

**Cedarville**

**Township**

**Zoning Resolution**

**Amended December 9, 2022**

Previously Amended:

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January 1, 2014

August 28, 2016

May 28, 2021

November 25, 2021 (537)

December 9, 2022 (537)

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# Article 1

## General Provisions

SECTION 101 PURPOSE: This is the Zoning Resolution for Cedarville Township, Greene County, Ohio, adopted and amended pursuant to Chapter 519 of the Ohio Revised Code, as intended for the following purposes at minimum:

- 101.1 To promote the health, safety, comfort, and general welfare of the present and future inhabitants of Cedarville Township;
- 101.2 To protect the agriculturally based economy and promote the orderly development of residential, business, industrial, recreational, and public areas within Cedarville Township in accordance with the Perspectives: A Future Land Use Plan for Greene County, Ohio;
- 101.3 To protect and maintain the quality of life and general rural character within Cedarville Township through zoning regulations intended to protect against degradation of the quality of the total environment as to natural and man-made characteristics, prevent nuisances and unacceptable safety hazards, and provide for adequate light, air, and acceptable safe access to properties in the Township;
- 101.4 To achieve such timing, density, and distribution of land development and use as will help to prevent or minimize environmental pollution and the overloading of systems for providing water supply, wastewater disposal, storm drainage, police protection, fire protection, education, and other public services within Cedarville Township.
- 101.5 To achieve an accessibility, design, and density of land development and use with the intent to secure the safety of people and properties in the Township from fire, floods, and other potential dangers within Cedarville Township;
- 101.6 To achieve such density, distribution, and design of land development and use with the intent to maintain and improve travel on the streets and roads within Cedarville Township so to prevent or minimize traffic congestion and associated accident hazards;
- 101.7 To achieve such density, design, and distribution of housing and homesites with the intent to protect and enhance residential property use and value and provide adequate housing opportunities within Cedarville Township;
  - a. To ensure the compatibility of land uses which are either adjacent or in close proximity to each other; and,
  - b. To regulate non-agricultural uses and development of land in the Township with the intent of maintaining and/or improving the natural and man-made drainage ways involved therewith so to prevent or minimize adverse impacts thereon and/or resulting there from.

- SECTION 102 TITLE: This Resolution, including the Official Zoning Map in conjunction herewith, shall be known, referred to and/or cited as the "Cedarville Township Zoning Resolution" or also by the words "Regulations" or "Code".
- SECTION 103 INTERPRETATION: In the interpretation and application of this Resolution, the contents herein shall be held as minimum or maximum requirements, as respectively applicable, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restriction or private covenant, the most restrictive, or that imposing the higher standards shall govern.
- SECTION 104 SCOPE AND AREA OF JURISDICTION: The provisions of this Resolution shall apply to all non-agricultural uses of land and real estate properties within the unincorporated area of Cedarville Township, Greene County, Ohio.
- SECTION 105 SEPARABILITY: Should any section, paragraph, clause, sentence, item, phrase, or provision of this Resolution be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any other part thereof other than the part so declared unconstitutional or invalid.
- SECTION 106 REQUIRED CONFORMANCE: Except as herein provided, no non-agricultural building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building structure or land for non-agricultural purposes be used, nor shall any excavation or fill for non-agricultural purposes be made; unless
- 106.1 For an expressed purpose permitted in the district and/or applicable overlay in which such building or structure or land is located;
  - 106.2 In conformance to the height and bulk limits established for the district and/or applicable overlay in which such building or structure or use is located;
  - 106.3 In conformance to the area, frontage, and yard regulations of the district and/or applicable overlay in which such building or structure or use is located; and
  - 106.4 In conformance to the off-street parking and off-street loading space regulations of the district and/or applicable overlay in which such building or structure or use is located.
  - 106.5 In conformance with the applicable requirements of these regulations as determined by the Cedarville Township Zoning Administrator, or if appealed upon decision thereby or as otherwise applicable, by the Cedarville Township Board of Zoning Appeals (BZA), Zoning Commission and/or Trustees or Court of jurisdiction, as applicable.



## Article 2

### Construction of Language and Definitions

SECTION 201 CONSTRUCTION OF LANGUAGE: For the purposes of this Resolution, certain terms or words shall be interpreted as follows:

201.1 Words used in the singular shall also include the plural, and the plural the singular;

201.2 Words used in the present tense shall also include the future tense;

201.3 The word "shall" is mandatory and not discretionary as means the word "will";

201.4 The word "may" is permissive and discretionary;

201.5 The phrase "used for" shall include, but not be limited to the phrases "arranged for," "designed for," "intended for," "maintained for," "occupied for," "developed for," "constructed for" or "erected for";

201.6 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;

201.7 The word "dwelling" shall also include the words "dwelling unit" and "residence."

201.8 The word "district" shall also include the word "zone"; and

210.9 The words "residential lot" shall also include the word "homesite".

201.10 The word "lot" shall also include the word "parcel" or "property".

SECTION 202 DEFINITIONS: All words used in this Resolution shall have their customary meanings as defined in Websters New World Dictionary, except those specifically defined in this Section.

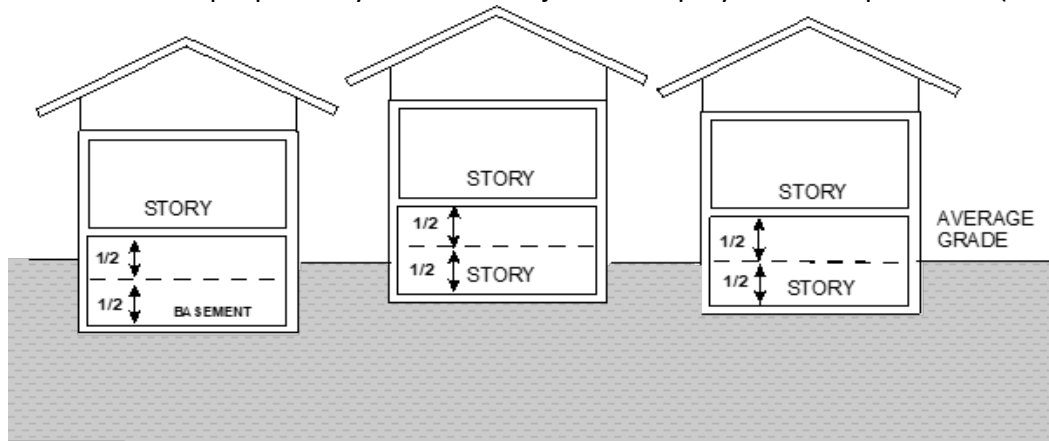
202.001 Accessory Use or Structure: A use or structure incidental and subordinate to the permitted principal use or structure on the same lot and which is for a permitted use purpose that is customarily incidental and subordinate to the permitted use of the lot and principal use building(s) and/or structure(s) located thereon.

202.002 Agribusiness: Manufacturing, warehousing, storage, and other similar related industrial and commercial-like activities that provide services for or are dependent upon agricultural activities found within the Agricultural District, and which are not necessarily suited to other different use locations within the Township. Agribusiness's include, but are not limited to the following uses: fertilizer production, sales, storage, and vending; sales and servicing of farm implements and related equipment; preparations and sale of feeds for animals and fowl; seed sales; poultry hatchery services; corn shelling, hay baling, and threshing services; grain elevators and bulk storage of feed grains; horticultural services; veterinary services;

agricultural produce milling and processing; feed lots; livestock auctions; and retail or wholesale nurseries or greenhouses or landscaping services provision businesses and/or suppliers where at the majority of stock is actually grown.

- 202.003 Agriculture: includes use of land for: farming, ranching; algaculture, meaning the farming of algae; aquaculture; apiculture, horticulture, viticulture; animal husbandry, including but not limited to , the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conduction in conjunction with, but are secondary to, such husbandry or production.
- 202.004 Airport, Commercial: Any runway, landing strip, or other facility designed or used by one or more licensed aircraft pilot for the landing and take-off of aircraft permitted there by the Federal Aviation Administration (FAA) for commercial purposes and may also include likewise authorized services such as aircraft fueling sales, storage, repair, renting/leasing, travel provision and sales.
- 202.005 Airport, Private: Any runway, landing strip, or other facility designed or used in approved recognition of the FAA by a licensed pilot for the landing, take-off, and storage of aircraft on property owned and/or resided on by the pilot.
- 202.006 Alterations: Any remodeling of a building or other structure which involves a change in the supporting members (bearing wall, beams, columns, girders, etc. thereof or movement of a building or structure from one location to another.
- 202.007 Automobile Service Station: A building, lot, or both, having pumps and underground storage tanks from which fuels, oils, or accessories for the use of motor vehicles are dispensed, sold, or offered for retail sale, and where mechanical repair service may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles for salvage purposes or in need of body repair or other similar damage in order to be restored to operable licensable condition shall not be included in this definition.
- 202.008 Automobile Repair Station: A building, lot or both, in or upon which the business of general motor vehicle repair and service is conducted, to include engine rebuilding, rebuilding or reconditioning of motor vehicles, body repair, and painting and undercoating of automobiles, but excluding a junk yard for vehicle salvage as defined in this Section.
- 202.009 Automobile Sales or Rental: A building, lot, or both used for the display, sale, leasing and/or rental of new or used motor vehicles in operable condition and where repair service is only incidental in relation thereto.
- 202.010 Barn: A building on a lot as an accessory structure customarily solely used for the housing of livestock and/or for the storage of crops and/or machinery used in bona-fide agricultural activities as defined in this Section and as such exempted from zoning regulation.

202.011 Basement: Floor space in a building which is located partially or wholly underground below the finished grade surface elevation around the building and having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story of the building if it does not meet the above stated definition or is separated in use from the other floors of the building used for dwelling or for business purposes by other than a janitor employed on the premises. (See Illustration)



202.012 Beginning of Construction: The beginning of construction is the incorporation of labor and material for purposes to result in completing or remodeling a building or other structure; the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed; or the incorporation of labor and material on one or more parcels of land for use purposes other than for construction of a building or other structure.

202.013 Billboard: See definition as a type under Sign.

202.014 Block: One or more parcels of land bordered by one or more streets, a railroad right-of-way, river, stream, or watercourse and/or any other distinction to the visual continuity of or physical edge in visual definition of development, but also including corporation boundary lines and/or un-platted abutting acreage.

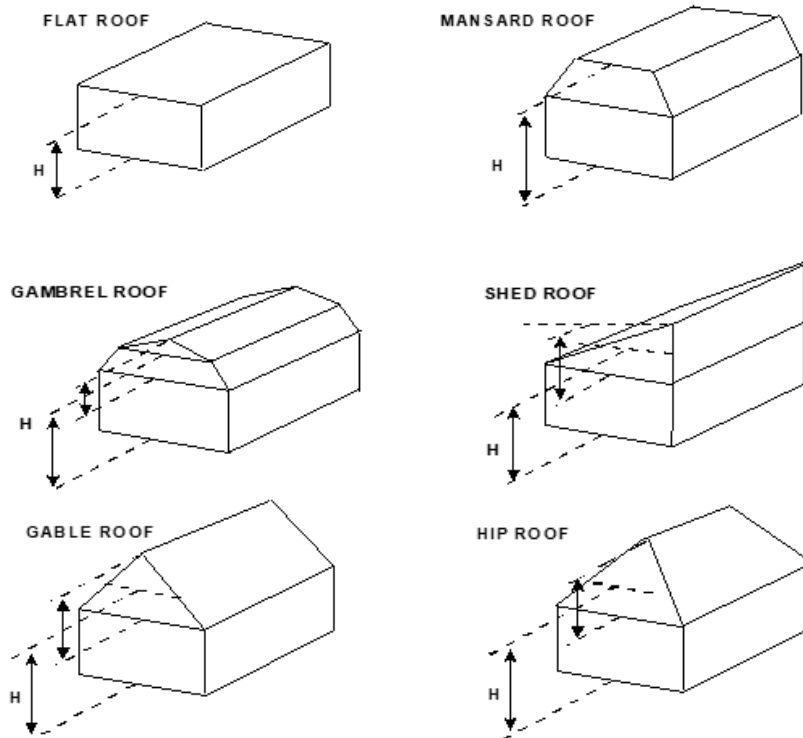
202.015 Board of Zoning Appeals: The Board of Zoning Appeals (BZA) of Cedarville Township, Greene County, Ohio.

202.016 Boarding House: Any building, originally designed or intended for or used as a single-family dwelling or part thereof, where rooms for lodging, with or without meals are provided for compensation for five (5) or less persons who are not members of the keeper's family by not being related by blood or marriage. A boarding house which is operated for more than five (5) such persons not related by blood or marriage and not residing together as a family or household unit shall be deemed to be a motel or hotel as defined in this Section.

202.017 Buffer Area: That portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of this Resolution, to separate or screen different use districts and/or uses on one property from uses on another property.

202.018 **Building:** Any structure having a roof supported by poles, columns, or by walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind.

202.019 **Building Height:** The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. (See Illustration)



202.020 **Cemetery:** Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

202.021 **Clinic:** A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

202.022 **Club:** A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.

202.023 **Commercial Recreational Facilities, Indoor:** A use facility for a commercial activity conducted primarily indoors which is for recreational use purposes, such as bowling alleys, skating rinks, indoor tennis courts, indoor motion picture theaters, and other similar recreational activities.

202.024 Commercial Recreational Facilities, Outdoor: A use facility for a commercial activity conducted primarily outside of a building which is for recreational use purposes, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar other activities.

202.025 Community-Based Residential Social Service Facilities: Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including the following five (5) types of facilities:

- a. Foster Homes: A private residence providing resident services and protective supervision for the care and/or rehabilitation of one (1) child, adolescent, or adult within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.
- b. Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- c. Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- d. Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes: 1) to assist them in recuperating from the effects of drugs or alcohol;

2) to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or 3) to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution. The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court, or state or local agency having authority under law to license the operation.

- e. Institution: A facility such as a hospital, a nursing home, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having authority under law to license the operation and may be operated by private citizens, a social service agency, or a governmental authority.

202.026 Common Areas: As used herein, parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

202.027 Comprehensive Plan: Perspectives: A Future Land Use Plan for Greene County, Ohio, as adopted by the Regional Planning and Coordinating Commission of Greene County. This plan establishes the goals, objectives, and policies for land use planning purposes in Cedarville Township as well as indicates the general components of land use within it, including housing, industrial and commercial uses, major streets, parks, and other community facilities, as well as natural environmental components, such as regulatory floodplains of natural watercourses.

202.028 Conditional Use: A use permitted within a district other than a permitted principal use, requiring a conditional use permit and approval of the Board of Zoning Appeals (BZA). These uses may only be permitted if the applicant has followed the procedures specified in Article 10, Section 1002.

202.029 Conditional Use Permit: A zoning permit which may only be issued to allow certain specific uses, activities and/or developments that are listed respectively possible in a particular zoning district if approved by the BZA per Article 10, Section 1002 of this Resolution.

202.030 Court: An open space which may or may not have direct street access and which is bounded on two or more sides by a single building or a group of related buildings. A court is not a yard.

202.031 Corner Lot: See Lot Types.

- 202.032 Density: A unit of measurement designating the number of dwelling units per acre of land as follows:
- a. Gross Density: The number of dwelling units per acre of the total land to be developed.
  - b. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street right-of-way, parks, and other similar uses.
- 202.033 District and/or District Overlay: A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution in specification of use and development allowances.
- 202.034 Drive-In: A business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so to serve patrons while in their motor vehicle.
- 202.035 Dwelling Unit: One or more rooms designed or intended for or used as a unit to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities. This definition shall include "modular homes" as a form of manufactured housing defined in this Resolution.
- 202.036 Dwelling, Single-Family: A residential use building consisting of one single dwelling unit on an individual lot, separated from other dwelling units by zoning required setbacks for yards as open space, in accordance with building code requirements.
- 202.037 Dwelling, Two-Family: A residential use building consisting of two dwelling units which may be either attached side-by-side or one above the other with each unit having a separate entrance, in accordance with building code requirements.
- 202.038 Dwelling, Multiple-Family: A residential use building consisting of three or more dwelling units, which may be in the form of apartments, condominiums, townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and common separation walls, in accordance with building code requirements.
- 202.039 Easement: Authorization certified in writing by a property owner in described allowance of part or all of the property by another person(s) for a specified use purpose.
- 202.040 Erection: The acts of building, constructing, altering, reconstructing, moving upon, or any physical operations on premises which are required for construction of a building or other structure. Excavation, fill, drainage, and the like are included as activities and actions in association therewith.
- 202.041 Essential Services: The erection, construction, reconstruction, change, alteration, maintenance, removal or use of any underground or overhead equipment, including

towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, signals, hydrants, or other similar accessories by any public utility or governmental agency for the purpose of furnishing adequate supply, transmission, distribution, collection, or disposal of gas, electric, water, sewage, steam, or communication service to the public in order to maintain the public health, safety, and welfare, but not including related buildings requiring permits.

202.042 Excavation: The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care or plowing of ground for agricultural purposes are excluded from this definition for purposes of regulation by this Zoning Code.

202.043 Family: An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or a group of individuals, who need not be related, living together as a single housekeeping unit in a dwelling unit.

202.044 Farm: One or more parcels of land operated as a single farming unit by the owner-operator family thereof, or employees hired thereby on which bonafide agricultural use activities are conducted as the primary use.

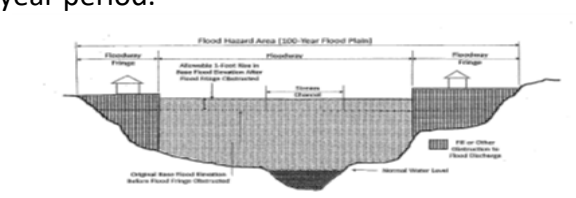
202.045 Feed Lot: Land used for the confining and commercial feeding of livestock for mass production and marketing, and not necessarily connected with any general farming upon the same lot. All feed lots shall obtain appropriate permits for waste treatment and disposal from the Ohio Environmental Protection Agency (OEPA) prior to the issuance of a Zoning Permit.

202.046 Fence: Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without by persons or animals.

202.047 Fill: Soil, rock, earth, sand, gravel, or other material found acceptable by applicable regulatory authorities for use as fill which exceeds a total of one hundred (100) cubic yards or results in more than four (4) feet in vertical height at the deepest point of depositing or placement on or below a land surface.

202.048 Filling: The act of depositing or placing fill on or below an existing land surface, but not including common household gardening and ground care.

202.049 Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once in 100 years or that has a one percent (1%) chance of occurring in any one year of a 100 year period.

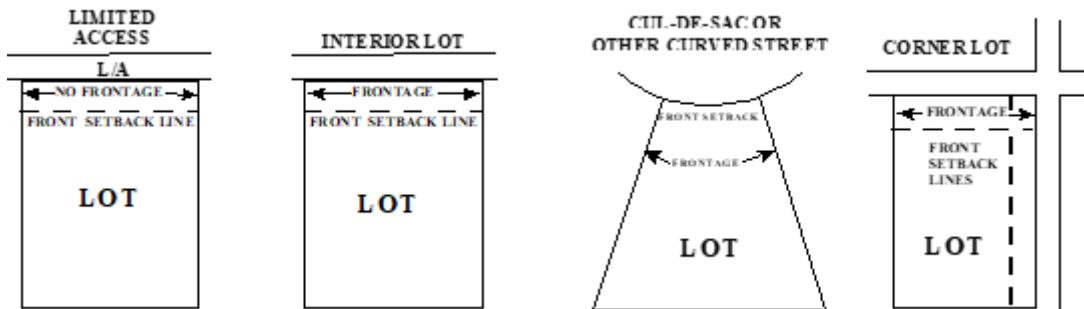




- 202.050 Floodplain, Regulatory: The land area under and along stream channels in Cedarville Township which is subject to inundation by a 100-year flood as determined by the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency (FEMA). (See Illustration)
- 202.051 Floodway: The portion of regulatory floodplain which is required to carry and discharge the 100 year flood waters without obstruction as designated in the FEMA Flood Insurance Study: Unincorporated Areas of Greene County, Ohio. (See Illustration)
- 202.052 Floodway Fringe: The portion of the regulatory floodplain which serves primarily as a storage area for the flood waters of the 100-year flood as designated in the FEMA Flood Insurance Study: Unincorporated Areas of Greene County, Ohio. (See Illustration)
- 202.053 Floor Area, Non-Residential: The sum of the gross horizontal area of all the floors of a non-residential use building as measured from the interior faces of the interior walls, excluding stairs, washrooms, elevator shafts, maintenance shafts, and similar areas.
- 202.054 Floor Area, Residential: The sum of the gross horizontal area of all floors of a residential use building as measured from the interior faces of the exterior walls. Floor area shall not include breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics or other unheated and/or unfinished areas attached to the dwelling.
- 202.055 Frontage: Frontage of a single farm parcel (over 10 acres) is the total distance of the one or more boundary of the parcel which is along one or more public road, as measured between the outermost applicable boundaries of the parcel and along the easement or right-of-way line of the road(s), as respectively off-set parallel to or the same as such parcel boundary, or in absence of such line is that designated by the Official Thoroughfare Plan for the road(s) involved. Otherwise, frontage for purpose of subdividing a parcel of land or recombining more than one parcel to create a non-farm lot (10 or less acres in size) as a site for non-farm building and use, is defined as follows:
- a. The continuous, uninterrupted, unbroken distance along only one (1) side of one (1) public road bordering a lot, as measured between the side lot lines and along:
    1. The right-of-way or easement line of the road which borders the front of an interior lot;
    2. The minimum front setback line of a lot which borders the outside of a curved road or the turn-around end of a cul-de-sac road;
    3. The right-of-way or easement line of the one (1) road of the two (2) or more roads bordering the corner lot or double-frontage lot on which the address road name and number is assigned for such lot; or
    4. The front line of a lot authorized by BZA variance or approved in a PUD without any road frontage and/or which fronts on a private street or limited-access line

of a public road, in being the face of the lot used for purpose of its address road name and number assignment.

(See illustrations for each of the above defined potential configurations.)



- b. Both sides of a public road dividing a lot or parcel are not considered as constituting frontage of a non-farm parcel, except on the one (1) side of the public road on which the lot is assigned its address number, and such that only the portion of such lot on the address side of the road is considered in satisfying the minimum lot area requirement specified for the zoning district in which the lot is located.
- c. The width of a lot or parcel, as also measured between the side lot lines, may be reduced to a distance less than that of the frontage as so defined above for certain lot configurations, provided any reduction:
  1. Occurs after the minimum required front setback line for a principal use building or structure;
  2. Does not render the lot or parcel unbuildable as to septic system approval and meeting minimum zoning setbacks for location of a principal permitted use building or structure; and,
  3. Does not result in a width less than fifty (50) feet for exclusive location of only an access driveway to/from the buildable part of the lot or parcel, meaning the greater portion of such lot or parcel on which a principal use building or structure exists or shall be located and which is not only restricted to location of the accessway for such lot or parcel.

202.056 Garage, Private: A detached accessory building or a portion of a main building, used or intended for the parking or storage of automobiles, recreational vehicles, boats and/or other motor vehicles or for general storage purposes of the occupants of the premises.

202.057 Garage, Public: A principal or accessory use building other than a private garage, use or intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.

202.058 Glare: Excessively bright illumination emitted from a lighting source.

202.059 Grade, Average: The average elevation of the finished graded surface of the ground at and around the outside of the exterior walls of a building or structure.

202.060 Home Occupation: An occupation conducted by the occupant(s) in the same premises of their residence and is clearly subordinate and incidental to its use for residential purposes, as subject to compliance per Section 529 of this Code.

202.061 Hotel: A commercial use building in which lodging, or boarding is offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, which is herein separately defined.

202.062 Junk and Junk Vehicles: are defined as follows for purpose of this Code:

- a. Junk: One or more new or used objects, articles or materials occupying space outside a building, at an unenclosed location on a property and/or visible from another surrounding property, whereon such items are apparently useless, regardless of whether reconditioning of used items could restore original use or value or whether any such items are being accumulated, collected, stockpiled or stored for salvage or reuse, as may be evidenced by being in poorly maintained, deteriorated, damaged or destroyed condition; careless, haphazard, disorganized placement and/or lack of cover or protection from open exposure to the weather. (Solid waste and construction/demolition debris as elsewhere defined in this for regulation by the Ohio Environmental Protection Agency and/or Greene County Health Department are not included in this definition as junk, nor is firewood for personal use and individual household waste for composting.)
- b. Junk Vehicles: Any non-agricultural vehicle, whether motorized or otherwise made mobile for purpose of travel on or off roads, through air or on or under water and/or to transport a driver, passengers and/or non-agricultural materials of any kind, is defined as junk for regulation by this Code if it is being stored outside a building, at any unenclosed location on a property and/or is visible from any surrounding property and can be described by two (2) or more of the following:
  1. Missing one (1) or more parts necessary for operation in accordance with manufactured design and/or for safe and/or lawful use.
  2. Damaged and/or dismantled such that the vehicle is inoperable, would be unsafe or unlawful to operate and/or could not be restored to proper condition necessary for safe, lawful operation within seven (7) days where located.
  3. Unlicensed if required to be licensed.
  4. Constituting any of the same determination criteria listed in applicable sections of the Ohio Revised Code, including R.C. Section 4513.

202.063 Junk Yard (Salvage Yard): A property or place thereon which is not completely enclosed within a building, but which is completely enclosed by a solid fence or wall and perhaps screened with natural landscaping there along, such that the open area within is not viewable from any other property and wherein placement of junk and/or junk vehicles, inclusive of used, wrecked and/or dismantled; vehicle, appliance and machine parts; building, electrical, heating, air conditioning and plumbing fixtures; scrap metal, lumber, concrete, blocks, bricks, plastics, rubber, wire, cable, rope, glass, etc. is permitted in accordance with applicable regulations and requirements of the zone in which the property of such use is located; for the purpose of being dismantled, handled, wrecked or sorted, or to in turn be salvaged or reclaimed for restoration or reuse, or to be shipped elsewhere for reuse or disposal. (A junkyard as defined is not considered a central processing facility or disposal site for solid waste or construction/demolition debris as otherwise defined for regulation by this Code, per the same definitions in the Ohio Revised Code.)

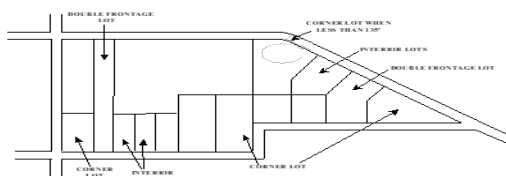
202.064 Kenel: A lot or premises on which four (4) or more domesticated animals more than six (6) months of age are bred, boarded, trained, or sold as an agricultural use of land.

202.065 Loading Space Off-Street: A space or berth located totally outside of any street or alley right-of-way for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

202.066 Location Map: See Vicinity Map for definition.

202.067 Lot: A recorded parcel of land used or intended for location of a permitted principal use and/or building or a group of such buildings and accessory use building(s), with frontage on a public street and yards as required by the zoning district in which located unless otherwise approved. Types of lots are defined as follows and depicted per the accompanying illustration:

- a. Corner Lot: A lot abutting the intersection of two (2) or more streets or two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the centerline of the road or the interior right-of-way line as applicable.
- b. Interior Lot: A lot, other than a corner lot, with only one frontage on a public street.
- c. Double Frontage Lot: A lot having frontage on two (2) non-intersecting streets or two approximately perpendicular portions of the same street.



202.068 Lot Coverage: That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures, or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.

202.069 Lot Lines: Lines bounding a lot as shown in the recorder plat or survey record. Types of lot lines are as described and depicted herein:

a. Front Lot Line: A lot line which coincides with a street right-of-way line or the centerline of a road along which the lot has frontage, frontage the boundary of a lot. On a corner, lot lines along both streets are front lot lines.

b. Side Lot Line: A lot line which is neither a front lot line nor a rear lot line and which most often runs between them, except on corner lots.

c. Rear Lot Line: The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet in length or if the lot comes to a point the rear lot line shall be a line at least fifteen (15) feet in length lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the line opposite the shortest front lot line.

202.070 Lot Width: See Frontage.

202.071 Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Greene County; or a parcel of land of record with the same.

202.072 Manufacturing, Heavy: Fabrication, altering, converting, assembling, storing, testing, and similar industrial uses which are generally major operations, extensive in character and require large sites, large open storage and service areas, extensive accessory facilities, and ready access to regional transportation. Heavy manufacturing uses may normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, industrial traffic and water pollution.

202.073 Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations and normally do not require large sites. Such uses are normally relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, vibration, odor, water pollution, glare, air pollution, dust. Light manufacturing uses normally operate and store material within enclosed structures and generate little industrial traffic or other nuisance.

202.074 Mineral Extraction Operation: A temporary land use operation, including accessory buildings, roads, or structures involving the excavation, mining, quarrying, storage, separation, cleaning and/or processing of clay, sand, gravel, limestone, shale, or other mineral resource, subject to BZA approval as a conditional use which may only be allowed in the districts in which specified possible and permitting per applicable Ohio law and authority so regarding. Such operation shall include all of the land or property that is used or owned in reserve by the person, firm, or corporation involved in such operation. Mineral

extraction is an interim land use, and such operations shall possess a plan for ultimate use of the property to BZA satisfaction.

- 202.075 Mobile Home: A manufactured relocatable residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation and the design and construction of which meets the standards and specifications of the United States Department of Housing and Urban Development. A mobile home is not included within the definition of "Modular Home" and the removal of running gear shall not exempt a mobile home from this definition.
- 202.076 Mobile Home Park: Any lot upon which two or more mobile homes are located for residential use, either free of charge or for revenue purposes. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
- 202.077 Modular Home: A factory-fabricated transportable building consisting of two or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one family and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.
- 202.078 Motel: A building or group of buildings in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling. A motel shall be distinguished from a hotel in that the building is usually designed to serve tourists traveling by automobile, entrance and exit to rooms need not be through a lobby or office, and parking is usually adjacent to the unit.
- 202.079 Non-Conforming Building or Structure: A building or structure lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.
- 202.080 Non-Conforming Lot: A lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.
- 202.081 Non-Conforming Use: A use of land lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.
- 202.082 Nursery, Child Care: A land use activity and/or building used for the commercial care of five (5) or more children who are not members or wards of the use owner or immediate family member(s). All childcare nurseries shall appropriately license by the Ohio Department of Public Welfare as required.
- 202.083 Nursery, Retail: A use of land, buildings, structures, or a combination thereof, for the storage of trees, shrubs, or other plants offered for retail sale on the premises, including products used for gardening or landscaping.

- 202.084 Official Thoroughfare Plan: The Official Thoroughfare Plan for Greene County, Ohio, establishing the official right-of-way width of major streets on file with and as adopted and may be amended by the Regional Planning and Coordinating Commission of Greene County, Ohio.
- 202.085 Open Space: An area of land on a lot that is open and unobstructed to the sky which may be as minimum or greater required yards around a building on a lot. The area may contain natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities that the Zoning Commission, Board of Zoning Appeals, or Township Trustees, whichever is applicable, deems included. Streets, parking areas, structures for habitation, and the like are not included.
- 202.086 Open Storage: Storing or keeping of chattel not enclosed in a building.
- 202.087 Parking Space, Off-Street: A space located totally outside of any street or alley right-of-way for the parking of an automobile or other vehicle.
- 202.088 Prime Agricultural Soils: are those soils within Cedarville Township which display characteristics well-suited to agricultural activities such as field crops under normal or typical management practices, as been determined through studies to include the following soils types, as described in the Soils Survey of Greene County, Ohio.

Ag Algiers Silt Loam	MtB Milton Silt Loam (2 to 6 pct slopes)
BbB Birkbeck Silt Loam (1 to 4 pct slopes)	OcA Ockley Silt Loam (0 to 2 pct slopes)
Bs Brookston Silty Clay Loam	OcB Ockley Silt Loam (2 to 6 pct slopes)
Bt Brookston - Urban Land Complex	OcB2 Ockley Silt Loam
CeA Celina Silt Loam (0 to 2 pct slopes)	OdB Ockley Urban Land Complex (undulating)
CeB Celina Silt Loam (2 to 6 pct slopes)	OeB Odell Silt Loam (2 to 6 pct slopes)
CrA Crosby Silt Loam (0 to 2 pct slopes)	Pa Patton Silty Clay Loam
CrB Crosby Silt Loam (2 to 6 pct slopes)	Ra Ragsdale Silty Clay Loam
EdB Edenton Silt Loam (2 to 6 pct slopes)	RdA Raub Silt Loam (0 to 2 pct slopes)
Ee Eel Loam RdB Raub Silt Loam (2 to 6 pct slopes)	ReA Reesville Silt Loam (0 to 2 pct slopes)
EmA Eldean Silt Loam (0 to 2 pct slopes)	Rs Ross Loam
EmB Eldean Silt Loam (2 to 6 pct slopes)	RtB Rush Silt Loam (2 to 6 pct slopes)
EmB2 Eldean Silt Loam RtA Rush Silt Loam (0 to 2 pct slopes)	RuA Russell Silt Loam (0 to 2 pct slopes)
FnA Fincastle Silt Loam (0 to 2 pct slopes)	RvB Russell-Miamian Silt Loams (2 to 6 pct slopes)
Gn Genesse Loam	SlA Sleeth Silt Loam (0 to 2 pct slopes)
Ln Linwood Muck RvB2 Russell-Miamian Silt Loams	ThA Thackery Silt Loam (0 to 2 pct slopes)
MhA Miamian Silt Loam (0 to 2 pct slopes)	ThB Thackery Silt Loam (2 to 6 pct slopes)
MhB Miamian Silt Loam (2 to 6 pct slopes)	WaA Warsaw Loam (0 to 2 pct slopes)
MhB2 Miamian Silt Loam	WeB Wea Silt Loam (1 to 3 pct slopes)
MoB2 Miamian-Eldean Silt Loams	Ws Westland Silty Clay Loam
MrB Miamian Urban Land Complex (Undulating)	XeA Xenia Silt Loam (0 to 2 pct slopes)
MtA Milton Silt Loam (0 to 2 pct slopes)	XeB Xenia Silt Loam (2 to 6 pct slopes)

The physical distribution of these soils within Cedarville Township, is as noted in the Greene County Soils Survey, which is incorporated into this Resolution as a guide for use in considering zoning district amendments, variances, appeals, conditional use permits, and other administrative actions.

- 202.089 Principal Building: A non-agricultural building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot, and ordinarily the use conducted on the first story of such building above the basement.

- 202.090 Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist
- 202.091 Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right of use, or for which such is so dedicated, whether improved or not.
- 202.092 Recreational Vehicle: Any motor vehicle, or any other vehicle less than thirty-five (35) feet in length, designed or intended to be used primarily for short term dwelling or sleeping purposes away from the place of residence of the occupants; and not constituting or considered the principal place of residence of the occupants.
- 202.093 Research Activities: A use and/or building(s) on a parcel of land for research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering carried on entirely within enclosed buildings, and producing no noise, smoke, glare, vibration, or odor outside such building in which conducted for such use purposes.
- 202.094 Restaurant, Carry-Out: A commercial business use of a building and land of a lot for the primary purpose of preparing and serving food and beverages which are sold only to customers inside the building and usually packaged to be carried out and consumed off of the premises, but which may also be consumed within the restaurant building or on the premises.
- 202.095 Restaurant, Drive-In: A commercial business use of a building and land of a lot for the primary purpose of preparing and serving food and beverages which are sold within the building, or to customers while in their motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.
- 202.096 Restaurant, Sit-Down: A commercial business use of a building and land of a lot for the primary purpose of preparing and serving food and beverages which are sold to and normally consumed by customers within the restaurant building.
- 202.097 Retail: A type of commercial use wherein products sold are to the ultimate consumer for direct consumption and/or use and not for resale.
- 202.098 Riding Academies: A land use or facilities designed or used for the renting of horses and/or the instruction of horse riding, including any barns, exercise areas, and field areas to be used in the operation thereof.
- 202.099 Right-of-Way: A strip of land purchased or dedicated for use as a public way as typically for a road, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. However, such is often provided as a public easement for the same.



- 202.0991 Rural Residential Homesite: A single parcel of land existing or created along a public road in Cedarville Township in compliance with the AG General Agricultural or RU Rural Residential zoning of this Code applicable to the location thereof which is for construction and occupancy of one (1) single family dwelling for use as one (1) household residence as a homesite permitted per requirements of the Greene County Combined Health District for installation and operation of an onsite sewage disposal system by the site not being served by public sanitary sewer.
- 202.100 Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.
- 202.101 Screening: Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation from view to provide privacy and/or buffer one use from another on adjacent land.
- 202.102 Setback Line: A line parallel to a lot line, street, or right-of-way line at any story level of a building which defines the limits of a yard and represents the distance from which all or any part of a building or structure is to be set back from said lot line, street, or right-of-way line. Types of setbacks for required yards are described and depicted as follows:
- a. Front Setback Line: An imaginary line parallel to the front lot line extending the full width of the lot, representing the distance from which all or any part of any structure or building is to be set back from the front lot line. In the event that the front lot line does not fall along a right-of-way line, then the front setback line shall be measured from a line parallel to and twenty-five (25) feet from the centerline of the street.
  - b. Side Setback Line: An imaginary line parallel to any side lot line representing the distance from which all or any part of any principal building is to be set back from the rear lot line.
  - c. Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance from which all or any part of any principal buildings is to be set back from the rear lot line.
- 202.103 Sewage Disposal System, Central: A typically public wastewater treatment system approved by the appropriate county, state, and/or federal agencies which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.
- 202.104 Sewage Disposal System, on-site: A septic tank or similar installation on an individual lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe effluent disposal, as permitted by the Greene County Combined Health District or the Ohio Environmental Protection Agency, as applicable.

202.105 Sign: An accessory use and/or structure for purpose of displaying the name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. Types of signs for purposes of regulation by this Zoning Code are defined as follows;

- a. Billboard: A sign or advertisement used as an outdoor display by painting, posting, or affixing, on any surface, a picture, emblem, work, figure, numerals, or lettering for the purpose of directing attention to any business, service, or product which is not conducted or sold on the lot where such sign is located.
- b. Sign Area: The entire area on each display face of a sign within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which the sign is placed; sign area shall be computed from measurements of the maximum silhouette of the largest sign face or combination of faces as viewed from a single point.
- c. Freestanding Sign: A sign, which is not attached to, painted on, or supported by a building and which is mounted on separate structure for support and display.
- d. Projecting Sign: A sign which is attached perpendicular to any building or structure and which extends more than twelve (12) inches beyond the surface of that portion of the building or structure to which it is attached.
- e. Wall Sign: A sign attached to or painted on the wall of a building or structure with the face in a plane parallel to such wall, and not extending more than twelve (12) inches from the face of such wall.

202.106 Stables: A land use and/or facilities designed or used for the agricultural keeping or commercial boarding of horses, including any barns, exercise areas, and field areas to be used in the stable operation.

202.107 Story: The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above; or if there is not a floor above, then the ceiling next above. The floor of a story may have split levels where there is not more than four feet difference in elevation between the different levels of the floor. A basement is not considered as a story.

202.108 Story, Half: An uppermost story lying under a gambrel, hip, gable, or shed roof if used, in whole or part, for dwelling or habitable purposes.

202.109 Street: See Thoroughfare for definition.

- 202.110 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to the ground. Among other things, structures include buildings, mobile homes, walls, fences, swimming pools, tennis courts, signs, and billboards.
- 202.111 Swimming Pool: Any artificially constructed pool or natural body of water which contains a depth of water which is at least 1 1/2 feet at any point used or intended to be used by persons for swimming or immersion, including any accessory recreational structures.
- 202.112 Swimming Pool, Community: A swimming pool, other than a private pool, which is the principal use of and facility on a lot and operated with or without a charge for admission.
- 202.113 Swimming Pool, Private: A swimming pool located on the same lot as the principal use and used or intended to be used without compensation by the residents and guests of a single-family residence, a two-family residence, a multi-family development, or a motel, as an accessory use facility.
- 202.114 Temporary Use or Structure: A non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events or circumstances which is not permanently affixed to the ground.
- 202.115 Tenant Farmer Dwelling: A dwelling unit constructed or placed on agricultural land for the purpose of providing housing for a farmer and family who are engaged in assisting the owner in the practice of agriculture and/or maintenance or security of the farm.
- 202.116 Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature for such use purpose, with a part thereof to be used for vehicle access to a property, with types thereof designated as follows:
- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
  - b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
  - c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions, but which also provides land access.
  - d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around, as a dead end.
  - e. Dead-End or Stubbed Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
  - f. Local Street: A street primarily for providing access to abutting land parcels.

g. Loop Street: A type of local street which provides a loop connection between one or more streets.

h. Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties in protection of the through traffic moving function of the arterial or collector streets it accesses. (Also called a Frontage Street.)

202.117 Township Trustees: The Board of Township Trustees of Cedarville Township, Greene County, Ohio.

202.118 Use: The specific purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.

202.119 Variance: A variance is a modification of the strict terms of this Resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship, which may only be granted if found valid to approve by the BZA per procedures as stated in Article 10, Section 1003 of this Resolution.

202.120 Veterinary Animal Hospital or Clinic: A commercial use building and land for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention which may include overnight accommodations on the premises for treatment, observation, and/or recuperation.

202.121 Vicinity Map: A drawing which sets forth by dimensions or other means the relationship of a property or use to other nearby developments of landmarks and community facilities and services within Cedarville Township in order to better locate and orient the area in question.

202.122 Water System, Central: A water supply system approved by the appropriate county, state, and/or federal agencies which provides a water supply to a single development, a community, or a region.

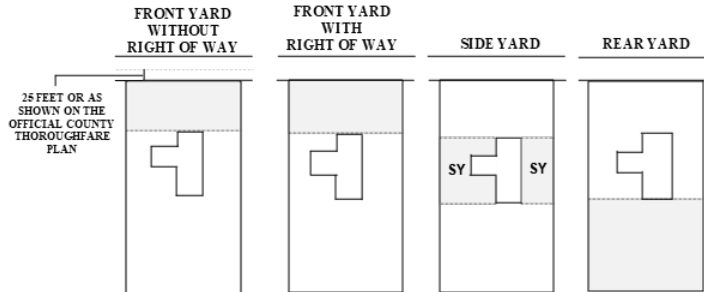
202.123 Water System, on-site: A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval of health and sanitation officials having jurisdiction.

202.124 Yard: An open or unoccupied space other than a court on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except by trees or shrubbery or as otherwise provided herein, with the minimum depth thereof determined by the setback lines as defined in this Resolution.

a. Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured

from the front lot line, existing right-of-way line, or proposed right-of-way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this Resolution, as appropriate. (See Illustration)

- b. Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration)
- c. Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration.)



202.125 Zoning Commission: The Zoning Commission of Cedarville Township, Greene County, Ohio.

202.126 Zoning District: See District for definition.

202.127 Zoning Inspector: The Zoning Inspector, Administrator or authorized representative, appointed by the Township Trustees of Cedarville Township, Greene County, Ohio.

202.128 Zoning Map: The Official Zoning District Map of Cedarville Township, or portion thereof, together with all amendments thereof subsequently adopted.

202.129 Zoning Permit: A document issued by the Zoning Inspector certifying that the use of a lot, structure, or building or location of a structure or building upon a lot is in conformance with this Resolution or otherwise approved if applicable by the appropriate zoning board and/or trustees in accordance with this Zoning Code.



## Article 3

### Establishment of Districts and Map

SECTION 301 ESTABLISHMENT OF DISTRICTS AND OVERLAYS: In order to carry out the purposes and provisions of this Resolution, Cedarville Township is hereby divided into the following zoning districts and overlays to districts as applicable:

AGRICULTURAL DISTRICT

AG General Agricultural District

RESIDENTIAL DISTRICTS

RU Rural Unsewered Residential District

RS Sewered Single-Family Residential District

RT Two-Family Residential District

RM Multi-Family Residential District

MH Manufactured-Mobile Home Park District

BUSINESS DISTRICT

CB Community Business District

INDUSTRIAL DISTRICTS

LI Light Industrial District

HI Heavy Industrial District

FLOODPLAIN OVERLAY TO DISTRICTS

FP Floodplain Overlay

PLANNED UNIT DEVELOPMENT OVERLAY TO DISTRICTS

PUD Planned Unit Development Overlay

SECTION 302 OFFICIAL ZONING MAP: The zoning districts and applicable overlay boundaries are shown on the Official Zoning Map of Cedarville Township. The Official Zoning Map shall be identified by the signature of the Chairman of the Township trustees, attested by the Township Clerk, and bearing the seal of the Township. The map, together with all explanatory data and changes, is hereby incorporated into and made part of this Resolution. The original and one copy of the official zoning map are to be maintained and kept up to date by the Zoning Inspector. One up-to-date copy shall be the final authority as to the current zoning status of lands, buildings, and other structures within the Township.

SECTION 303 INTERPRETATION OF ZONING DISTRICT AND OVERLAY BOUNDARIES: Where uncertainty exists with respect to the boundaries of the district(s) and/or overlay(s) as shown on the Official Zoning Map, the following rules shall apply:

- 303.1 Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways, and/or alleys shall be construed to follow such lines or their extensions:

- 303.2 Boundaries indicated, as approximately following platted lot lines shall be construed as following such lines;
- 303.3 Boundaries indicated, as approximately following municipal limits shall be construed as following municipal limits;
- 303.4 Boundaries indicated, as following railroad lines shall be construed to be the midway between the main tracks;
- 303.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 303.6 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 303.1 through 303.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map,
- 303.7 Initial interpretations of the location and/or elevation the floodplain shall be made by the Zoning Inspector. Should a dispute arise concerning the location and/or elevation of the floodplain, the Board of Zoning Appeals shall make the necessary determination using information provided in the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency or other information certified suitable thereby. The person questioning or contesting the location and/or elevation of the floodplain shall be given a reasonable opportunity to present their case to the Board of Zoning Appeals and to submit such technical evidence as the Board of Zoning Appeals requests; and
- 303.8 Where physical or cultural features existing on the ground differ with those shown on the Official Zoning Map, or in other circumstances not covered by the preceding subsections, the Board of Zoning Appeals shall interpret the boundaries as applicable.



## Article 4

### District Regulations

#### SECTION 401 USES NOT SPECIFIED PERMITTED

401.1 Uses Not Specifically Mentioned: Any use of land or buildings which is not specified a permitted principal, permitted accessory, or conditional use within the district and perhaps applicable district overlay in which located shall not be permitted by the Zoning Inspector unless it is determined by the Board of Zoning Appeals (BZA) that such use is similar and compatible to the uses listed permitted within the applicable zoning district and overlay per the process outlined under Article 10, Section 1003 for Appeals.

#### SECTION 402 AG AGRICULTURAL DISTRICT

402.1 Intent and Purpose: The intent of the General Agricultural District is toward the purpose of safeguarding and maintaining the physical, social and economic aspects of the long-standing farming community in Cedarville Township. It is the intent of regulations for this District to provide for farming use activities above other interests and by so doing help to ensure that other permissible land uses in agriculturally used areas of the Township do not become detrimental to that primary concern and endeavor, either by intensity, incompatibility, or encroachment. Farming use of land in this District is to be the primary focus against which all other use is considered secondary, given agriculture constitutes and provides the major portion of the economic base in Cedarville Township. Towards this recognition, a regulatory distinction is made as to lot area for Non-Farm (2 to 10 acres) versus Farm-Homesites (10 acres or more) and density of allowance with the intent of controlling against mutually detrimental impacts upon each type of use.

#### 402.2 Permitted Principal Uses:

- a. Agriculture
- b. Churches
- c. One-family dwelling sized as per Section 530
- d. Individual lot for (c) as per Section 402.6
- e. Essential Services
- f. Plant materials nurseries
- g. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been ascertained by appropriate study, including, but not limited to: parks; playgrounds; libraries; schools; fire stations; community centers; water treatment/ pumping/ storage facilities; wastewater treatment/ disposal facilities and sanitary landfills (if public operated)
- h. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures

#### 402.3 Permitted Accessory Uses:

- a. Bonafide accessory agricultural structures or buildings including but not limited to barns, stables, sheds, tool rooms, implement workshop, bins, tanks, silos, and fences.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private detached garage as per Section 507.
- e. Home occupations as per Section 529, but Bed & Breakfast Lodging is per Section 532.
- f. Recreational vehicle storage as per Section 517.
- g. Temporary uses incidental to construction as per Section 525.
- h. Private swimming pool/game court as per Section 513.
- i. Fences as regulated per Section 510.
- j. Private landing strip as per Section 531.
- k. Accessory structures for domestic storage, not including any relation to a business activity.
- l. Accessory building or part thereof for a secondary living quarter if approved by the BZA as a conditional use in accordance with Section 530 and/or likewise for a rural residence business use in accordance with Section 535.

#### 402.4 Conditional Uses: The following may only be permitted by the BZA per Article 10, Section 1002:

- a. Commercial Airport as per Section 531.
- b. Cemeteries in accordance with Section 526
- c. Agribusiness operations as per Section 519.
- d. Private recreation facilities, including but not limited to fishing lakes, swimming pools, tennis courts, gun clubs, RV park/campgrounds, camping areas and golf courses (excluding driving ranges and miniature-golf) as per Section 514.
- e. Mineral extraction as per Section 524.
- f. Private schools and child-care nurseries.
- g. Billboards as per Section 701.
- h. Private sanitary landfills as per Section 523.
- i. Construction equipment storage per Section 517.
- j. Telephone exchanges, substations, or other similar public utility buildings including garage and maintenance buildings and telecommunications towers per Section 520.
- k. Bed & Breakfast Lodging as a Home Occupation per Section 532.
- l. A secondary living quarter in accordance with Section 530.
- m. A rural residence business use in accordance with Section 535.
- n. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

#### 402.5 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district **and** in accordance with the following Section 402.6.

402.6 Maximum Residential Density Rule: A zoning permit shall be issued for a single-family dwelling on an individual lot provided it is proposed on:

- a. A parcel ten (10) acres or greater in area as a farm size rural residential homesite;
- b. A parcel two (2) acres to ten (10) acres in area, as a non-farm size rural residential homesite that exists or is otherwise created as specified below per (d);
- c. A parcel that exists or is created along a public road that exists as of July 1, 2004, and, if applicable,
- d. On a parcel created in accordance with requirements specified in Section 527, whereby the total number of non-farm rural residential homesites less than ten (10) acres in size will not exceed one (1) per 1,000 feet in each direction from another on the same side of a given road along which proposed, in providing for not more than three (3) such homesites in a row or adjacent to each other within the noted distance.

402.7 Prohibited Use: Creation of a new public or private street or road for purpose of creating farm or non-farm size rural residential homesites.

### SECTION 403 RU RURAL RESIDENTIAL DISTRICT

403.1 Intent and Purpose: The intent of the Rural Residential District is to recognize the existence of and the demand for creation of rural residential homesite lots of a relatively rural and spacious nature on land which agricultural activities represent only a minor source of income for the occupants or is no longer considered desirable or necessary nor detrimental to the community if allowed to be discontinued and replaced by residential use this zone would permit. The purpose of this zone is to provide for development of rural residential homesites at an overall net residential density of three (3) acres per dwelling unit. This district is intended for application in outlying rural areas where urbanization and the extension or creation of central water supply and wastewater disposal systems are neither appropriate nor expected to occur for an extended period of time into the future. It is also the intent of this district to encourage the proper placement of planned rural residential homesites development within Cedarville Township and in coordination with the Greene County Subdivision Regulations through the flexible lot requirements it permits in an effort to insure the following: (1) on-going adequacy of the underground water supply for onsite use and consumption, (2) sufficient lot area for long term use of individual on-site leaching devices for wastewater disposal, and (3) the protection of prime agricultural soils and other irreplaceable natural resources by only being encouraged in those areas of Cedarville Township which do not possess prime agricultural soils and/or on areas where similar non-farm residential development has already occurred to such an extent that the principal use of the land for large scale agricultural activities is no longer found feasible or reasonable to continue.

403.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 530 on a lot per Section 403.5.
- b. Churches and other places of worship.
- c. Essential Services.
- d. Forests and wildlife preserves.

- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities. No outside storage or stockpiling of materials shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures..

403.3 Permitted RU Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- h. Fences as regulated in Section 510.
- i. Private accessory landing areas as regulated in Section 531.
- j. Accessory building or part thereof for a secondary living quarter if approved by the BZA as a conditional use in accordance with Section 530 and/or likewise for a rural residence business use in accordance with Section 535.

403.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private commercial recreation facilities, including but not limited to swimming pools, tennis courts, country clubs and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- b. Public landing areas as regulated in Section 531.
- c. Private schools and child care nurseries.
- d. Telephone exchanges, substations, or other maintenance buildings or telecommunication towers per Section 520.
- e. Extensions of existing cemeteries as regulated in Section 526.
- f. A secondary living quarter in accordance with Section 530.
- g. A rural residence business use in accordance with Section 535.
- h. Agritourism as regulated in Section 536 if the property has been in CAUV for minimum of three years and the agritourism activity requires structures.

403.5 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district.

## SECTION 404 RS SEWERED SINGLE FAMILY RESIDENTIAL DISTRICT

404.1 Intent and Purpose: The intent of the Sewered Single-Family Residential District is to recognize the existence of and the demand for residential lots at a density of approximately two dwelling units per acre. Necessary services and accessory uses compatible with low density residential surroundings are encouraged to locate within this district. Central water supply and wastewater disposal facilities shall be required for land placed in this district.

### 404.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 530 on a lot per Section 404.5.
- b. Churches and other places of worship.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities, and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

### 404.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- h. Temporary uses incidental to construction work as regulated in Section 525.
- i. Fences as regulated in Section 510.

404.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and childcare nurseries.
- b. Extensions of existing cemeteries as regulated in Section 526.
- c. Private commercial recreation facilities, including but not limited to swimming pools, tennis courts, country clubs and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.

- d. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

404.5 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district.

#### SECTION 405 RT TWO-FAMILY RESIDENTIAL DISTRICT

405.1 Intent and Purpose: The intent of the Two-Family Residential District is to recognize the existence of and the demand for residential lots at a density of roughly three dwelling units per acre for single-family residential use and four dwelling units per acre for two-family residential use. Necessary services and accessory uses compatible with such medium-low density residential uses are encouraged to locate within this district. Central water supply and wastewater disposal facilities shall be required for land placed within this district.

#### 405.2 Permitted Principal Uses:

- a. One and two-family dwellings per Section 530 respectively on lots per Section 405.5.
- b. Churches and other places of worship.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

#### 405.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. Private detached garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- h. Temporary uses incidental to construction work as regulated in Section 525.
- i. Fences as regulated in Section 510.

405.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and childcare nurseries.
- b. Extensions of existing cemeteries as regulated in Section 526.
- c. Private commercial recreation facilities, including but not limited to swimming pools, tennis courts, country clubs and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514
- d. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

405.5 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district.

#### SECTION 406 RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

406.1 Intent and Purpose: The intent of this district is to provide for single-family, two-family and multiple-family residential development at respective densities of roughly four, five and eight dwelling units per acre. Necessary services and accessory uses compatible with such medium-high density residential uses are encouraged. This district should only be encouraged at locations which possess adequate access to schools, employment areas, shopping facilities and other community services accessible via major streets without passage through areas of lower density use. Central water and sewer facilities are required for land placed within this district.

406.2 Permitted Principal Uses:

- a. One, two and multi-family dwellings per Section 530 respectively on lots per Section 406.5.
- b. Churches and other places of worship.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Boarding Houses.
- g. Community-Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.
- h. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

406.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. Home occupations as regulated in Section 529.
- e. Accessory storage of recreational vehicles as regulated in Section 517.

- f. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- g. Temporary uses incidental to construction work as regulated in Section 525.
- h. Fences as regulated in Section 510.

406.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10 Section 1002:

- a. Private schools and childcare nurseries.
- b. Extensions of existing cemeteries as regulated in Section 526.
- c. Private commercial recreation facilities, including but not limited to swimming pools, tennis courts, country clubs, and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- d. Community Based Residential Social Services Facilities: Group Care Homes or Homes for Adjustment as regulated in Section 518.
- e. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

406.5 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district.

#### SECTION 407 MH MANUFACTURED-MOBILE HOME PARK DISTRICT

407.1 Intent and Purpose: The purpose of the Manufactured-Mobile Home Park District is to provide sites for these dwelling structures at appropriate locations in relation to existing and potential development of the surroundings, other land uses and community facilities. By realizing the special requirements for this type of residential development and specifying the provisions where such use may be located, this district is intended to provide a proper setting for such uses in relationship to other land uses and the Perspectives: A Future Land Use Plan for Greene County.

407.2 Permitted Principal Uses: The following uses may be permitted provided all the requirements of the District are satisfied:

- a. Manufactured or Mobile Homes on a site per Section 407.5.
- b. Essential Services.
- c. Public parks, playgrounds, and other public recreation facilities, including but not limited to community swimming pools, golf courses (excluding driving ranges and miniature golf), game courts, ball fields and country clubs.
- d. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

407.3 Accessory Uses:

- a. Those uses required for the direct servicing and well-being of mobile home park residents, and for the management and maintenance of the mobile home park, including but not limited to offices, storage facilities, laundry facilities, and recreation areas.



- b. Structural additions to mobile homes which include awnings, cabanas, carports, Florida rooms, porches, verandas, storage cabinets, and similar accessory structures. All such additions shall be considered as part of the mobile home for the purpose of determining compliance with the minimum design standards of this section.

407.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Home occupations as regulated in Section 529.
- b. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

407.5 General Provisions: The design, location, and operation of all mobile home parks shall be in accordance with the following provisions, with all internal design specifications and layout to the permitting satisfaction of the State of Ohio Board Of Health:

- a. It shall be unlawful for any person, firm, and/or corporation to open, operate, or administer any mobile home park within Cedarville Township unless a valid license is obtained from the proper Ohio health authorities in the name of such person, firm, or corporation for the specific mobile home park.
- b. Any mobile home not located within a licensed mobile home park and not used for agricultural tenants on or after the effective date of this Resolution is privileged to remain at its present location but may not be relocated within the Township except by meeting the requirements of this Section.
- c. No existing mobile home park may be expanded or altered without first obtaining the licenses required in this Section, meeting the requirements of this Section, and obtaining a Mobile Home Park Permit.
- d. At least forty percent (40%) of the mobile home park lots shall be completed and ready for occupancy before the owner may initiate rental of any space within the development. This required completion shall include installation of roadways, sidewalks, lighting, public utilities, and service and management buildings.
- e. Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards.
- f. Mobile home parks shall be served adequately by essential public facilities and services such as water supply, wastewater disposal, highways, streets, police and fire protection, drainage, refuse disposal, and schools. Persons or agencies responsible for the establishment of Mobile Home Parks shall be able to adequately provide any such services.

- g. Mobile home parks shall be consistent with the intent and purpose of Perspectives: A Future Land Plan for Greene County, Ohio.
- h. Mobile home parks shall have vehicular approaches to the property which shall be so designed as not to create an interference with or hazard to traffic on surrounding public streets or roads.
- i. Development of a mobile home park shall not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
- j. Mobile home parks shall meet those requirements of the Ohio Revised Code and Sanitary Codes and the regulations of the Greene County Health Department which are more restrictive than the requirements of this Resolution.
- k. Every mobile home park shall not contain less than ten (10) acres of land.
- l. All mobile home parks shall have a frontage of not less than two hundred fifty (250) feet along a public thoroughfare.
- m. Signs shall be permitted only in accordance with the provisions of Article 7, unless otherwise approved by the Board of Zoning Appeals.

#### SECTION 408 CB COMMUNITY BUSINESS DISTRICT

408.1 Intent and Purpose: The purpose of the Community Business District is to provide for the establishment of areas devoted for the use of those retail and personal service businesses that operate to serve the daily needs of the residents in and around Cedarville Township. Uses in this district are intended to be located on major streets easily and directly accessible by other surrounding use areas and minimum adverse effects on any surrounding residential property. It is the intent of this district to encourage clustering of businesses in a manner other than "strip" development to provide for minimum of traffic interference and maximum pedestrian access.

408.2 Permitted Principal Uses: Public water supply and sanitary sewer shall serve the site or the owner shall otherwise present proof that proposed on-site water and/or sewage disposal facilities have been approved by the Greene County Health Department and/or the Ohio Environmental Protection Agency (OEPA) before a zoning permit shall be issued for any of the below listed uses.

- a. Antique Shops.
- b. Automobile Parts and Accessory Sales.
- c. Automobile Service Stations.
- d. Bakeries.
- e. Banks.
- f. Book and Stationary Shops.
- g. Business Services.
- h. Candy and Ice Cream Stores.
- i. Convenience Carry-Out Stores.

- j. Clothing and Apparel Stores.
- k. Delicatessens.
- l. Department and/or Discount Stores.
- m. Drug Stores.
- n. Farm Supply Stores.
- o. Food Stores and Groceries.
- p. Furniture Repair and Upholstery Stores.
- q. Hardware Stores.
- r. Ice Sales.
- s. Indoor Commercial Entertainment Facilities.
- t. Laundry and Dry Cleaning, Self-Service or Pick-Up.
- u. Medical Clinics.
- v. Personal Services.
- w. Post Offices.
- x. Professional Offices.
- y. Restaurants, Sit-Down Service.
- z. Variety Stores.
- aa. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.
- bb. Veterinary Services, Without Kennels or the Outside Keeping of Animals.
- cc. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds libraries, schools, fire stations, police stations, public administrative offices, public maintenance garages, and community centers.
- dd. Essential services.
- ee. Telecommunications Towers per Section 520.

408.3 Accessory Uses:

- a. Off-street parking and loading spaces as regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Storage within an enclosed building of supplies or merchandise which are normally carried in stock in connection with a permitted use.
- d. Temporary buildings or uses as regulated in Section 525.

408.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Accessory living quarters for persons employed on the premises.
- b. Auction Houses.
- c. Automobile Repair Stations.
- d. Automobile Sales or Rentals.
- e. Automobile Washing Facilities.
- f. Billboards, as regulated in Article 7.
- g. Clubs, Lodges, Civic, or Fraternal Organizations.
- h. Contract Construction Services, Including Offices, and Outdoor Storage Within Visually Screened Areas.

- i. Lumber and Building Materials Sales.
- j. The creation or making of goods for sale at retail on premises which have a high value-to-bulk ratio and not involving extensive mechanization.
- k. Motels or Hotels.
- l. Off-Street Parking Lots.
- m. Outdoor Commercial Recreation Facilities.
- n. Restaurants, Drive-In.
- o. Retail Nursery.
- p. Veterinary Services with Kennels, or Outside Keeping of Animals.
- q. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

408.4 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district.

#### SECTION 409 LI LIGHT INDUSTRIAL DISTRICT

409.1 Intent and Purpose: The purpose of the Light Industrial District is to provide space for those industrial uses which operate in a clean and quiet manner and generate only light to moderate amounts of traffic. This district is not intended for the use of industries which deal with hazardous elements or emit noise, glare, dust, odor, smoke, or possess other offensive characteristics detrimental to surrounding land uses such as large traffic generators. The intent is to create and protect efficient light industrial areas by insuring careful design, placement, and grouping of industries which will promote the protection of any adjacent residential or business activities. Land to be placed in this district is intended to have level topography, public utilities, and major transportation facilities readily available.

409.2 Permitted Principal Uses: Manufacturing or industrial uses including, but not limited to, the following uses provided that by the nature of the materials, equipment, or processes utilized, such use is not objectionable by reason of odor, radiation, noise, vibration, cinders, gas, fumes, dust, smoke, refuse matter, or wastewater generation. Public water supply and a public sanitary sewer system shall be available to the site, or the owner shall present proof that proposed on-site water and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

- a. Fabrication, processing, packaging and/or assembly of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood, and yarn.
- b. Fabrication, processing, packaging and/or manufacture of food products and condiments, excluding slaughterhouses and rendering and refining of fats oils, fish, vinegar, yeast and sauerkraut.
- c. Manufacturing, assembling or repairing of electrical and electronic products components, and equipment.
- d. Machine shops and tool and die shops.
- e. Lumber yards including incidental millwork, coal, brick, and stone.

- f. Recycling center collection points provided materials are kept in an enclosed building.
- g. Warehouses and warehouse distribution centers.
- h. Research and engineering laboratories.
- i. Cold storage and frozen food lockers.
- j. Publishing and printing.
- k. Automobile repair and painting but no commercial wrecking, dismantling or salvage yard.
- l. Auto service station.
- m. Parcel post delivery stations.
- n. Radio and television stations.
- o. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: wastewater pumping, and storage facilities; sanitary landfills as regulated in Section 523; fire stations; police stations; parks; and public maintenance facilities.
- p. Telecommunications Towers per Section 520.
- q. Auction Houses
- r. Banquet Facilities
- s. Storage Units
- t. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

409.3 Accessory Uses:

- a. Off-street parking and loading spaces regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Temporary buildings as regulated in Section 525.
- d. Storage of materials within an enclosed building normally utilized in connection with a permitted use.
- e. Accessory private aircraft runway areas as per Section 531.

409.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section: 1002:

- a. Mineral extraction operations as regulated in Section 524.
- b. Manufacturing or industrial enterprises operations, or processes similar to any permitted principal use provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor or vibration is no greater or more detrimental to the neighborhood than the above specified uses, that no extra fire hazard is created, and that the proposed use is determined by the Board of Zoning Appeals to be of the same general character as the above uses.
- c. Billboards as regulated in Article 7.
- d. Private sanitary landfills in accordance with Section 523.
- e. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

409.5 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district.

## SECTION 410 HI HEAVY INDUSTRIAL DISTRICT

410.1 Intent and Purpose: The purpose of the Heavy Industrial District is to create and protect areas for industries which require large sites and should be isolated from other land uses by virtue of their external effects, such as heavy traffic generation, open storage of materials, and possible emission of noise, glare, dust, odor, smoke, or other offensive characteristics. This district is intended to insure proper design, placement, and grouping of all types of industries of this nature within the Township so as not to create a nuisance to other surrounding land uses. Land to be placed in this district is intended to have level topography, sufficient public utilities, and major transportation facilities readily available.

410.2 Permitted Principal Uses: Manufacturing or industrial uses including but not limited to the following uses. Public water supply and a public sanitary sewer system shall be available to the site or the owner shall present proof that proposed on-site water and/or sewage disposal facilities have been approved by Greene County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

- a. Any principal use permitted in the LI Light Industrial district.
- b. Automotive, tractor, trailer, farm implement assembly or manufacture.
- c. Boiler shops, machine shops, structural steel fabricating shops, or metal working shops.
- d. Contractor sales, storage and equipment yards.
- e. Flour or grain mills.
- f. Manufacture of glass products, pottery, figurines or similar products using previously pulverized clay.
- g. Truck terminals provided that truck entrances and exits are on to streets where pavement width is at least thirty (30) feet.
- h. Mobile home and recreational vehicle storage.
- i. Manufacture and storage of building materials.
- j. Sanitary landfills as per Section 523.
- k. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: water treatment, pumping, and storage facilities; wastewater treatment and pumping facilities; sanitary landfills as per Section 523; fire stations; police stations; parks; and public maintenance facilities.
- l. Essential services.
- m. Telecommunications Towers
- n. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

410.3 Accessory Uses:

- a. Indoor or outdoor storage of materials normally utilized in connection with a permitted use.
- b. Off-street parking and loading spaces as regulated in Article 6.
- c. Signs as regulated in Article 7.
- d. Temporary buildings or uses as regulated in Section 525.
- e. Accessory private aircraft runway areas as per Section 531,

410.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002

- a. Mineral extraction operations as regulated in Section 524.
- b. Storage facilities for fuels, coal, chemicals, or other flammable or toxic materials.
- c. Manufacturing of asphalt and asphalt products.
- d. Manufacturing and storage of fertilizer and compost.
- e. Solid waste reduction and/or recycling facilities.
- f. Junk yards as regulated in Section 522.
- g. Manufacturing or industrial enterprises, operations, or processes similar to any permitted principal use provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor, or vibration shall not be greater or more detrimental to the neighborhood than the above specified uses and that no extra fire hazards be created.
- h. Billboards as regulated in Article 7.
- i. Manufacturing of cement products, including ready mix concrete batching plants.
- j. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

410.5 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district.

#### SECTION 411 FP FLOODPLAIN OVERLAY

411.1 Intent and Purpose: The purpose of the Floodplain Overlay of one or more underlying zoning district is to prevent the loss of property and life, to prevent the creation of health and safety hazards, to prevent the disruption of commerce and governmental services, to prevent the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to prevent the impairment of the tax base by:

- a. Regulating uses, activities, and developments in the underlying applicable zoning district(s) which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies;
- b. Restricting or prohibiting certain uses, activities, and developments otherwise permitted in the underlying zoning district(s) at a non-floodplain location from locating within areas subject to flooding;
- c. Requiring all those uses, activities, and developments that occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and
- d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- e. The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based upon the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The Flood Insurance Study, with accompanying maps and any revisions thereto, is adopted by reference and declared to be a part of this Resolution. Where detailed studies of the Floodway and Floodway Fringe have not been made available within the

Flood Insurance Study, the following sources of data may be used to determine the necessary elevations for the purposes of this Resolution:

- f. Corps of Engineers - Flood Plain Information Reports.
- g. U.S. Geological Survey - Flood-Prone Quadrangles.
- h. U.S.D.A., Soil Conservation Service - Flood Hazard Analyses Studies and County Soil Surveys (Alluvial Soils).
- i. Ohio Department of Natural Resources - Flood Hazard Reports and Flood Profile Charts.
- j. Known high-water marks from past floods.
- k. Other sources acceptable to the Board of Zoning Appeals.

This Resolution does not imply that areas outside of this floodplain overlay as designated on the Official Zoning District Map or land uses permitted within it will be free from flooding damages. This Resolution shall not create liability on the part of Cedarville Township or any official or employee thereof for any flood damages that result from reliance on this Resolution.

411.2 Permitted Principal Uses: The following open space uses shall be permitted provided that they do not require the open storage of materials and equipment, or any fill material or permanent structures which project above the existing ground elevation, except as provided for under Conditional Uses in this section.

- a. Agriculture, not including the spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the ground.
- b. Forests and wildlife preserves.
- c. Private and public outdoor recreational activities, including such uses as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat and canoe launching ramps, swimming areas, parks hunting areas, fishing areas, hiking trails, horseback riding trails and open amphitheatres.
- d. Residential open space uses such as lawns, gardens, woodlands, and play areas.
- e. Plant material nurseries.
- f. Public uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks; playgrounds; water treatment, pumping, and storage facilities; and wastewater treatment and pumping facilities.
- g. Open parking and loading areas as regulated in Article 6.
- h. Airport approach zones and landing strips as regulated in Section 531.
- i. Essential services.
- j. Temporary, transient, and portable activities such as religious services, bazaars, carnivals, or circuses provided the requirements of Section 525 are met.

411.3 Permitted Accessory Uses:

- a. Accessory off-street parking and loading spaces as regulated in Article 6.
- b. Accessory signs as regulated in Article 7, provided that they do not impair the efficiency or the capacity of the floodplain to store and discharge flood waters.
- c. Accessory fences as regulated in Section 510 provided that they do not impair the efficiency or the capacity of the flood plain to store and discharge flood waters.



- d. Other uses customarily incidental to the above permitted principal uses, provided that they do not require structures, fill, or the storage of materials and equipment.

411.4 Conditional Uses: The following uses may be permitted provided they meet the requirements set forth both in this Section and Article 10, Section 1002, of this Resolution.

- a. Structures accessory to permitted private and public outdoor recreational activities.
- b. Structures required in the provision of essential services.
- c. Mineral extraction operations as regulated in Section 524.
- d. Fill material required to elevate permitted structures above the 100-year regional flood elevation as regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act (PL 92-500, 86 Stat. 816.)
- e. The alteration or extension of any non-residential structure presently located outside of the floodplain overlay area into the floodplain overlay area.
- f. Private Recreation Facilities as regulated in Section 514.
- g. Billboards as regulated in Article 7.

411.5 Prohibited Uses: The following uses shall be expressly prohibited from locating within the floodplain overlay area.

- a. Structures for human habitation.
- b. The location of structures or fill material which will raise the elevation of the 100-year flood level more than one (1) foot at any point calculated by the engineering principle "equal reduction of conveyance.

411.6 Permitted Use Lot Dimensional Requirements & Structure Setbacks, Height & Lot Coverage: As specified in the Table constituting Section 412 regarding this zoning district(s) overlay.

411.7 Conditional Use Requirements:

- a. All applications for BZA approval of a Conditional Use within the Floodplain Overlay area shall be accompanied by a report and recommendation bearing the seal of a professional surveyor registered in the State of Ohio certifying the elevation of the 100-year regional flood on the property, the location and elevation of existing and proposed fill and/or structures not elevated above the 100-year regional flood elevation.
- b. Upon consideration of an application for Conditional Use approval, the Board of Zoning Appeals may attach conditions to such uses, as it deems necessary to further the purposes of this Section. Conditions may include but not be limited to the following:
  - 1. Requirements for the elevation of structures of a minimum of eighteen (18) inches above the one-hundred year flood elevation;
  - 2. Modification of waste disposal and water supply facilities to the satisfaction of the Greene County Health Department and/or the Greene County Sanitary Engineer;
  - 3. Limitations on periods of use and operations;
  - 4. Imposition of operational controls, sureties, and deed restrictions;

5. Requirements for construction of channel modifications, dikes, levees, and other protective measures; and/or
  6. Flood-proofing measures such as the following may be required and shall be designed consistent with the regional flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the regional flood protection elevation and associated flood factors for the particular area. The following flood-proofing measures may be required:
    - a) Anchorage to resist flotation and lateral movement;
    - b) Installation of watertight doors, bulkheads, shutters, or other similar devices;
    - c) Reinforcement of walls to resist water pressures;
    - d) Use of paints, membranes, or mortars to reduce water seepage through walls;
    - e) Addition of mass or weight to structures to resist flotation;
    - f) Installation of pumps to lower water levels in structures.
    - g) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters;
    - h) Pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
    - i) Construction to resist rupture or collapse caused by water pressure or floating debris;
    - j) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back up of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices;
    - k) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regional flood; and/or
    - l) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regional flood protection elevation or are adequately flood-proofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.
- c. In approving a conditional use application, the Board of Zoning Appeals shall consider the following relevant factors:
1. The danger of life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to Perspectives: A Future Land Use Plan for Greene County, Ohio.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
12. Other factors which are relevant to the purposes of this Resolution.

SECTION 412 PERMITTED PRINCIPAL USE LOT DIMENSIONAL REQUIREMENTS & STRUCTURE SETBACKS, HEIGHT & LOT COVERAGE: for each zoning district and overlay in the following table.

Zoning Dist or Overlay	Permitted Principal Uses	On-Site Water & Sewer (b)	On-Site Water or Sewer (b)	Central Water & Sewer	Min Lot Frontage	Max Depth to Width	Min Front (c)	Min Side One	Min Side Both	Mini Rear	Max Height	Max Lot Coverage
<b>AG</b>	Per 402.2	2 Acres	2 Acres	2 Acres	300 ft	None	50 ft	20 ft	50 ft	50 ft	35 ft	10%
<b>RU</b>	Single Family Dwelling	5 + acres	5 + acres	5 + acre	250 ft	3 to 1	50 ft	20 ft	50 ft	50 ft	35 ft	10%
		4 acres	4 acres	4 acres	225 ft							
		3 acres	3 acres	3 acres	200 ft							
		2 acres	2 Acres	2 acres	175 ft							
Sub-division lots in RU must equal 3 acres												
	Permitted Uses Per 403.2	2 acres	2 acres	2 acres	150 ft	3 to 1	50 ft	20 ft	50 ft	50 ft	35 ft	30%
<b>RS</b>	Single Family Dwelling	Not Permitted	Not Permitted	20,000 sq ft	100 ft	2 to 1	40 ft	10 ft	25 ft	50 ft	35 ft	20%
	Permitted Uses Per 404.2	Not Permitted	Not Permitted	1 acre	150 ft	3 to 1	50 ft	20 ft	50 ft	50 ft	35 ft	30%
<b>RT</b>	Single Family Dwelling	Not Permitted	Not Permitted	15,000 sq ft	100 ft	2 to 1	40 ft	10 ft	25 ft	50 ft	35 ft	20%
	Two Family Dwelling	Not Permitted	Not Permitted	12,000 sq ft	125 ft	2 to 1	40 ft	15 ft	30 ft	50 ft	35 ft	20%
	Permitted Uses Per 405.2	Not Permitted	Not Permitted	1 acre	150 ft	2 to 1	40 ft	15 ft	30 ft	50 ft	35 ft	20%
<b>RM</b>	Single Family Dwelling	Not Permitted	Not Permitted	10,000 sq ft	80 ft	2 to 1	35 ft	10 ft	20 ft	40 ft	35 ft	30%
	Two Family Dwelling	Not Permitted	Not Permitted	8,000 sq ft	110 ft	2 to 1	40 ft	10 ft	25 ft	40 ft	35 ft	30%
	Multiple Family Dwelling	Not Permitted	Not Permitted	5,000 sq ft per unit	130 ft	2 to 1	35 ft	20 ft	40 ft	30 ft	35 ft	30%
	Permitted Uses Per 406.2	Not Permitted	Not Permitted	1 acre	150 ft	3 to 1	40 ft	10 ft	25 ft	40 ft	35 ft	30%
<b>MH</b>	As regulated per Section 407 and Ohio Board of Health											
<b>CB</b>	Per 408.2	2 acres	2 acres	1 acre	200 ft	None	50 ft	15 ft (d)	30 ft (d)	50 ft	35 ft	30% bldg. 75% total
<b>LI</b>	Per 409.2	2 acres	2 acres	2 acres	200 ft	None	40 ft	15 ft (e)	30 ft (e)	50 ft (f)	35 ft	30% bldg. 75% total
<b>HI</b>	Per 410.2	5 acres	5 acres	5 acres	300 ft	None	70 ft	30 ft (e)	60 ft (e)	100 ft (f)	35 ft	40% bldg. 85% total
<b>FP Overlay</b>	Per 411.2	3 acres	3 acres	3 acres	200 ft	None	50 ft	20 ft	50 ft	50 ft	35 ft	BZA Approval
<b>PUD Overlay</b>	Planned Unit Development Overlay to one or more underlying district: all as permitted per Article 11											

- (a) Less than the specified required minimum lot area and frontage considered conforming for lots which already exist as of June 2005 provided existing principal use and accessory use structures satisfy the minimum required setbacks for required yards.
- (b) Lot size shown is the required minimum. Final lot size shall be subject to approval by the Greene County Combined Health District or the Ohio Environmental Protection Agency (OEPA), as applicable.
- (c) A minimum setback of seventy (70) feet shall be required along major thoroughfares or where off-street parking is provided within the front yard
- (d) Side yards abutting residential districts shall be a minimum of fifty (50) feet. However, where some natural barrier such as a railroad, stream, or limited access highway intervenes, the Board of Zoning Appeals (BZA) may reduce this requirement.
- (e) Side yards and rear yards abutting residential districts shall be a minimum of two hundred (200) feet in the LI District and in the HI District.
- (f) The rear yard shall not be less than two hundred (200) feet when abutting a residential district. However, where some natural barrier such as a railroad, stream, or limited access highway intervenes, the Board of Zoning Appeals (BZA) may reduce this requirement.



## Article 5

### Supplementary District Regulations

SECTION 501 GENERAL PROVISIONS: The following supplementary regulations are applicable to all Zoning Districts within Cedarville Township unless otherwise indicated by the requirements of a specific Zoning District, a decision on an application by the Board of Zoning Appeals or modified by decision of the Township Trustees regarding a planned unit development (PUD).

SECTION 502 PUBLIC STREET FRONTAGE REQUIRED: No new lot shall be created which does not have the required minimum frontage upon a public street established for the district in which such lot is proposed.

SECTION 503 PRINCIPAL BUILDINGS PER LOT: No more than one principal use building or structure may be constructed upon a lot in a district for residential use purposes. The construction of more than one principal use building or structure upon a lot for residential use may only be permitted if authorized by the granting of a variance from the Board of Zoning Appeals or if approved in a Planned Unit Development, whereas more than one principal use building or structure is permitted on a lot for non-residential use purposes on land so zoned for such use and provided all required minimum front, sides and rear building setbacks are met pertaining to the district in which located.

SECTION 504 REDUCTION OF AREA OR SHAPE: No lot, yard, court, parking area, or other space shall be reduced in area or dimension to less than the specified applicable respective minimums required by this Resolution for the district in which located and, if said area or dimension is already less than the minimum required by this Resolution, it shall not be further reduced unless otherwise approved by the BZA .as a variance or by the Trustees in a PUD.

SECTION 505 ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS: All architectural projections shall be in accordance with the following provisions:

505.1 Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required minimum yard a maximum of twenty-four inches.

505.2 Unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet. Open structures such as roofed porches, canopies, balconies, decks, platforms, and carports, shall be considered parts of the building to which attached and shall not project into any minimum required yard.

505.3 No building or structure may project into a minimum required yard specified for the district in which located, unless otherwise approved by the BZA .as a variance or by the Trustees in a PUD.

SECTION 506 EXCEPTIONS TO HEIGHT REGULATIONS: The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures is determined by

the Federal Aviation Administration (FAA) to constitute an unacceptable safety hazard to the safe landing, take-off and/or flight of aircraft or due to other reasons determined from review by applicable emergency service providers.

SECTION 507 ACCESSORY BUILDINGS: All accessory buildings shall be in conformity with the following provisions:

- 507.1 No garage or other accessory building shall be erected within a minimum required side yard or front yard on a lot within any District.
- 507.2 When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling on a lot, the accessory building(s) may be erected not less than ten (10) feet respectively from the side or rear lot lines nor less than ten (10) feet from the main use building.
- 507.3 When located on a lot less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.
- 507.4 No detached accessory building in any Residential District shall exceed fifteen (15) feet in height as measured mid-way between the top of the wall and the peak of the roof.
- 507.5 No detached accessory building or other structure on a lot in any Residential District or the Agricultural District shall be used for any non-residential or non-agricultural use except as provided for as applicable in accordance with Sections 530 and 535 of this Zoning Code.

SECTION 508 CONVERSION OF DWELLINGS TO MORE UNITS: A structure may not be converted to accommodate an increased number of dwelling units unless the following requirements are met:

- 508.1 The district is properly zoned for an increase in dwelling units to the number proposed.
- 508.2 The yard dimensions of the building in which proposed meet the minimum requirements of the district in which located.
- 508.3 The lot area is found sufficient to provide the off-street parking required for the total number of units as specified per Article 6.
- 508.4 The lot area per dwelling unit equals the requirement of the district in which located.
- 508.5 The floor area per dwelling unit is not reduced to less than that which is required for the number of bedrooms per unit as specified in Section 530.
- 508.6 The conversion is in compliance with all other applicable Federal, State, and local codes.

SECTION 509 SETBACK REQUIREMENTS FOR CORNER LOTS OR THROUGH LOTS: On a corner lot or through lot, the principal building and all accessory structures shall be required to have the same



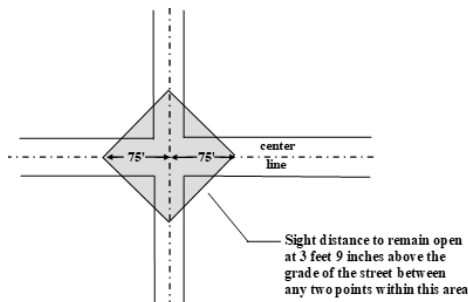
setback distance from all respective street right-of-way or easement lines, or from the Thoroughfare Plan required right-of-way line if neither of the other exists, as required for the front yard on the lot in the district in which such is located.

**SECTION 510 FENCES, WALLS, AND VEGETATION:** The location and height of all fences, walls, and vegetation shall be in accordance with the following provisions:

**510.1 Partition Fences and Livestock Fences in Agricultural Districts:** Partition fences and livestock fences may be permitted within any required yard within the Agricultural District and within any required side or rear yard in any other district, provided that no such fence obstructs adequate sight distance at any road intersections and driveway entrances which may be involved. All such partition fences and livestock fences shall be constructed and maintained in accordance with Chapter 971 of the Ohio Revised Code.

**510.2 Fences, Walls, and Vegetation in Front Yards:** No fence, wall or hedge shall be permitted within any required front yard above the height of three and one-half (3 1/2) feet.

**510.3 VISIBILITY AT INTERSECTIONS:** No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting centerlines of any two or more streets. In determining if any sight impediment exists, the Zoning Inspector shall measure the sight distance between the centerlines of such streets at a height of three feet, nine inches (3'9") above the actual grades of the streets. (See Illustration) and have an evaluation so regarding made by the County Engineer.



**510.4 Fences, Walls and Vegetation in Side and Rear Yards:** No fence or wall shall be permitted over six (6) feet in height within any side or rear yard. Dense evergreen plantings, deciduous trees, shrubs, hedges, or other vegetation may exceed six (6) feet in height within any side or rear yard.

**510.5 Screening:** Fences, walls, or vegetation used for required screening as outlined in Article 5, Section 515.4, may exceed six (6) feet in height upon approval by the Zoning Inspector or Board of Zoning Appeals or by the Township Trustees in a PUD.

**510.6 Security Fences:** Security fences for uses within non-residential districts may exceed six (6) feet in height.

510.7 Barbed Wire and Electric Fences: Barbed wire and/or electric fences are prohibited within any non-agricultural residential district; and permitted in all other non-residential districts for security and/or containment purposes provided such is a minimum of eight (8) feet above the ground and noted by signage forewarning of the hazard.

510.8 Fences Prohibited Within Right-of-Way: Fences and walls shall not be permitted within nor obstruct entry or exit onto any public right-of-way.

SECTION 511 REQUIRED TRASH AREAS: All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall have such areas enclosed on at least three sides by a solid wall or fence adequate in height to screen the containers, if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage shall be required as determined by the Zoning Inspector, BZA or Township Trustees in a PUD, as applicable.

SECTION 512 OUTDOOR STORAGE AND WASTE DISPOSAL: All outdoor storage and waste disposal shall be in accordance with the following provisions:

512.1 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above ground except within an HI Heavy Industrial District or as otherwise approved by the appropriate fire officials. The storage areas of such materials shall be completely enclosed by a solid wall or fence adequate to ensure the safety of surrounding land uses. Fuel products stored for use on bona-fide farms are excluded from this provision, except in compliance with State Fire Code.

512.2 The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency and certified safe as to storage and handling by appropriate applicable fire and EMS authorities.

512.3 All outdoor storage areas shall be adequately screened from view from any residential district by an appropriate wall, fence, or vegetative planting in accordance with Section 515.

512.4 Materials or wastes which might cause fumes, dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

512.5 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces.

SECTION 513 PRIVATE ACCESSORY SWIMMING POOLS: Private accessory swimming pools may be permitted in any district, provided the following provisions are met:

513.1 The pool is intended solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

- 513.2 The pool shall not be located closer than ten (10) feet to a side or rear property line and shall not encroach into any front yard or any required on-site wastewater leaching areas or replacement areas designated by the Greene County Health Department.
- 513.3 The swimming pool or yard in which located shall be walled or fenced in order to prevent uncontrolled access by children or animals on or off-site from any street or adjacent property and shall not be less than five (5) feet in height and must be maintained in good condition with a lockable gate.
- 513.4 Exterior lighting shall be shielded wherever necessary in order to avoid casting direct light as a glare nuisance upon any other property or any public street.

SECTION 514 PRIVATE COMMERCIAL RECREATION FACILITIES: All private commercial recreation facilities shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals if a conditional use or by the Township Trustees if in a PUD.

- 514.1 Community swimming pools may be permitted provided the following conditions are met.
  - a. The pool and accessory structures, including the areas used by the bathers and the required parking areas, shall not be located closer than fifty (50) feet to any residential district and must be screened in accordance with Section 515.
  - b. The swimming pool and all of the areas used by bathers shall be walled or fenced in order to prevent uncontrolled access by any person or animals from any streets or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a lockable gate for when unattended and not in use.
  - c. Loudspeakers, juke boxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance and/or disturb the peace of persons on any other properties.
  - d. Exterior lighting shall be shielded wherever necessary in order to avoid casting direct light as a glare nuisance upon any other property or a public street.
- 514.2 Recreational vehicle parks and campgrounds may be permitted as a conditional use within any designated district in accordance with the following minimum provisions:
  - a. The minimum total area of the park or campground shall be five (5) acres. The density and layout of the park or campground shall be established by the Ohio Board of Health.
  - b. The thoroughfare upon which the park or campground is located shall be of adequate width and base to accommodate the type of traffic generated by such park or campground, as determined by the Board of Zoning Appeals upon evaluation so regarding by the Greene County Engineer. No entrance or exit from the park or campground shall require movement of traffic through a residential district.
  - c. Each campsite within the park or campground shall be provided with a minimum of one adequately sized parking space for the type of vehicle intended to use the site. In

order to guarantee stability, the parking pad shall be composed of concrete, gravel, or other approved material.

- d. All recreational vehicle sites, other camping sites, and all off-street parking spaces shall be located a minimum of twenty feet from any side or rear property line, and the minimum front yard setback from any public street. The minimum side or rear setbacks shall be fifty feet when adjacent to any residential district.
- e. The Board of Zoning Appeals may require fencing, walls, landscaping, earth mounds, or other suitable efforts in accordance with Section 515 where it is determined that buffering or screening is necessary to minimize land use conflicts and/or protect the public safety.
- f. Management structures, recreational facilities, toilets, showers dumping stations, or other similar uses shall be located within the park or campground in such a manner that they will not attract customers other than occupants of the park or campground.
- g. The park or campground shall provide water supply and wastewater disposal facilities which meet the needs of the intended clientele, either independent recreational vehicles or dependent campers and primitive campsites. At a minimum, a service building with showers and toilets shall be required where not provided separately. All water supply, wastewater disposal, and refuse disposal facilities shall be located and designed subject the approval of the Greene County Health Department if so assigned by the State Board of Health.
- h. No recreational vehicle shall be used as a permanent place of residence or business within the park or campground. Continuous occupancy longer than a ninety (90) day period within any twelve (12) month period shall be deemed permanent occupancy to be prohibited.
- i. All traffic into and out of the park or campground shall be through entrances and exits designed for safe and convenient movement of traffic. No entrance or exit shall require an acute angle turn for vehicles moving into or out of the park. The radii of curbs and pavements at intersections shall facilitate easy turning movements. No material impediment to visibility shall be created or maintained which violates the requirements of Section 510.3.

514.3 Other private recreation facilities shall be in accordance with the following:

- a. Loudspeakers, juke boxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance to anyone on other properties.
- b. Exterior lighting shall be shielded wherever necessary in order to avoid casting direct light as a glare nuisance or safety hazard upon any other property or a public street.

- c. Firing lines used by gun clubs shall be located a minimum of five hundred (500) feet from the nearest property line. All target areas shall be protected by natural or artificial embankments approved by the BZA and applicable State regulatory authorities.
- d. All water activities shall be adequately protected by fences, walls, or other suitable barriers in order to prevent uncontrolled access by unauthorized persons, per State requirements.

SECTION 515 SCREENING: No buildings or structures shall be erected, altered, or enlarged nor shall land for any non-residential use on a lot that adjoins or faces any Residential District be used, nor shall any multiple family use be established adjoining any single-family development, until a plan for screening has been submitted, approved by the Zoning Inspector, or the Board of Zoning Appeals regarding Conditional Uses, except in accordance with the following provisions:

- 515.1 Screening shall be provided for one or more of the following purposes:
  - a. A visual barrier to partially or completely obstruct the view of structures or activities.
  - b. As an acoustic screen to aid in absorbing or deflecting noise.
  - c. For the containment of debris and litter.
- 515.2 Screening may be one of the following or a combination of two or more, as determined by the Zoning Inspector.
  - a. A solid masonry wall.
  - b. A solidly constructed decorative fence.
  - c. Louvered fence.
  - d. Dense evergreen plantings.
  - e. Landscaped mounding.
- 515.3 Whenever any non-residential use abuts a residential district, a visual screening wall, fence, planting and/or a landscaped mound shall be erected or placed beside such mutual boundary lines, except where the Zoning Inspector has determined that a traffic hazard will be created.
- 515.4 Height of screening shall be in accordance with the following:
  - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one half (5 1/2) feet high in order to accomplish the desired screening effect, except in required front yards when maximum height shall be not greater than three and one half (3 1/2) feet. Exception to the height of screening in the front yard may be provided for by the Board of Zoning Appeals or by the Township Trustees in a PUD.
  - b. A dense evergreen planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5 1/2) feet or greater or solidly constructed decorative fence to that height shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.

515.5 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense continuous vegetation or a solid masonry wall in combination therewith.

515.6 Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, post, or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs other than for safety, directional or identification purposes.

SECTION 516 DRIVE-IN SERVICE: Establishments, which by their nature create lines of customers waiting to be served within automobiles, shall provide off-street storage areas in accordance with the following requirements

516.1 Photo pick-ups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of five (5) storage spaces for each such stopping point.

516.2 Commercial establishments which require a transaction time in excess of three (3) minutes such as banks, savings and loan offices, or other similar money windows shall provide no less than seven (7) storage spaces per window.

516.3 Self-serve automobile washing facilities shall provide no less than five (5) storage spaces per stall. All other automobile washing facilities shall provide a minimum of ten (10) storage spaces per entrance.

516.4 Automobile service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line, nor within fifteen (15) feet of a reserved sight distance area as required in Article 5, Section 510.

SECTION 517 MOBILE HOME AND NON-DOMESTIC VEHICLE PARKING AND STORAGE: The parking and/or storage of mobile homes, recreational vehicles, or other vehicles other than passenger cars upon any lot shall be in accordance with the following provisions:

517.1 Mobile Homes: Mobile homes shall not be stored or parked outside of any mobile home park unless the storage of mobile homes is a permitted or a BZA approved conditional use within the district in which located. No living quarters shall be maintained, nor any business conducted within any mobile home, except in the case of use for an operations and security office required at a construction site.

517.2 Recreational Vehicles: The outdoor storage or parking of any recreational vehicle shall not be permitted within any front yard or unscreened location within any district in which residential dwellings are permitted. No dwelling unit shall be maintained, and no business shall be conducted within any recreational vehicle while such vehicle is parked outside of an

approved recreational vehicle park or camping area. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any recreational vehicle be permanently attached to the ground to serve as a permanent building.

517.3 Construction Equipment Within Residential Districts: Outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not otherwise be permitted within any residential district or in the Agricultural District if for non-agricultural business use purposes.

517.4 Construction Equipment Within Agriculture District: The outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment may be permitted as a conditional use within any Agricultural District. In considering such requests, the Board of Zoning Appeals shall consider the size of the lot, location, topography, screening, road condition, and surrounding land uses, and may limit the number of equipment pieces and where they are stored.

517.5 Other Vehicles: The storage or parking of any vehicle having a gross vehicle weight rating greater than 10,000 pounds or an overall vehicle length greater than 21 feet shall not be permitted within any Residential District, excluding vehicles making temporary service or delivery calls.

SECTION 518 COMMUNITY BASED RESIDENTIAL SOCIAL SERVICE FACILITIES: Residential facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment shall be permitted only in accordance with the following provisions:

518.1 Foster Homes may be permitted within any district in which residential dwellings are permitted, provided such homes possess a valid, appropriate license from the State of Ohio.

518.2 Family Care Homes may be permitted within an adequately sized unattached residential dwelling, provided that:

a. The home shall possess a valid license from the appropriate state agency.

b. The home shall be required to meet the district regulations applicable to single family residences within the district in which such home is located.

c. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.

d. The Zoning permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.3 Group Care Homes and/or Homes for Adjustment may be permitted within an adequately sized residential dwelling within designated residential districts subject to Board of Zoning

Appeals authorization. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions which it feels may be necessary to ensure compatibility with the neighborhood, using the following criteria as a minimum:

- a. No such home may be permitted unless the court or agency responsible for supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all licensing requirements of the State of Ohio.
- b. The home shall not be located closer than 20,000 feet to another Family Care Home, Group Care Home, Home for Adjustment or Institution. Variances of more than ten percent (10%) of this requirement may not be considered acceptable to permit.
- c. The home shall be reasonably accessible, by means of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
- d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant.
- e. The operator or agency applying for a conditional use permit to operate such a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio, and the sponsoring agency for the operation of the desired facility.
- f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
- g. The proposed use of the site for such home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h. The conditional use approval in authorization of a zoning permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
- i. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.

518.4 Homes for Adjustment may be conditionally permitted within an adequately sized unattached residential structure subject to the approval of the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions which it feels may be necessary to ensure compatibility with the neighborhood, using the following criteria as a minimum:



- a. No Home for Adjustment may be permitted unless the court or agency supervising such a facility satisfies the Board of Appeals that the home complies with all licensing requirements of the State on Ohio.
- b. The home shall not be located closer than 20,000 feet to another Family Care Home, Group Care Home, Home for Adjustment, or Institution. Variances of more than ten percent (10%) of this requirement may not be considered.
- c. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
- d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet or habitable floor area for each occupant.
- e. The operator or agency applying for a conditional use permit to operate such a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community-based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio and the desired facility.
- f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
- g. The proposed use of the site as a home for adjustment shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h. The conditional use permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.5 Institutions may be conditionally permitted in an unattached structure within any designated district, subject to approval by the Board of Zoning Appeals.

SECTION 519 AGRIBUSINESS OPERATIONS: No conditional use permit shall be issued for any agribusiness operation unless the following conditions have been satisfied:

519.1 The agribusiness establishment shall be incidental and necessary to the conduct of agriculture within the agricultural district and shall not be a business which is not dependent upon the surrounding agricultural community.

519.2 The minimum distance permitted between the agribusiness establishment and any existing dwelling unit or existing residential district shall be established by the Board of Zoning Appeals based upon the character of the agribusiness.

519.3 The agribusiness establishment shall have approval from the Ohio Environmental Protection Agency for any on-site water supply and/or wastewater disposal system.

519.4 The agribusiness shall not emit noise, odor, dust, or chemical residues which result in the creation of a nuisance or trespass to surrounding properties.

519.5 The agribusiness shall be located upon a thoroughfare which the Board of Zoning Appeals determines is adequate to accommodate any traffic which is generated by the agribusiness establishment.

SECTION 520 TELECOMMUNICATIONS TOWERS: The following provisions and restrictions are for the purposes of maintaining property values, minimizing potential nuisances, and maximizing the public and surrounding property owner safety regarding the siting, design, operation and maintenance of tele-communications towers and necessary appurtenances associated therewith, as defined herein. Such installations shall be exempt from permitting requirements if proposed at a location in a zone that only permits non-residential use, whereas, if proposed at a location in a zone that permits residential use, such installations shall only be permitted as a conditional use processed in accordance with requirements of Section 1002 and this Section if it is determined according to the following procedures that the zoning requirements in this Section are applicable:

520.1 Definition: A telecommunications tower is any free-standing structure or any structure to be attached to a building or other structure, that would be taller than the maximum height limit for residential or other structures permissible in a zone which permits residential use, at a location proposed to be owned or principally used by a public utility or licensed private company engaged in the provision of telecommunications services, by the attachment and use of radio transmitting or receiving equipment thereon for such purpose.

520.2 Procedure & Requirements for Permitting in a Residential Use Zone: The following shall apply in accordance with Ohio Revised Code Section 519.211, if such tower exists or is proposed in a zone that permits residential use:

A. Any person, firm, corporation, partnership or other legally-recognized entity that proposes location, erection, or construction of such new tower or reconstruction, change or alteration, removal and/or enlargement of an existing telecommunications tower, excepting maintenance and use of an existing tower and/or any change/alteration that would not substantially increase the height thereof (by over 20%) shall be subject to the following in determination of whether or not the tower shall be subject to permitting as a conditional use processed in accordance with Section 1002 procedures and requirements:

1. Written notice via certified mail to the Township Trustees and all owners, per the County Auditor's current tax list, of properties that are contiguous to or directly across a street or roadway from such tower site location; which in clear, concise language states:

b. the intent to construct a tower or alter an existing tower;

c. description of the property sufficient to identify its location; and

- d. that, no later than fifteen (15) days after the date of the notice mailing, the Township Trustees or any property owner on the notice mailing list in objection to the tower may, within five (5) days after the receipt of the notice or date of objection, whichever is earlier, cause a return notice to be sent via certified mail by the Township Clerk indicating that, upon the date of the return notice mailing, the Township Zoning regarding telecommunications towers as a conditional use shall apply.
2. If said notice required per the aforementioned requirement is returned or unclaimed by the Township Trustees or any applicable surrounding property owner on said mailing list, the notice shall be sent again by regular mail. Failure to deliver the notice shall not invalidate it.
3. If no objection is made as provided for under Section 520.02A(1)c., the tower shall, without exception, be exempted from regulation by the Zoning Code.

520.3 Conditional Use Requirements for Telecommunication Towers: As a conditional use subject to Board of Zoning Appeals approval, telecommunication tower permitting is subject to the following:

- a. Location and Co-Location or Shared Use: Approval of a tower site location for construction shall be based, in part, on the applicant providing documentation proving that the tower:
  1. Federal Aviation Administration has reviewed the tower plan and determined that it would not be an unacceptable hazard to aircraft safety, and any other applicable Federal or State authority of jurisdiction has also certified the safety of the tower location and intended use.
  2. Is absolutely necessary, in that all efforts to co-locate or share use of any existing towers within the necessary service area have been fruitlessly exhausted. Per this effort, the applicant shall send, via certified mail, requests of co-location and sharing to all other feasible telecommunication tower owners in the necessary service area, stating siting needs and requirements for space. Applicants shall not be denied nor deny space on an existing tower unless:
    - a) space on existing towers is exhausted;
    - b) structural capacity of existing tower space would be insufficient;
    - c) geographic, radio or other interference would be unacceptable;
    - d) geographic service area is incompatible or not yet served;
    - e) inordinately excessive cost of sharing versus new construction;
    - f) federal communications commission (FCC) restrictions.
  3. Co-location of new apparatus is exempt from permitting.
- b. Structural Sufficiency: Any new or modified tower shall be certified by an engineer licensed in Ohio, according to current standards of the telecommunications industry association, to ensure structural sufficiency and the public health, safety, and general

welfare, and that tower inspections, in attestation of such, shall at least be performed; every ten (10) years for monopole structures, every five (5) years for self-supporting towers, and every three (3) years for tether guy-lines. Tests shall be done by a registered Ohio engineer and the results shall be sent to the Township Trustees, which, if the tests show unsafe conditions, may necessitate a zoning order for removal, repair or replacement.

- c. Lot Size & Tower Setback For Clear-Falling: The minimum size of a parcel, easement or lease area for a tower site is the minimum of the zoning district in which the tower is to be located. Setback of the tower from all adjoining property lines shall be such to be a clear-zone that would allow the tower to collapse solely on the tower site property and falling ice without incident, which, at a minimum for a tower 100 feet or greater in height, shall be the same distance as the total tower height. Towers less than 100 feet that can not meet the aforementioned requirement, may be approved, provided a registered Ohio engineer certifies that the tower can withstand 100 mph winds without collapsing and that tower collapse onto a surrounding property would be suitably covered by liability insurance. Any equipment building(s) necessary for the tower shall be set back according to at least the minimum requirements of the zoning district in which the tower site is located.
- d. Screening & Landscaping: Existing vegetation on the site shall be maintained to the greatest extent possible, especially trees. All tower sites shall be planted to form a continuous visual screen around the perimeter with evergreen trees or shrubs, that will be least 5 feet tall within 2 years after planted and initial spacing on center supportive of such growth. For sites with towers 100 feet or greater in height, the site shall also be provided with a row of deciduous trees planted at least 25 feet inside the site perimeter, no less than the mature canopy diameter on center, with at least a one and a half (1 1/2) inch caliper and attractive visual screening placed immediately around the base of the tower and any accessory building thereof and parking area therefore.
- e. Electromagnetic Fields (EMFs): In the interest of public health, safety and general welfare, a complete non-ionizing electromagnetic radiation (NIER) analysis shall be submitted for projected tower emissions, per the American National Standards Institute (ANSI) published standards of the Institute of Electrical and Electronics Engineers (IEEE). Additional setback of a tower and necessary size of a site may be required to reduce intensity exposure to the EMF as a result of the test analysis findings, per U.S. government standards for such once established.
- f. Equipment Buildings: for the processing of tele-communications transmissions shall be automated to the greatest degree possible in order to reduce traffic associated with the facility and maintain surrounding property occupant privacy. No such building shall be used as a business office nor shall any site be used for any type of open storage, beyond initial tower construction and outfitting, operation, maintenance or emergency needs. Exterior colors and finishes on any building shall be considered compatible with those typically used in construction of a residential use. All metal-

skinned exterior shall not be permitted. Any sanitary sewage disposal or water supply necessities shall be subject to the permitting agency of authority.

- g. Off-Street Parking, Site Access & Drainage: Parking shall only be required for operation and maintenance staffing, at one (1) space per staff person, per dimensional and driveway access specifications of this Code. All access points, design and internal circulation shall be subject to the satisfaction of County Engineering and the Fire Department. All drainage runoff from the site shall not cause any adverse impact, subject to the control satisfaction of County Engineering and the Soil & Water Conservation District.
- h. Security, Lighting & Signage: The site shall be secured by a fence, six (6) feet tall in height, set within the required perimeter evergreen landscaping screen, with signage attached specifying "NO TRESPASSING" and "DANGER -- HIGH-VOLTAGE" at least every twenty (20) feet if electrified. No other signage shall be permitted, other than an identification sign, no greater than four (4) square feet in size, six (6) feet in height, and set back at least ten (10) feet from any public road or street right-of-way or easement line. Signage or security lighting shall in no way cause any glare nuisance impact to any surrounding property user, not more intense than 0.20 foot candles at the perimeter of the site. The tower shall only be lighted if required by the FAA or FCC or as a requirement of securing liability insurance coverage.
- i. Abandonment: of a tower shall require the owner of record to remove such tower and all related appurtenances no later than twelve (12) months thereafter to a site condition found acceptable to the Township Trustees.

**SECTION 521 RESTRICTIONS ON JUNK, JUNK VEHICLES & OTHER SALVAGEABLE ITEMS**: The following is intended to promote public health, safety, welfare and help maintain property values by prohibiting unsightly and potentially hazardous and unhealthful occurrences and locations of junk and junk vehicles, except as may be permitted at a location and in a manner according to this Zoning Code and applicable Sections of the Ohio Revised Code.

- 521.1 No property shall be used by any person, firm or corporation to accumulate, collect, deposit, dump, dispose, maintain or store any junk, junk vehicles or other type of salvageable solid waste or construction/ demolition debris outside of an enclosed area on a property, nor in any way visible from a surrounding property, or to allow the same on any property under their control or responsibility, unless the property is permitted for a junkyard in accordance with the requirements of this Zoning Code.
- 521.2 Violation of the preceding Section 521.1 shall be subject to prosecution in the respective court of jurisdiction, unless the one (1) or more person, firm or corporation which is responsible for the violation removes or causes removal of the violating items, within thirty (30) days after receipt of notice of the violation, to another property where such placement or use is permitted, or the violating items are otherwise placed within a building or a solid-fenced or walled enclosure permitted on the property for such purpose, which would completely block the otherwise violating items from being seen outside the property.

SECTION 522 JUNK YARDS: Junk yards may be permitted as a Conditional Use within specified districts upon the submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. No junk yard shall be located, operated, or maintained within Cedarville Township unless it is located within the proper district and the following conditions have been guaranteed by the applicant:

- 522.1 The operator of the junk yard shall possess a license from the Greene County Auditor.
- 522.2 The junk yard operation shall possess a plan for the control of insects, rodents, and other disease vectors.
- 522.3 The area of the site used for the storage of junk shall be completely enclosed by a fence or other suitable means to prevent any uncontrolled access by unauthorized persons.
- 522.4 The site shall contain mounding, screening, or natural vegetation adequate to obscure the view of junk from any public street or surrounding property as determined by the Board of Zoning Appeals.
- 522.5 Any fence required for screening purposes shall be in accordance with the following requirements:
  - a. It shall be neatly constructed of opaque material.
  - b. It shall not be less than six (6) feet in height.
  - c. It shall be maintained in a condition so as to insure its opaqueness.
  - d. It shall contain no advertising.
- 522.6 All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed, and so that they will not constitute a place or places in which mice or other vermin may be harbored, reared, or propagated.
- 522.7 Because of the tendency for junk yards to promote the breeding of mosquitoes and vermin and the Potential volatile nature of certain materials, no operation shall be permitted closer than five hundred (500) feet from any established residential or rural center district.
- 522.8 The Zoning Inspector or a Health Department Employee may visit the site at any time and may have cause for a Cease-and-Desist Order if any of the above sections are in violation.

SECTION 523 SANITARY LANDFILLS: Sanitary landfills may be permitted as a Conditional Use within specified districts upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. The following conditions shall be guaranteed by the applicant:

- 523.1 All zoning permit applications for sanitary landfills within Cedarville Township shall be accompanied by the following information, at a minimum:
  - a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the proposed site in relation to surrounding existing and proposed land

uses, existing and proposed roads, surrounding zoning districts, and Perspectives:  
A Future Land Use Plan for Greene County, Ohio;

- b. Topographic maps, drawn at a scale no greater than one (1) inch equal to two hundred (200) feet with five (5) foot contour intervals, showing the existing and the proposed final physiographic layout of the site;
  - c. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thicknesses, and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply;
  - d. A transportation plan for the site illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site;
  - e. Proposed methods of control for insects, rodents and other disease vectors;
  - f. Proposed methods of controlling odor, dust, and/or blowing debris such as paper;
  - g. Proposed methods for screening;
  - h. Proposed hours of operation;
  - i. The location and size of proposed shelters for landfill personnel and equipment; and
  - j. A proposed plan for future use of the site.
- 523.2 All proposed sanitary landfill operations shall be required to secure a "Permit to Install" from the Ohio Environmental Protection Agency prior to the issuance of a Conditional Use Permit.
- 523.3 The site shall contain mounding or screening adequate to obscure the view of the landfilling operation from any public street, existing dwelling unit, or any residentially zoned property.
- 523.4 The site shall be limited to areas where surface or underground water pollution will not occur.
- 523.5 The site shall not be accessible from any established residential area.
- 523.6 The site shall be so located as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.
- 523.7 An attendant shall be on duty during the time the sanitary landfill site is open to supervise the unloading of refuse.
- 523.8 Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed regularly.

- 523.9 There shall be no open storage or burning of refuse or garbage.
- 523.10 Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly in a systematic manner.
- 523.11 Domestic animals shall be excluded from the site.
- 523.12 A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- 523.13 Other conditions which the Board of Zoning Appeals deems necessary to insure that the sanitary landfill operation will not be detrimental to surrounding properties or to the environment.
- 523.14 No hazardous waste, defined under Ohio Revised Code Section 3724.01 (J)(1) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat.2806-2812, 42 U.S.C. 6921 to 6931 shall be deposited in or stored on any site designated as a Sanitary Landfill under Section 523 of this Code without application for and receipt of a hazardous storage-burial conditional use permit from the Board of Zoning Appeals and submission of an operating plan by the proposed site operator, to include the following information and assurance:
- a. The full legal and corporate name of the site operator, to include any other names used by said site operator within the past five (5) years, and the names of all the officers of the said proposed operator and include detailed resumes same and indicated prior experience or expertise in the operation of hazardous waste storage-burial facility.
  - b. A detailed listing of the specific types of hazardous waste to be stored on site to include chemical and generic designation and known effects on flora and fauna by same.
  - c. A complete fire and population evacuation plan for all areas within 5 miles of the site center.
  - d. A complete geologic and hydrologic study of the site showing site barrier control sufficiency to prevent all off-site leachate transmission and insure protection of all water supplies.
  - e. Operator shall submit the name of the waste transport company to include the type of vehicles to be used to transport the hazardous waste and the training of the driver-operators.
  - f. Operator shall submit a plan for the control of malodorous airborne pollutants so that no such odors are transported off-site.
  - g. Operator-applicant shall present proof to the Board of licensure for hazardous waste storage under Section 3734.03 of the Ohio Revised Code prior to issuance of any Conditional Use Permit by the Board of Zoning Appeals.



- h. Operator-applicant present proof of bond or surety to the sum set by the Board of Zoning Appeals subject to the approval of the Township Trustees. Proof of bond shall be required prior to the granting of a Conditional Use Permit.

523.15 The Zoning Inspector or a Health Department Employee may visit the site at any time and may have cause for a Cease-and-Desist Order if any of the above sections are in violation.

SECTION 524 MINERAL EXTRACTION OPERATIONS: The purpose of this Section is to ensure that the mineral resources of Cedarville Township are properly managed, and that all land used for mineral extraction be properly located, screened, and reclaimed so as not to create a hazard or nuisance which may adversely affect the health, safety, or general welfare of the community, either immediately or in the future. Quarries, sand and gravel operations, or other mineral extraction operations may be permitted as a conditional use within the specified districts upon submission of satisfactory proof that the operations will not be detrimental to the neighborhood or surrounding properties. The following conditions shall be guaranteed by the applicant:

524.1 The conditional use application for a mineral extraction operation within Cedarville Township shall be accompanied by the following information, at minimum:

- a. Vicinity map, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the extraction site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and Perspectives: A Future Land Use Plan for Greene County, Ohio;
- b. A map at a scale or at least one (1) inch equals one hundred (100) feet showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the site property;
- c. Name and address of the applicant, including all partners and officers if a corporation;
- d. Name and address of the owner of the surface rights of the site property;
- e. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavating;
- f. A list of the types of resources or minerals to be extracted;
- g. The proposed method for removal of the resources and whether or not blasting or other use of explosives is proposed;
- h. A study of the anticipated depth of excavations and the probable effect on the existing water table conducted by a qualified professional engineer registered in the State of Ohio. If the water table is to be affected, the operator shall provide proof, before permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply;

- i. The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation;
  - j. A general description of the equipment to be used for excavating, processing, and/or transporting excavated
  - k. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site;
  - l. A plan for the rehabilitation and reclamation of the excavated area as specified in this Section; and
  - m. Any other information the Board of Zoning Appeals may deem necessary in order to determine that the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.
- 524.2 The proposed mineral extraction operation shall be required to secure a permit for the activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources prior to a zoning permit being issued if so authorized by the BZA approval of the conditional use.
- 524.3 Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
- 524.4 The location of any storage or processing activities upon the site shall be subject to approval by the Board of Zoning Appeals because of possible detrimental external effects such as air or water contamination. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially zoned property.
- 524.5 Mineral extraction to a depth not exceeding six (6) feet may be conducted up to one hundred (100) feet of any residential district, provided the operation is conducted over a temporary period not to exceed twelve (12) months and the operation of equipment is limited to the extraction process. All other mineral operations shall not be conducted closer than five hundred (500) feet from an existing residential district.
- 524.6 Temporary operational roads shall not be located closer than two hundred (200) feet from any Residential District or any existing dwelling.
- 524.7 Buildings and structures designed and constructed exclusively for mineral extraction, storage, and/or processing, for which no future use is contemplated or approved, and no other use is practical or feasible, shall be demolished and removed upon expiration of the conditional use permit period of allowance when the mining and reclamation is completed.
- 524.8 The operator shall maintain complete records on a daily basis of all blasting operations, including records of the time, the date, the location, and complete description of

weather conditions relating to each blast. The records shall be available to the Zoning Inspector upon request. At the request of the Board of Zoning Appeals, the operator shall fully cooperate in any investigation by the Board of Zoning Appeals of the conditions of the operation. In the event that it is established as a matter of fact that there has been a failure to adequately comply with the provisions of this Section, the operator shall take immediate steps to provide full compliance herewith.

- 524.9 In order to insure adequate lateral support for public roads in the vicinity of the mineral extraction operation:
- a. Sand and gravel excavations shall be located at least 100 feet and backfilled to at least 150 feet from a right-of-way or easement line of an existing or platted street, road, highway, bikeway or railway.
  - b. Quarrying or blasting shall be located at least 100 feet from the right-of-way line of an existing or platted street, road, highway, bikeway or railway.
  - c. Excavation or quarrying may be permitted within the above limits per (a) and (b) to the point of reducing the ground elevation to the grade of the existing or platted street, road, highway, bikeway or railroad where officially approved by the authority charged with maintenance thereof.
- 524.10 All excavations of gravel or sand shall either be (1) made to a depth not less than five (5) feet below a water-producing level, or (2) graded and/or back-filled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or back-filled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.
- 524.11 The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than 3 feet horizontal to 1 foot vertical a minimum of six (6) feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where re-vegetation is possible.
- 514.12 Whenever the floor of a quarry is greater than (5) feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals. The mound shall be located not less than twenty-five (25) feet from any public right-of-way or boundary of the quarry property. Any of the described barriers may be excluded if deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.
- 524.13 When quarrying has been completed, the excavated area shall either be left as a permanent spring-fed lake, or the bottom floor thereof shall be leveled to prevent the

collection and stagnation of water and to provide proper drainage without excessive soil erosion and shall be covered with soil of adequate thickness for the growing of turf or other ground cover to minimize erosion, sedimentation and stormwater runoff.

524.14 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the Board of Zoning Appeals to conduct a mineral extraction operation as herein provided shall furnish a reclamation plan and a performance bond running to the Clerk of Cedarville Township, Greene County, Ohio. The amount of the performance bond shall be based upon an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by Resolution of the Township Trustees, depending upon the type and extent of restoration required. The performance bond shall be a guarantee that the applicant, in restoring, reclaiming and rehabilitating the land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals, meet the requirements of this section.

524.15 The reclamation plan for the extracted area shall contain, at a minimum, the following information:

- a. A map at a scale of one (1) inch equals one hundred (100) feet showing the existing contours at intervals of five (5) feet or less, any existing buildings or structures, and any public utilities or easements on the property.
- b. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations but which in no event need be more than 18 inches.
- c. The angle of slope of all earthen banks, which shall not be greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall not be greater than that which existed the excavation.
- d. The angle of slope of all banks consisting of rock and the required cover.
- e. The location of fences or effective plantings in those locations where the Board of Zoning Appeals determines that such angles of slope are not physically or economically feasible to reduce.
- f. The number of trees and shrubs, and the type, ground cover to be provided. The type and number per acre of trees, shrubs ground cover, or legume to plant shall be determined in consultation with the Greene County Agricultural Extension Agent.
- g. The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities and other improvements as determined in consultation with the Regional Planning and Coordinating Commission, the County Engineer, the Sanitary Engineer, and the Zoning Commission.

- h. A statement that 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 the reclamation area where the same is not submerged under water.
- i. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater interval than five (5) feet.

SECTION 525 TEMPORARY USES: The following regulations are necessary to govern the operation of certain uses which are non-permanent in nature. Application for a temporary use zoning permit shall be made to the Zoning Inspector, containing a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which the use is located:

- 525.1 Carnivals, Circuses, Tent Meetings, Bazaars, Festivals, Art Shows, or Other Similar Public Events may be permitted within any non-residential district and upon church, school or other similar sites within any residential district. No permit shall be issued unless the written consent of fifty-one percent (51%) of the owners of all residentially used property within four hundred (400) feet of the temporary use site is first filed with the Zoning Inspector at least forty-eight (48) hours prior to commencement of the event. Such uses shall only be permitted on lots where adequate off-street parking can be provided and shall not be permitted for a period longer than fifteen (15) days.
- 525.2 Christmas Trees Sales may be permitted within any non-residential district for a period not exceeding thirty-five (35) days.
- 525.3 Real Estate Sales Offices may be permitted within any district for any new subdivision which has been approved by the Regional Planning and Coordinating Commission under the Subdivision Regulations for Greene County. Such office shall contain no living accommodations. The permit shall be valid for one (1) year but may be granted two (2) six-month extensions thereafter if conditions warrant such renewal. The office shall be removed upon completion of sales of the lots therein, or upon expiration of the temporary zoning permit, whichever occurs sooner.
- 525.4 Temporary offices for contractors and equipment sheds incidental to a construction project may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for six-month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit, whichever occurs sooner.
- 525.5 The temporary placement of mobile homes upon a lot which already contains a residential structure may be permitted where the Board of Zoning Appeals finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exception hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare

of the community. The applicant for a temporary use zoning permit under 525.7 must produce a written statement for the Greene County Health Department approving the water supply and wastewater disposal system of the temporary mobile home location. The permit may be initially issued for nine (9) months, renewable for up to three (3) months thereafter, not exceeding a total of twelve (12) months.

525.6 Temporary sales may be permitted within parking lots within any business district. A temporary zoning permit for such sales shall only be issued once within any four (4) month period and shall not exceed a period of seven (7) consecutive days unless otherwise approved by the Board of Zoning Appeals. A permit shall not be issued if it is determined by the Zoning Inspector that encroachment of more than twenty-five percent (25%) of the required storage or parking areas will take place.

SECTION 526 CEMETERIES: The following standards shall apply to the development and construction of cemeteries within Cedarville Township.

526.1 The site proposed for a cemetery shall not interfere with any existing or planned public streets in the vicinity of the site and shall have direct access to a public thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.

526.2 A new cemetery site shall contain not less than twenty (20) acres.

526.3 All buildings, including but not limited to mausoleums and maintenance buildings, shall respect the required front, side and rear yard setbacks of the district in which located.

526.4 All graves or burial lots shall be set back not less than twenty-five (25) feet from any public right-of-way line.

526.5 All required yards shall be landscaped and maintained in good order in accordance with state and local regulations and a plan for perpetual care of the grounds shall be required.

SECTION 527 NON-FARM RESIDENTIAL USE LOT IN AGRICULTURAL DISTRICT: Creation of a lot for a non-farm rural residential homesite, meaning under ten (10) acres in size, whether for purpose of constructing a new dwelling on previously vacant land or to separate an existing dwelling no longer of use from an overall farm, is contingent on the following:

527.1 The area of the proposed lot complies with Section 402.6 (b), by being not less than two (2) acres.

527.2 Public road frontage for the proposed lot is not less than 300 feet, as listed in the Section 412Table.

527.3 Not more than one (1) non-farm size residential lot exists in 1,000 feet in either direction from the proposed homesite location on the same side of the road on which the proposed lot shall have frontage.

527.4 The Greene County Health District has granted approval for a septic system and water supply well within the border sought for the proposed lot.

- 527.5 At least the minimum yard-setback requirements specified for the AG District in the Section 412 Table for the lot sought for creation shall be provided around an existing dwelling sought for removal from a farm or for the proposed dwelling on the newly proposed vacant homesite.
- 527.6 Allowance of no more than one (1) additional non-farm rural residential homesite greater than provided for by the Maximum Density Rule stated in Section 402.6(b), exclusive of farm homesites, constitutes a variance subject to BZA authorization that is contingent on the applicant proving it will not be detrimental to surrounding agricultural use and the rural character in the general vicinity. Desire to create a greater number of non-farm rural residential homesites shall necessitate application for residential rezoning review recommendation by the Zoning Commission and decision by the Trustees.

SECTION 528 This section intentionally left blank.

SECTION 529 HOME OCCUPATIONS: All home occupations shall be in accordance with the following provisions:

- 529.1 No person(s) shall operate a home occupation or be employed there for other than a resident of the premises;
- 529.2 All home occupations shall be conducted entirely within the dwelling unit, and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupant(s);
- 529.3 Not more than twenty five percent (25%) of the gross floor area of any dwelling unit shall be used for a permitted home occupation;
- 529.4 No home occupation shall be permitted in any accessory building within any district other than the Agricultural District if so authorized by the BZA upon application for conditional use submitted by the owner occupant of the parcel on which requested and provided the accessory building in which it is to be operated is not greater than 600 square feet in floor area.
- 529.5 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the building in which the home occupation is located or a two-sided sign of the same size mounted on a driveway pole, lamppost not greater than six (6) feet in height and set back at least ten (10) feet from the driveway and street right-of-way or easement line.
- 529.6 There shall be no sale on the premises of commodities not produced as a result of the home occupation and no home occupation business shall be permitted that in any way involves or includes non-occupant employees, motor vehicle sales, repair or salvaging of any kind, construction and/or excavating contracting service equipment storage and maintenance or trucking service provision rig storage or maintenance;

529.7 No traffic shall be generated by such home occupation in greater volume than would otherwise normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall only be provided on or along the driveway on the same lot as the home occupation dwelling and not with the minimum required front yard area of the dwelling lot; and

529.8 Equipment or processes shall not be used in a permitted home occupation which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in voltage off the premises.

**SECTION 530 SINGLE FAMILY DWELLING OCCUPANCY AND MINIMUM DWELLING UNIT FLOOR**

530.1 Single Family Dwelling Occupancy is subject to the chart below. Addition must be attached to the existing dwelling by a main wall and/or living space.

Living Space to Household Unit Dwelling	Zoning District	Permitting Category
In same with no separate address, access, or utilities	AG or R zone	Permitted
In same or attached; separate access but no separate address or utilities	AG, RU or RS	Conditional*
	RT or RM	Permitted
Attached; separate access and/or kitchen, but no separate address or utilities	AG, RU or RS	Conditional*
	RT or RM	Permitted
Detached with no separate address and/or utilities	AG, RU or RS	Conditional*
	RT or RM	Permitted
Detached; with separate address, and/or utilities	AG, RU or RS	<b>Prohibited</b>
	RT or RM	Permitted

\*Subject to requirements in Sections 530.2 and 530.3 and BZA approval per Section 1002 if a Conditional Use

530.2 Minimum Floor Area Per Dwelling Unit: The minimum residential floor area required per dwelling unit-is subject to the following, as applicable:

No. of Bedrooms Per Dwelling Unit	Single Family or Two-Family Dwelling Unit	Multiple Family Dwelling Unit
0 Bedroom	900 sq ft	600 sq ft
1 Bedroom	920 sq ft	720 sq ft
2 Bedroom	1040 sq ft	840 sq ft
3 Bedroom	1160 sq ft	960 sq ft
4 Bedroom	1280 sq ft	1080 sq ft
5 Bedroom	1400 sq ft	1200 sq ft

\*120 sq ft required min per bedroom space intended for two (2) or less occupants, subject, as applicable, to occupancy permitting provisions specified above in Section 530.1.



- 530.3 Non-Household Member Occupancy Permitting Requirements: Occupancy of a dwelling by any person who does not qualify as a household member of the dwelling as defined in this Code is subject to satisfying the following applicable requirements listed for potential permitting of such occupancy:
- a. Certification by the Greene County Building Regulation Department (GCBRD) that the living space for each occupant meets or exceeds the Residential Code requirements of the GCBRD, as amended.
  - b. Certification by the Cedarville Township Fire/EMS Department (CTFD) that the living space for each occupant meets or exceeds applicable regulation requirements of the CTFD, as amended.
  - c. Certification by the Greene County Combined Health District (GCCHD) that the living space for each occupant meets or exceeds the GCCHD "Housing Regulations", as amended.
  - d. Certification that sewage disposal and potable water supply of the living space for each occupant meets or exceeds applicable regulation requirements by the Greene County Combined Health District (GCCHD), Ohio Environmental Protection Agency (OEPA) and/or the Greene County Sanitary Engineering (GCSED), as applicable.
  - e. Cedarville Township Board of Zoning Appeals (BZA) approval of a Conditional Use application if specified in Section 530.1 as a zoning requirement for permitting.
  - f. Parking shall be provided on the site sufficient to accommodate the vehicle(s) of the added living quarter occupants in addition to those of the dwelling resident owner household members and shall be buffer screened from view of offsite property occupants by landscaping and/or solid fencing if deemed necessary.
  - g. The driveway at the residence of such secondary living quarters shall provide only for forward movement of vehicles when leaving the site.
  - h. The approved secondary living quarter occupancy is subject to annual verification.

SECTION 531 AIRPORT OR AIRCRAFT RUNWAY: An airport or aircraft runway shall only be permitted in accordance with the following requirements:

- 531.1 In order to maintain the safety of the occupants of surrounding properties, a private helicopter landing area shall be located a minimum of five hundred (500) feet from any adjacent property or if at a lesser distance permitted by the Ohio Division of Aviation be screened by a wall, solid fence, mound, or evergreen planting a minimum of six (6) feet in height. In order to maintain the safety of the occupants of surrounding properties, the site must be approved by the Ohio Department of Transportation, Division of Aviation in order to receive zoning approval.
- 531.2 A private aircraft runway shall only be permitted by zoning if approved by the Ohio Department of Transportation, Division of Aviation and provided the runway shall be situated so as to not create a nuisance or hazard to residential dwellings or other structures within the vicinity underlying the applicable air navigation surfaces specified for the runway approach and departure for aircraft landing and takeoff.
- 531.3 Commercial airports may be permitted as Conditional Uses within specified districts subject to the following conditions:

- a. The applicant shall present sufficient certified evidence to the Board of Zoning Appeals that the design and location of the airport satisfies all the applicable requirements of the Federal Aviation Administration (FAA) and the Ohio Department of Transportation, Division of Aviation.
- b. The applicant shall provide proof to the Board of Zoning Appeals that all appropriate air rights and/or easements have been secured from surrounding property owners which underlie the airport avigation surfaces over the airport specified necessary for aircraft landing and takeoff.
- c. The location of buildings, hangars, or other structures shall meet or exceed the minimum setback requirements of the district in which the airport is located.
- d. The location and capacity of all off-street parking and loading areas and the location of vehicular access to public streets shall be subject to approval by the Board of Zoning Appeals and in accordance with FAA Part 77 airport design requirements.
- e. All airports shall have water supply and wastewater disposal facilities approved by the Ohio EPA.
- f. Appropriate visual and noise screening of the hanger and terminal areas from existing surrounding uses shall be provided. Such screening shall be subject to BZA approval and to ODOT Division of Aviation review satisfaction.

SECTION 532 BED AND BREAKFAST LODGING: as defined herein, may only be permitted as a home occupation in the Agricultural zoning district subject to BZA conditional use approval in accordance with the following:

532.1 Definition: An owner-occupied single-family residence principal dwelling wherein, as a home-occupation, the occupant-owner offers sleeping rooms to paying guests for overnight stays followed with breakfast served each morning thereafter.

532.2 Permitting Requirements: Bed and breakfast lodging shall comply as follows:

- a. Operated only by the resident occupant owner(s) and family of a single-family dwelling in which the service is to be offered, plus up to two (2) non-family, non-residents as employed assistants for the lodging operation.
- b. No more than four (4) sleeping rooms, without separate or added kitchen facilities, shall be offered for the use, with not more than two (2) adults (21 years or more in age) allowed per room.
- c. Overnight stays shall not exceed more than seven (7) consecutive days within any thirty (30) days (4 weeks) as a consecutive period of time.
- d. A current guest register, inclusive of guest names, addresses and dates of occupancy, shall be constantly maintained.

- e. No receptions, private parties, or other type of gathering or guest paid activity is permitted.
- f. The building, premises and operation shall comply with all applicable requirements of other involved permitting by Greene County and the State of Ohio.
- g. The use shall not adversely affect the safety and tranquility of any neighbor or the which are offensive or harmful due to the health or life-threatening condition or behavior of guests.
- h. No exterior alterations or provisions are made in the visual appearance of a single-family dwelling used for the lodging:
  - 1. other than those required for compliance with building and fire codes,
  - 2. except in provision of on-premises parking, at one (1) space per sleeping room (each 2 guests) and the same per outside employee, in addition to parking needs of the resident owner-occupant(s) and family, without violating any minimum required yard setbacks.
  - 3. other than a single or twin faced sign, not greater than four (4) square feet per face, that only states the name of the lodge/lodging service, either mounted flat on a front wall of the dwelling or as a ground-based, monument-style or lamp-post sign, placed so not to be a sight-distance problem or accident hazard from any road from where visible nor be illuminated in a manner that would be a spot glare nuisance to any surrounding property occupant.

SECTION 533 DRIVEWAY ACCESS SUFFICIENCY REQUIREMENT: All driveways for access to any use are subject to the following:

- 533.1 Review by the attending Road, Fire and Police Emergency Services (EMS) Departments. Any proposed driveway location or provisions not found sufficient from review by them in terms of providing for standard routine access by vehicles regularly used by the property occupants and visitors and by EMS vehicles and rules for sufficient sight-distance as to safety relative to the public road that the driveway will intersect shall be disallowed unless access conditions are improved by the applicant landowner to be acceptable to the noted involved reviewing authorities.
- 533.2 Review by the Zoning Inspector in consultation with the appropriate public road authority as to either the need for a driveway culvert or for one that needs to be larger in diameter than the below specified minimum. Standard minimum culvert dimensional and installation requirements are as follows:
  - a. Twelve inch (12") minimum diameter.
  - b. Not less than thirty feet (30') in length.

- c. Made of reinforced concrete, corrugated metal or other material approved by the public road authority responsible for permitting the driveway location and installation.
- d. Installed on the bottom of the road ditch and backfilled with #304 stone until the driveway is flush with the edge of the road it intersects, but without resulting in casting gravel and/or surface drainage water runoff from the driveway onto the road, by being designed and installed to intercept and divert any drainage water therefrom into the road ditch on either side of the driveway, which may necessitate requirement of a slotted drain across the driveway apron.

533.3 Review by the Greene County Soil and Water Conservation District (SWCD) if determined necessary by the Zoning Inspector in order to ensure that no driveway blocks or obstructs surface or subsurface water drainage flow from any abutting upstream to downstream properties nor will cause any adverse flow impact or damage as to erosion, sedimentation, flooding and/or ponding on any surrounding abutting or other properties in the affected vicinity of the parcel on which located.

SECTION 534 DRAINAGE SUFFICIENCY REVIEW REQUIREMENT: The proposed development of an principal use building or structure on a lot, parcel or site involving excavation, regrading and/or denuding of the soil(s) thereon and/or that will affect surface and/or subsurface drainage on and/or from the site development for a non-agricultural use purpose shall be subject to review by the Greene County Soil and Water Conservation District (SWCD) for purposes of their determination regarding the following prior to a zoning permit being issued:

- 534.1 Sufficiency of stormwater drainage on and from the site during and following the proposed development as to not result in any unacceptable alteration or disruption of any farm field sub-surface drainage tiles, springs and/or surface drainageways;
- 534.2 Site grading that will not result in any adverse discharge, as to unacceptable quantity and/or quality, of stormwater drainage runoff and/or sump-pump drainage from the development on the site nor from the site onto any adjoining property or into a drainage swale or culvert of a public road;
- 534.3 Provision of erosion and sediment control per best management practices (BMP) as instructed by them to be used during and following earth disturbing activities reviewed necessary for development of the site use; and
- 534.4 Stipulation of surface and/or subsurface drainage controls and/or improvements that they recommend necessary to be provided so not to cause any unacceptable site drainage and/or erosion and sediment management impact and/or problem during and after development.

Certification from the SWCD of them having completed their evaluation of the proposed site development regarding the above listed concerns shall be presented as a required qualification for zoning permit issuance, along with their written comments and improvement stipulations so regarding to be implemented by the site developer for compliance with the zoning permit.

SECTION 535 RURAL RESIDENCE BUSINESS USE: A non-agricultural business use may be permitted on the same property of a rural residence dwelling if authorized for approval by the BZA as a conditional use processed in accordance with Section 1002 and in compliance with the following requirements:

535.1 Potentially Permitted Uses: The types of non-agricultural business uses which may be approved by the BZA for issuance of a zoning permit include, but are not limited to, the following:

- a. Cabinet Maker Service
- b. Construction Contractor
- c. Excavation Contractor
- d. Furniture Maker and Repair
- e. Landscaping Contractor
- f. Lawn and Garden Equipment Repair
- g. Lawn Mowing Service Contractor
- h. Machine and/or Mold Making Shop
- i. Mechanical, Electrical, HVAC, Plumbing Service Contractor
- j. Mulch and Topsoil Service Contractor
- k. Small Wood Products Maker (Toys, Novelties, Etc.)
- l. Upholstery Service Shop
- m. Tractor Trailer Operator
- n. Vending Offsite Service and Equipment Provider
- o. Weider Service Shop
- p. Well Drilling Service Contractor
- q. Wood makers Shop
- r. Other similar use as determined by the BZA.

535.2 Permitting Requirements: The above uses are subject to the following requirements, at minimum, for BZA consideration of approval to allow the use(s) to be permitted:

- a. Resident Operator Only: Such use shall only be operated by the resident occupant owner(s) and family members of a single-family dwelling located on the same property on which the business use is proposed for permitting, plus up to two (2) non-family, non-residents employed as assistants if approved by the BZA.
- b. Minimum Property Size: Such use may only be on a parcel that is over five (5) acres in size, inclusive of containing the owner operator's residence dwelling.
- c. Maximum Area Allowance: The entire area for such use shall not exceed one (1) acre, inclusive of the building(s) and surrounding land used for that purpose.
- d. Location: The structure(s) and operations area for the use shall be located to the rear of the dwelling on the same property and contained only in the area allowed.
- e. Building/Structure Size & Height: No building(s) for the use shall contain more than one story and no such building or other structure shall be greater than 35 feet in height.

- f. Minimum Setback Distances: The structure(s) and operations area for the use shall be set back at least fifty (50) feet from an adjacent property line, unless otherwise found acceptable by the BZA at a lesser distance.
- g. Buffer Screening: The outside parking and storage of vehicles and equipment contained within the maximum area allowed for such shall be surrounded with buffer screening provided in accordance with Section 515 of this Zoning Code on all sides facing adjacent properties.
- h. No Nuisance Impact Tolerated: No nuisance impact, on or off the site of such use, shall be tolerated, including but not limited due to, noise, odor, fumes, smoke, lighting glare, electrical or communications interference or other emission, fire or explosive hazard, increased uncontrolled storm water runoff discharge, surface or ground water quality contamination or depletion, soil erosion sedimentation, etc. Bottom line, the use shall not in any way adversely affect the health, safety and tranquility of anyone on any other property or the surrounding community.
- i. Customer Visits And On-Site Sales Permitted: Customer visits for pick-up or drop-off of Ali products involved or resulting from such business use by the owner occupant and family members of the residence property shall only permitted as specified below in (j) and provided no such visits cause a traffic safety or nuisance problem to surrounding property residents.
- j. Deliveries Restricted: All deliveries to and from the business only for purposes of the business use shall only be made during reasonable usual and customary business hours, being between 8 a.m. and 8 p.m. Monday through Saturday and noon to 6 p.m. on Sunday.
- k. Offsite Employees Prohibited Onsite: For a service business which uses outside employees at customer job sites located elsewhere, no such employees shall be permitted to come to and park their vehicles on the business use site at the owner operator's residence, except if allowed by the BZA for two (2) additional non-family, non-household occupants of the residence approved for the business use.
- l. Compliance With Other Required Involved Permitting: Certification of compliance with other permitting required by other government agencies or authorities must be provided as necessity for BZA approval and zoning permit issuance to allow such use. This includes but is not limited to: Ohio EPA and/or Greene County Combined Health District approval of onsite sewage treatment and disposal, surface and/or groundwater monitoring if determined necessary; load-limit allowance by the Ohio Department of Transportation (ODOT) and/or the Greene County Engineer, as applicable; the Greene County Building Department; and the Cedarville Township Fire/EMS Department, as applicable.
- m. No exterior alterations or provisions shall be made in the visual appearance of the single-family dwelling of the business use on the same property:

1. other than those required for compliance with building and fire codes,
2. except in provision of on-premises parking of vehicles and equipment for the business, and
3. other than a twin faced sign, no greater than four (4) square feet per face, that only states the name of the business use, either mounted flat on a front wall of the dwelling or as a ground-based, monument-style or lamp-post sign, placed so not to be a sight-distance problem or accident hazard from any road where visible nor be illuminated in any manner.

n. Annual Verification Required: The approved rural residence business use is subject to annual verification for compliance with requirements of this Section and BZA approval conditions.

Section 536 AGRITOURISM -In the interest of the public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied:

536.1 The agritourism provider shall provide evidence the farm on which the agritourism operation is proposed is ten (10) acres or more in area. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

536.2 The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.

536.3 The agritourism provider shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.

536.4 The size and setback for any structure used primarily for agritourism activities shall be determined by the Board of Zoning Appeals per township regulations.

536.5 The agritourism operator shall provide off-street parking as determined by the Zoning Inspector in accordance with off-street parking regulations in Article 6.

536.6 The agritourism operator shall provide ingress and egress in a manner necessary to protect public safety as determined by the Cedarville Township Fire Department.

536.7 The following definitions apply to this section:

- a. **AGRITOURISM:** An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity

- b. AGRITOURISM PROVIDER: A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
- c. FARM: Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- d. AGRICULTURAL PRODUCTION: Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.
- e. CONSERVATION PRACTICES: Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

## SECTION 537 ALTERNATIVE ENERGY

The intent of this section is to regulate Energy Systems that is intended to produce electricity to sell into the market. This is not intended to cover residential or business energy installations that provide onsite power. This section applies to facilities that generate under 50 megawatts of electricity and are larger than 15 acres.

### 537.1 APPLICATION PROCESS

- a. The applicant shall provide information on land use and community development.



- b. Existing land use – the applicant shall provide information regarding land use in the region and potential impacts of the facility through the following maps and related information.
- c. Provide a map of at least 1:24,000 scale showing the following within one mile of the project area boundary:
  1. The proposed facility site plan.
  2. Land use, depicted as areas on the map, land use for the purposes of paragraph (C) of this rule, refers to the current economic use of each parcel. Categories should include residential, commercial, industrial, institutional recreational, agricultural and vacant, or as classified by the local land use authority.
  3. Structures, depicted as points on the map. Identified structures should include residences, commercial centers or buildings, industrial buildings and installations, schools, hospitals, churches, civic buildings, and other occupied places.
  4. Incorporated areas and population centers.
- d. Provide for the types of structures identified on the map a table showing the following:
  1. For all structures and property lines within two hundred fifty feet of a collection line, access road, or the associated facility, the distance between both the structure or property line and the associated facility.
  2. For each structure and property in the table, whether the property is being leased by the applicant for the proposed facility.
  3. Provide a baseline of the current use of the land
  4. Provide an evaluation of the impact of the proposed facility on the above land uses identified on the map. Include for each land use type the construction impact area and the permanent impact area in acres, in total for each project component (e.g., solar panels, collection lines, access roads) and the explanation of how such estimate was calculated.
- e. A township approved third party will submit an environmental impact report regarding the solar site including direct and indirect impact to state, county, and private forests or parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within 5 to 10 miles of the proposed project.
- f. A community impact assessment by a township approved third party will include but not limited to a comprehensive impact, agricultural and tourism revenue, employment, and taxation is required as well as the assessment of the various projected tax and revenue options.
- g. A site plan will show the property lines and physical features, including roads for the project site.
- h. A description of mitigation procedures to be utilized by the applicant during construction, operation and maintenance to reduce impacts to agricultural land, structures and practices. The description shall illustrate how avoidance and mitigation procedures will achieve the following.

1. Avoidance or minimization to the maximum extent practical of all damage to field tile drainage systems and soils in agricultural areas.
  2. Timely repair of damaged filed tile systems to at least original conditions, at the applicant's expense.
  3. Segregation of excavated topsoil, and decompaction and restoration of all topsoil to original conditions unless otherwise agreed to by the landowner.
- i. The landowner will provide the township and owner/operator with a map of all existing drainage tile. The information to be obtained from Greene County Soil and Water Conservation and the landowner records.

537.2 PRESERVE FARMLAND

- a. It is the intent of the Agriculture District to provide for farming use activities above other interests and by so doing help to ensure that other permitted land uses in agriculturally used areas of the Township do not become detrimental to that primary concern and endeavor, either by intensity, incompatibility, or encroachment. Farming use of land in this District is to be the primary focus against which all other use is considered secondary, given agriculture constitutes and provides the major portion of the economic base in Cedarville Township.
- b. Utility scale solar facilities shall minimize and avoid locating on farmland with soils categorized as Prime Agricultural Soils as defined in Section 202.088 of this Resolution and Farmland of Local Importance. No site shall have more than 50% of soils identified as Prime Agricultural Soils and Farmland of Local Importance.

537.3 SCALE AND SIZE

Solar facilities under 50 megawatts and must be on a minimum of 15 acres.

537.4 SETBACKS

- a. The applicant shall address the impact of the facility on rivers and streams. A buffer of at least 50 feet is required on either side of any stream in the project area. A minimum setback of 150 feet is required on either side of a river.
- b. All aspects and components of the facility shall meet the minimum setback requirement of 300 feet. This setback requirement is in addition to the buffer requirements for rivers and streams stabled above.
- c. Construction of commercial solar facilities shall be subject to the Greene County Erosion and Sediment Control Ordinance which includes but not limited to extent of grading and grading phases, runoff information, management of runoff and pollution both during construction and throughout the lifetime of the project.
- d. The perimeter of the facility shall be secured through the use of security fencing of at least with (8) feet in height, to be installed on the outside of the facility to include the

300 feet setback buffer. Fencing should be designed to blend in with surrounding screening and natural views.

- e. No facility shall be allowed on a property designated as a battlefield area or other historic resource, or other sensitive area.
- f. A vegetative buffer shall be installed and maintained around the entire circumference of the facility and its components to reduce the visual impact on the surrounding property owners. In areas where there is not at least 50 feet of a native timber buffer, a barrier consisting of a minimum of a double row of evergreens (with a beginning height of at least six (6) feet and anticipated mature height of 30 to 40 feet) shall be planted during the appropriate time of year, subsequent to the completion of construction. The applicant shall replace any dead or deceased trees in the buffer. All landscaping shall be approved by the township.

#### 537.5 NOISE

- a. Noise associated with construction and operation shall be defined, maintained, and be of minimal levels. Construction shall be conducted during the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday to limit disturbance to neighbors.
- b. The use of pile driving equipment is prohibited within 600 feet of any structure or private or public water system unless pile driving monitoring equipment to evaluate vibration is utilized.
- c. No noise shall be generated at the property line that exceeds 5 dBs above ambient noise.

#### 537.6 TRAINING FOR FIRE DEPARTMENT

- a. All electrical equipment associated with and necessary for the operation of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electric Code (NEC), Ohio Commercial Building Code. Use of above-ground lines shall be kept to a minimum
- c. The applicant shall provide training, before, during and after construction for all emergency services in Greene County or any mutual aid districts. The applicant shall provide a set of procedures and protocols for managing risk of fire and for responding in the event of an emergency at the facility. The applicant of the facility shall conduct regular training for first responders during the operation of the facility on a regular basis.
- d. Special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the Township.
- e. The Applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency

personnel access. Warning signage shall be placed on electrical equipment and plant entrances.

- f. The applicant shall obtain all required permits for emergency access through the appropriate municipality. If any adjoining properties are damaged as a result of ingress/egress to the facility, the applicant shall remedy all damages in full.
- g. Best practices when using herbicides (non-harmful to the environment) or other hazardous chemicals to control weeds, grass and other unwanted vegetation shall be used.
- h. The photovoltaic panels shall not contain harmful chemicals such as cadmium or amorphous silicon. Prior to construction, the Applicant shall provide written panel specifications to include composition, toxicological information, and the physical and chemical properties of all panels used at the facility. The Applicant shall also provide the country of origin of the panels used at the facility. Only biodegradable cleansers and water used to clean panels.

#### 537.7 MAINTENANCE/RECLAMATION OF OBSOLETE OR DAMAGED PANELS

- a. Solar panel collection systems and all solar energy equipment shall be completely removed from the property within 150 days from the date they are not producing electricity, damaged, discontinued or abandoned. Any earth disturbance shall be graded and reseeded. The solar panel collection system shall be presumed to be discontinued or abandoned if less than 50% of electric capacity is generated by such solar collector for a period of twelve (12) continuous months.

#### 537.8 SCREENING AND BUFFER

- a. The facility will use wildlife fencing standards, including at the bottom and provide at least one corridor for wildlife to navigate through the solar facility per 50 acres of acreage coverage. The proposed wildlife corridor will be shown on the site plan submitted to the county and be a minimum of 25 feet in width. Areas between fencing will be kept open to allow for movement of migrant and other wildlife.
- b. A vegetative buffer zone may provide some protection against wind-blown objects from entering the area where panels are established, may provide some protection against intrusion of vehicles if the area is located on a major highway, or may provide some deflection of potential sunlight glare if the areas is located near neighborhoods or a major highway. Thus, not only will the vegetative border be pleasing, but it may also serve some practical functions.
- c. Solar arrays shall be screened from adjacent residential properties and public rights-of-way.
- d. Vegetative screening which requires the installation of trees, shrubs or bushes that will be a minimum of at least eight (8) feet in height at the time of installation and be located on all sides which abut public rights- of-way or are adjacent to residential properties.

- e. An appropriate security fence (height and material to be established through the site plan permit process) shall be placed around the perimeter of the solar facility.
- f. Appropriate warning signage (height, area, and material to be established through the site plan permit process) shall be placed at the entrance and perimeter of the solar facility project.

537. 9 PROPERTY VALUE

Developer will provide an independent baseline appraisal or value report for properties within a mile of the solar facility.

537. 10 BENEFIT TO COMMUNITY

- a. Provide solar power.
- b. Financial Benefits – to be negotiated by Township and/or County Commissioners.

537. 11 POLLINATOR AND GRAZING

- a. Solar projects will be planted with appropriate vegetation to provide habitat for pollinators, as well as other wildlife. Use seed mixes of native grasses and pollinator-friendly flowering plants as ground cover in solar facilities.

537. 12 DRAINAGE TILES

- a. All existing drainage tile must be inspected by robotic camera and submitted to the township and landowner to establish a base line.
- b. Damage or inoperable tile will be repaired prior to construction by the landowner and developer/owner. The repairs will be documented with a report to the landowner and township with the location, nature, and satisfactory completion of repairs
- c. The landowner and owner/operator is responsible for all drainage tile. All drainage tile will be inspected every 3 years by robotic camera, with all video footage and a report of any damage or failure submitted to the township.
- d. Any failures shall be corrected with in 60 days of discovery by the landowner and operator. The repairs will be documented with a report submitted to the landowner and township with the location, nature, and satisfactory completion of the repair
- e. The township reserves the right to have the building inspector or agent present during the repairs

537. 13 LIGHTING

- a. Large solar energy facility lighting will be limited to downlighting and in no case shall any illumination from lighting extend beyond the perimeter of the solar facility.
- b. Lighting will not impact or interfere with traffic on roads adjoining or bordering the solar facility.

537.14 SAFETY

- a. The property will be maintained, by the landowner, owner, and developer; kept free of hazards including but not limited to facility wiring, loose fastenings, and creation of unsafe conditions, or detriment of public health safety or general welfare.
- b. The owner/operator will provide the township fire chief with a copy of the project summary, electrical schematic and site plan.
- c. The owner operator will in conjunction with the local emergency services develop an emergency response plan.
- d. All means of shutting down the solar system will be clearly marked and forwarded to the township fire chief and local emergency services.
- e. The 24 hour emergency shut off will be clearly displayed.
- f. The 24 hour contact will be clearly displayed.
- g. The site may not be used for advertising except for the identification of the owner and operator.
- h. Fencing will be for the prevention of unauthorized access and will enclose all ground mounted solar systems. Warning signs with the landowner and owner/operators' contact information will be placed at the entrance and perimeter of the fencing.
- i. The planning board will determine the type of fencing, giving consideration to the importance of maintaining wildlife movements and landscape connectivity.
- j. The township reserves the right to inspect the facility/system for fire code compliance and safety within 24 hours of notification to property owner and owner operator of the system.

537.15 ROADS

- a. The number of roads and width of access roads will be minimized to avoid or minimize the cut and fill on sloping terrain. Natural terrain will be used for access points. *The developer will enter into a roadway use agreement with the County Engineer prior to construction.*
- b. Roadway setback minimum of 50 feet from state and county highways and 40 feet from other roads.
- c. The owner operator will be responsible for needed maintenance and improvements to any county roads due to construction vehicles. All improvements/maintenance will be reviewed with and approved by the Greene County engineer and completed according to engineer's specifications.

537. 16 ENVIRONMENTAL

*Wildlife permeable* perimeter fencing for the site will not include barbed or razor wire.

537.17 BONDS AND DECOMMISSIONING

- a. In the event the solar facility is no longer operational/operating, the solar company ownership is financially responsible for returning the land back to the original state prior to development. This includes topography amendments, drainage tile, access roads or laneways, etc. that were instituted for the purpose of the solar facility. Decommissioning costs will be estimated by a licensed professional engineer with experience in the removal of solar facilities. The decommissioning cost must not include any reduction for salvage value. The decommissioning cost estimate will be updated and reevaluated prior to any ownership change of the solar facility.
- b. Any solar facility which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation within 12 months after the date of discontinued operations. The owner or operator shall notify the Cedarville Township Zoning Inspector by certified mail of the proposed date of discontinued operations and plans for removal.
- c. Decommissioning shall consist of:
  1. Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
  2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Township may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
  4. Absent a notice of a proposed date of decommissioning, the solar facility shall be considered abandoned when it fails to operate for one year without the extension approval of the Board of Zoning Appeals and ORC 505.86 regarding the removal of buildings or structures will be pursued.

537. 18 HEIGHT OF PANELS

- a. The height of the solar facility shall not exceed 12 feet when oriented at maximum tilt. Solar energy system components shall be designed with an anti-reflective coating.
- b. Individual/personal- building or roof-mounted shall be given a height exemption but be designed with an anti-reflective coating.

537. 19 INSPECTIONS BY COUNTY OR TOWNSHIP FIRE DEPTS

- a. Cedarville township fire department reserves the right to inspect a solar energy system for fire code compliance and safety with twenty-four-hour notification to the owner-operator of the system.

537.20 OVERSIGHT & ENFORCEMENT

- a. If upon inspection, the Cedarville Township Fire Department determines that a violation exists or poses a safety hazard to persons or property, the fire department may order the facility operator to repair or remove the system within a reasonable time.
  
- b. Upon receipt of a complaint or the quarterly complaint summary report to the Ohio Power Siting Board, the Developer will also provide a copy of the report to the Cedarville Township Trustees as well as the resolution.

537.21 REFERENDUM

- a. Any proposed solar facility shall be subject to referendum on the ballot as provided in Ohio Revised Code Section 519.12



## Article 6

### Off-Street Parking & Loading Regulations

SECTION 601 OFF-STREET PARKING AND LOADING REQUIRED: No building or structure shall be erected, substantially altered, changed in use, or any land used or changed in use unless adequately maintained off-street parking spaces, either in garages or open parking areas, and off-street loading spaces have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any building, structure, or land use existing before the effective date of this Resolution or any amendment thereto unless such building, structure, or use is altered or changed. However, the number of off-street parking or loading spaces shall not be reduced to an amount less than required for a new land use as specified in this Article.

SECTION 602 REQUIRED PARKING AND LOADING PLAN: A parking and loading plan shall not be required for single-family or two-family residential uses. All other land uses shall submit a parking and loading plan to the Zoning Inspector as part of the application for a Zoning Permit. The parking and loading plan shall show boundaries of the property, parking spaces, loading areas, circulation patterns, drainage provisions, construction plans for any boundary walls or fences, a screening plan, if applicable, and the location of any adjacent houses or other use buildings.

SECTION 603 OFF-STREET PARKING DESIGN STANDARDS: All parking facilities, including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following specifications.

603.1 Parking Space Dimensions: All parking spaces shall be in accordance with the following design requirements:

The diagram illustrates four parking configurations: 45-degree, 60-degree, 90-degree, and parallel parking. Dimension A is the width of the parking space, B is the length, and C is the width of the driveway aisle. The 45-degree and 60-degree diagrams show two rows of spaces with aisle width C between them. The 90-degree diagram shows a row of spaces with aisle width C to the right. The parallel parking diagram shows a row of spaces with aisle width C to the right, and dimensions A and B labeled for a single space.

	45°	60°	90°	PARALLEL
<b>A</b> Width of Parking Space			14'	11'5"
<b>B</b> Length of Parking Space			21'6"	22'
<b>C</b> Width of Driveway Aisle			10'	9'

- 602.2 Access: All parking spaces, except those required for single family or two family uses not fronting upon an arterial or collector street, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or onto a public street or private interior driveway shall be traveling in a forward motion.
- 603.3 Paving: Parking spaces and any driveway and other accessway required for vehicle access and circulation for any non-agricultural use other than for a single family dwelling shall be hard-surface paved with asphalt or concrete.
- 603.4 Drainage: All parking spaces, together with driveways, aisles, and other vehicular circulation areas shall be graded and drained so to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways, bikeways and public streets without causing damage or deterioration thereof.
- 603.5 Barriers: Wherever a parking lot abuts a property line, fencing, wheel stops, curbs, or other suitable structural barriers shall be provided in order to prevent any part of a parked vehicle from protruding beyond the property line it abuts.
- 603.6 Screening: Screening of a non-residential use parking area that abuts a residential use property or zoning district shall be required as specified in Article 5, Section 515.
- 603.7 Access to Required Trash Containment Areas: Trash and/or garbage collection areas for commercial, industrial, and multi-family residential uses that provide such services, shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not enclosed in a building or other structure. Provisions for adequate vehicular access to and from an area for collection of trash and/or garbage shall be required.
- 603.8 Other Uses Within Required Parking Areas: No motor vehicle repair work or service of any kind, other than for an emergency, shall be permitted in or associated with any off-street parking area. Display or sales of any merchandise within any parking area shall be permitted only by the Zoning Inspector in accordance with Article 5, Section 525.6.
- 603.9 Landscaping: All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be continuously maintained.
- 603.10 Visibility: Access of driveways to and/or from a parking area shall be located so that any vehicle entering or leaving the parking area shall be clearly visible for an acceptable safe distance by any pedestrian or motorist approaching the driveway from a public or private street, walkway or bikeway, as applicable.
- 603.11 Marking: Parking spaces shall be so marked and maintained with painted lines, curb stones, or other manner determined suitable by the Board of Zoning.

603.12 Maintenance: The owner of a property used for a parking area shall maintain parking spaces and access ways thereto in good condition, without holes and free of dust, trash, and other debris.

603.13 Lighting: Any parking area which is intended to be used during non-daylight hours shall be properly illuminated as to avoid accidents. Lights used to illuminate a parking lot shall be so arranged and placed at a height and directed and shielded so to reflect the light away from adjoining property and roadway so to not be a spot glare nuisance or hazard to surrounding use occupants or motorists.

603.14 Separation from Right-of-Way: Parking facilities located within required front or side yards shall be separated from sidewalks and streets in public right-of-way by a strip of land which shall be at least five (5) feet in width, and which shall be reserved and maintained as landscaped open space and planted in grass.

603.15 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area and handicapped parking spaces and fire lanes shall be clearly marked, but only at places and to a height which will not pose a line of sight safety hazard.

603.16 Joint Use of Facilities: Two or more non-residential uses may jointly provide and use parking spaces when the operating hours of each use do not normally overlap, provided that the shared use arrangement is provided for within the deeds or other recorded written legal documents approved by the Board of Zoning Appeals.

603.17 Collective Parking Areas: Two or more non-residential uses may collectively provide the required off-street parking area, provided the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.

SECTION 604 PARKING SPACE REQUIREMENTS: For the purposes of this Resolution the following parking space requirements shall apply. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals:

<b>RESIDENTIAL</b>	
<b>USE</b>	<b>PARKING REQUIRED</b>
Single Family or two-family	2 per unit, may include driveway
Apartment, hotels, or multi-family dwellings	2 per unit
Mobile Home	2 per unit
Boarding house, rooming house, dorm or frat house bedroom	2 per bedroom or 2 per perm occupant, whichever is greater
<b>INDUSTRIAL</b>	
<b>USE</b>	<b>PARKING REQUIRED</b>
Manufacture, storage, warehouse, parcel delivery	2 per 3 employees on the largest shift and 1 per vehicle

## COMMERCIAL AND INSTITUTIONAL

USE	PARKING REQUIRED
Animal hospital and kennel	1 per 400 sq ft floor area and 1 per 2 employees
Auto repair station	1 per 800 sq ft floor area and 1 per employee
Auto sales, wholesale, machinery or other large item sales	1 per 400 sq ft floor area and 1 per employee
Automobile service station	1 per employee
Bank, post office, and similar uses	1 per 200 sq ft floor area and 1 per employee
Barber and beauty shop	3 per barber or beauty operator
Carry-out restaurant	1 per 200 sq ft floor area and 1 per 2 employees, min 8
Church, place of assembly	1 per 300 sq ft floor area
Drive-in restaurant	1 per 125 sq ft floor area and 1 per 2 employees
Funeral parlor, mortuaries and similar	1 per 50 sq ft floor area
Hospital	1 per 2 beds and 1 doctor and 1 per 2 employees
Hotel, motel	1 per room, 1 per employee, 1 per 100 sq ft restaurant
Laundromat	1 per washing or drying machine
Library, museum	1 per 400 sq ft floor area
Medical and dental offices	3 per exam room and 1 per employee
Offices, public or professional or service building	1 per 300 sq ft floor area
Restaurant	1 per 3 person capacity and 1 per 3 employees
Retail Store	1 per 250 sq ft floor area
Sanitarium, home for aged, nursing home, children's home	1 per 2 beds

## SCHOOLS

USE	PARKING REQUIRED
Business, technical and trade school	1 per 2 students, 1 per employee
College, university	1 per 4 students
Elementary, junior high school	2 per classroom, 1 per 8 seats in auditorium
High school	1 per 10 students, 1 per employee, 1 per 2 seats in auditorium
Kindergarten, childcare, nursery school	1 per 400 sq ft floor area, 1 per employee, not less than 6

## RECREATIONAL

USE	PARKING REQUIRED
Bowling alley	6 per alley or lane and 1 per 100 sq ft restaurant, lounge
Dance hall, skating rink	1 per 2 person capacity
Swimming pool	1 per 2 members, or 1 per 5 person capacity, whichever is greater
Auditorium, sport arena	1 per 4 person capacity
Golf course open to public	5 per hole, 1 per employee and 1 per 100 sq ft restaurant, lounge
Miniature golf	2 per hole and 1 per employee
Private club, lodge	1 per 3 person capacity
Tennis, racquetball or similar	2 per 3 playing area and 1 per employee

SECTION 605 OFF-STREET LOADING DESIGN STANDARDS: A permanently maintained area for standing, loading, and unloading services shall be provided for erected and occupied for commercial, institutional, and/or distribution of materials or merchandise by vehicles. These off-street loading areas shall be required in order to avoid undue interference with public use of streets and alleys. All loading facilities shall be in accordance with the following specifications:

- 605.1 Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.
- 605.2 Projection Into Yards: Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard.
- 605.3 Access: All required, off-street loading spaces shall have access to public street or alley in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion. This requirement may be waived upon approval by the Board of Appeals.
- 605.4 Paving: All required loading spaces, together with driveways, aisles, and other vehicle circulation areas, shall be surfaced with asphalt or concrete pavement over top of a suitable load bearing base in order to provide a durable dust-free surface to adequately handle the types and sizes of vehicles that will use them.
- 605.5 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent improper drainage of surface water onto adjacent properties, pedestrian ways or public streets without causing damage.
- 605.6 Screening: Screening shall be required if applicable as specified in Article 5, Section 515.
- 605.7 Lighting: Any loading area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged and shielded so to reflect the light away from adjoining property and not be a spot glare nuisance or safety hazard to anyone in view from a surrounding property or roadway.
- 605.8 Distance From Residential District: No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any residential use or unless completely enclosed within a building.

SECTION 606 OFF-STREET LOADING SPACES REQUIREMENTS: The minimum number of off-street loading spaces shall be provided in accordance with this section unless otherwise approved by the Board of Zoning Appeals. An area adequate for maneuvering, ingress, and egress shall be provided in addition to the following required loading spaces:

**USE****REQUIRED LOADING SPACES**

Retail operations, including restaurant and dining within hotels and office building with a total usable floor area of 20,000 sq ft or more

1 loading space per 40,000 sq ft floor area or fraction thereof; 1 loading space per 20,000 sq ft floor area or fraction thereof

Retail operations, and all first-floor non-residential uses, with a gross floor area of less than 20,000 sq ft and all wholesale and light industrial operations with a gross floor area of less than 10,000 sq ft

1 loading space

Office buildings and hotels with total usable floor area of 100,000 sq ft or more devoted to such purposes

1 loading space per 100,000 sq ft floor area or fraction thereof

Industrial and wholesale operations with a gross floor area of 10,000 sq ft or over as follows:

Minimum number of loading spaces required

10,000 to 39,999 square feet

1

40,000 to 99,999 square feet

2

100,000 to 159,999 square feet

3

160,000 to 239,999 square feet

4

240,000 to 319,999 square feet

5

320,000 to 399,999 square feet

6

Each 90,000 sq ft above 399,999 sq ft

1

## Article 7

### Sign Regulations

SECTION 701 INTENT AND PURPOSE: The intent of this Article is to provide a comprehensive system of sign regulation for Cedarville Township that recognized the necessity and desirability of communication by outdoor signs while promoting an order to signage which eliminates visual clutter and confusion within the physical environment. The purpose of this article is to protect the safety and general welfare of the public within Cedarville Township by encouraging compatibility between the design and functional nature of the sign and its location within the physical environment, thus reducing the propensity for traffic accidents and personal hazards caused by distractions, sight obstructions, and unsafe structures.

SECTION 702 ZONING PERMIT REQUIRED: The erection or location of any sign within Cedarville Township shall require a permit unless otherwise specified within this article. Signs erected for the purpose of traffic control, civil defense, or other similar public function, signs which cannot be viewed or are not intended to be viewed from any street or other property, and signs required by any law, ordinance or governmental regulation shall be exempt from the provisions of this Article.

SECTION 703 GENERAL LOCATION AND SAFETY REQUIREMENTS: All signs erected or located within Cedarville Township shall be in conformance with the following requirements:

- 703.1 Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.
- 703.2 Signs shall not obstruct free and clear visibility at any intersection per Article 5, Section 510.
- 703.3 Signs shall not be located or designed so as to interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device.
- 703.4 Signs shall not make use of colors, rotating lights, the words "STOP," "LOOK," "DANGER," or other similar words, devices, or symbols which may mislead or confuse traffic.
- 703.5 Signs shall not be erected within nor project into any public right-of-way unless otherwise specified, and shall not be posted in any manner that is destructive to public property.
- 703.6 Signs shall not be erected or located upon any property or building without the consent of the owner(s) or an authorized representative.
- 703.7 Any illuminated sign which is clearly visible from any residential district shall not be illuminated between the hours of 11 P.M. and 7 A.M. unless it is accessory to a business or commercial use open for business during such hours and located upon the same lot.
- 703.8 Streamers, spinners, banners, strings of lights, and other similar devices which do not serve the function of a sign shall not be permitted.

703.9 All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity except for time and temperature displays. All lighting shall be properly directed so as to not create a nuisance to surrounding properties because of glare.

703.10 Changeable copy shall not be permitted on any sign unless specifically permitted in this Article.

703.11 The bottom of all freestanding signs shall maintain a minimum clearance of eight (8) feet above any pedestrian area and twelve (12) feet above any parking or loading area.

703.12 Wall signs shall not extend above the junction of any roof and wall.

703.13 Projecting signs shall not project into any right-of-way and not more than thirty-six (36) inches over any setback line.

SECTION 704 REAL ESTATE SIGNS: Signs identifying a property for sale, for rent, or for lease may be placed on-site until ten (10) days after the property has been closed, sold, rented, or leases. Real estate signs shall not exceed six (6) square feet in area per side within any residential district and shall not exceed twenty (20) square feet within any other district. All such signs shall be set back from the street right-of-way a minimum of ten (10) feet or the equivalent to the number of square feet of sign area, whichever is greater. No zoning permit shall be required for any real estate sign six (6) square feet or less in area.

SECTION 705 SUBDIVISION SALE SIGNS: Signs providing information on the sale of lots within an approved and recorded subdivision may be placed upon the property until such time as seventy-five percent (75%) of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer, and information regarding the price, terms, and the location and phone number of the sales office. All such signs shall be set back a minimum of ten (10) feet or the total number of square feet of sign area, whichever is greater. The maximum sign area shall be twenty (20) square feet.

SECTION 706 POLITICAL SIGNS: Signs involving any issue or candidate for public elective office may be temporarily erected for a period not to exceed sixty (60) days before or seven (7) days after an election. Political signs shall be permitted as free standing signs in all districts, and shall not be attached to any structures providing essential services or located in any manner destructive to public property. The maximum sign area shall be six (6) square feet within any residential district or public right-of-way and twenty (20) square feet upon private property in any other district. No zoning permit shall be required for political signs. Each candidate or governmental authority responsible for an issue shall remove their political signs within seven days after the election.

SECTION 707 CONSTRUCTION SIGNS: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for one year, whichever is shorter. Any extension past the one year time shall be subject to approval by the Board of Zoning Appeals. Construction signs shall contain only the name of the construction project, the construction firm(s), the



engineer, the architect, and/or the subcontractors involved in the project. Only one (1) construction sign shall be permitted per street frontage. Maximum sign area permitted shall be three (3) square feet for each dwelling unit for residential structures up to a maximum of twenty (20) square feet for all principal structures. All signs shall be set back from the street right-of-way a minimum number of feet equal to the square feet of sign area of the sign.

SECTION 708 AGRICULTURAL PRODUCT SIGNS: Signs identifying the sale of agricultural products such as vegetables, eggs, straw, hay, and seeds grown or produced upon the premises may be temporarily erected upon any lot during the season in which they are available. The maximum sign area permitted for an agricultural product sign shall be six (6) square feet. All signs shall be set back from the street right-of-way a minimum of ten (10) feet.

SECTION 709 SPECIAL EVENT SIGNS: Information signs advertising a grand opening, a seasonal event, a special sale, or any other similar special event may be temporarily located upon the premises on which the event is to take place for a period not to exceed seven (7) days within any thirteen (13) week period. The maximum sign area permitted for special event signs shall be six (6) square feet in any residential district and twelve (12) square feet in any other district. All signs shall be set back from the street right-of-way a minimum of ten (10) feet.

SECTION 710 BILLBOARDS: Billboards may be erected on free-standing structures only in Agricultural or Industrial Districts and on any side or rear building wall in Agriculture, Business, and Industrial Districts. All billboards shall be subject to the following provisions.

- 710.1 The billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction;
- 710.2 Billboards on the same street facing the same traffic flow shall not be placed closer together than 1,000 feet;
- 710.3 No billboard structure shall be located closer than 1,000 feet to another billboard structure facing traffic flowing in the same direction in the vicinity of an intersection;
- 710.4 The maximum permitted area of a billboard shall not exceed two hundred fifty (250) square feet of total area at the required setback as designated in Section 710.7. Larger signs may be permitted provided that for each additional square foot the required set back shall be increased by three (3) feet;
- 710.5 Structures for billboards shall be of vertical (cantilever) construction and where the back of the sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance;
- 710.6 All lighting used in the illumination of billboards shall be adequately shielded or shaded, and properly directed so as to not be objectionable to adjacent and surrounding properties;
- 710.7 All billboards shall be set back from right-of-way lines a minimum distance of one hundred (100) feet along all state highways designated as such on the Official Zoning District Map, and the required front yard setback along all other streets; and

710.8 No billboard shall be located closer than one hundred (100) feet to any residential district.

SECTION 711 IDENTIFICATION SIGNS: Signs which identify any residential subdivision, any multiple-family development, and/or any non-residential use may be erected upon the same property as such use in accordance with the following provisions:

711.1 Identification signs shall pertain only to the use or uses conducted upon the same property and shall not contain any advertising of products or changeable copy.

711.2 Identification signs shall be considered permanent installations and shall be either freestanding or attached to the structure which houses the use or uses identified on the sign.

711.3 Recorded residential subdivisions or multiple-family developments may be permitted freestanding identification signs as a Conditional Use subject to the following:

a. Such signs shall be limited to one (1) or two (2) entrances along major thoroughfares and shall not obstruct the visibility at any intersection as regulated in Article 5, Section 510.

b. Such signs shall contain only the name of the subdivision or multiple-family development which they identify, shall not exceed six (6) feet in height, and shall be landscaped.

c. The applicant shall submit a plan for the perpetual maintenance of such signs, identifying the responsibilities of the applicant, the public, the land owner, or other parties. Such plans shall be subject to approval by the Board of Zoning Appeals.

d. The Board of Zoning Appeals may limit the size of such signs so as to insure the scale of such signs is compatible with the residential character of the area.

711.4 Identification signs for non-residential uses within any residential district shall be attached and shall not project more than fifteen (15) inches from the structure. Such signs shall be non-illuminated and shall not exceed five percent (5%) of the total area of the building elevation upon which the sign is placed.

711.5 Identification signs for non-residential uses within any business or industrial district shall be in accordance with the following:

a. Each principal structure shall be entitled to two identification signs in the following combinations: one freestanding sign and one wall sign; one projecting sign and one wall sign; or two wall signs. Two freestanding signs, two projecting signs, or both a projecting and a freestanding sign shall not be permitted upon the same property unless otherwise specified in this Article.

b. The maximum sign area for a freestanding sign or a projecting sign shall be twenty-five (25) square feet.

- c. The maximum sign area for a wall sign shall be one (1) square foot per linear foot of building frontage up to a maximum of one hundred (100) square feet.
- d. Freestanding signs shall not exceed sixteen (16) feet in height and shall be set back a minimum of ten (10) feet from any street right-of-way line.

711.6 Identification signs for non-residential uses within any agricultural or flood plain district shall be in accordance with the provisions of Section 711.5 except that each principal structure shall be entitled to only one (1) identification, sign.

SECTION 712 REMOVAL OF SIGNS BY THE ZONING INSPECTOR: The Zoning Inspector shall cause to be removed: any sign that endangers the public safety by reason of its location and placement; and abandoned sign that no longer applies to the property on which it is situated; a dangerous or materially, electrically or structurally defective sign; or a sign for which no required permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this Section.

- a. All notices mailed by the Zoning Inspector shall be sent by certified mail. Any time period shall be deemed to commence on the date of the receipt of the certified mail.
- b. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll if known, or with reasonable care should be known, and shall be mailed to or delivered to the occupant of the property.
- c. Any person having an interest in the sign or the property may appeal the determination of the Zoning Inspector ordering removal or compliance by filing a written notice of appeal with the Board of Zoning Appeals within 30 days after the date of mailing the notice, or 30 days after receipt of the notice if the notice was not mailed.



## Article 8

### Nonconformities

SECTION 801 INTENT: Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, structures, or uses of land and structures which are lawful before this Resolution was passed or amended, but would be prohibited or more restricted under the terms of this Resolution or amendment thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their continuance. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 802 NON-CONFORMING LOTS OF RECORD: All non-conforming lots of record shall be in accordance with the following provisions:

802.1 Single Non-Conforming Lots of Record: In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are generally applicable in the district. 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. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

SECTION 803 NON-CONFORMING USES OF LAND: Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

803.1 No such non-conforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;

803.2 Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no use shall be extended to occupy any land outside such building.

803.3 No such non-conforming uses 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 Resolution unless it increases conformity with these regulations;

803.4 If any such non-conforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

803.5 Additional structures not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

SECTION 804 NON-CONFORMING STRUCTURES: Where a lawful structure exists at the effective date of adoption of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

804.1 No such non-conforming structure may be enlarged or altered in a way which increases its non-conforming, but any structure or portion thereof may be altered to decrease its non-conformity;

804.2 Should such non-conforming structure be destroyed by any means, for two hundred percent (200%) or more of its most current assessed value as recorded in the Office of the Greene County Auditor, it shall not be reconstructed except in conformity with the provisions of this Resolution;

804.3 Should such non-conforming structure be destroyed, by any means, for less than two hundred percent (200%) of its most current assessed value as recorded in the Office of the Greene County Auditor, the destroyed portion may be reconstructed provided that the bulk, height, and area requirements shall not be in excess of those which existed prior to said damage;

804.4 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;

804.5 To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently;

804.6 On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repairs 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. Upon the order of any official charged with protecting the public safety, nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by such official;

804.7 When a non-conforming use of a structure, or structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, except when government action impedes access to the premises, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located and all other applicable provisions of this Resolution.

## Article 9

### Administrative Bodies and Their Duties

SECTION 901 TOWNSHIP ZONING INSPECTOR: The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting to him any new construction, reconstruction, land use changes, or suspected violation.

901.1 Duties: The Township Zoning Inspector shall be responsible for the following duties;

- a. The Zoning Inspector shall review all applications within the Township for Zoning Permits as outlined in Section 1001 within the Township to insure they conform to all applicable provisions of this Resolution are met, then a Zoning Permit shall be issued and a record of all such permits maintained;
- b. The Zoning Inspector may periodically conduct on-site inspections to insure the actual construction will conform to the Zoning Permit;
- c. The Zoning Inspector, upon finding that any of the provisions of this Resolution are being violated, shall notify, in writing, the person responsible for such violations and order the action necessary to correct such violation;
- d. The Zoning Inspector may order discontinuance of illegal uses of land, building, or structures;
- e. The Zoning Inspector may order removal of illegal buildings or structures or illegal additions or structural alterations;
- f. The Zoning Inspector shall review all applicable subdivision plats and lot splits which are submitted to the Regional Planning and Coordinating Commission of Greene County in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.

SECTION 902 TOWNSHIP ZONING COMMISSION: The Township Trustees shall establish a Township Zoning Commission, consisting of five citizens of the Township to be appointed by the Township Trustees. None of the members shall concurrently serve as a member of the Board of Zoning Appeals.

The terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Member of the Zoning Commission may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such

charges at least ten 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 Township Trustees and shall be for the unexpired term.

902.1 Meetings: The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and such other times as the Zoning Commission may determine. The Chairman or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

902.2 Actions: The Zoning Commission shall act by resolution or motion. The concurring vote of three (3) members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.

902.3 Duties: The Township Zoning Commission shall be responsible for the following duties:

- a. The Township Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Section 1004.

SECTION 903 BOARD OF ZONING APPEALS (BZA): The Township Trustees shall appoint five (5) residents of the Township to the Board of Zoning Appeals. The terms of all members shall be so arranged that the term of one member shall expire every year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served 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 resolution of the Township Trustees and shall be for the unexpired term.

903.1 Meetings: The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon 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 public record and be immediately filed in the office of the Board of Zoning Appeals.



903.2 Action: In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, 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 power of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.

903.3 Duties: For the purpose of this Resolution, the Board of Zoning Appeals (BZA) has the following specific responsibilities:

- a. To hear and decide appeals in accordance with Article 10, Section 1003 where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
- b. Where the applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Article 10, Section 1003;
- c. To grant Conditional Use Permits as specified in Article 10, Section 1002, and such additional safeguards as will uphold the intent of the Resolution;
- d. To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district in accordance with Section 401;
- e. To determine the exact location of any district boundary in accordance with Article 3, Section 303 if there is uncertainty as to the exact location involved.

SECTION 904 TOWNSHIP TRUSTEES: It is the intent of this Resolution 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 of Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, 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 Article 10, Section 1003.

904.1 Duties: The Township Trustees shall be responsible for the following duties:

- a. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;

- b. To establish a schedule of fees for issuing zoning permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications;
- c. To consider and adopt, reject or modify all proposed amendments to this Resolution as provided in Article 10, Section 1004.

## Article 10

### Administrative Procedures

SECTION 1001 ZONING PERMIT REQUIRED: No person shall change any use of land, locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within Cedarville Township without first obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use. A Zoning Permit shall be required for all dwellings, all principal structures and uses, all accessory uses, and all temporary uses. A Zoning Permit shall not be required for the use of land for agricultural purposes, for buildings or structures exclusively used for agricultural purposes, or for structures, not including buildings, required in the provision of essential services.

1001.1 ACCOMPANYING INFORMATION: A written application and site plan for a Zoning Permit shall be submitted to the Zoning Inspector of Cedarville Township on forms provided by the Zoning Inspector. The following information shall be required:

- a. Name, address, and phone number of applicant;
- b. Date;
- c. The name of the subdivision and the lot number or other information necessary to establish the location of the lot;
- d. The actual dimensions of the lot based on actual survey, including square footage and/or acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon;
- e. The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indication dimensions, including building height;
- f. The number of proposed dwelling units, and the total residential floor area and the number of bedrooms to be included in each dwelling unit;
- g. A permit from the Greene County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, illustrating the location of primary and secondary leaching field locations;
- h. The proposed parking plan and number and location of proposed off-street parking or loading spaces;
- i. A plan for screening when applicable;
- j. A statement by the applicant attesting to the truth and exactness of all information supplied on the application;

- k. A statement that the permit shall expire and shall be revoked if work has not been started and substantially pursued within one (1) year of its issue date;
- l. Such other information as may be necessary to determine conformance with this Resolution; and
- m. A fee as established by the Township Trustees.

1001.2 Processing of 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 Resolution. If the application is approved, the Zoning Inspector shall issue a Zoning Permit. One copy of the application 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. One copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a Zoning Permit he shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

In the event an application involves 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 of local officials by the Director of the Ohio 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 require a third application for a Zoning Permit and send it to the Director of the Ohio Department of Transportation by registered mail for review. If the Director of the Ohio 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 the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

SECTION 1002 CONDITIONAL USE PERMITS: Conditional uses shall be permitted only upon issuance of a Conditional Use Permit by the Zoning Inspector after approval by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1002.1 Application: An application for a Conditional Use Permit by at least one owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information.

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;

- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, fire hydrants, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Township Trustees.

1002.2 Conditional Use Standards: Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- b. The use is so designed, located and proposed to be operated so that the public health safety, welfare and convenience will be protected;
- c. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- d. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- e. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
- f. The use will be served adequately by essential public facilities and services such as highways, streets police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately;
- g. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- h. Adequate landscaping and screening are provided, as required under Section 515;
- i. Adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;
- j. The use conforms with all applicable regulations governing the district in which it is located, except as may otherwise be determined in a PUD;

- k. The use is compatible with the standards, objectives, and policies of Perspectives: A Future Land Use Plan for Greene County Ohio;
- l. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- m. Any other supplementary requirements as prescribed by the BZA.

1002.3 Processing of Conditional Uses: The Board of Zoning Appeals shall hold a public hearing within twenty (20) days from the receipt of the application. Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within 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. Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers. Within thirty (30) days after the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is disapproved by the Board of Zoning Appeals the applicant may seek relief through the Court of Common Pleas.

1002.4 Expiration of Conditional Use Permits: A conditional use permit shall be deemed to authorize only one particular conditional use. The Conditional Use Permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months, or construction is not begun within the amount of time indicated on the Conditional Use Permit.

SECTION 1003 APPEALS AND VARIANCES: It is the purpose of this Section to establish procedures and requirements for the hearing of appeals and variances. As is specified in Article 9, Section 903, The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

1003.1 Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

1003.2 Stay of Proceedings: An appeal stays all proceeding in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in

the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

1003.3 Variance: The Board of Zoning Appeals may authorize, upon appeal in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest or the intent of this Resolution, but only where strict interpretation would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

1003.4 Application: A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance, and a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing, at a minimum, the following information:

- a. Name, address, and telephone number of applicant;
- b. Legal description of the property;
- c. Description of nature of variance requested;
- d. A narrative statement demonstrating that the requested variance conforms to the following standards:
  1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  2. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
  3. That special conditions and circumstances do not result from the actions of the applicant.
  4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
  5. That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is not the only nor the primary factor for requesting the variance; and
- e. A fee as established by the Township Trustees.

1003.5 Granting of Variances: The burden of proof for granting a variance, shall rest with applicant. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Article 10, Section 1005 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms

of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

1003.6 Processing Appeals and Variances: The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant. Before holding the required public hearing, notice of such hearing shall be given in one or more newspapers of general circulation within 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. Before holding the required public hearing, written notice of such hiring shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

SECTION 1004 AMENDMENTS AND DISTRICT CHANGES: Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

1004.1 Initiation of Amendments: Amendments to this Resolution may be initiated in one of the following ways:

- a. By adoption of a motion by the Zoning Commission;
- b. By adoption of a resolution by the Board of Township Trustees; or
- c. By the filing of an application by at least one (1) owner or his designee of property within the area proposed to be changed or affected by said amendment.

1004.2 Application for Amendments: The application for amendment shall contain at a minimum the following information in triplicate:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. Legal description of the property;
- d. Present use;
- e. Present zoning district;
- f. Proposed use;
- g. Proposed zoning district;
- h. A vicinity map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require;
- i. Proposed amendment to the text;
- j. A list of all property owners within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case;
- k. A statement on how the proposed amendment relates to Perspectives: A Future Land Use Plan for Greene County, Ohio; and
- l. A fee as established by the Township Trustees.



All applicants submitting requests for change in district boundaries on the Official Zoning District Map shall be required to post a sign upon the property in question within five (5) days after the submission of an application. Such sign shall be clearly visible from the street, or in the case of two or more streets, that street with the greater average traffic flow.

Such sign shall state "THIS PROPERTY IS BEING CONSIDERED FOR REZONING". "FOR INFORMATION CALL \_\_\_\_\_ TOWNSHIP." and shall also denote the present and proposed zoning district classification for the site. No zoning permit shall be required. However, the location and size of such sign shall be subject to approval by the Zoning Inspector.

- 1004.3 Procedure for Amendments: Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner, or his designee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning and Coordinating Commission of Greene County. The Regional Planning and Coordinating Commission shall recommend the approval, denial, or modification to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the Planning Commission or the Zoning Commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the Zoning Commission.

The Zoning Commission shall schedule a public hearing after the adoption of their motion, a 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) no more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees of further determination.

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 ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, 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 current tax list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section,

shall not invalidate any such amendment. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, 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.

Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation 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.

Upon receipt of the recommendation 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 form the Zoning Commission.

Notice of the required public hearing shall be given by the Board of Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. Such notice shall be mailed by the Clerk of the Board of Township Trustees, by first class mail, at least ten (10) days before the day of the hearing to all owners of property within five hundred (500) feet of, 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 current tax list or lists that may be specified by the Board of Trustees. The failure to deliver the notice as provided in this section shall not invalidate any such amendment.

Within twenty (20) days after the required public hearing the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt same 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.

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 as elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the primary or general election.

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

SECTION 1005 VIOLETIONS AND PENALTIES: Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards

established in various sections of this Resolution, including those established by the Board of Zoning Appeals for Conditional Uses, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$500) 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 violation.

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating full the causes and basis thereof shall be filed with the Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereof as provided in this section.



## Article 11

### Planned Unit Development (PUD) Overlay Regulations

SECTION 1101 PURPOSE: It is the purpose of the planned unit development regulations in this article to provide the owner(s) of property the possibility of Township permission thereof to voluntarily apply alternative procedures and requirements for the permitting of well-planned land use development, that would be promotive of and in no way detrimental to the public health, safety, morals and general welfare, by being applied to any underlying zoning district of a property on which granted in accordance with these and other applicable regulations in this Zoning Code. The PUD provisions are intended to be used as a means of permitting flexibility in the use and development of land compared to regulation under the otherwise regular requirements of this Zoning Code that are applicable to the zoning district in which the land is located and/or the use and development proposed thereon. Use of the PUD regulations is not intended to permit an applicant to circumvent or abrogate any statutory requirement of administering Cedarville Township Zoning per Ohio Revised Code (ORC) Chapter 519, nor the intent in purpose of the Cedarville Township Zoning Code.

SECTION 1102 VOLUNTARY APPLICATION; AMENDMENT PROCESS AND APPROVAL AUTHORITY:

The owner(s) or their legally authorized representative may request amendment of the existing or proposed zoning district(s) applicable to one or more property in order to add a planned unit development (PUD) overlay per the regulations of this Article to the existing or duly amended underlying zoning district(s), as shall be so noted regarding a PUD property on the zoning map of the Township if approved. Voluntary election to do so by the aforementioned and approval of the requested application, as a zoning district amendment of the property involved per Section 1004, as a site approved and noted as required for a proposed PUD, shall give the Cedarville Township Trustees approval authority regarding any decision pertinent to site use allowance, operation, and maintenance and development design and implementation. It shall also enable the Cedarville Township Trustees authority to grant variations from the otherwise regular straight zoning district regulations applicable to the site property, in accordance with requirements and allowances of this Article.

SECTION 1103 PUD DECISION PROCESS STAGES AND PROCESSING REQUIREMENTS: The PUD decision process consists of two (2) stages. Stage One is decision by the Township Trustees of whether or not to approve a requested zoning district amendment, or modification thereof, to add the PUD overlay regulations to the regulations applicable to the underlying zoning district(s), inclusive of any proposed change of the underlying zoning district(s) of the PUD site property, and proposed use(s), per Section 1004 application requirements and procedures for processing. Stage Two consists of Township Zoning Commission recommendation and Trustees decision on whether or not to approve a PUD site plan, with or without modification. The site plan recommendation by the Zoning Commission and decision by the Township Trustees consists of at least one (1) public hearing by each per Section 1004 requirements, the same as required for decision by each on a zoning district amendment. The Township may at any time in the site planning stage elect to request review recommendations on a proposed site plan by the Greene County Regional Planning and Coordinating Commission (RPCC), as input into the Trustees decision to approve or deny any proposed aspect of the proposed PUD during the site planning approval stage. The processing

for decision on the Stage 2-Site Plan can occur in sequence per the numbered order of the PUD at the same time as each public hearing that is required for Zoning Commission recommendation and Trustees decision on a Stage 1-Zoning Amendment. However, the decision on each stage is independent of the other and the Stage 2-Site Plan decision is always contingent on the PUD zoning first becoming effective, together with any change approved in the underlying zoning district(s), if applicable.

SECTION 1104 REQUIRED CONTENTS OF A STAGE ONE PUD ZONING APPLICATION: The contents specified as follows are in addition to those specified in Section 1004:

- a. A Concept Sketch Plan, so titled for a proposed PUD, indicating the following:
  1. A legible map of the site, at 1"=200' or more detailed scale, prepared by a registered architect, engineer, surveyor or other professional planning consultant, which shows all existing and proposed property lines, easements, public road, and other right-of-ways, topography at suitable intervals for sufficient evaluation, inclusive of regulatory floodplain boundaries if involved, and generalized locations of public and other utilities, such as sanitary sewer lines or septic system areas, storm sewers, drainage ways, and runoff controls, central water lines or supply wells, and electric, gas, phone, or other similar installations.
  2. On the aforementioned map, all existing and proposed use areas shall be shown, with accompanying information indicating the acreage and percentage that each use constitutes the PUD site. The proposed area percentage of site coverage by building, parking and any other man-made impervious surfaces compared to open yard space shall also be indicated.
  3. Generalized indication shall be made on the aforementioned map as to proposed layout locations and dimensions of vehicular and pedestrian access and circulation; the type, size, number of stories, height and setbacks for buildings and any other structures of facilities; parking, lighting, signage and landscaping, and the implementation phasing of any and all such proposed improvements and alterations of the site.
  4. If residential uses are proposed, the proposed type, size, and number of dwelling buildings, units and bedrooms in each shall be specified and include calculation of development net-density, meaning the proposed number of dwelling units per developed acre exclusive of public road right-of-way and dedicated common open space. For non-residential uses, any and all information about operational characteristics and impacts shall be provided, such as hours of operation; visual, noise, odor, or other environmental impacts; and primary and ancillary activities typical or anticipated in association with such use.
  5. Information in the form of a narrative with accompanying supportive data indicating the availability of and impact on police, fire, and other emergency services, schools, and any other public institutional, cultural, social or environmental aspects of the immediate neighborhood and surrounding

community, with the intent being to show that the proposed PUD will be beneficial and without unacceptable adverse impact. Fulfillment of this information shall include acknowledgment of any permit or authorization that is necessary from any other public authority applicable to a use or activity that is proposed in the PUD, such as from Greene County government agencies, the Ohio Environmental Protection Agency, Ohio Department of Transportation, the Ohio Division of Aviation, etc.

SECTION 1105 CRITERIA FOR STAGE ONE PUD ZONING APPROVAL OR REVISION: Decision to approve or revise a request for PUD zoning shall be based on, but not limited to, the following criteria:

- a. Compliance with the purposes and intent of all applicable regulations, provisions, restrictions and requirements of Cedarville Township Zoning;
- b. The proposed PUD, as to proposed use(s) and the development, operation and/or maintenance thereof, would be beneficial rather than detrimental to the public health, safety, morals, and welfare and in general result in a better development of uses permitted on the PUD site property than would otherwise be possible or disallowed under non-PUD zoning on the property;
- c. The proposed PUD makes provisions for minimizing any adverse impacts on surrounding properties and would enhance rather than detract from surrounding property values and quality of environment;
- d. Provisions proposed for vehicular access, parking, loading, and circulation, pedestrian access and circulation, essential services in the form of utilities or other facilities, drainage runoff and soil erosion control are sufficient or proposed for improvement by the PUD applicant in order to be sufficient to support the proposed PUD, as determined by and attested to by applicable government authorities of jurisdiction;
- e. Each individual section or subarea implemented in the PUD would be functionally complete and sufficient in standing alone if the entire PUD would not be developed, unless otherwise found acceptable by the Township Trustees in decision on the matter, and all of the PUD could be completed in the time period proposed;
- f. The proposed PUD would be consistent with and not contrary to applicable goals, objectives, and policies of the PERSPECTIVES: Future Land Use Plan for Greene County, Ohio.

SECTION 1106 CRITERIA FOR STAGE TWO - PUD SITE PLAN APPROVAL OR REVISION: Decision to approve or revise a request for PUD zoning shall be based on, but not limited to, the following criteria:

- a. Compliance with all PUD zoning approval criteria specified in Section 11.06, all applicable regulations of Cedarville Township Zoning, any conditions assigned by the Trustees in approval of the PUD Zoning, and consistency with the concept sketch plan submitted in support of the PUD zoning application;

- b. All PUD proposed public improvements are found acceptable for permitting by the applicable government authority of jurisdiction and bonded, as deemed necessary by the Cedarville Township Trustees, payable for completion by Cedarville Township in the event that the implementor responsible for assuring development of the PUD would not complete such provisions as required;
- c. All aspects and provisions of uses proposed for development are found sufficient as intended and anticipated in terms of not causing any unacceptable hazard, nuisance or other negative impact to the public and environment, not resulting in any devaluation or harm to surrounding properties and community; nor posing any danger to the safety of any surrounding property occupants;
- d. All proposed private aspects and provisions for vehicular access, parking, loading, and circulation, pedestrian access and circulation, essential services in the form of utilities or other facilities, drainage runoff and soil erosion control, landscaping, lighting, signage, and open space, building or other structure size, type, location, use, operation, maintenance, site impervious surface coverage, and any other items or considerations applicable to PUD site planning, development, and use are found sufficient per discretion of the Township Trustees in recognition of commonly accepted standards for such as applicable.
- e. The phasing of each individual section or subarea to be implemented in the PUD is found acceptable as envisioned to result in individual sections or sub-areas of the PUD being functionally complete and sufficient in standing alone if the entire PUD would not be developed, or otherwise acceptable by the Township Trustees in decision on the matter, and that all of the PUD could be substantially completed in the time period proposed;
- f. A bond or other acceptable form of financing security is presented as required to Cedarville Township for any proposed public improvements as required, to be used for completion of such if not provided or completed as necessary, unless otherwise covered by applicable requirements per the Greene County Subdivision Regulations.

SECTION 1107 PERMITTABLE USES AND ACTIVITIES IN A PUD AND POSSIBLE RESTRICTION THEREOF: Any permitted, accessory or conditional use permissible in the underlying zoning district on the PUD site property may be considered for approval. However, any such use may also be restricted, by disallowance or some or all aspects or provisions.

SECTION 1108 PERMITTABLE VARIATIONS IN A PUD FROM OTHERWISE REGULAR REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT: Any regular requirement of an underlying Zoning District on part or all of a PUD site which is applicable to development, operation and maintenance of any use proposed in a PUD may be varied subject to approval by the Township Trustees.

SECTION 1109 DURATION OF A PUD AND PROCESS FOR SITE PLAN MODIFICATION: Once approved as requested, a PUD zoning overlay designation will remain on the site property, unless otherwise removed or modified, per Section 1004, the same as a zoning amendment of the underlying zoning district. Approval of a PUD site plan shall remain effective for up to



five (5) years after the approval date, provided all requirements of the PUD approval are being satisfied by implementation and anticipated results are proceeding as planned. Any change of use or significant aspect of an approved use or activity not supported by or specifically mentioned as permissible in the underlying district zoning provisions shall necessitate approval, just like an amendment of the underlying zoning district on the site property, processed per Section 1004 requirements and procedures. Any proposed modification that is determined minor by the Township Zoning Administrator, according to Section 11.10, is permissible by the Zoning Administrator, though subject to appeal made by any disagreeing party of interest to the Township Board of Zoning Appeals per ORC Chapter 519 provisions for such, after notice of intent to permit such modification is made in accordance with standard notification requirements of this Code, meaning publication in a newspaper of general circulation available to the Cedarville community and mailing to owners of properties up to five hundred (500) feet surrounding the PUD site, with the cost thereof paid by the applicant. If no written disagreement is expressed two weeks (14 days) after notice is given, the minor modification shall be permitted, excepting a perhaps greater time required for a minor modification which would necessitate re-approval by another involved approval authority. If written disagreement is expressed within the aforementioned time after said notice is given, the proposed minor modification may only be approved by the Township Trustees as a site plan revision processed the same as a zoning amendment per Section 1004 requirements.

**SECTION 1110** APPROVED SITE PLAN MINOR MODIFICATION ALLOWANCES: Minor modification of a PUD site plan, after it has been initially approved according to Section 11.03, are permissible by the Zoning Administrator per Section 11.09, if the modification proposed is as follows:

- a. The modification would not change any use type or operational aspect or activity thereof approved in the PUD, nor:
  1. Exceed any numerically specified requirement of the PUD approval which would result in greater than a five percent (5%) increase regarding any initially approved maximum requirement or the same allowance as a decrease regarding any initially approved minimum requirement.
  2. Alter any element or design of the PUD site plan which would necessitate re-approval by another involved permitting authority, unless such authority would approve of the modification, once notified as specified in Section 11.09 and provided no objection would be raised by any other party of interest with regard to such re-approval by another non-zoning involved permitting authority.