneys, bay windows, and balconies, do not

occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

E. Height Limits Exceptions.

1. The height limitations of this code shall not apply to Churches, Schools, Hospitals, Libraries, Museums, Art Galleries, or Fire Stations; provided, that for each two (2) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased by one-half (1/2) foot over the side and rear yards otherwise required in the district.
2. Church spires, belfries, cupolas, domes, monuments, fire and hose towers, observation towers, chimneys, smokestacks, and flag poles, may exceed the height limitations.
3. In the I District, the height limitations shall not apply to bulkheads, water tanks, monitors, towers, monuments, fire towers, hose towers, cooling towers, grain elevators, and gas holders.

**8.5 Conversion of Dwellings.**

- A. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this code. The occupancy resulting from such conversion shall comply with the requirements governing new construction in such district with respect to minimum lot width, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking, except that, in case of a dwelling in existence at the time of the effective date of this code. The following modification of such requirements shall be permitted:
1. In the R-2 district a single-family dwelling may be converted to two-family occupancy, provided it is located on a lot having a width of not less than ninety (90) feet, and a lot area of not less than ten thousand (10,000) square feet.
  2. In the R-3 district a dwelling may be converted to a two or more family occupancy provided it is located on a lot having a width of not less than ninety (90) feet and a lot area of not less than three thousand five hundred (3,500) square feet per dwelling unit.
  3. No addition to an existing building shall be permitted if said addition violates any yard requirements of the district.
  4. No conversion of a building to dwelling unit(s) shall be permitted unless central water and sewer services are provided and utilized or adequate on-site water and sewer systems, approved by the Fairfield Board of Health, have been provided to the site.

**8.6 Rear Dwellings.**

Rear dwellings shall be prohibited and considered non-conforming uses subject to the requirements of Section III.

**8.7 Accessory Structures.**

- A. Accessory structures shall be subject to the following requirements.
  1. All accessory structures shall be located to the rear or side of the principal structure.
  2. Accessory structures greater than five hundred eighty (580) square feet in floor area shall not be erected in any required yard, other than a rear yard. Such structures shall be no closer than five (5) feet from the rear lot line.
  3. Accessory structures less than five hundred eighty (580) square feet in floor area may encroach a side or rear yard, but shall be located no closer than five (5) feet from a side or rear lot line.
  4. The cumulative area of accessory structures shall not exceed the following square footage requirements. However, each residential lot shall be permitted to have a five hundred eighty (580) square foot private garage either attached or detached from the principal structure that shall not count toward the maximum cumulative area of accessory structures:

<b>Lot Size</b>	<b>Maximum Cumulative Area for Accessory Structures</b>
4.99 acres or less	1,500 square feet
Between 5.00 and 14.99 acres	1,800 square feet
Between 15.00 and 24.99 acres	2,100 square feet
25.00 acres or greater	2,400 square feet

5. Accessory structures, located on residential lots of two (2) acres or less, shall be designed to include the same external architectural appearance as the principal structure, including the same or similar building materials and roof pitch. This requirement has been established to ensure that accessory structures on smaller lots blend with the residential character of the area.
6. No accessory structure shall exceed the ground floor area of the principal building.

7. No accessory structure shall exceed the height of the principal structure nor be located closer than ten (10) feet to the principal structure or other accessory structure on the same lot.
8. No accessory structure shall be permitted if it will cause the lot to exceed the maximum lot coverage requirements of the applicable zoning district.
9. Accessory structures shall not be located in an area designated by the Health Department for the placement of leach fields.

### **8.8 Private Swimming Pools.**

- A. No private swimming pool shall be allowed in any R-District except as an accessory use, and unless it complies with the following conditions and requirements.
  1. The pool is intended, and used primarily for the enjoyment of the occupants of the principal use of the property.
  2. It may not be located closer than fifteen (15) feet to any lot line of the property on which it is located.
  3. The swimming pool, or the entire lot on which it is located, shall be walled or fenced by a four (4) foot or higher structure so as to prevent uncontrolled access by children from the street, or from adjacent properties.
  4. An enclosed swimming pool shall be considered an accessory structure and shall comply with the requirements of Section 8.7. An existing pool shall not be enclosed unless it complies with the requirements of Section 8.7.

### **8.9 Home Occupations.**

- A. If a home occupation complies with the following criteria, it shall be permitted as an accessory use in residential districts. A home occupation permit shall be obtained from the Township Zoning Inspector prior to establishing a home occupation within a residence.
  1. A home occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit. Home occupations shall not be conducted within accessory structures, such as garages or sheds, on the lot.
  2. The appearance of the dwelling unit in which a home occupation is conducted shall not be altered or the occupation within the dwelling shall be not be conducted in a manner which would cause the premises to differ from its residential character either by colors, materials, construction, lighting, or signs.
  3. The home occupation shall not generate traffic greater in volume than normal for a residential neighborhood.

4. The home occupation shall not include wholesale or retail sales.
5. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.
6. The home occupation shall not occupy more than 20 percent of the livable floor area of the dwelling unit.
7. No person shall operate or be employed by the home occupation unless the person is a resident of the dwelling unit in which the home occupation is conducted.
8. No more than three vehicles, used by customers of the home occupation, may be parked at the location of the home occupation at one time.
9. There shall be no outside storage of any kind related to a home occupation, including the storage of vehicles used for the home occupation. Accessory structures shall not be used for storage of materials related to the home occupation.
10. No sign shall be used in connection with a home occupation, nor shall any display be used that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

#### **8.10 Outdoor Advertising, Billboards, Poster Panels, and Signboards.**

- A. Outdoor advertising, billboards, poster panels, and signboards, when permitted within a district, shall be subject to the following conditions:
  1. Said billboard structures must be set back from the established right-of-way of any street or highway at least as far as the required front yard depth for a principal building in such district.
  2. At the intersection of any State or Federal Highway, major or secondary thoroughfares, or at the intersection of major thoroughfares, the setback of any billboard structures shall not be less than one hundred (100) feet from the established right-of-way line of each such highway or thoroughfare, unless erected on or adjacent to the wall of a building; or in such other manner as not to interfere with, or obstruct clear vision of such intersection in any direction for a distance of two hundred and fifty (250) feet.
  3. No such billboard structures shall be permitted which faces the front or side lot line of any lot or parcel of land in any R District and are within one hundred (100) feet of such lot line.

### 8.11 Off-Street Parking and Loading Spaces.

In all districts, every industrial, business, institutional, recreational, residential or any other use shall provide at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this section.

- A. Off Street-Parking Design Standards. All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:
  1. **Parking Space Dimensions:** Each off-street parking space shall be at least nine (9) feet in width and eighteen (18) feet in length. All drive aisles shall be a minimum of twenty-four (24) feet in width.
  2. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. Where the parking lot or parking spaces do not directly abut a public street or alley, an access drive shall be provided and shall be set back at least five (5) feet from any side lot line, except in cases where shared driveways are utilized. The driveway widths shall be as follows:
    - a. For single-, two-, or three-family residential dwellings, the access drive shall be a minimum of ten (10) feet in width.
    - b. For all other residential uses and all other uses, the access drive shall be a minimum of twenty (20) feet in width.
    - c. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- B. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this code.
- C. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve.
  1. For single and two-family dwellings on the same lot with the building they are required to serve.
  2. For multi-unit dwellings, not more than two hundred (200) feet from the building they are required to serve.
  3. For uses located in and first permitted in a B District; and for hospitals, sanitariums, convalescent, nursing homes, adult group homes, residential facilities, residential care facilities, homes for the aging, dormitories, private clubs, fraternity and sorority

- houses; lodges, and offices, not more than three hundred (300) feet from the building they are required to serve.
4. For uses other than those specified above, not more than eight hundred (800) feet from the building they are intended to serve.
- D. For the purpose of this Section, “floor area” in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used, or intended to be used, by tenants; or by services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management of maintenance of stores, or buildings; for toilet or restrooms; for utilities, or for dressing rooms, fitting, or alteration rooms.
1. In hospitals, bassinets shall not be counted as beds.
  2. In stadiums, sports arenas, churches, and other places of assembly; in which patrons, or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat for the purposes of determining facilities under this code.
  3. When units of measurement, determining number of required parking spaces, result in a requirement of a fractional space, and fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.
- E. Whenever, in any building, there is a change in use, or an increase in floor area, or other unit of measurement specified hereinafter; for the purpose of determining the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than ten (10) percent in the number of off-street parking spaces, as determined by the requirements in this Section, additional off-street parking spaces shall be provided, on the basis of the increased requirement of the new use, on the basis of the increase in floor area, or other unit of measurement. Provided, however, that in case a change or changes in use creates a need for an increase of less than five (5) off-street parking facilities since the effective date of this code, no additional space shall be required.
- F. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use, shall not be considered as providing required parking facilities for any other use.
- G. Nothing in this Section shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or use; provided that the total of such off-street parking spaces supplied collectively, shall

not be less than the sum of the requirements for the various uses computed separately; provided, also, that the requirements set forth in (c) of this Section as to maximum distances between parking facilities and buildings, or uses served, shall apply to each establishment participating in the collective provision of parking.

- H. Not more than fifty (50) percent of the off-street parking facilities required under this Section for a church, theater, bowling alley, dance hall; or an establishment for the sale and consumption of food, alcoholic beverages or refreshments; may be supplied by off-street parking specified in (I) of this Section which are not normally open, uses, or operated during the principal operating hours of theaters, churches, or other aforesaid establishments, provided that a properly drawn instrument is executed by the parties concerned for the joint use of the off-street parking facilities, which instrument, duly approved as to form and manner of execution by the Township's Legal Representative, shall be filed with the application for a building permit. Buildings or uses not normally open, used, or operated during the principal operating hours or theaters, churches, or other aforesaid establishments; are defined as banks, business offices, retail stores, personal service shops, clothing, or shoe repair, or service shops, manufacturing buildings, and similar uses.
- I. The number of off-street parking spaces required shall be set forth in the following:
- |    |  |  |
|----|--|--|
| 1. | Automobiles or Machine Sales and Services.   | One (1) space for each eight hundred (800) square feet of floor area.  |
| 2. | Banks, Business and Professional Offices except Medical and Dental Offices or Clinics. | One (1) space for each four hundred (400) square feet of floor area.   |
| 3. | Bowling Alleys.  | Five (5) spaces for each alley plus the necessary space as set forth in this Section for affiliated uses such as bars, restaurants, and the like.  |
| 4. | Churches and Schools.  | One (1) space for each eight (8) seats in an auditorium or one (1) space for each six (6) seats in places of worship or one (1) space for each seventeen (17) classroom seats, whichever is greater. |

5. Dance Halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditoriums. One (1) space for each one hundred (100) square feet of floor area used for assembly or dancing.
6. Dwellings. Two (2) spaces for each family or dwelling unit.
7. Funeral Homes, Mortuaries Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area, whichever is greater.
8. Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shop, over one thousand (1,000) square feet of floor area. Four (4) spaces plus one (1) space for every four hundred (400) square feet of floor area over one thousand six hundred (1,600) square feet.
9. Hospitals One (1) space for each two (2) beds.
10. Hotels, Rooming Houses, Lodging Houses, Motels One (1) space for each bedroom.
11. Fraternities, Sororities One (1) space for each bed.
12. Libraries, Museums, or Galleries One (1) space for each six hundred (600) square feet of floor space.
13. Manufacturing Plants, Research or Testing Laboratories, Bottling Plants One (1) space for each one thousand two hundred (1,200) square feet of area.
14. Medical and Dental Clinics One (1) space for each one hundred (100) square feet of floor area.
15. Nursing Homes, Adult Care, Residential Care, and Residential Facilities, Homes for the Aging, and other similar uses. One (1) space for every five (5) beds, plus one (1) space per employee on the largest shift.
16. Restaurants, Beer Parlors, and Night Clubs One (1) space for each one hundred (100) square feet of floor area.

- 17. Retail Stores, Shops, Etc. One (1) space for each two hundred (200) square feet of floor area.
- 18. Sport Arenas, Auditoriums, Theaters, Assembly Halls, other than Schools One (1) space for each six (6) seats.
- 19. Wholesale Establishments or Warehouses Five (5) spaces plus one (1) space for every three thousand (3,000) square feet of floor area over five thousand (5,000) square feet.
- 20. In the case of a use not specifically mentioned above, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar, as determined by the Zoning Inspector, shall apply

Each of the above required parking facilities shall be equal to the off-street parking space established in (A) of this Section.

- J. Loading spaces shall be provided and maintained on the same premises with every building, structure, or part thereof, erected, occupied, enlarged, or intended to be used, for manufacturing, storage, warehouses, goods display, department store, wholesale, store, market, retail store, hotel hospital, laundry, dry cleaning, or other uses similarly involving the receipt or distribution by vehicles, of materials or merchandise.
  - 1. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with public use of the streets or alleys.
  - 2. Loading and unloading space shall not be occupied or considered as any part of the required off-street parking.
  - 3. All districts shall include a 10-foot by 25-foot loading space with a 14-foot height clearance, for every twenty thousand (20,000) square feet or fraction thereof, in excess of three thousand (3,000) square feet of building floor or land use for above mentioned purposes.
    - a. Buildings used for offices or hotel.

Square Feet	Number of Spaces
3,000 – 150,000	One (1)
150,000 – 399,999	Two (2)
400,000 – 659,999	Three (3)
Each Additional 350,000	One (1)

## b. All other uses

Square Feet	Number of Spaces
1,000 – 9,999	One (1)
10,000 – 39,999	Two (2)
40,000 or more	Three (3) plus one (1) for each thirty thousand (30,000) square feet over forty thousand (40,000) square feet of building area.

**8.12 Development within Flood Plain**

All development within a Federal Emergency Management Agency (FEMA) designated flood plain shall comply with the Fairfield County Special Purpose Flood Damage Prevention Regulations. Flood building permits are issued by the Fairfield County Regional Planning Commission.

**SECTION IX – CONDITIONAL USE REGULATIONS****9.1 Commercial Mines, Quarries, and Gravel Pits.**

- A. Intent. The intent of this section is to create standards for commercial mines, quarries, and gravel pits when such uses are listed as conditional uses. Commercial mines, quarries, and gravel pits, may be permitted in any A District by the Board of Zoning Appeals upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties provided the following conditions and the general conditions of Section 5.3 are guaranteed by the applicant.
- B. Submission of Additional Information. Two (2) copies of the following information shall be submitted with the application.
1. Name of the owner or owners of land from which removal is to be made.
  2. Name of applicant making request for such permit.
  3. Name of the person or corporation to be conducting the actual operations.
  4. Location, description, and size of area from which the removal is to be made.
  5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, in so far as reasonably possibly.
  6. Type of resources or materials to be removed.
  7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
  8. General description of the equipment to be used.
  9. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with the contour lines at intervals of five (5) feet or less.
- C. Development Standards.
1. All equipment used in these operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practicable noise, vibration, or dust, which would injure or annoy

- persons living in the vicinity. Accessways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be specified by the Board.
2. No mining or sand and gravel removal shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board, where such is deemed necessary for the protection of adjacent property, except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
  3. In the event that the site of the mining operation is adjacent of the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way, except as may otherwise be provided for by Section 4153.11 of the Ohio Revised Code.
  4. Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred fifty (150) feet from the right-of-way line.
  5. Fencing or other suitable barrier, including the planting of multiflora rose, shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board. Such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
  6. Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property (s) has first been obtained.
- D. Rehabilitation Requirements. All depleted areas shall, within a reasonable length of time as determined by the Board, be reclaimed and rehabilitated. To guarantee the restoration, rehabilitation, and reclamation of depleted areas, every applicant granted permission by the Board to operate a commercial mine, quarry or gravel pit as herein provided shall furnish a performance bond or other satisfactory assurance to Pleasant Township, Fairfield County, Ohio in the amount of not less than two thousand five hundred (2,500) dollars and not more than twenty five thousand (25,000) dollars as a guarantee that such applicant shall meet the requirements of the following subsections:
1. All excavations shall be made either to a water producing depth plus five (5) feet below the water mark, or shall be graded and back-filled with non-toxic, non-combustible, and non-flammable solids to assure.

- a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
  - b. That the graded or back-filled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.
2. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line on the pit bottom, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in subsection D 3 below.
  3. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
  4. Proper drainage shall be provided for the mined-out area.
  5. All equipment and structures shall be removed from the depleted area within six (6) months of the completion of operations therefrom.
  6. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.
  7. Due to the inherent difficulties in reclaiming and rehabilitation areas where stone has been quarried, the Board is hereby empowered, in the issuance of a Conditional Use Permit for the quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest without restricting the operations of the owner.

## 9.2 Free-Standing Telecommunication Towers.

- A. Intent. The intent of this section is to regulate the placement and construction of telecommunication towers in residential districts in order to protect the public health and safety without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage co-location of antennas on existing towers in order to minimize tower locations and to protect residential areas through the use of height, setback, and lot area requirements.
- B. Applicability. The following regulations shall apply, through the conditional use process, to free-standing telecommunication towers located within the R-R, R-1, R-2, and R-3 zoning districts, unless otherwise exempted by Section 9.2 D. These regulations shall not apply

to telecommunication towers proposed in zoning districts that list such structures as permitted uses.

- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit when a proposed free-standing telecommunication tower in an R-R, R-1, R-2, R-3 district complies with all of the conditions listed below. When measuring setbacks and lot area, the dimension of the entire lot shall control, even though the tower may be located on a leased area within such lot.
1. The minimum lot area shall comply with the minimum lot area for the applicable zoning district.
  2. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line). No new residential structures shall be permitted within this setback area.
  3. The maximum height of the telecommunication tower shall be two hundred (200) feet from the existing grade to the highest point of the tower.
  4. All towers shall be of a non-corrosive monopole design, as opposed to a lattice design, and shall be non-contrasting gray or similar color. A galvanized steel finish will also be permitted. Alternative tower designs that camouflage the tower and/or antenna, such as man made trees, may also be permitted as approved by the Board of Zoning Appeals.
  5. A 6-foot fence shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider.
  6. A landscaped buffer of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent properties. The fifteen (15)-foot buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional landscaping upon review of an individual application. All required landscaping shall be continuously maintained and promptly restored, if necessary.
  7. No signage shall be permitted anywhere on the telecommunication tower, antenna, fence, etc., except for a sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language shall be attached to the gate of the required fence. Any other signage required by Federal Regulations shall be permitted.

8. No lighting shall be permitted, except as required by federal regulations.
9. One (1) point of access from a public road to the free standing telecommunications tower shall be provided. The Board of Zoning Appeals may require review by the township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
10. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
11. The applicant shall demonstrate that co-location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing telecommunication towers in Pleasant Township. If the applicant cannot demonstrate that co-location is not feasible, the Board of Zoning Appeals may deny the conditional use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if co-location is not feasible:
  - a. Written documentation from the owner of the existing tower(s) refusing to allow co-location;
  - b. The proposed antenna would exceed the structural capacity of the existing tower, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer.
  - c. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer.
  - d. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably as documented by a qualified R. F. engineer.
  - e. Co-location would violate federal, state, county or township regulations.
12. The tower shall be removed within one hundred eighty (180) days after the use of the tower is discontinued.
13. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna to the extent possible.

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

D. Exemptions. In the event, a telecommunication tower is proposed within the R-R, R-1, R-2, or R-3 district, the telecommunication tower may be exempt from all telecommunication tower regulations and may be considered to be a permitted use, if criteria listed in 1 and 2 below have been met:

1. The telecommunication provider provides each of the following by certified mail:

a. Written notice to each owner of property, as shown on the County Auditor's then current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the telecommunication tower is proposed to be constructed, stating all of the following in clear and concise language:

- i The person's intent to construct the tower.
- ii A description of the property sufficient to identify the proposed location;
- iii That, no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that the telecommunication regulations of the Pleasant Township Code apply to the proposed location of the tower.

b. Written notice to the Board of Township Trustees of the information specified in 9.2 D (1) (a) (i) and (ii). The notice to the board shall also include verification that the person has complied with the Section 9.2 D(1) (a) of the Pleasant Township Zoning Code. Within fifteen (15) days of a telecommunications provider mailing the notices, a township trustee may object to the proposed location of the telecommunications tower.

2. If the Board of Township Trustees receives no notice from a notified property owner nor an objection from a township trustee is provided within fifteen (15) days of a provider mailing the notices, then the proposed telecommunication tower is exempt from all telecommunication regulations within the Pleasant Township Zoning Code.

3. If a notice from a notified property owner or an objection from a township trustee is made within the applicable time frame, then all applicable telecommunication tower regulations within the Pleasant Township Zoning Code shall apply. The township clerk,

within five (5) days of receiving the first objection from a property owner or trustee, shall notify the telecommunications provider that the telecommunication regulations within the Pleasant Township Zoning Code apply.

4. If a provider fails to send proper notices, then the regulations within this section shall apply.

### **9.3 Adult Group Homes, Residential Facilities – Type B, Nursing Homes, Residential Care Facilities – Types A and B, and Homes for the Aging.**

- A. Intent. The intent of this section is to create standards for adult group homes, residential facilities-type B, nursing homes, residential care facilities-types A and B, and homes for the aging when such uses are proposed in a district where permitted only as conditional uses. Given the size and intensity of these uses, it is important to provide development standards for these uses when located in certain areas of the township to ensure that these uses are designed in a manner that integrates them into the overall character of their surrounding area.
- B. Applicability. These standards shall apply when such uses are proposed in a district where they are listed as conditional uses. These standards shall not apply in districts where such uses are listed as permitted.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for an adult group home, residential facility-type B, nursing home, residential care facility-types A and B, or a home for the aging, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 5.3:
  1. The proposed use must be located on a minimum of two (2) acres.
  2. The proposed facility is located no closer than twenty (20) feet from a side lot line and no closer than forty (40) feet from a rear lot line.
  3. A front setback equal to the distance of the adjacent right-of-way is provided and is measured from the centerline of the right-of-way.
  4. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the district in which the use is proposed.
  5. The proposed architecture is compatible with the surrounding neighborhood.
  6. The proposed signage complies with the sign regulations for the applicable district.
  7. Sufficient evidence has been provided indicating that all required licenses and certificates from the State of Ohio have been obtained.

8. In the case of proposed residential facilities-type B, there is no other residential facility-type B within one thousand (1,000) feet of the proposed facility.
9. In the case of proposed Adult Group Homes, there is no other adult group home within one thousand (1,000) feet of the proposed facility.
10. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

#### **9.4 Kennels and Boarding of Dogs and Other Small Animals.**

- A. Intent. The intent of this section is to create standards for kennels and boarding of dogs and other small animals to minimize the impacts of such uses on the surrounding areas.
- B. Applicability. These standards shall apply when such uses are proposed in a district where they are listed as conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a kennel or boarding of dogs and other small animals, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 5.3.
  1. All buildings shall be located no less than one hundred (100) feet from any lot line.
  2. Adequate ingress/egress shall be provided to the proposed site.
  3. Outdoor pens shall be prohibited. All outdoor exercise runs shall be enclosed by a solid wall or fence.
  4. Adequate waste disposal methods shall be established to ensure that odor is not noticeable off site.
  5. Adequate sound proofing techniques shall be provided to help reduce the impact of noise on the surrounding neighborhood. These can include landscaping, fencing, special building materials, etc.
  6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

#### **9.5 Cemeteries.**

- A. Intent. The intent of this section is to create standards for cemeteries where permitted as conditional uses.
- B. Applicability. These standards shall apply to cemeteries when listed as a conditional use.

- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a cemetery, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 5.3.
1. The proposed cemetery shall be located on at least forty (40) acres and shall have direct access to a public road that is sufficient to handle the traffic generated by the cemetery. Existing cemeteries may be smaller than forty (40) acres.
  2. All buildings, including mausoleums, shall be located no closer than two hundred (200) feet from any lot line and all graves/burial lots shall be no closer than one hundred (100) feet from any lot line.
  3. Sufficient evidence shall be provided to the Board of Zoning Appeals ensuring that the grounds will be properly maintained.
  4. Any other conditions as warranted by the Board of Zoning Appeals.

**9.6 Automobile Service Stations, Automobile Repair Shops, Automobile Oil Changing Facilities, Drive-Thru Facilities, and Commercial Parking Lots.**

- A. Intent. It is the intent of this section to create standards for automobile service stations, automobile repair shops, automobile oil changing facilities, drive-thru facilities, and commercial parking lots to ensure proper controls are in place to protect the surrounding area from any potential impacts on access, circulation, etc. generally associated with such uses. It is further the intent of this section to ensure that adequate buffers are provided around these auto-oriented uses.
- B. Applicability. These standards shall apply when an automobile service station, automobile repair shop, automobile oil changing facility, drive-thru facility, or commercial parking lot is proposed within a district where considered to be a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for an automobile service station, automobile repair shop, automobile oil changing facility, drive-thru facility, or commercial parking lot if the proposed use complies with the following conditions in addition to the general conditions listed in Section 5.3.
1. The proposed use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed use. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed use.
  2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of use proposed and shall be located in accordance with appropriate

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

3. The proposed use shall include proper on-site circulation within the development, including appropriate stacking areas.
4. Stacking spaces for gas pumps, service bays, drive-thru facilities, etc. shall be provided to prevent encroachment of vehicles into parking areas and/or adjacent road networks. There shall be at least one (1) stacking space for each gas pump, service bay etc. Each drive-thru facility shall have a minimum of three (3) stacking spaces between any ordering area and pick-up window(s), in addition to at least three (3) stacking spaces behind the ordering area. Each stacking space shall nine (9) feet wide and twenty-two (22) feet deep. The Board of Zoning Appeals may require additional stacking areas when needed to ensure proper on-site circulation.
5. Sufficient landscaping around the perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with auto-oriented uses. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, access points and buffering from adjacent uses.

#### **9.7 Child Day Care Homes – Type A and Child Day Care Centers.**

- A. Intent. It is the intent of this section to create standards for Type A Child Day Care Homes and Child Day Care Centers to ensure the uses are compatible to the surrounding neighborhood in which the use is located.
- B. Applicability. These standards shall apply when a Type A Child Day Care Home is proposed within a district where considered to be a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Type A Child Day Care Home, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 5.3.
  1. Parking and circulation shall be designed to reduce congestion, promote safety, and reduce the impact on the residential character of the area. The site layout shall provide for the separation of ingress and egress vehicles during high volume periods and shall provide safe drop off point(s) for children that will not impede other traffic.

2. All outdoor play areas shall be fully enclosed by a minimum four (4) feet tall fence, shall be located to the rear of the principal structure, and shall be screened from adjacent parcels by the use of hardy evergreen shrubs. The fence shall not exceed six (6) feet in height.
3. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.

## SECTION X – DEFINITIONS

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

**ACCESSORY STRUCTURE** – A structure that is subordinate to a primary structure in area, intent and/or purpose and does not change the character of the premise. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, and other similar type buildings.

**ACCESSORY USE** – A use subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

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

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

**AGRICULTURE** – The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, citiculture, and animal and poultry husbandry, and the necessary accessory use for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**ALLEY** – A public right-of-way less than thirty (30) feet in width, but not less than twelve (12) feet, which affords only secondary means of access to abutting property.

**APARTMENT** – Two or more rooms, designed for, arranged for, intended for, or occupied, as a residence by one family with facilities for cooking therein.

**APARTMENT BUILDING** – Any building housing three (3) or more apartment units providing said units are the principal use of the building.

**AUTOMOBILE OR TRAILER SALES AREA** – An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

**BASEMENT** – That portion of a building, the floor of which is not less than two (2) feet below and the ceiling of which is not less than four (4) feet and six (6) inches above the average grade. A basement, when used as a dwelling, shall be considered as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

**BILLBOARD OR SIGN** – Any structure or portion thereof, on which lettered, figured, or pictorial matter is displayed for advertising purposes.

**BOARDING HOUSE, ROOMING HOUSE** – A building or part thereof, other than a hotel or restaurant where meals and/or lodging are provided for compensation, for three (3) or more persons primarily non-transients where no cooking or dining facilities are provided in individual rooms.

**BUILDABLE AREA** – The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been complied with.

**BUILDING** – Building means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

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

**CELLAR** – Cellar means that portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above ground.

**CERTIFICATE OF OCCUPANCY** – A document issued by the Zoning Inspector which indicates that buildings, structures, or uses are consistent with this ordinance.

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

**CHILD DAY CARE HOME – TYPE A** – A permanent residence of the administrator in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the child day care shall be counted. This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

**CHILD DAY CARE HOME – TYPE B** – A permanent residence of the provider which child day care is provided for one to six (6) children at one time and in which no more than three (3) children are under two (2) years of age at one time. In counting children for the purposes of this code, any children under six (6) years of age who are related to the provider and who are on the premises of the child day care shall be counted. This definition does not include a residence in which the needs of children are administered to,

if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

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

**COURT** – An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings.

**DISTRICT** – A portion of the territory of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

**DISTRICT – MORE RESTRICTED OR LESS RESTRICTED** – Each of the districts as listed in Section 6.1 shall be deemed to be more restricted than any of the other districts succeeding it, and each shall be deemed to be less restrictive than any of the other districts proceeding it in said list.

**DRIVE-THRU FACILITIES** – A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle. Drive-thru facilities may be developed in conjunction with another use including but not limited to a restaurant, pharmacy, bank, etc. or independently, such as a carry out, car wash, etc.

**DWELLING** – Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, trailer, mobile home, trailer coach, or a room in a hotel or motel.

**DWELLING, SINGLE FAMILY** – A building designed for or used for residence purposes by one family.

**DWELLING, TWO FAMILY** – A building designed for or used for residence purposes by two families.

**DWELLING, REAR** – A dwelling which does not have at least thirty (30) feet of frontage on a public street.

**DWELLING UNIT** – A “Dwelling Unit” is a room or group of rooms, connected together, constituting a separate, independent housekeeping establishment for a family physically separated from any other rooms or dwelling units that may be in the same structure, and containing its own independent kitchen and sleeping facilities. For the purposes of these regulations, mobile homes containing dwelling units are subject to such special regulations as are set forth herein.

**FAMILY** – A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit.

**FILLING STATION** – Any building, structure, or land used primarily for dispensing, sale, or offering for sale to the consumers, automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major work such as motor replacement, body and fender repair, or spray painting.

**FLOOR AREA, LIVABLE** – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unfinished garages and basements that have not been constructed for the above mentioned purposes shall not be considered livable floor area.

**GARAGE, PRIVATE** – A detached accessory building or portion of the principal building used only for the storage of self-propelled vehicles and incidental residential storage.

**GARAGE, PUBLIC** – A building or portion thereof, designed or used for equipping, servicing, repairing, hiring, selling, or storing self-propelled vehicles.

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

**HOME OCCUPATION** – An accessory use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services; sewing; tailoring; teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Child Day Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and conditional uses as listed in the applicable zoning district.

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

**HOTEL** – A building occupied as primarily the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twenty (20) sleeping rooms or apartments.

**INDUSTRIALIZED UNIT** – A building unit or assembly of closed construction fabrication in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include a permanently sited manufactured home or mobile home as defined in Title X of the Pleasant Township Zoning Code.

**JUNK YARD** – A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards,

house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvage materials incidental to manufacturing operations.

**LOT** – A parcel of land not including any road or street right-of-way occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with the open space as required by this ordinance and having frontage on a public street. Thus, the lot boundary may or may not coincide with the boundary of a lot of record.

**LOT AREA** – The computed area contained within the lot lines.

**CORNER LOT** – A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, forming an interior angle of less than one hundred thirty five (135) degrees. The point of intersection of the street lines is the corner.

**LOT, COVERAGE** – The total area of impervious surface on a lot, including but not limited to buildings, driveways, parking lots, and any area of asphalt and/or concrete.

**LOT, FRONTAGE** – The portion of a lot that directly abuts a public street or street right-of-way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right-of-way that are not continuous or abuts two (2) or more separate and distinct rights-of-way, the segments shall not be totaled together when calculating lot frontage. Rather the lot frontage will be measured from only the segment that directly abuts the public street or street right-of-way and provides access to the lot. Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

**LOT, DEPTH** – The mean horizontal distance between the front and the rear lot lines.

**LOT, INTERIOR** – A lot other than a corner lot.

**LOT LINES** – The property line bounding the lot.

**LOT LINE, REAR** – The lot line opposite and most distant from the front lot line.

**LOT LINE, SIDE** – Any lot line other than a front or rear lot line.

**LOT OF RECORD** – A lot which is part of a subdivision, or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Registrar and Deeds of Fairfield County.

**LOT, THROUGH** – An interior lot having frontage on two (2) streets.

**LOT, WIDTH** – The mean width of the lot measured at right angles to its depth.

**MANUFACTURED HOME** – A building unit or assembly of closed construction 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 that has a label or tag permanently affixed to it certifying compliance with all applicable federal

construction and safety standards. A manufactured home, unless it meets the definitions of permanently sited manufactured home, shall not be considered to be a single-family detached dwelling for the purposes of this code.

**MANUFACTURED HOME PARK** – Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**MANUFACTURED HOME, PERMANENTLY SITED** – A manufactured home, as defined herein, that meets all of the following criteria:

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

**MINIMUM NET FLOOR AREA FOR LIVING QUARTER** – “Minimum Floor Area” shall be computed for the floors in the dwelling above the lot grade line. The second floor in each case qualifying for living quarters shall have access thereto by a permanent built-in stairway.

In computing the “Minimum Net Floor Area for Living Quarters” rooms for garage purposes, outside vestibules and open or closed porches or verandas shall not be included.

The term “Living Quarters” as used herein means that portion of the building which is constructed with ceilings and walls finished on the inside.

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

the Pleasant Township Zoning Code. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this code.

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

**MOTEL** – A building, or group of buildings comprising individual sleeping or living units primarily for the accommodation of transient guests.

**NON-CONFORMING USE** – A building, structure, or premises legally existing and/or used at the time of adoption of this Ordinance or any amendment thereto, and which does not conform with the use regulations of the district in which located.

**NURSING HOME** – A home or facility used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services, but not skilled nursing care.

**OWNER** – Owner of recording according to records contained in the County Offices.

**PARKING AREA** – An open area, other than a street or other public way, used for the parking of motor vehicles.

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

**RESIDENCE** – “Residence” is the general term implying place of human habitation.

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

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

**RESIDENTIAL FACILITY – TYPE A** – A home or facility in which one (1) to eight (8) mentally retarded or developmentally disabled person(s) reside(s). This does not include the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code (ORC), a county or district home operated pursuant to Chapter 5155 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

**RESIDENTIAL FACILITY – TYPE B** – A home or facility in which nine (9) or more mentally retarded or developmentally disabled persons reside. This does not include the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code (ORC), a county or district home operated pursuant to Chapter 5155 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled

residents are in an independent living arrangement or are being provided supported living.

**SIGN, AREA OF** – The area of a sign shall be the exterior surface computed in square feet. A sign projecting from a building which has two or more readable surfaces shall be deemed to have two (2) or more exterior surfaces.

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

**STORY, HALF** – A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

**STORY, FIRST** – The lowest story of the ground story of any building the floor of which is not more than two (2) feet below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker shall be deemed the first story.

**STREET** – A public right-of-way sixty (60) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet in width provided it existed prior to the enactment of this ordinance. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. A major street shall be any street so designated on the approved Fairfield County Highway Thoroughfare Plan.

**STRUCTURE** – Anything constructed, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground.

**SWIMMING POOL, PRIVATE** – A private swimming pool, as regulated herein, shall be any pool, enclosed or unenclosed, and contained or normally capable of containing water to a depth at any point greater than three (3) feet.

**TELECOMMUNICATION TOWER** – Any structure constructed on or after October 31, 1996 that is proposed to have attached to it radio frequency transmission or reception equipment and is proposed to be owned or principally used by a public utility, or equivalent provider, engaged in the provision of telecommunication services.

**TELECOMMUNICATION TOWER, FREE STANDING** – Any free standing structure that meets the criteria for a telecommunication tower, as defined herein, and is proposed to top at a height that is greater than the maximum allowable height of structures within the applicable zoning district.

**TELECOMMUNICATION TOWER, ATTACHED** – Any structure that will be attached to a building or other structure that meets the criteria for telecommunication tower, as defined herein, and is proposed to top at a height greater than the building to which it will be attached or the maximum allowable height in the applicable zoning district.

**TOURIST HOME** – A building or part thereof, other than a hotel, boarding house or motel, where lodging is provided by a resident family in its home for compensation, primarily for transients.

**TRAILER CAMP OR TRAILER PARK** – Any lot or part thereof, or any parcel of land, which is used or offered as a location for two (2) or more house trailers.

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

**USE, TRANSITIONAL** – A use of land or building located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of the two (2) different zoning districts in accordance with the provisions of this ordinance.

**YARD** – A “Yard” is an open, uncovered, unoccupied space other than a court, unobstructed from the ground to the sky, located on the same lot with a structure between one (1) of the walls of the structure and one (1) of the property lines.

- A. A “Front Yard” is the yard located between the front property line and the nearest structure on the lot, extending from one side property line to the other.
- B. An “Interior side Yard” is one located on a side where the side lot line also serves as a lot line for an abutting lot.
- C. A “Rear Yard” is that yard located between the rear property line and the nearest structure on the lot, and extending from one side property line to the other.
- D. A “Required Yard” is that portion of any yard which has a least dimension equal to that required by Sections 8.11 and 8.12 for that particular use in the Zoning District in which it is located.
- E. A “Side Yard” is that yard located between a side property line and the nearest structure on the lot, and extending from the front yard to the rear yard. In the event there is no front or rear yard, then the side yard shall extend to the front or rear property line, whichever is applicable. There are two (2) types of side yards as follows:
- F. A “Street Side Yard” is one located on a side where the side lot line also serves as a right-of-way line for an abutting alley, road, or street; and an “Interior Side Yard” is as defined in (B) of this definition.

**ZONING INSPECTOR** – The Zoning Inspector or his authorized representative, appointed by the Township Trustees.

**ZONING MAP** – A map of Pleasant Township, Fairfield County, Ohio, included as part of this code and all amendments subsequently adopted that shows the zoning districts for the properties within the township.

**ZONING CERTIFICATE** – A document issued by the Zoning Inspector authorizing the construction or alteration of buildings, structures, or uses consistent with the terms of this **Code**.

The Pleasant Township Zoning Code was updated and approved on the fifth day of August 2004.

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Township Trustee

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Township Trustee

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Township Trustee

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Township Clerk