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# CLINTON COUNTY ZONING RESOLUTION

**Adopted: 2008**  
**Revised: 2009, 2012, 2014, 2017, 2020**

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## ARTICLE 1

### **Title, Purpose, Enabling Authority, Conditions of Enactment and General Provisions**

#### **SECTION 1.01 TITLE.**

This Resolution shall be known and may be cited as the Clinton County Zoning Resolution, except as referred to herein as the Resolution. This document represents a comprehensive amendment and supersedes all previous versions and Resolutions creating the Clinton County Zoning Resolution which was originally adopted July 17, 1961, along with subsequent amendments.

#### **SECTION 1.02 PURPOSE.**

- A. The purpose of this Resolution is to promote, protect, and provide for the use of land, buildings, and structures within Clinton County, Ohio; to meet the current and future needs of the residents for places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs, to discourage speculation and haphazard growth, to protect and preserve natural resources, and to promote public health, safety, and welfare.
- B. To provide for the establishment of Zoning Districts and the adoption of a Zoning Map displaying and detailing the location of said Zoning Districts and to define regulations for those areas of Clinton County, Ohio lying outside of the limits of incorporated cities and villages and some townships.
- C. Further, it is the purpose of this Resolution to provide for the establishment of a Board of Zoning Appeals (BZA) and its powers and duties; to provide for the administration and enforcement of this Resolution and associated Zoning Map hereof, to assess and enforce penalties for its violation; and to provide for the repeal of any and all regulations, or resolutions inconsistent herewith.

#### **SECTION 1.03 APPLICABILITY AND LIMITATIONS.**

Subject to the limitations specified in Section 303.211 of the Ohio Revised Code (ORC), the regulations set forth in this Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Clinton County, Ohio.

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Areas Covered by the Clinton County Zoning Resolution at Adoption

Adams Township	Chester Township	Green Township	Jefferson Township
Liberty Township	Marion Township	Richland Township	Union Township
Wayne Township	Wilson Township	Vernon Township	

Townships of Clark and Washington are not yet applicable to this Resolution.  
Incorporated villages and cities are not applicable to this Resolution.

**SECTION 1.04 INTERPRETATION AND CONSISTENCY.**

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

**SECTION 1.05 SCOPE AND CONSTRUCTION OF REGULATIONS.**

- A. This resolution shall be liberally construed in such a manner as to best implement its purpose. In interpreting and applying the provisions of this Resolution, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort and welfare.
- B. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this Resolution.
- C. Nothing within this Resolution shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe healthy condition any part of a building or premises declared unsafe or unhealthy.

**SECTION 1.06 VALIDITY AND SEVERABILITY CLAUSE.**

- A. If a court of competent jurisdiction shall declare any part of this Resolution to be invalid, such ruling shall not affect any other provision of this Resolution not specifically included in said ruling.
- B. If a court of competent jurisdiction shall declare invalid the application of any provision of this Resolution to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

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**SECTION 1.07                    RELATIONSHIP TO ADOPTED COMPREHENSIVE PLAN.**

The Clinton County Comprehensive Plan, any subsequent revision or amendments thereto and any adopted Local Comprehensive Plan for a specific area within the County, drafted by the Clinton County Regional Planning Commission (CCRPC) or their assign and approved by the Board of Clinton County Commissioners has been and will continue to be the basis for amending or changing this Resolution, Map and/or Text.

**SECTION 1.08                    VESTED RIGHT.**

It is hereby expressly declared that nothing in this Resolution be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.

**SECTION 1.09                    EFFECTIVE DATE.**

This Resolution or amendment thereto, shall become effective from and after the date of its approval and adoption, as provided by law.

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## ARTICLE 2

### Administration and Enforcement

#### SECTION 2.01 ADMINISTRATION.

The Board of Clinton County Commissioners shall employ or contract with a Zoning Official/Inspector to act as its officer(s) to effect the proper and consistent administration and enforcement of this Resolution. The Board of Clinton County Commissioners shall establish the terms and conditions of employment or contract of the Zoning Official/Inspector. The Zoning Official/Inspector shall have the power of a police officer, whose jurisdiction is the enforcement of this Resolution. Acting in this capacity, the Zoning Official/Inspector shall, among other responsibilities, be empowered to issue appearance summons, seek the issuance of warrants for the arrest of alleged violators through the Office of the County Prosecutor, and bring criminal action in the name of Clinton County against violators of the provisions of this Resolution.

#### SECTION 2.02 RELIEF FROM PERSONAL RESPONSIBILITY.

The Zoning Official(s)/Inspector(s), planners, officers, or employee(s) charged with the authorization and enforcement of this Resolution, while acting for the County of Clinton, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her official duties. Any suit instituted against any officer or employee because of an act performed by the officer in the lawful discharge of his/her duties and under the provisions of this Resolution shall be defended by the legal representative of the County until the final termination of the proceedings. In no case shall the Zoning Official/Inspector or any of his/her subordinates along with any elected or appointed official of the County of Clinton, the Clinton County Regional Planning Commission (CCRPC), the Clinton County Board of Zoning Appeals (BZA), the Clinton County Rural Zoning Commission (RZC) and any of its members or employees be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this Resolution; and any officer acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his/her official duties in connection herewith.

#### SECTION 2.03 DUTIES OF THE ZONING OFFICIAL(S)/INSPECTOR(S).

It shall be the responsibility of the Zoning Official(s)/Inspector(s) to enforce the provisions of this Resolution and in so doing shall perform such duties as prescribed by the Board of Clinton County Commissioners which shall include, but not be limited to, the following:

- A. **Issue Zoning/Land Use Permits.** All applications for zoning/land use permits shall be submitted to the Zoning Official/Inspector who shall issue zoning/land use permits when all applicable provisions of this Resolution have been addressed.



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- B. **File Applications.** The Zoning Official/Inspector shall maintain files of all applications for zoning/land use permits and shall maintain a record of all zoning/land use permits issued. Such files and records shall be open to public inspection during normal business hours.
  - C. **Official Copies.** Maintain one (1) official copy of an updated Clinton County Zoning Resolution and Clinton County Zoning District Map, as amended.
  - D. **Inspections.** The Zoning Official/Inspector shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Resolution.
  - E. **Record of Complaints.** The Zoning Official/Inspector shall keep a record of every written complaint of a violation of any of the provisions of this Resolution, and of the actions taken consequent to each such complaint; such record shall be public record.
  - F. **Report and Liaison/Advisor to the Boards.** The Zoning Official/Inspector shall report to the Board of Clinton County Commissioners periodically at intervals of not greater than one (1) year, summarizing for the period since the last report of all amendments or supplements to the Resolution, complaints of violation, all appeals, variances and exceptions granted by the Board of Zoning Appeals (BZA) and state action taken subsequent thereto. The Zoning Official/Inspector shall serve as the staff secretary or liaison with/advisor to the Clinton County Rural Zoning Commission (RZC) and the Board of Zoning Appeals (BZA) and offer guidance, based in part from information obtained from reliable sources, during their deliberation of issues and/or applications.
  - G. **Orders.** The Zoning Official/Inspector shall order the discontinuance and removal of illegal uses, of land, buildings, and structures.
  - H. **Other Action.** The Zoning Official/Inspector shall be authorized by this Resolution to ensure compliance with or prevent violations of these regulations.

#### **SECTION 2.04 CLINTON COUNTY RURAL ZONING COMMISSION (RZC).**

- A. **Establishment.** Pursuant to the Ohio Revised Code (ORC) Chapter 303, there is hereby established a Rural Zoning Commission (RZC) in and for Clinton County, Ohio. Such Commission shall consist of five (5) residents of the zoned unincorporated area of the County of Clinton and be appointed by the Board of Clinton County Commissioners. The terms of members shall be such length and so arranged that the term of one member shall expire each year; however, each member shall serve until a successor is appointed. Vacancies shall be filled by resolution of the Board of Clinton County Commissioners.
- B. **Removal of Members.** Members of the Rural Zoning Commission (RZC) may be removed for not attending meetings and shall be removed for non-performance of duty, misconduct in office or other cause by the Board of Clinton County Commissioners, upon written charges being filed with the Commissioners. A copy of the complaint shall be served by registered mail on the member at least ten (10) days prior to dismissal action, so as to give the member an opportunity to be heard and answer all charges or complaints.
- C. **Proceedings.** The Rural Zoning Commission (RZC) shall establish Rules of Procedure that shall govern the conduct of the Commission.

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- D. **Powers and Duties.** For the purposes of this Resolution, the Rural Zoning Commission (RZC) shall initiate and/or review proposed amendments to this Resolution and make a written recommendation to the Board of Clinton County Commissioners for adoption.
1. Hear and decide upon amendments to this Resolution.
  2. Set the boundaries of the official Clinton County Zoning District Map, in accordance with the provisions of this Resolution.
  3. Seek and consider the recommendation of the Clinton County Regional Planning Commission (CCRPC), the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton Soil and Water Conservation District and other experts as needed to carry out these duties and responsibilities.
  4. Review and act upon site plan applications as provided for in this Resolution.

**SECTION 2.05 ORGANIZATION OF THE CLINTON COUNTY RURAL ZONING COMMISSION (RZC).**

- A. **Rules of Procedure.** The Rural Zoning Commission (RZC) shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Commission shall choose its own chairman, and in his/her absence- a vice chairman, who may administer oaths and compel the attendance of witnesses.
- B. **Meetings.** Three members of the Rural Zoning Commission (RZC) shall comprise a quorum for the purpose of conducting a meeting of the Rural Zoning Commission (RZC). All meetings of the RZC shall be open to the public in accordance with applicable laws.
- C. **Records.** Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Rural Zoning Commission (RZC) including all evidence and data considered, and all findings of fact and conclusions drawn by the RZC for every case together with the votes of the members and the final disposition of each case. Such minutes shall be available to the public during normal office hours.
- D. **Hearings.** The Rural Zoning Commission (RZC) shall fix a reasonable time and date for a Public Hearing, not to exceed forty (45) days from the filing of any petition with the Zoning Official/Inspector, and give due notice to be delivered personally or by First Class Mail to the applicant/respective owners at the address(es) given in the application. Upon the hearing, any party may appear in person or by agent. The Rural Zoning Commission (RZC) shall make a finding supporting or denying the requested zoning change application which shall be forwarded to the Board of Clinton County Commissioners.
- E. **Notification.** Notice of all Rural Zoning Commission (RZC) hearings shall be published in a newspaper of general circulation. All notices of a hearing shall be published not less than ten (10) days prior to the date on which the hearing is to be conducted.
- a. The time and place of the public hearing.
  - b. A statement that the hearing is being conducted by the Rural Zoning Commission (RZC).
  - c. A statement indicating that the proposed action is an amendment to the zoning resolution.
  - d. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
  - e. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.

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- f. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing.
  - g. The name of the person responsible for giving notice of the public hearing.
  - h. Other information requested by the Rural Zoning Commission (RZC).
  - i. A statement that, at the conclusion of such hearing, the matter will be referred to the Board of Clinton County Commissioners for further determination.
  - j. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Rural Zoning Commission (RZC), by first class mail, at least ten (10) days before the date of the hearing, to all owners of property within, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Clinton County Auditor's current tax list. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified.

**F. Decisions.**

- a. The Rural Zoning Commission (RZC) shall make a recommendation to the Board of Clinton County Commissioners on a case within sixty (60) days after a request has been filed unless the applicant and a majority of the members of the Rural Zoning Commission (RZC) present agree upon an extension of time.
- b. Within thirty (30) days from receipt of the recommendation of the Rural Zoning Commission (RZC), the Board of Clinton County Commissioners shall hold a public hearing. Notice of such hearing shall also be in accordance with Section 2.05(E) of this Resolution.
- c. Within twenty (20) days after the public hearing required, the Board of Clinton County Commissioners shall either adopt or deny the recommendation of the Rural Zoning Commission (RZC), or it may adopt some modification thereof. In the event the Board of County Commissioners denies or modifies the recommendation of the Rural Zoning Commission (RZC), the majority vote in accordance with ORC 303.12(H) of the Board of Clinton County Commissioners is required.

**G. Criteria.** In reviewing the proposed amendment and arriving at its decision, the Board of County Commissioners shall consider the following factors:

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

**H. Effective Date and Referendum.** Such amendment adopted by the Board of County Commissioners shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the County or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of County Commissioners to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such

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referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

**SECTION 2.06 CLINTON COUNTY BOARD OF ZONING APPEALS (BZA).**

- A. **Establishment.** A Board of Zoning Appeals (BZA) is hereby created in and for Clinton County, Ohio and shall have the authority as specified in Section 2.05 of this Resolution and Sections 303.13 to 303.15 of the Ohio Revised Code (ORC). The Board of Zoning Appeals (BZA) shall consist of five (5) members as appointed by the Board of Clinton County Commissioners. Every member shall be a resident of the zoned unincorporated territory of Clinton County, Ohio. The terms of members shall be such length and so arranged that the term of one member shall expire each year; however, each member shall serve until a successor is appointed. Vacancies shall be filled by resolution of the Board of Clinton County Commissioners.
- B. **Removal of Members.** Members of the Board of Zoning Appeals (BZA) may be removed for not attending meetings or shall be removed for non-performance of duty, misconduct in office, or other cause by the Board of Clinton County Commissioners upon written charges being filed with the Commissioners. A copy of the complaint shall be served by registered mail on the member at least ten (10) days prior to dismissal action, so as to give the member an opportunity to be heard and answer all charges or complaints.
- C. **Proceedings.** The Board of Zoning Appeals (BZA) shall adopt Rules of Proceedings that shall govern the conduct of the Board. Further, the Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules or policies as may be adopted.
- D. **Powers and Duties.** In exercising its duties, the Board of Zoning Appeals (BZA) 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, requirements, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Official or Inspector from whom the appeal is taken. The concurring vote of a majority of those members present shall be necessary to reverse any order, decision, or determination of the Zoning Official or Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following responsibilities:
1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Official/Inspector, in accordance with this Resolution.
  2. Authorize such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to unique circumstances, a literal enforcement of this Resolution will result in unnecessary hardship or practical difficulty in accordance with guidelines of this Resolution.
  3. Interpret the boundaries of the official Clinton County Zoning District Map, in accordance with the provisions of this Resolution.
  4. Seek and consider the recommendation of the Clinton County Regional Planning Commission (CCRPC), the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton Soil and Water Conservation District and other experts as needed to carry out these duties and responsibilities.
  5. Grant conditional uses as specified in the Official Schedule of District Regulations and such additional safeguards as will uphold the intent of this Resolution.
  6. Authorize the substitution or extension of nonconforming uses, as specified in this Resolution.

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7. Declare zoning permits void, in accordance with this Resolution.
  8. Have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

## **SECTION 2.07 ORGANIZATION OF THE BOARD OF ZONING APPEALS (BZA).**

- A. **Rules of Procedure.** The Board of Zoning Appeals (BZA) shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall choose its own chairman, and in his/her absence, a vice chairman, who may administer oaths and compel the attendance of witnesses.
- B. **Meetings.** Three members of the Board of Zoning Appeals (BZA) shall comprise a quorum for the purpose of conducting a meeting of the Board of Zoning Appeals (BZA). All meetings of the Board of Zoning Appeals (BZA) shall be open to the public in accordance with applicable laws.
- C. **Records.** Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Board of Zoning Appeals (BZA) including all evidence and data considered, and all findings of fact and conclusions drawn by the BZA for every case together with the votes of the members and the final disposition of each case. Such minutes shall be available to the public during normal office hours.
- D. **Hearings.** The Board of Zoning Appeals (BZA) shall fix a reasonable time and date for a Public Hearing, not to exceed forty (45) days from the filing of any petition with the Zoning Official/Inspector, and give due notice to be delivered personally or by First Class Mail to the applicant/respective owners at the address(es) given in the application. Upon the hearing, any party may appear in person or by agent. The Board of Zoning Appeals (BZA) may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appeals from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer from whom the appeal is taken.
- E. **Notification.** Notice of all Board of Zoning Appeals (BZA) hearings shall be published in a newspaper of general circulation. All notices of a hearing shall be published not less than ten (10) days prior to the date on which the hearing is to be conducted.
- F. **Decisions.** The Board of Zoning Appeals (BZA) shall return a decision on a case within sixty (60) days after a request or appeal has been filed unless the appellant and a majority of the members of the Board of Zoning Appeals (BZA) present agree upon an extension of time.

## **SECTION 2.08 APPEAL OF ACTION OF THE ZONING OFFICIAL/INSPECTOR.**

- A. **Filing of Appeal.** The appeal may be taken by any person aggrieved or by an officer, department, and board of the County, from which the appeal arises, of any order, requirement, decision or determination made by any administrative official charged with the enforcement of the Clinton County Zoning Resolution.

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- B. **Procedure on Appeals.** The appellant shall file a notice of appeal within thirty (30) days after a decision with the Zoning Official/Inspector. Such petition shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before such an appeal shall be processed, the fees for an appeal, as hereinafter set forth, shall be paid and the Zoning Official/Inspector or their agent shall deliver same to the Office of the Clinton County Treasurer to be credited to the appropriate fund of Clinton County. Afterwards, the Zoning Official/Inspector shall transmit to the Board of Zoning Appeals (BZA) all information constituting the record upon which the action being appealed was made, as well as the appeal application and any other materials which should be considered prior to taking action on the appeal.
  - C. **Fees on Appeal.** Appeal fees shall be established by the Board of Clinton County Commissioners, sufficient to cover all costs associated with processing any appeal, including the costs of advertisements, investigations and any member attendance fees for members of the Board of Zoning Appeals (BZA).
  - D. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals (BZA), after the petition of appeal shall have been filed with the Zoning Official/Inspector, that by reason of facts stated in the appeal petition, a stay would, in his/her opinion, cause imminent peril to life and property.
  - E. **Notices.** After an appeal has been scheduled for hearing, the Zoning Official shall cause notice of said hearing to be served personally or by First Class Mail addressed to the applicant at the address on the application at least five (5) days prior to the hearing. Such notice shall state the time, place, and object of the hearing.

**SECTION 2.09                    CRITERIA FOR THE ISSUANCE OF CONDITIONAL USE PERMITS.**

- A. The Board of Zoning Appeals (BZA) shall have the duty to approve and issue conditional use permits for uses listed as conditional within a respective zoning district established by this Resolution and which are consistent with the Comprehensive Plan.
- B. The granting of the conditional use permit by the Board of Zoning Appeals (BZA) for any respective district within this Resolution must satisfy all of the following basic conditions:
  - 1. Will not be contrary to the public interest or to the intent and purpose of this Resolution.
  - 2. Will attempt to mitigate any adverse effect upon property values which involve uses, activities, materials, equipment, and conditions of operation within the immediate vicinity or within the district in which the property of the applicant is located by reason of excessive traffic, noise, smoke, fumes, or odors.
  - 3. Is not one where the specific conditions associated with the granting of the conditional use permit relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
  - 4. Will relate only to property that is owned by the applicant.
  - 5. Shall be assessed for the possible precedents or affects, which might result from the approval or denial of the appeal.
  - 6. Will not create excessive additional requirements at public cost for public facilities and services.



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- C. When all of the foregoing basic conditions can be satisfied, a conditional use permit may be granted subject to General Rules applied to the granting of conditional use permits, which, in addition to the foregoing basic and special conditions may include but are not limited to:
1. The Board of Zoning Appeals (BZA) shall specify, in writing, such conditions and safeguards regarding the character, location, and other features that will in their collective judgment secure the objectives and purposes of this Resolution. The breach of any such condition shall automatically invalidate the conditional use permit granted and cause a zoning violation in accordance with this Resolution.
  2. All conditional use permits granted under the provisions of this Resolution shall become null and void if the occupation of or active use of said land, structures or buildings permitted lapses for a period of time over six (6) months and if the construction authorized by such has not commenced within six (6) months of the granted permit.
  3. No application for a conditional use permit which has been denied wholly or in part by the Board of Zoning Appeals (BZA) shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of changed conditions found to be valid by the Board of Zoning Appeals (BZA).

**SECTION 2.10 CRITERIA FOR THE ISSUANCE OF VARIANCES.**

- A. The Board of Zoning Appeals (BZA) shall, upon the conclusion of a public hearing, have the duty to rule on those matters provided in this Resolution for the administrative review, interpretation, variance or exception which is consistent with the Comprehensive Plan. With specific attention to variances, the BZA may authorize precise variances from such requirements as: lot area and width regulations, yard and depth regulations, off-street parking and loading space requirements, and sign and billboard regulations, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter shall be satisfied.
- B. Variance from this Resolution, approved by the Board of Zoning Appeals (BZA) must satisfy all of the following basic conditions:
1. Not be contrary to the public interest or to the intent and purpose of this Resolution.
  2. Not permit the establishment within a district of any use of land, building or structure which is not permitted by right within that district.
  3. Not increase the density requirements in the zoning district in question or alter dimensional requirements pertaining to such items as structures, parking spaces, driveway aisles, and landscape buffers.
  4. Not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
  5. Not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
  6. Relate only to property that is owned by the applicant.
  7. Not be the result of a condition created by the applicant.
  8. Shall be assessed for the possible precedents or affects, which might result from the approval or denial of the appeal.
- C. When all of the foregoing basic conditions can be satisfied, a variance may be granted subject to General Rules applied to the granting of variances, which, in addition to the foregoing basic and special conditions may include but are not limited to:

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1. Where there are practical difficulties, which prevent carrying out the strict letter of this Resolution. These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of the particular parcel of land.
  2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Resolution.
  3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- D. General Rules applied to the granting of variances, in addition to the foregoing basic and special conditions are:
1. The Board of Zoning Appeals (BZA) shall specify, in writing, such conditions regarding the character, location, and other features that will in their collective judgment secure the objectives and purposes of this Resolution. The breach of any such condition shall automatically invalidate the permit granted.
  2. All variances granted under the provisions of this Resolution shall become null and void if the occupation of or active use of said land, structures or buildings permitted lapses for a period of time over six (6) months and if the construction authorized by such has not commenced within six (6) months of the granted permit.
  3. No application for a variance which has been denied wholly or in part by the Board of Zoning Appeals (BZA) shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of changed conditions found to be valid by the Board of Zoning Appeals (BZA).
- E. The Board of Zoning Appeals (BZA) may require that a bond be furnished to insure compliance with the requirements, specifications, and conditions imposed with the granting of the variance, appeal, conditional permit or site plan review approval, or to insure the discontinuance of a conditional or temporary use by a stipulated time. The Board of Zoning Appeals (BZA) shall in estimating the amount and type of bond, take into account the scale of said operation. The bond shall be reasonable, appropriate and commensurate determined by the BZA with the scope of the project.
- F. Proof of ownership/equitable title shall be required with any application for a zoning/land use permit in order to establish interest in property and right to proceed.

### **SECTION 2.11 CLINTON COUNTY REGIONAL PLANNING COMMISSION (CCRPC).**

- A. The duties of the Clinton County Regional Planning Commission (CCRPC) shall include:
1. Act as a consultant to the Board of Zoning Appeals (BZA) and the Zoning Official/Inspector on matters of enforcement and administration of this Resolution.
  2. Review the Comprehensive Plan and draft changes, if deemed necessary for consideration at public hearing.
  3. Lead periodic review and recommend changes as needed to this Resolution.
  4. Review and take action on Site Plans as prescribed in Article 5 of this Resolution.
  5. Review all proposed amendments and changes to this Resolution and associated Zoning District Map requested to the Rural Zoning Commission (RZC) and provide a recommended course of action.
  6. Review and recommend actions on items to be considered by the Board of Zoning Appeals (BZA).
  7. Administer the Clinton County Subdivision Regulations.



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**SECTION 2.12 BOARD OF CLINTON COUNTY COMMISSIONERS.**

- A. The responsibilities of the Board of Clinton County Commissioners include:
1. Appoint members to the Board of Zoning Appeals (BZA) and the Rural Zoning Commission (RZC).
  2. Initiate and/or approve suggested amendments to this Resolution and/or the associated Zoning District Map.
  3. Override a written recommendation of the Rural Zoning Commission (RZC) on a text or map amendment of this Resolution and/or the associated Zoning District Map, provided such action is passed by a majority vote in accordance with ORC 303.12(H).
  4. Appoint or otherwise support the proper administration of this Resolution through the oversight and support of the Zoning Official/Inspector and associated staff as needed.
  5. Establish a schedule of fees, charges, and expenses required for the administration of this Resolution

**SECTION 2.13 OFFICE OF THE CLINTON COUNTY ENGINEER.**

- A. With regard to the regulations of development within the 100-year floodplain and other flood hazard areas, the Clinton County Engineer shall require verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of any structures requiring a building permit constructed or improved within or near a potential flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed.
- B. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Clinton County Engineer and shall be open for public inspection.
- C. It shall be the responsibility of the Clinton County Engineer to obtain and utilize the best available flood hazard data for the purposes of administering this Resolution in the absence of data from the US Federal Emergency Management Agency.

**SECTION 2.14 ZONING AND LAND USE PERMITS.**

The following provision shall apply in the issuance of any zoning or land use permit in addition to any other requirements for a particular use contained in this Resolution.

- A. Commencement. Excavation for building or structure shall not be commenced, the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken, or any land shall not be used, a previous use shall not be used, or an existing use of land shall not be expanded or changed until a zoning/land use permit has been obtained. A zoning/land use permit shall not be issued for those uses requiring the site plan approval process as outlined in Article 5, or administrative site plan approval, until the site plan has been reviewed and approved, as provided for in this Resolution. A zoning/land use permit shall not be issued for those uses requiring conditional use approval as provided for in this Resolution, until a conditional use has been approved in compliance with this Resolution.
- B. Application for Zoning/Land Use Permit. There shall be submitted to the Zoning Official/Inspector with each application for a Zoning/Land Use Permit the following:

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1. In the case of a zoning/land use permit for a dwelling or other building intended for human occupancy and having waste water plumbing, a written report from the Clinton County Health Department certifying in writing the approval of the private sanitary sewage disposal system or when public sanitary sewage service is available or required, a written notice of acceptance of hookup or a tap-in fee receipt from the Clinton County Sanitary Engineer or agency enforcing the sanitary sewer district regulations.
  2. An application for a zoning/land use permit gives consent for the Zoning Official/Inspector, to enter and/or access property for proper inspection prior to issuing the permit.
  3. When a new, expanding or rehabilitated driveway is intended, a receipt of application and approval for a driveway permit from the Office of the Clinton County Engineer, or the Ohio Department of Transportation shall be required.
  4. All applications for a zoning/land use permit shall require an accurate map showing the following:
    - a. The location, shape, area, dimensions, legal description of the parcel, deed restrictions, location of easements, centerline of street and street right-of-way or easements.
    - b. The location, setback, dimensions, height of existing and/or proposed structures to be erected, altered, or moved on the parcel.
    - c. The existing and intended use of buildings and lot.
    - d. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
    - e. Any change in the contour of the parcel involved.
    - f. Identify surface water and waterways.
  5. Applicant must comply with the provisions and regulations of this Resolution, as well as meet the rules and regulations set forth by the Clinton County Soil and Water Conservation District, the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton County Sanitary Engineer, the Clinton County Regional Planning Commission (CCRPC), and any state or regional agency whose promulgated rules apply to the proposed building, structure or use. The applicant must also comply with the Clinton County Soil Erosion and Sedimentation Control Regulations, and all Township Regulations.
  6. Declaration and evidence of ownership shall be required with any application for a zoning/land use permit in order to establish interest in property and right to proceed.

## **SECTION 2.15 ADMINISTRATIVE PROVISIONS.**

- A. **Suspension of Zoning/Land Use Permit.** Any permit issued shall become invalid if the authorized work is not materially commenced within two (2) years after the date of approval of the application.
- B. **Previous Approvals.** Nothing in the Resolution shall require changes in the plans, construction, or designated use of a building or structure for which a lawful building, electrical, plumbing and/or mechanical permit has been heretofore issued or otherwise lawfully authorized, and the construction and/or installation of which shall have been actively prosecuted within ninety (90) days after the effective date of this Resolution; and the entire building or installation shall be completed as authorized within two (2) years after the date of approval of the application.
- C. **Fees.** All fees for inspection and the issuance of Zoning/Land Use Permits required under this Resolution shall be collected by the Zoning Official/Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Board of Clinton County Commissioners and shall be in an amount sufficient to

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defray the cost of inspections and supervision necessary for the implementation and enforcement of this Resolution.

- D. **Administration of Zoning/Land Use Permits.** In cases where a building permit is required under the State of Ohio Construction Code, the application and issuance of a zoning/land use permit shall precede the application and issuance of a building permit.

## **SECTION 2.16 ENFORCEMENT, VIOLATIONS AND PENALTIES.**

- A. **Reporting Violations.** The Zoning Official/Inspector shall enforce the provisions of this Resolution. Violations of any provision of this Resolution are declared to be a nuisance per se. Any and all building and land use activities considered possible violations of the provisions of this Resolution shall be communicated to the Zoning Official/Inspector. Violations or deficiencies from an approved site plan shall be considered a violation of this Resolution. Commencement of an investigation into a violation is based upon a complaint received in writing. Violations reported to the Zoning Official/Inspector shall be subject to the enforcement procedures below.
- B. **Inspection and Enforcement Procedure.** It shall be unlawful for any person to continue construction or commence operations of any kind that are in violation of the terms of this Resolution, and any violation shall be subject to the penalties herein prescribed.
1. **Inspection of Violation.** The Zoning Official/Inspector shall inspect each alleged violation of this Resolution within ten (10) business days of receipt of a written complaint.
  2. **Correction Period, Requirements of Notice.**
    - a. Non-use violation has been confirmed by the Zoning Official/Inspector, notice of the violation shall be communicated, and if communication cannot be made by Certified and/or First Class Mail addressed to the owner and/or occupant of the property where the violation exists and (if applicable) to the person(s) causing said violation. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant or person otherwise responsible is required to abate the violation within thirty (30) calendar days of the receipt of the notice, or file the necessary appeal forms with the Clinton County Board of Zoning Appeals (BZA).
    - b. Use violation includes those violations involving commencement of use of land and/or structure without a zoning/land use/site plan review permit and/or approvals from the appropriate board as prescribed necessary herein. Whenever a use violation has been confirmed by the Zoning Official/Inspector, notice of the violation shall be provided in writing, mailed by Certified and/or First Class Mail addressed to the owner and/or occupant of the property where the violation exists and, if applicable, to the person(s) causing said violation. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant or person otherwise responsible, is required to cease and desist the use violation and abate the violation within thirty (30) calendar days. The applicant may file an appeal with the Clinton County Board of Zoning Appeals within thirty (30) calendar days of the receipt of the notice.
  3. **Non-Compliance with Order.** A violation not corrected within the specified time shall be referred and filed immediately with the Prosecuting Attorney. Any person violating any of the provisions of this Resolution shall upon conviction thereof, be punishable by imprisonment in the County Jail for not more than ninety (90) days, by a fine of not more than One Hundred (100) Dollars per occurrence and the costs of

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prosecution, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate punishable offense/occurrence. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Resolution. Violation of this Resolution is hereby declared a nuisance per se and conviction of the penal provision shall not preclude proceedings to abate such a nuisance.

4. Cumulative Rights and Remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
5. The Zoning Official/Inspector may refuse to issue new zoning and land use permits to any person who has failed to correct previously documented violations or to any person representing a firm, which has failed to correct violations of this Resolution. A zoning permit may also be withheld if one or more onsite violations are identified.

#### **SECTION 2.17                    INTERPRETATIONS AND APPLICATIONS.**

In the interpretation, application and enforcement of this Resolution, whenever any of the provisions or limitations imposed or required herein are more stringent than any other law or regulation, then the provision of this Resolution shall govern, provided that whenever the provisions of any other law or regulation imposes more stringent requirements than are imposed or required by this Resolution, then the provision of such other law or regulation shall govern.

#### **SECTION 2.18                    SUBMISSION TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION.**

In accordance with ORC 5511.01, before any Zoning/Land Use Permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Official/Inspector shall file notice, by Certified and/or First Class Mail to the Director of the Department of Transportation. The Zoning Official/Inspector shall not issue a zoning/land use permit for 120 days from the date the notice is delivered to the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation or their assigns notifies the Zoning Official/Inspector that he shall proceed to acquire the land needed, then the Zoning Official/Inspector shall refuse to issue the Zoning/Land Use Permit. If the Director of the Ohio Department of Transportation or their assigns notifies the Zoning Official/Inspector that acquisition at this time is not in the public interest, or if notification of action is not received, the Zoning Official/Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning/Land Use Permit.

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## ARTICLE 3

### Zoning District Regulations

#### **SECTION 3.01 ESTABLISHMENT OF ZONING DISTRICTS.**

Clinton County, Ohio is hereby divided into a series of Zoning Districts as allowed under Ohio Revised Code 303.02 described herein and as shown on the official Zoning District Map, which together with any explanatory matter shown, hereby adopted by reference and declared to be part of this Resolution.

#### **SECTION 3.02 PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP.**

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning District Map for Clinton County, Ohio" adopted by the Board of Clinton County Commissioners, and which with all notations, references and other information appearing, is hereby declared to be a part of this Resolution and of the same force and effect as if the districts shown were fully set forth herein. Zoning district boundaries shall follow surveyed and recorded property and lot lines with only one zoning district applicable to one lot of record. The Official Zoning District Map shall be adopted by the Board of County Commissioners and may be amended from time to time by resolution of the Board of County Commissioners and shall be maintained on file at the Clinton County Building and Zoning Department.

#### **SECTION 3.03 CHANGES TO THE OFFICIAL ZONING MAP.**

Should changes be made to the district boundaries, such changes shall be made by the Board of Clinton County Commissioners and certified to the Zoning Official/Inspector, promptly after the resolution authorizing such change has been adopted. Other changes to the official Zoning District Map may only be made as authorized by this Resolution and such changes are approved by the Clinton County Rural Zoning Commission (RZC), the Clinton County Board of Zoning Appeals (BZA) and/or the Board of Clinton County Commissioners in consultation with the Clinton County Regional Planning Commission (CCRPC) and consequently certified.

#### **SECTION 3.04 AUTHORITY OF OFFICIAL ZONING DISTRICT MAP.**

Regardless of the existence of other copies of the official Zoning District Map which may from time to time be made or published, the official Zoning District Map, which shall be in the possession of the Zoning Official/Inspector and provided to the public during normal business hours, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in Clinton County, Ohio.

#### **SECTION 3.05 INTERPRETATION OF ZONING DISTRICTS AND BOUNDARIES.**

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Where uncertainty exists as to the boundaries of zoning districts as shown on the official Zoning District Map, the following guidelines shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such lot line.
- C. A boundary indicated as approximately following the corporate boundary line of the County or a Township, city or village shall be construed as following such boundary.
- D. A boundary indicated as following the centerline of a stream, river, lake or other body of water shall be construed as following such centerline.
- E. A boundary indicated as parallel to or an extension of a feature indicated in the paragraphs (A) through (D) above shall be so construed.
- F. The scale of the map shall determine a distance not specifically indicated on the official Zoning District Map.
- G. All questions concerning the exact location of the boundary line on any zoning district not clearly shown on the official Zoning District Map shall be determined by a Zoning Official/Inspector and shall be consistent with the intent and purpose of this Resolution. The determination of the Zoning Official/Inspector may be appealed through the Board of Zoning Appeals (BZA) in the procedure outlined in this Resolution.

### **SECTION 3.06 PLANNED UNIT DEVELOPMENTS (PUD).**

The Board of Clinton County Commissioners pursuant to section 303.12 of the Ohio Revised Code hereby adopt the existing planned unit development regulations as approved and any subsequent revisions or amendments within the Clinton County Subdivision Regulations as the standard planned unit development regulations for the purposes of this Resolution.

The Board of Clinton County Commissioners, pursuant to this Resolution, allow Planned Unit Developments (PUD) within all zoning districts within the borders of Clinton County. As provided for within Ohio Revised Code 303.022, current zoning regulations and zoning districts that exist pursuant to this Resolution apply until the land owner or their assign formally applies and has received required approvals for the planned unit development standards to be enacted as detailed below.

A land owner or their assign of the property may apply to the Clinton County Regional Planning Commission (CCRPC) by application for the major subdivision process as detailed within the Clinton County Subdivision Regulations for the property to be subject to the planned unit development (PUD) regulations. Said Preliminary Plan approval from the Clinton County Regional Planning Commission (CCRPC) shall set the performance and substantive zoning standards pursuant to this Resolution for that specific property/site. The approved PUD Plan shall include a level of detail and specificity as outlined in the Clinton County Subdivision Regulations and may include proposed thresholds for consideration of a Minor Modification, which shall be administratively approved by

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the Zoning Inspector, of the PUD Plan before the Final Plat. Following approval from the Clinton County Regional Planning Commission (CCRPC) the applicant shall submit said Preliminary Plan for the further prescribed steps for a zoning change as described within this Resolution, including submission to the Clinton County Rural Zoning Commission (RZC) and the Board of Clinton County Commissioners. Once the PUD Plan has been approved by the Board of Clinton County Commissioners it serves as the applicable zoning including use and performance standards for that particular site. The site's zoning designation shall be noted as a Planned Unit Development (PUD) distinguished by its address on a public right-of-way.

Phasing and construction of the site, must comply with the approved Construction/Improvement Plans and the approved PUD Plan, any changes must follow an approved Minor Modification process, or shall require a new PUD Plan approval. The approval of a Planned Unit Development (PUD) shall not be considered to be an amendment to this Resolution for purposes of section 303.12, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

### **SECTION 3.07 APPLICATION OF DISTRICT REGULATIONS.**

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structures, or uses throughout the district. Whenever the requirements of this Resolution vary with the requirements of any other adopted rules or regulations, deed restrictions, or covenants, the most restrictive or those imposing the higher standard shall govern. The Zoning Official/Inspector is not charged with the enforcement of deed restrictions, covenants, or similar private agreements recorded for a particular property. The enforcement of those provisions is a civil matter. Except as hereinafter provided, district regulations shall be applied in the following manner:

- A. No building shall hereafter be erected, altered, or moved nor shall any building or premises hereafter be used for any purpose other than is permitted in the zoning district in which said building or premises is located.
1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts. Other uses of the same nature or class may be permitted as those listed as permitted uses in a district, which, as interpreted by the Board of Zoning Appeals (BZA), are no more intrusive or detrimental to the surrounding area than those listed in the Schedule of Use Regulations. All other uses are prohibited. In no case shall there be more than one (1) principal building used for residential purposes on any single lot of record.
  2. **Accessory Uses.** Accessory uses are permitted only if such uses are clearly incidental to the permitted principal use and located on the same lot as is the principal use.
  3. **Conditional Use.** Conditional uses are permitted only if specifically listed as a conditional use, and in accordance with the stipulations or conditions set forth in this Resolution. Other uses of the same nature or class may be permitted as those listed as conditional uses as determined by the Board of Zoning Appeals (BZA) and are no more intrusive or detrimental to the surrounding area than those listed. The Board of Zoning Appeals (BZA) may establish additional standards or criteria to each conditional use as may be appropriate for the district or area.
  4. **Similar Uses.** Determination as to whether a use is similar to uses permitted by right or conditional use shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found substantially similar thereafter is considered as a permitted use in that district. Applications for zoning permits for uses not specifically listed in the permitted building or use



classifications of the zoning district, which the applicant feels is a similar use under the provisions of this Article, shall be submitted to the Board of Zoning Appeals (BZA). The Zoning Official/Inspector shall make a thorough investigation and analysis of the proposed use, and shall prepare a written report, along with recommendations, for submission to the BZA. The Board of Zoning Appeals (BZA) shall within thirty (30) days of receipt of a completed application determine whether the use is similar to those uses permitted in the specified district. In order to find that a use is similar, the following criteria or conditions must be met:

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

B. A petitioned use of land, building, or structures not specifically listed in the provision for this Resolution shall be considered by the Board of Zoning Appeals (BZA) on the merits of the petitioned use being in the same nature and class and similar and compatible to other uses listed in the district where the petitioned use is proposed. Further, the Board of Zoning Appeals shall assess that the petitioned use is no more intrusive or detrimental to the surrounding area than other uses listed in the district where the petitioned use is proposed. If the petitioned use is found, in the opinion of the Board of Zoning Appeals (BZA), not to have credence under the merits put forth above, the petitioner may petition the Rural Zoning Commission (RZC) and the Board of Clinton County Commissioners to amend the text of this Resolution to list the use under the district where the petitioned use is proposed.

- C. No structure shall hereafter be erected or altered except by appeal, or variance as herein described by this Resolution, to:
- 1. Not conform to the standards specified in the district in which the structure is located.
  - 2. Exceed the height limit specified for the district in which such structure is located.
  - 3. Occupy a greater percentage of lot area than is specified for the district in which such structure is located.
  - 4. Intrude upon the required front, rear, or side yards, as specified for the district in which such structure is located.
  - 5. Accommodate or house a greater number of families than are specified for the district in which the structure is located.
  - 6. Provide less living space per dwelling unit than is specified for the district in which such structure is located.

**SECTION 3.08 GENERAL USE CLASSIFICATION SYSTEM.**

For the purposes of this Resolution, the general use classification system established in this Article shall be used to classify those uses that will be permitted, conditionally permitted, regulated, or prohibited either specifically or by omission, and in making a determination that a use not listed is substantially similar.

<b>Residential Uses.</b>	Residential uses are places where persons live or reside and are associated with dwelling units as defined in the Resolution.
<b>Public Use.</b>	Public uses are owned or operated by governmental agencies for



	administrative, educational, cultural, recreational, and similar activities that benefit or provide services to the public.
<b>Quasi-Public.</b>	Quasi-public uses are activities of a religious, educational, charitable, social, philanthropic, and health nature, and non-profit membership organizations that have more limited public purpose than public uses.
<b>Administrative and Business Office.</b>	Administrative and business office uses are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.
<b>Professional Office.</b>	Professional offices uses deliver professional tangible and intangible services to the general public and are associated with normally recognized professions most of which are regulated, licensed or certified by the state of Ohio.
<b>Retail Store.</b>	Retail store uses include uses primarily engaged in selling merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.
<b>Personal Services.</b>	Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.
<b>Consumer Services.</b>	Consumer service uses general involve the care and maintenance of tangible property or the provision of intangible services for personal consumption.
<b>Trade Service.</b>	Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.
<b>Automotive Service.</b>	Automotive uses include sales and services directly associated with the motor vehicles and other types of transportation.
<b>Food, Lodging and Beverage Service.</b>	Food, lodging, and beverage service uses include commercial establishment and non-profit institutions engaged in furnishing food, beverages, or lodging for fee or on a membership fee basis.
<b>Wholesaling.</b>	Wholesaling and storage uses are associated with transporting, storing, handling or selling merchandise primarily to retailers, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.
<b>Recreational.</b>	Recreational uses include activities used by persons during leisure time for entertainment for a fee or on a membership fee basis.
<b>Manufacturing.</b>	Manufacturing uses include all uses involving processing, fabricating, packaging, assembly, and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.

**SECTION 3.09                    REDUCTION, DIMINISHMENT OF A LOT.**

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No lot area shall be reduced or diminished so that yard setbacks and other open spaces shall not be smaller than specified, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.

**SECTION 3.10 YARDS AND OPEN SPACE NOT TO BE USED TWICE.**

No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Resolution shall be included as a part of a yard or other open space similarly required for another building.

**SECTION 3.11 BUILDINGS AND LOTS OF RECORD.**

Every building or structure erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwellings, commercial and industrial development, there shall be no more than one (1) principal building/structure and its permitted accessory structures located on each lot in any district, unless specified elsewhere in this Resolution.

**SECTION 3.12 STREET, ALLEY OR OTHER PUBLIC WAY VACATED.**

Whenever any street, alley, or other public way within Clinton County shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of land adjoining such street, alley or public right-of-way shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to land to which same use as is permitted under this Resolution for such adjoining lands.

**SECTION 3.13 FILL/CREATED LANDS.**

Whenever any fill is placed in any lake or stream, the land created shall automatically and without further governmental action is subject to the same zoning regulations as are applicable to lands to which the created land shall attach or be adjacent to. The created land shall be used for the same purposes as are permitted under this Resolution for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purposes not permitted on the land from which the use emanates. Such fill shall require approval by appropriate governmental agencies including the Ohio Department of Natural Resources.

**SECTION 3.14 SETBACK MEASUREMENTS.**

Required front yard setbacks shall be measured from the road thoroughfare right-of-way line to the setback line except as otherwise provided in this Resolution. No exterior face of a structure may protrude into the required yard space except for the outer edge of roof overhangs or cornices, which may extend up to one (1) foot into the required yard. All other required yards shall be located parallel and adjacent to property lines.

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**SECTION 3.15 EXEMPTIONS FOR AREA, PLACEMENT AND HEIGHT REGULATIONS.**

The following improvements may be located anywhere on any lot, excepting rights-of-way and easements maintained by state and local units of government or utility companies: Open and unroofed terraces, patios, flag poles, hydrants, laundry drying equipment, trellises, outdoor cooking equipment, sidewalk and private driveways, trees, plants, shrubs and hedges, fences, screens, or light poles and grain handling equipment. Anything constructed, erected, placed, or planted or allowed to grow, shall conform to the provision herein, regarding site distance and visibility at intersections and in conformance with approved site plans and appropriate permits. Any of the above improvements that are affixed to the principal structure and have independent footings must comply with the required front, side and rear yard setbacks as delineated.

The following structures and appurtenances must comply with the setback and area, placement regulations as noted but shall be exempted from the height regulations of this Resolution: cupolas, spires, belfries, mechanical penthouses, chimneys, ventilators, skylights, water tanks, wind turbines, solar power voltaic/cells, public utility transmission and distribution lines and related structures, radio, and television broadcasting and receiving antennae, commercial silos, grain handling equipment, grain storage bins, parapets, and other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Wireless and/or cellular towers and/or facilities are exempt from height restrictions in A-1, A-2 and A-3 zones.

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**SECTION 3.16****AGRICULTURE AND OPEN SPACE PRESERVATION DISTRICT (A-1).**

*Relationship to the Comprehensive Plan (Agriculture Protection)-*

*To maintain and enhance the rural character of the County and to retain the agricultural, forested, and natural landscape qualities of the County.*

**A. Permitted Uses**

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures.
3. Agricultural uses and customary farm accessory buildings.
4. Single-family detached non-farm dwelling unit.
5. Home Based Businesses/Occupations, subject to the provisions of this Resolution.
6. Stables.
7. Greenhouses and nurseries, including tree farms.
8. Woodlots and timber harvesting.
9. Public and Quasi-Public uses defined herein.
10. Public parks and recreation activities, forest preserves and conservation areas.

**B. Conditional Uses**

1. Farm-based occupations, subject to the following:
  - a. A farm occupation may involve a wide range of activities, provided it remains secondary to and compatible with active farm use. Examples include woodworking and furniture production, metal or machine work, farm machinery repair and service.
  - b. Evidence shall be provided that all waste associated with the farm operation will be disposed of in a manner consistent with State and/or federal regulations.
  - c. Not more than five (5) permanent nonresidents of the premises not involved in agriculture shall be employed on site.
  - d. The use shall be conducted entirely within enclosed buildings. Any new building constructed for use by the farm occupation shall be of a design that can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
2. Private landing fields for not more than two (2) Federal Aviation Authority (FAA) regulated aircraft, provided that a site plan is approved by the Clinton County Regional Planning Commission (CCRPC).
3. Campgrounds subject to the provisions of this Resolution.
4. Cemetery and/or Crematorium, public and private, subject to the provisions of this Resolution.
5. Housing for seasonal labor.
6. Private elementary, middle, and secondary school and educational facilities.
7. Recreational Uses associated with a conservation or educational use.
8. Veterinary Clinic, large and small animals.
9. Game yard, hunting preserve, private recreational or conservation lands.
10. Golf Courses and Country Clubs.
11. Churches and similar places of worship.

**C. Development Standards.**

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1. Lot Area.  
The lot area shall be no less than forty one (41) acres.
  
  2. Minimum Lot Width.  
All lots shall have at least four hundred (400) feet of continuous frontage on a dedicated, improved street or highway or a private street having met the County's standards for private streets.
  
  3. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Ten (10) percent.
  
  4. Minimum Yard Setbacks and Building Heights.

Front Yard Setback (from Center Line of Road and from Road Right-of-Way)	105/70 feet.
Side Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Rear Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Maximum Building/Structure Height Limit	50 feet.
  
  5. Minimum Building Area.  
Eight Hundred Sixty Four (864) square feet of habitable floor area shall be required of all single-family dwelling units.

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**SECTION 3.17 GENERAL AGRICULTURE DISTRICT (A-2).**

*Relationship to the Comprehensive Plan (Very Low Density Residential and Agriculture Protection)-  
To maintain and enhance the rural character of the County and to retain the agricultural, forested, and natural landscape qualities of the County.*

**A. Permitted Uses.**

1. All permitted uses permitted in the Agriculture and Open Space Preservation District (A-1).

**B. Conditional Uses.**

1. All conditional uses subject to approval in the Agriculture and Open Space Preservation District (A-1).
2. Bed and Breakfast establishments, subject to the provisions of this Resolution.

**C. Development Standards.** All standards below are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Lot Area.  
Lot area shall not be less than ten (10) acres, or such size as determined by the Clinton County Health Department, whichever is larger.
2. Minimum Lot Width.  
Lots shall have at least one hundred fifty (150) feet of continuous frontage on a dedicated, improved street or highway or a private street having met the County's standards for private streets.
3. Minimum Yard Setbacks and Building Heights.

Front Yard Setback (from Center Line of Road and from Road Right-of-Way)	105/70 feet.
Side Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Rear Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Maximum Building/Structure Height Limit	50 feet.
4. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Ten (10) percent.
5. Minimum Building Area  
Eight Hundred Sixty four (864) square feet of habitable floor area shall be required for any single-family dwelling unit.

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**SECTION 3.18                    AGRICULTURE – RESIDENTIAL TRANSITION DISTRICT (A-3).**

*Relationship to the Comprehensive Plan (Low Density Residential)-  
To protect agricultural land and the rural character and yet provide for a variety of residential living opportunities at rural densities.*

**A. Permitted Uses.**

1. All permitted uses permitted in the General Agriculture District (A-2).

**B. Conditional Uses.**

1. Cemeteries subject to the provisions of this Resolution.
2. Churches and similar places of worship.
3. Golf courses and Country Clubs.
4. Private elementary, middle, and secondary schools.
5. Bed and Breakfast establishments.
6. Community swimming pools and private swim clubs, subject to provisions of this Resolution.
7. Day Care Facility, subject to the provisions of this Resolution.
8. Home for the elderly and/or convalescent home, subject to the provisions of this Resolution.
9. Indoor and Outdoor Commercial recreation facilities.

**C. Development Standards.** All standards below are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Lot Area.  
Lot area shall be no less than two (2) acres, or such size as determined by the Clinton County Health Department, whichever is larger.
2. Minimum Lot Width.  
Lots shall have a minimum frontage of one hundred fifty (150) feet on a public improved street or roadway or approved private street.
3. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Thirty (30) percent.
4. Minimum Yard Setback and Building Height.

Front Yard Setback (from Center Line of Road and from Road Right-of-Way)	105/70 feet.
Side Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Rear Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Maximum Building/Structure Height Limit	50 feet.
5. Minimum Building Area  
Eight Hundred Sixty four (864) square feet of habitable floor area shall be required for any single-family dwelling unit.

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**SECTION 3.19 RURAL RESIDENTIAL DISTRICT (R-R).**

*Relationship to the Comprehensive Plan (Low Density Residential)-  
To protect agricultural land and the rural character and yet provide for a variety of residential living opportunities at rural densities.*

**A. Permitted Uses.**

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures.
3. Agricultural uses and customary farm accessory buildings.
4. Attached single-family dwelling units (duplex).
5. Single-family detached non-farm dwelling unit.
6. Public and Quasi-Public uses defined herein.
7. Public parks and recreation activities, forest preserves and conservation areas.

**B. Conditional Uses**

1. Home Based Businesses and Occupations, subject to the provisions of this Resolution.
2. Churches and similar places of worship.
3. Golf Course or Country Clubs.
4. Private elementary, middle, secondary schools.
5. Cemeteries subject to the provisions of this Resolution.
6. Stables.
7. Residential Conversions, in accordance with the provisions of this Resolution.
8. Model homes in subdivisions and/or developments to be used as sales office by the builder or developer.
9. Bed and Breakfast establishments.
10. Home for the Elderly and/or Convalescent Home, subject to the provisions of this Resolution.
11. Day Care Facility, subject to the provisions of this Resolution.
12. Health and Fitness Clubs.
13. Community Swimming Pools and Private Swim Clubs, subject to provisions of this Resolution.
14. Wireless communication towers or facilities.

**C. Development Standards.** All standards are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Minimum Lot Area.

Lot served with centralized or public sanitary sewer and public water:	15,000 square feet.
Lot served with public water only:	1.0 acre.
Lot served with on-site water and sewer (septic tank):	1.5 acres.
  
2. Minimum Lot Width.

Lot served with centralized or public sanitary sewer and public water:	70 feet.
Lot served with public water:	150 feet.
Lot served with on-site water and sewer (septic tank):	150 feet.



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3. Minimum Yard Setback and Building Height.

Front Yard Setback (from Center Line of Road and from Road Right-of-Way)	105/70 feet.
Side Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Rear Yard Setback (from Property Line, primary structure/accessory structure)	30/10 feet.
Maximum Building/Structure Height Limit	50 feet.

4. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Fifty (50) percent.

5. Minimum Building Area

Eight Hundred Sixty four (864) square feet of habitable floor area shall be required for any single-family dwelling unit.

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**SECTION 3.20 SUBURBAN RESIDENTIAL DISTRICT (S-R).**

*Relationship to the Comprehensive Plan (Medium to High Density Residential)-  
Focused around the city of Wilmington and certain primary growth areas where sanitary sewer and water service is available or planned to be available. Lots or parcels where access to public sanitary sewer and/or public or private community water systems exists shall be required to connect and improve the lot or parcel.*

**A. Permitted Use.**

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures.
3. Agricultural uses and customary farm accessory buildings.
4. Attached single-family dwelling units (duplex).
5. Single-family detached non-farm dwelling unit.
6. Public uses as defined herein.
7. Public parks and recreation activities, forest preserves and conservation areas.

**B. Conditional Use.**

1. Home Based Businesses and Occupations, subject to the provisions of this Resolution.
2. Churches and similar places of worship.
3. Residential Conversions, in accordance with the provisions of this Resolution.
4. Accessory Apartments as defined herein.
5. Quasi-Public uses as defined herein.
6. Private elementary, middle, secondary schools.
7. Bed and Breakfast establishments.
8. Day Care Facility, subject to the provisions of this Resolution.
9. Home for the Elderly and/or Convalescent Home, subject to the provisions of this Resolution.
10. Model homes in subdivisions and developments to be used as sales offices by the building and/or developer of the subdivision or development.
11. Multi-family dwellings, subject to the standards presented in this Resolution.
12. Association Community Buildings.
13. Health and Fitness Clubs.
14. Golf courses or Country Clubs.
15. Food, Lodging and Beverage services.
16. Professional Offices.
17. Community Swimming Pools and Private Swim Clubs, subject to provisions of this Resolution.
18. Wireless communication towers or facilities.

**C. Development Standards.** All standards are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Minimum Lot Area.  
Lot served with centralized or public sanitary sewer and public water: 10,000 square feet.  
Lot served with public water only: 1.0 acre.

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- Lot served with on-site water and sewer (septic tank): 1.5 acres.
2. Minimum Lot Width.
- Lot served with centralized or public sanitary sewer and public water: 50 feet.
- Lot served with public water: 150 feet.
- Lot served with on-site water and sewer (septic tank): 150 feet.
3. Minimum Yard Setback and Building Height.
- Front Yard Setback (from Center Line of Road and from Road Right-of-Way) 70/50 feet.
- Side Yard Setback (from Property Line, primary structure/accessory structure) 10/10 feet.
- Rear Yard Setback (from Property Line, primary structure/accessory structure) 10/10 feet.
- Maximum Building/Structure Height Limit 50 feet.
4. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Seventy (70) percent.
5. Minimum Building Area  
Eight Hundred Sixty four (864) square feet of habitable floor area shall be required for any single-family dwelling unit.

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**SECTION 3.21 TOWN-CENTERED COMMERCIAL (C-1).**

*Relationship to the Comprehensive Plan (Local Commercial)-  
Focused around existing incorporated areas and/or within unincorporated hamlets with the intent to provide local access to commerce and create a mixed-use small town aesthetic and to provide a transition from rural to more urbanizing land uses.*

**A. Permitted Uses.**

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. Retail Stores as defined, excluding uses specifically defined within other Commercial Districts.
3. Personal Services, as defined and such as repair shops for watches, small appliances, jewelry stores, and televisions, nail salons, beauty and barbershops.
4. Professional Offices as defined and such as bookkeeping and accounting, doctor, dentist, lawyer, architect, engineer, chiropractors and other similar professions.
5. Administrative and Business Offices as defined such as banks, financial offices, and similar uses.
6. Public and Quasi-Public uses as defined herein.
7. Public parks and recreational activities, forest preserves and conservation areas.
8. Health and Fitness Clubs.
9. Churches and similar places of worship.
10. Mixed use commercial and residential structures.
11. Single-family dwelling unit(s), attached (duplex) or detached.

**B. Conditional Uses.**

1. Food, Lodging and Beverage Service, excluding drive-in or drive-thru restaurants.
2. Indoor and Outdoor Commercial Recreational subject to the provisions of this Resolution.
3. Multi-family dwellings subject to the provisions of this Resolution.
4. Day Care Facility subject to the provisions of this Resolution.
5. Administrative and Business Offices as defined.
6. Veterinary office, including animal hospitals and clinics.
7. Automotive Services, subject to the provisions of this Resolution, excluding paint and bodywork facilities.
8. Wireless communication towers or facilities.

**C. Development Standards.** All standards are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Minimum Lot Area.  
Twenty thousand (20,000) square feet for newly created or subdivided lots and an area approved by the Clinton County Health Department for an on-site water and sewage disposal system (if required) and the required parking area as determined by this Resolution.
2. Minimum Lot Width.  
No less than one hundred (100) feet for newly created or subdivided lots.
3. Minimum Yard Setbacks and Building Height.  
Front Yard Setback (from Right-of-Way)                      10 feet.

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Side Yard Setback (from Property Line) 50 feet for structures and 30 feet for paved areas when abutting single-family residential lots, for areas abutting non single-family residential lots zero (0) side yard setback is possible with approval from the Office of the Clinton County Engineer.

Rear Yard Setback (from Property Line) 10 feet.

Maximum Building Height/Structure Limit 70 feet.

4. Minimum Building Area.  
Eight Hundred and Sixty Four (864) square feet of habitable ground floor area shall be required for any single-family dwelling unit.
5. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
One Hundred (100) percent with an approved site plan.

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## SECTION 3.22 GENERAL COMMERCIAL DISTRICT (C-2).

*Relationship to the Comprehensive Plan (General Commercial)-  
Focused around the incorporated villages and the city of Wilmington to provide higher density and general commercial uses similar to the development patterns in incorporated communities.*

### A. Permitted Use.

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. All uses permitted in the Local and Town-Centered Commercial District (C-1).
3. Lumber and home improvement sales, provided all storage and operations are conducted within enclosed structures on the site.
4. Food, Lodging and Beverage Uses.
5. Theater, excluding drive-in theater.
6. New automobile and farm equipment sales, including accessory activities such as car storage, used car sales, and repairs.

### B. Conditional Use.

1. All conditional uses for which conditional approval is required within the Local Commercial District (C-1).
2. Assembly or Dance Hall.
3. Open-air businesses developed with a permitted use and subject to the standards of this Resolution.
4. Funeral Home or Mortuary.
5. Bowling alleys, indoor skating rinks, and similar recreational uses.
6. Warehouses/indoor storage associated with retail business.
7. Outdoor sales lots and displays, subject to the provisions of this Resolution.
8. Recreational vehicle storage.
9. All drive-in or drive-thru facilities.
10. Transient, temporary amusements, subject to the provision of this Resolution.
11. Auction or public sale facilities.
12. Recycling facilities, including reverse vending machines, collection and procession, subject to the requirements of this Resolution.
13. Wireless communication towers or facilities.

### C. Development Standards. All standards are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Minimum Lot Area.  
Twenty thousand (20,000) square feet and an area approved by the Clinton County Health Department for an on-site water and sewage disposal system (if required) and the required parking area as determined by this Resolution.
2. Minimum Lot Width.  
No less than one hundred (100) feet.
3. Minimum Yard Setbacks and Building Height.

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Front Yard Setback (from Right-of-Way)	20 feet.
Side Yard Setback (from Property Line)	50 feet for structures and 20 feet for paved areas when abutting single-family residential lots, for areas abutting non single-family residential lots 20 feet for structures and 10 feet for paved areas.
Rear Yard Setback (from Property Line)	20 feet.
Maximum Building Height/Structure Limit	70 feet.

4. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Seventy (70) percent.
5. Minimum Building Area.  
Eight Hundred and Sixty Four (864) square feet of habitable ground floor area shall be required for any single-family dwelling unit

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**SECTION 3.23 HIGHWAY SERVICE COMMERCIAL DISTRICT (C-3).**

*Relationship to the Comprehensive Plan (Highway Commercial)-  
Focused around the city of Wilmington, incorporated villages and major intersections, and intended to provide medium to high density commercial uses with an orientation toward the highway user.*

**A. Permitted Use.**

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures.
3. All uses permitted in the General Commercial District (C-2).
4. Drive-in or drive-thru facility.
5. Ambulance station.
6. Equipment or Vehicle Rental.
7. Mobile home sales and service.

**B. Conditional Use.**

1. All conditional uses permitted in the General Commercial District (C-2).
2. Automotive Service including body and paint shops.
3. Motels and Hotels.
4. New and used bus, truck, and heavy equipment sales and storage.
5. Open air businesses or sales areas when developed in conjunction with a permitted use.
6. Self Storage Facility.
7. Vehicle/Carwash Facility.
8. Wireless communication towers or facilities.
9. Agriculture/Farm equipment sales and service.
10. Commercial storage garage or facility.

**C. Development Standards.** All standards are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Minimum Lot Area.  
Twenty thousand (20,000) square feet and an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.
2. Minimum Lot Width.  
No less than one hundred (100) feet.
3. Minimum Yard Setbacks and Building Height.  
Front Yard Setback (from Right-of-Way) 50 feet for structures and 20 feet for paved areas.  
Side Yard Setback (from Property Line) 70 feet for structures and 30 feet for paved areas when abutting any density residential lots, for areas abutting non-residential lots 50 feet for structures and 20 feet for paved areas.



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Rear Yard Setback (from Property Line)	20 feet.
Maximum Building Height/Structure Limit	50 feet.

4. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Seventy (70) percent.

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**SECTION 3.24****LIMITED INDUSTRIAL DISTRICT (I-1).**

*Relationship to the Comprehensive Plan (General Use Industry or Industrial Businesses)-  
Focused around existing developed areas and intended to provide medium to high density uses specifically involving non-noxious industrial development.*

**A. Permitted Uses.**

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. Agricultural wholesale and retail facilities, including bulk storage or grains and other commodities in elevators and other transfer structures, such as grain dryers and conveying equipment.
3. Ambulance station.
4. Automotive Services including body and paint shop.
5. Equipment Sales and Services.
6. Commercial garage.
7. Wholesale establishment, warehouse, truck terminal.
8. Truck and trailer rental and sales facilities.
9. Contractor establishment, equipment and material storage yard.
10. Manufacture, assembly, compounding, procession, packaging or treatment from previously prepared material, or repair of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, hardware and cutlery, pottery and other similar ceramic products, musical instruments, toys, electrical appliances and electronic consumer products.
11. Monument sales and yard.
12. Public and Quasi-Public uses as defined herein.
13. Self Storage Facilities.
14. Laboratory/Research Facilities.
15. Professional Office Services as defined.
16. Retail Stores as defined.
17. Licensed grain dealers.
18. Public parks and recreational activities, forest preserves and conservation areas.

**B. Conditional Uses.**

1. Blacksmith, metal working, metal scrap and welding shop.
2. Building Materials and Lumber Supply (sales and/or storage).
3. Bulk storage of refined petroleum products; liquid, gasses, above or below ground.
4. Dry Cleaning Plants.
5. Collection center for household waste material to be recycled.
6. Commercial outdoor storage.
7. Junkyard in accordance with the provisions of this Resolution.
8. Mining, subject to the provisions of this Resolution.
9. Recreational vehicle or outside storage yard.
10. Wholesale of goods and materials.
11. Warehousing and materials distribution center.
12. Wireless communication towers or facilities.

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C. **Development Standards.** All standards are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Minimum Lot Area.

Twenty thousand (20,000) square feet and an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.

2. Minimum Lot Width.

No less than one hundred (100) feet.

3. Minimum Yard Setbacks and Building Height.

Front Yard Setback (from Right-of-Way)                      50 feet for structures and 20 feet for paved areas.

Side Yard Setback (from Property Line)                      100 feet for structures and 50 feet for paved areas when abutting residential lots, for areas abutting non-residential lots 50 feet for structures and 20 feet for paved areas.

Rear Yard Setback (from Property Line)                      100 feet for structures and 50 feet for paved areas when abutting residential lots, for areas abutting non-residential lots 50 feet for structures and 20 feet for paved areas.

Maximum Building Height/Structure Limit                      70 feet.

4. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.

Fifty (50) percent.

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**SECTION 3.25 INDUSTRIAL DISTRICT (I-2).**

*Relationship to the Comprehensive Plan (Industrial Commercial)-  
Focused around existing developed areas and intended to provide medium to high density industrial and commercial uses similar to existing development that may require special review or community consideration to ensure health, safety and welfare of the public.*

**A. Permitted Uses.**

1. Accessory use and structures customarily associated with the permitted uses and subject to the provisions of this Resolution.
2. All uses permitted in the Limited Industrial District (I-1).
3. Warehousing and materials distribution.
4. Any manufacturing or other industrial-type or related use (including the assembly, alteration, cleaning, fabrication, finishing, machining, processing, production, repair, servicing, storage, testing or treating of materials, foods or products) which is not injurious to offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat, including but not limited to the following:
  - a. The manufacturing, fabrication and assembling of motor vehicle equipment and parts, farm machinery and equipment, heavy industrial machinery and equipment.
  - b. Production, manufacturing, processing, and packaging of such products as cereals, dog foods, soft drinks, and distillation of grains and fruits.
  - c. Drop forges, heavy stamping, fabricating, assembly and other manufacturing processes, except tanneries, slaughterhouses, stockyards, oil refineries, or soap factories.
  - d. Lumber mill and saw mill.
  - e. Manufacturing or processing of wood, concrete, cinder block and brick.
  - f. Manufacturing of major appliances.
  - g. Pressing, stamping or forming of major sheet metal parts.

**B. Conditional Uses.**

1. All uses subject to conditional approval in the Limited Industrial District (I-1).
2. Adult regulated uses, subject to the provisions of this Resolution.
3. Commercial composting.
4. Landfill or depositing of any kind including sanitary, commercial and construction wastes/by-products.

**C. Development Standards.** All standards are applicable to the described district unless approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process.

1. Minimum Lot Area.  
Five (5) acre and an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.
2. Minimum Lot Width.  
No less than five hundred (500) feet.
3. Minimum Yard Setbacks and Building Height.  
Front Yard Setback (from Right-of-Way)                      100 feet.

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Side Yard Setback (from Property Line)            500 feet for structures and 200 feet for paved areas when abutting residential lots, for areas abutting non-residential lots 100 feet for structures and 50 feet for paved areas.

Rear Yard Setback (from Property Line)            500 feet for structures and 200 feet for paved areas when abutting residential lots, for areas abutting non-residential lots 100 feet for structures and 50 feet for paved areas.

Maximum Building Height/Structure Limit            70 feet.

4. Maximum Structure or Impervious Surface Coverage of the Lot as a Percentage of the Lot Area.  
Fifty (50) percent.

**SECTION 3.26 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS.**

No structure shall be erected, nor shall an existing structure be altered, enlarged, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the regulations or approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) subdivision process. No portion of a lot used in complying with the provisions of this Resolution for yard, lot area, occupancy, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time.

Zoning District	Minimum Required Area	Minimum Width at road right-of-way	Maximum Building Height in Feet	Minimum Yard Setback			Maximum Lot Coverage Area as Percent of Lot Area
				Front Yard (from C/L /from R-O-W)	Side Yard (primary structure/ accessory structure)	Rear Yard (primary structure/ accessory structure)	
A-1 - Agricultural And Open Space	41 acres	400 ft.	50 ft.	105/70 ft.	30/10 ft.	30/10 ft.	10%
A-2 - General Agriculture	10 acres	150 ft.	50 ft.	105/70 ft.	30/10 ft.	30/10 ft.	10%
A-3 - Agriculture – Residential Transition	2 acres	150 ft.	50 ft.	105/70 ft.	30/10 ft.	30/10 ft.	30%
R-R – Rural Residential	15,000 sq.ft. to 1.5 acres	70-150 ft.	50 ft.	105/70 ft.	30/10 ft.	30/10 ft.	50%
S-R - Suburban Density Residential	10,000 sq.ft. to 1.5 acres	50-150 ft.	50 ft.	70/50 ft.	10/10 ft.	10/10 ft.	70%
C-1 – Local Commercial	20,000 sq.ft.	100 ft.	70 ft.	/10 ft.	0 ft. with approval	10/10 ft.	100%
C-2 – General Commercial	20,000 sq.ft.	100 ft.	70 ft.	/20 ft.	structure/pavement resid. adj.50/20 ft. nonresid. 20/10 ft.	20 ft.	70%
C-3 – Highway Commercial	20,000 sq.ft.	100 ft.	50 ft.	structure/pavement 50/20 ft.	structure/pavement resid. adj. 70/30 ft. nonresid. 50/20 ft.	20 ft.	70%
I-1 - Limited Industrial	20,000 sq.ft.	100 ft.	70 ft.	structure/pavement 50/20 ft.	structure/pavement resid.adj. 100/50 ft. nonresid. 50/20 ft.	same as side yard	50%
I-2 – Industrial	5 acres	500 ft.	70 ft.	/100 ft.	structure/pavement resid.adj. 500/200 ft. nonresid. 100/50 ft.	same as side yard	50%

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**SECTION 3.27****SITE DESIGN AND USE REQUIREMENTS WITHIN ALL DISTRICTS.****A. Storm Water Management, Drainage, and Lot Grading.**

Refer to the Clinton County Subdivision Regulations and the Standards adopted by the Clinton Soil and Water Conservation District.

**B. Maintenance of Retention/Detention Areas.**

Storm Sewer systems are designed to collect and convey runoff from street inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area sufficient fast to avoid unacceptable amounts of ponding damage and inconvenience. No storm sewer shall be permitted to run into a sanitary sewer system. In general, the amount of stormwater runoff should be equal in terms of pre-development and post-development given the design of the stormwater system. Stormwater runoff from the site or subdivision shall be approved by the Clinton County Soil and Water Conservation District and placed on County Maintenance prior to any homes being built, and not adversely impact natural drainage from the uphill drainage basin or to a downhill drainage basin of adjacent properties. The property owner shall be responsible for stormwater drainage facilities located on private property where runoff will be principally collected within that property and be minimally discharged over a large area before the stormwater naturally drains on adjacent properties, unless a large basin exists or is being planned. Stormwater drainage easements will be required if stormwater is directly discharged from a pipe to an adjoining property and not being dispersed on the subject property. If recommended by the Clinton County Soil and Water Conservation District, sub-surface drainage systems will be installed, with appropriate easements, to provide outlets for foundation drains, sump pumps for individual home sites. These drainage improvements will be installed and placed on County Maintenance prior to any lots being sold. These drainage improvements can outlet into established retention areas or into natural stream channels.

**C. Water Supply and Sewerage Disposal.**

No use, building or structure shall be conducted or constructed without the infrastructure to insure that sufficient water supply and sewage disposal capacity is available to meet the needs of the particular users and to protect the environment and have sufficient fire protection. Where services exist and any future public sanitary sewer districts or areas, proposed structures must be served with public sanitary sewers.

**D. Setback Requirements for Corner Lots.**

In the event any building or structure is to be constructed on a lot fronting on two (2) different thoroughfares, the front yard setback shall be required from both roads.

**E. Rear Yard Setback Requirements along Freeway, Expressway, Arterial and Collector Routes.**

The setback for a rear yard, which adjoins a freeway, expressway, arterial, or collector route as classified in the County Thoroughfare Plan, shall be a minimum of fifty (50) feet from the right-of-way line for the principal structure and twenty (20) feet from the right-of-way line for any accessory buildings.

**F. Lot Width Requirements for Corner and Curvilinear Lots.**

In all districts, minimum lot widths are required along the street right-of-way upon which the lot fronts. Where curvilinear street patterns or cul-de-sacs result in irregularly shaped lots with non-parallel side lot lines the minimum lot width must be met at the building setback line as measured along the lines and arcs of the setback line.

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**G. Architectural Projections.**

Chimneys, overhangs, cornices or gutters may extend up to three (3) feet into a required front, side or rear yard but may not extend into any recorded easement or rights-of-way.

**H. Lot Depth to Width Ratio.**

In all districts, a maximum lot depth to width ratio of 4 to 1 shall apply to all parcels less than twenty (20) acres.

**I. Exceptions to the Height Restrictions.**

Height Limitation 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 structure will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

**J. Radioactivity or Electrical Disturbances.**

No activity shall emit dangerous radioactivity at any point, or an electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

**K. Vibration.**

No activity shall cause a vibration, which is discernible without instruments on any adjoining lot or property.

**L. Glare.**

No commercial or industrial activity shall cause direct or reflected glare, which is visible from any street or property outside the commercial or industrial district. Wherever the placement of parking spaces in a non-residential district may cause headlight glare directly onto a public street, suitable plantings or screening may be required, except that such plantings or screenings may not interfere with visibility for traffic entering or exiting the site.

**M. Public Right-of-Way.**

Nothing in this Resolution shall permit the placement of any structure or use in any public right-of-way except publicly owned uses or structures and mailboxes, which are of a breakaway type construction.

**SECTION 3.28 ADULT REGULATED USES.**

In the development and implementation of this section, it is recognized that there are certain uses, which by their nature are recognized as having serious objectionable operational traits (particularly when several of them are concentrated in small area), thereby having a deleterious effect on surrounding areas. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the County's residential neighborhoods or commercial centers. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding areas. It is the intent of this section to provide reasonable regulations for the establishment of adult regulated uses in a viable, accessible location where the adverse impact of their operations may be minimized.



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It is not the intent, nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

The permitted or conditional uses permitted in any given zoning district and listed below, shall be subject, unless otherwise required by the Clinton County Regional Planning Commission (CCRPC), to all the following conditions and regulations regarding site development.

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.
1. "Adult Book Store, Adult Novelty Store or Adult Video Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, newspaper, pamphlet, poster, print, picture, figure, image, description, other periodicals, films, phonograph records, tapes, discs and cassettes or other analog, magnetic or digital storage media which are distinguished by their emphasis on "specified sexual activities" as defined below.
  2. "Adult Motion Picture" means a facility for the display of motion pictures, by means of any projection or playback device utilizing storage media, which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities", sexual excitement or nudity for observation by patrons therein.
  3. "Adult Entertainment Business" means any establishment involved in the sale of services or products characterized by the exposure, description or presentation of "specified sexual activities" or sexual excitement, nudity or physical contact with live males or females, and which is characterized by lascivious or salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products within the scope of adult entertainment business include, but are not limited to photography, dancing, reading, massage, and similar conduct which utilize activities or areas as specified above for the purposes of sexual arousal or gratification or for commercial exploitation.
  4. "Adult Arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, are used to show films, motion pictures, videos, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas to 5 or fewer persons.
  5. "Adult Cabaret" means a nightclub, bar, restaurant bottle club, theatre or similar commercial establishment, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.
  6. "Adult Motel" means a motel, hotel or similar commercial establishment which offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; offers a sleeping room for rent for a period of time less than 10 hours; or allows a tenant or occupant to sublet the sleeping room for a period of time less than 10 hours.

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7. "Escort Service" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease, or, agrees to perform a sexual act.

8. "Massage Parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or, where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. This definition shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi professional, or professional athlete or athletic team or school athletic program.

B. "Specified Sexual Activities" means any of the following:

1. Human genitals or female breast in a state of sexual stimulation or arousal.

2. Acts, real or simulated, of human masturbation, vaginal or anal intercourse, cunnilingus, fellatio, bestiality, the insertion of any part of the body or any instrument, apparatus, or any object into the vaginal or anal cavity, or sadomasochistic activity.

3. Fondling or any touching of an erogenous zone including without limitation the thigh, genitals, pubic regions, buttocks, or female breasts for the purpose of sexual arousal or gratification or for commercial exploitation.

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

D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.

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

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

### **SECTION 3.29 EXCEPTIONS TO ADULT REGULATED USES**

Nothing in this Article shall be construed to pertain to:

A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning for a genuine scientific, educational, sociological, moral or artistic purpose.

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- B. A person appearing in a state of nudity for a modeling class operated by a proprietary school licensed by the State of Ohio, or, a public or private college, university or junior college.
  - C. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

### **SECTION 3.30 LOCATION OF ADULT REGULATED USES**

Adult entertainment facilities shall be considered a conditional use only in the I-2 District, and shall be subject to the following conditions:

- A. No adult entertainment facility or use as noted in this Section shall be established within 2,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 2,500 feet of any day care center, school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is intended for use by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 2,500 feet of any park or recreational facility intended for use by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 2,500 feet of any church, synagogue, or permanently established place of religious services.
- E. No adult entertainment facility shall be established within a radius of 2,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities, sexual excitement or nudity shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner so as not to allow a view from any public or semi-public area, sidewalk or street of the display of specified sexual activities, sexual excitement or nudity.
- H. No adult entertainment facility shall be established within a radius of 2,500 feet from any office or building owned, rented, leased or otherwise regularly used by a political subdivision or public institution, including any board, commission, agency, institution or authority of a political subdivision or local public institution.
- I. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from any public or semi-public area.
- J. No more than one sexually oriented business shall be established, operated, or maintained within the same building, structure, or portion thereof, as another sexually oriented business.

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## Article 4

### General Provisions and Standards

#### SECTION 4.01 ACCESSORY BUILDINGS, STRUCTURES AND USES.

Except as otherwise permitted in this Resolution, accessory buildings, structures and uses shall be subject to the following standards.

- A. Where the accessory building is attached to a main building/structure, it shall be subject to, and must conform to, all area, height, and setback regulations of this Resolution that apply to the main or principal building/structure.
- B. An accessory building/structure is by definition accessory and subject to the principal use of the property and structure.
- C. A detached accessory structure shall not be located closer than ten (10) feet to any side or rear lot or property line,
- D. A detached accessory structure shall be located no closer than six (6) feet to any main building or other accessory building on the same property.
- E. The total of all detached accessory buildings located on a parcel shall be subject to the maximum lot coverage requirements in this Resolution and accessory structure size shall be subject to the restriction in floor area based upon parcel size listed in the schedule presented below. Agricultural buildings are exempt from restrictions on total accessory floor area.

<b>Parcel (lot) Size</b>	<b>Maximum Total Accessory Ground Floor Area</b>
One-half (1/2) acre or less.	900 square feet.
More than one-half and less than 1 acre.	1,200 square feet.
More than one acre and less than 5 acres.	1,000 square feet plus 1 square foot of floor area for 100 square feet of lot area not to exceed 3,000 square feet.
More than 5 acres.	Not to exceed 7,500 square feet.

- F. Residential detached accessory structure shall not exceed a sidewall height of sixteen (16) feet.
- G. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, unless otherwise permitted in this Resolution.

#### SECTION 4.02 PRIVATE SWIMMING POOLS.

Private swimming pools, with facilities requiring permitting by the Clinton County Building and Zoning Department shall be considered accessory structures which shall be used solely by a property owner, members of his immediate family, and invited guests and are subject to the following criteria:

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- A. No portion of the swimming pool or associated structures shall be permitted to encroach upon any recorded easement or rights-of-way.
  - B. Rear or side yard setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than ten (10) feet between pool wall and any building on the lot. Front yard setbacks shall be that required of the principal structure in the district where so located. The pool fence shall not be built within the required front yard. All swimming pools shall be located well away from any electric power lines.

**SECTION 4.03            TEMPORARY DWELLINGS.**

No cabin, trailer, motor home, mobile home, vehicle, or other temporary structure, whether of a fixed or movable nature, may be erected, moved, or used for any dwelling purposes whatsoever, for no longer than ninety (90) days unless in accordance with Section 4.04 below or otherwise permitted by this Resolution. However, if a permanent dwelling is destroyed or is damaged by a natural or manmade event, such as fire, flood, windstorm, or tornado, to the extent that it is uninhabitable, self-contained movable dwelling units (such as mobile homes) may be permitted as indicated in the following sections:

- A. The location shall not be injurious to the surrounding property or neighborhood and meet all applicable setbacks for a principal structure in the district in which it is located.
- B. The water supply and sanitary sewer facilities serving the temporary dwelling shall conform to the minimum requirements as set forth by the Clinton County Health Department or Clinton County Sanitary Sewer District as appropriate.
- C. An application for a zoning/land use permit for the construction, erection, or movement of a temporary dwelling shall be made to the Zoning Official/Inspector. The application shall be accompanied by a drawing illustrating the location of the proposed temporary structure, and the proposed water and sewer facilities.
- D. After due consideration, the Zoning Official/Inspector shall approve or deny the permit for the same, and if approved, shall clearly set forth on the permit that the structure is intended as a temporary dwelling while the principal structure is rehabilitated or reconstructed. The applicant must apply for applicable building permits to rehabilitate or reconstruct the principal structure within sixty (60) days of the event that caused the principal structure to be uninhabitable. Said temporary dwelling is to be vacated upon the expiration of two (2) years from the issuance of building permits for rehabilitation or reconstruction of the principal structure, or sixty (60) days following temporary occupancy from the Zoning Official/Inspector or the Building Inspector whichever comes first.
- E. On delivery of the permit, the owner or occupant shall certify, in the space allotted for that purpose that he/she has full knowledge of the terms of the permit, and the penalty applicable is a violation of this Resolution.

**SECTION 4.04            INDEPENDENT TEMPORARY LIVING DWELLINGS.**

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- A. Temporary health care housing located within one (1) additional dwelling on the lot is allowed in any district that permits residential homes as a permitted use for a family member or care-giver.
  - B. Prior approval for the proposed temporary dwelling or manufactured house and septic field must be granted by the Clinton County Health Department.
  - C. An independent temporary living application must be completed by the applicant and include an attending physician's medical statement noting the necessity of the care.
  - D. Temporary dwelling or manufactured home must have a minimum of ten (10) feet in width and be a minimum of four hundred (400) total square feet.
  - E. Temporary dwelling or manufactured home must meet all set back requirements for a principal residence and comply with all other standards for a principal dwelling according to this Resolution.
  - F. Temporary dwelling or manufactured home must be removed from the property within one hundred eighty (180) days from the time it is no longer needed for this purpose.
  - G. Yearly review will be made by the Zoning Official/Inspector and an additional physician's review may be requested.

#### **SECTION 4.05 WIND ELECTRICITY GENERATION, WIND MILLS/TURBINES.**

As an integral part of a more sustainable energy future, the placement/sitting of wind electricity generation equipment, mills or turbines with a capacity of under 2 Kw/h is a permitted use in all districts. Such equipment, mills or turbines with a capacity of over 2 Kw/h shall be a conditional use in all districts and shall be located away from any primary structure, roadway or front, side or rear lot line of an adjoining property at a minimum distance equal to the height of the turbine or mill structure including blades and follow any other sitting guidelines of the State of Ohio regulatory agencies. In no case shall the height of such structure constitute a hazard to the safe landing and take-off of aircraft at an established airport.

#### **SECTION 4.06 TEMPORARY CONSTRUCTION STRUCTURE/ACTIVITIES.**

Temporary construction buildings and/or construction activities shall be allowed in any zone for a total of two (2) years from the beginning of said construction activity. Any measures, setbacks or other mitigation efforts required and any extensions allowed shall be at the discretion of the Zoning Official/Inspector, if the temporary structure and/or activity are considered a necessary part of the development process.

#### **SECTION 4.07 GARAGE SALES, RUMMAGE SALES, AND SIMILAR ACTIVITIES.**

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following criteria or conditions and the provisions within this Resolution for outdoor sales if applicable.

- A. Any garage sale, rummage sale, or similar activity shall be allowed without a building and zoning/land use permit for a period not to exceed a total of seven (7) days within one (1) calendar year. Such activities in operation for a period of time in excess of seven (7) days shall require a zoning/land use permit from the Zoning Official/Inspector.
- B. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- C. All such sales shall be conducted a minimum of twenty (20) feet from the front lot line of the premises of such sale.
- D. No signs advertising a garage sale or similar activity shall be placed upon public property. Four (4) signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of the garage sale or similar activity.

**SECTION 4.08 DRIVE-THRU FACILITIES.**

**A. Purpose**

These standards are provided to ensure protection from potential traffic hazards. The standards are applied in addition to all other applicable standards of this Resolution.

**B. General Standard**

- 1. Driveways shall be separated 85 feet or more. Where driveways are each one-way and each no more than 12 feet wide, two (2) driveways shall be counted as a single unit.
- 2. Approach lanes for the drive-through facilities shall have the following minimum widths: one lane - 12 feet; two or more lanes – 10 feet per lane.
- 3. A by-pass lane having a minimum width of ten (10) feet shall be provided.
- 4. Minimum distance for stacking of automobiles in the drive-thru window lanes (measured from the commercial window at the building location):

**Stacking Requirements for Drive -Through Facilities**

Fast Food Restaurant	Three cars between the order board and the pick-up window and stacking for five cars behind the order board.
Bank Drive-Through Windows	Stacking for five cars for each window
<b>Stacking Requirements for other Land Uses based on the Number of Drive-Through Windows</b>	<b>Distance (feet)</b>
1	145

2	145
3	125
4	105
5	85

5. The minimum distance from the drive-through facility to the proposed right-of-way shall be 65 feet where no turns are required. This distance shall be measured from the drive-through station farthest from the main building.
6. Where turns are required in the exit lane, the minimum distance from any drive-through station to the beginning point of the turn shall be 34 feet. The minimum turning radius shall be 17 feet.
7. The minimum distance from a drive-through facility to any residential area shall be 25 feet. This distance is measured at the narrowest point between the property line of the residential property and either the main building, an off-street parking area, or vehicle lanes, whichever is closer.
8. Alleys or driveways in residential areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
9. Entrances and stacking lanes for drive-through stations shall not cross or pass through off-street parking areas. Entrance and stacking lanes for drive-through stations shall not cross or be crossed by pedestrian access-ways.
10. Each drive-thru shall be striped, marked, or otherwise distinctly delineated, and parking spaces cannot be situated so that vehicles must back into it.
11. Each queuing lane shall provide a minimum of five (5) queuing lane spaces before the first service location and one (1) queuing lane space after the last service location before entering public space.
12. The queuing lane shall not be the only entry or exit lane on the premises.
13. The queuing lane shall be paved and maintained with materials that form an all-weather impervious surface.
14. No vehicle entrance or exit shall be within forty (40) feet of a street intersection as measured from the intersection of the curb lines extended.
15. Any lighting used to illuminate the queuing lane shall be so arranged that all direct rays of such lighting are confined to the surface of the queuing lane.
16. Drive-thru lanes, windows, canopies, or other structures, shall be located at the side or rear of the principal structure only.
17. Intercoms or other audio devices used in conjunction with a drive-thru facility shall not be audible beyond the property line of the lot containing the drive-thru facility.

**SECTION 4.09                    AUTOMOBILE SERVICE STATIONS, FILLING STATIONS, WASHES AND QUICK LUBE FACILITIES.**

In addition to other regulations set forth in this Resolution, all automobile service stations, filling stations, washes and quick lube facilities shall conform to the following requirements:

- A. A portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.



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- B. The facility or any one (1) pump station shall be located at least five hundred (500) feet from any riparian buffer zone mandated by the River and Stream Overlay of this Resolution.
  - C. The entire area used for vehicle service shall be paved.
  - D. Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
  - E. The maximum widths of all driveways at right-of-way line shall be no more than thirty (30) feet.
  - F. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than ninety (90) degrees.
  - G. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
  - H. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
  - I. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, sealed enclosure.
  - J. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of storage of not more than sixty (60) days within a fenced area, and then only for the purpose of temporary storage pending transfer to an auto wrecking yard or junkyard. Such storage shall not be sold or advertised for sale on the premise.
  - K. Sales of used cars and other motorized vehicles shall be prohibited.

**SECTION 4.10            AUTOMOBILE JUNK YARDS.**

- A. A Site Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Clinton County Engineer, the Clinton County Regional Planning Commission or outside consultants.
- B. A minimum area of twenty (20) acres shall be required.
- C. The junkyard shall be located not less than 200 feet from any residence or district in which residential uses are permitted and/or any publicly dedicated thoroughfare.
- D. A landscaped strip/buffer of not less than fifty (50) feet shall be provided within the 200 foot setback specified above. Such strip shall be planted and maintained with evergreen trees or similar vegetation of similar screening value.

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E. The applicant shall submit evidence that applicable state and other local regulations have been met.

**SECTION 4.11                    OUTSIDE STORAGE OF VEHICLES OF SPECIAL INTEREST.**

- A. Motor Vehicle of Special Interest: A motor vehicle that is unique to limited production, original production, mechanical or styling oddities (including racing and derby vehicles), high intrinsic value or produced by a company no longer in existence. All motor vehicles stored outside must be licensed and operable.
- B. The Zoning Official/Inspector shall find that the proposal for the storage of vehicles of special interest will satisfy the approval criteria within the Ohio Revised Code. Further the Zoning Official shall see that the following conditions and restrictions are addressed.
1. The Zoning Official/Inspector shall specify the location of the storage area;
  2. The Zoning Official/Inspector shall require the enclosure of the storage area within a sight-obscuring fence and that stored items be maintained in a manner so as not to be visible above the top of the fence; and,
  3. The Zoning Official/Inspector may require some or all of the stored items to be contained within a completely enclosed building or under a roofed structure of a size, location and design, which is compatible with other permitted structures in the vicinity.

**SECTION 4.12                    BED AND BREAKFAST ESTABLISHMENTS.**

Bed and breakfast accommodations are subject to the following standards:

- A. Each premise must be principally occupied and principally operated by its owner.
- B. The proposed use shall not cause a nuisance to adjoining residents due to noise, odor, lighting or traffic.
- C. The total number of sleeping rooms is limited to five (5) rooms in all agricultural and residential zoning districts. In commercial zoning districts the maximum number of sleeping rooms shall not exceed 12. No bed and breakfast sleeping room shall be permitted that does not comply with the State of Ohio Construction Code.
- D. There shall be no separate cooking facilities used for a bed and breakfast stay.
- E. Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.
- F. The bed and breakfast shall not have room arrangements such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall or basement or cellar or to the exterior of the bed and breakfast unit.
- G. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one calendar year.
- H. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.

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- I. Every rooming unit shall have immediate access to two (2) or more approved means of egress, appropriately marked, leading to safe and open space at ground level
  - J. Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.
  - K. All food service and dining facilities provided in a bed and breakfast for the occupants of same shall comply with applicable food service legislation.
  - L. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
  - M. Signs are permitted in accordance with the provisions of this Resolution. However, no signs shall be internally illuminated and exterior signage shall be limited to a single sign not more than four (4) square feet in size.
  - N. One (1) off street parking space shall be provided in the interior side yard and/or rear yard area for each bed and breakfast bedroom as determined as part of the Conditional Use permit.

**SECTION 4.13                    CAMPGROUNDS/RECREATIONAL VEHICLE PARK.**

Publicly or privately owned and operated campgrounds and camp buildings providing temporary living quarters for campers on a daily, weekly, or seasonal basis shall be subject to the following standards.

- A. The minimum site area shall be twenty (20) acres.
- B. The site shall have direct access to a public roadway.
- C. A minimum of one hundred (100) feet setback shall be established around the perimeter of the property for the purposes of buffering a private campground or recreational vehicle park in relation to adjacent land currently zoned or used for residential purposes. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the Regional Planning Commission may require additional setback, landscaping, and/or berming according to the section dealing with Screening Between Land Uses of this Resolution.
- D. Temporary campgrounds are strictly prohibited.
- E. Manufactured homes shall not be permitted to be located within a campground except for use as an owner occupied office / residence.
- F. The use and occupancy of campground shall be in strict compliance with the current laws and requirements of the Clinton County Health Department and the State of Ohio governing such uses.

**SECTION 4.14                    CEMETERIES.**

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Cemeteries shall be subject to the following:

- A. No building or gravesite shall be located closer than one hundred (100) feet from any property lines. No building or gravesite shall be located within the required building setback of the zone in which the cemetery is located.
- B. Minimum area for a cemetery site shall be no less than five (5) acres.
- C. Except for administrative offices incidental to cemetery operations, no business or commercial uses shall be permitted on the cemetery site.
- D. Direct ingress and egress shall be from a paved road. Drives shall be fifteen (15) feet wide and graded and drained so as to promote effective surface water runoff.
- E. Adequate off-street waiting space shall be provided for funeral processions so that no vehicles stands or waits in a dedicated right-of-way.
- F. Other than grave markers, only signs designating entrances, exits, traffic direction and titles shall be permitted.
- G. Adequate screening with trees, shrubs, hedges or similar landscaping shall be provided parallel to property lines adjacent to abutting residential properties.

**SECTION 4.15 DAY CARE FACILITIES.**

- A. Intent. It is the intent of this section to establish minimum standards for day care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.
- B. Standards for Day Care Facilities Homes. Day Care facilities are subject to the following conditions:
  - 1. A Day Care facility shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
    - a. Another Group Day Care Home licensed by the State of Ohio.
    - b. An Adult Foster Care Group Home licensed by the State of Ohio.
    - c. A facility, licensed by the State of Ohio, offering substance abuse treatment and rehabilitation service to five (5) or more people.
    - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the State of Ohio or the local government.
  - 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
  - 3. The property is maintained in a manner that is consistent with the character of the neighborhood.
  - 4. One (1) off-street parking space per employee that is not a member of the Group Day Care Home family shall be provided.
  - 5. One (1) off-street parking space per resident of the Group Day Care Home facility for visitors.
  - 6. The appropriate license and permits with the State of Ohio shall be maintained.

**SECTION 4.16 CHURCHES AND SIMILAR PLACES OF WORSHIP.**

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- A. Churches and other incidental facilities are subject to the following standards:
  - B. Direct ingress and egress shall be from a paved road.
  - C. Churches and existing church lands purchased before the effective date of this Section and not meeting these requirements shall nevertheless be deemed to be conforming. Future expansion of any and all church facilities shall be required to conform to all applicable regulations except for land-use requirements.

**SECTION 4.17 GOLF COURSES AND COUNTRY CLUBS.**

Golf courses and country clubs, including accessory uses such as clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities, restaurants, and caretaker residence shall be subject to:

- A. The minimum site area shall be forty (40) acres.
- B. The location of structures, such as the club house and accessory buildings, and their operations shall be reviewed to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property except in an approved Planned Unit Development.
- C. All storage, service and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according the requirements for “Screening Between Land Uses” contained in this Resolution.
- D. All proposed outdoor lighting and sound systems shall not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently used for residential purposes.
- E. If applicable, the caretaker’s residence must meet the minimum requirements of the district that the golf course is located.
- F. Direct ingress and egress shall be from a public roadway.
- G. Applicant shall provide a detailed site development plan showing tee areas, greens and other improvements.

**SECTION 4.18 HOUSING FOR THE ELDERLY AND CONVALESCENT CENTERS.**

- A. Housing for the Elderly.
  - 1. Independent Living for the Elderly. Dwellings may be provided as single-family detached, two-family or multiple family units. The minimum site area requirements for the purposes of calculating density shall be as follows:

Dwelling Unit Size	Site Area Per Unit (Square Feet)
Efficiency/One Bedroom	2,000

Two Bedroom	4,000
Each Additional Bedroom	500

2. Assisted Living for the Elderly. Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in paragraph 1 above shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.
3. Both independent and assisted living facilities shall be contained within a building which does not exceed two hundred fifty (250) feet in total length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together.
4. Building Setbacks. Building setbacks shall comply with the following:
  - a. Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
  - b. Internal setbacks for single and two-family dwelling located on an individual lot shall be as follows:

Front	25 feet
Rear	35 feet
Least Side	8 feet
Total Side/Between Buildings	20 feet

- c. Internal setbacks for multiple, single-family attached and two-family dwellings not located on an individual lot shall be as follows:

	<b>Multiple Family</b>	<b>Single/Two family</b>
Internal Drives/Streets	25 feet	25 feet
Side/Side Orientation	30 feet	20 feet
Side/Front, Side/Rear	30 feet	35 feet
Front/Front, Front/Rear, Rear/Rear	50 feet	50 feet

5. Minimum Floor Area. Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

<b>Dwelling Unit Type</b>	<b>Floor Area/Square Feet</b>	
	<b>Assisted Living</b>	<b>Independent Living Unit</b>
Efficiency	400	500
One Bedroom	550	650
Two Bedroom	700	800
Additional Bedroom	150 per unit	150 per unit

6. Open Space/Recreation. Open space and recreation shall be provided in accordance with the following requirements:
  - a. Total open space shall be a minimum of twenty (20) percent of the site.
  - b. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relationship to the majority of dwelling units intended to be served.
7. Accessory Uses. Support uses may be permitted provided they are accessory to the principal use as an elderly residential facility. Such support may include congregate dining, health care, personal services, and social, recreational, and educational facilities and programs.

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B. Convalescent Homes.

Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.

1. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than one thousand five hundred (1,500) square feet of open space. Such space shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for the accessory uses. The 1,500 square feet requirement is in addition to the building coverage area requirements.
2. No building shall be closer than forty (40) feet from a property line.
3. The lot location shall be such that at least one property line abuts a public roadway. More than one (1) point of vehicle ingress and egress shall be provided directly from said thoroughfare.
4. Area for access of emergency vehicles shall be provided for each primary building entrance.

**SECTION 4.19                    INDOOR AND OUTDOOR COMMERCIAL RECREATION.**

A. Indoor Commercial Recreation. Indoor commercial recreation uses include bowling alleys, ice or roller blade rinks, pool or billiard halls, indoor soccer fields and racquet courts, indoor water parks, and athletic clubs.

1. The site shall be located on a collector or arterial roadway with a minimum of one hundred fifty (150) feet of frontage.
2. Minimum site area shall be one (1) acre subject to Health Department approvals.
3. No building shall be located within fifty (50) feet of a lot line of adjoining residentially zoned property.
4. Whenever parking areas are adjacent to land in a residential district, a minimum of five (5) foot high buffer shall be provided along the side of the parking area adjacent to the residential property.

B. Outdoor Commercial Recreation. Outdoor commercial recreational uses shall include archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle tracks, off-road or mud bogging, amphitheaters, amusement and water parks, drive-in theaters, air gun or survival games, amusement parks, golf driving ranges, fairgrounds, batting cages, ski slopes, and skateboard parks.

1. The site shall be located on, or take principal access from a major thoroughfare or county roadway.
2. All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two streets or highways except miniature golf and driving ranges, which shall be no less than one hundred (100) feet.
3. No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).
4. Minimum site area shall be:
  - a. Two (2) acres for batting cages, skateboard parks, and mini-golf and associated improvements.
  - b. Ten (10) acres for: amphitheaters and amusement parks.
  - c. Twenty (20) acres for all other commercial recreational uses.
5. No building or spectator seating area shall be located within one hundred (100) feet of a lot line of an adjoining residential property.
6. A landscaped buffer strip of no less than one hundred (100) feet shall be provided along all residentially zoned property lines, except for golf driving ranges and mini-golf which shall have no less than a fifty (50) foot buffer.
7. Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five (5) feet buffer shall be provided along the side of the parking area adjacent to such land.

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8. Racetracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring buffer of at least eight (8) feet in height.
  9. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Clinton County Regional Planning Commission (CCRPC).
  10. Not more than sixty-five (65) percent of the land area shall be covered by recreational uses.
  11. Central loudspeakers/paging systems are prohibited within one hundred (100) feet of residentially zoned property. Such systems shall not be directed toward a residential area even in the area outside of the 100-foot setback.

**SECTION 4.20            MOTELS AND HOTELS.**

Motels and Hotels are subject to the following conditions:

- A. A site shall contain no less than two (2) acres of land and no less than one thousand (1,000) square feet of lot area shall be available per guest unit.
- B. Each unit shall contain not less than two hundred and fifty (250) square feet of heated/air conditioned floor area per guest unit.
- C. All buildings shall be setback no less than fifty (50) feet from all perimeter parcel lines, while one hundred (100) feet is required when adjacent to a residential zoning district or land occupied for residential purposes.
- D. Accessory uses may include, but not be limited to meeting rooms, ballrooms, restaurants, bars, recreational uses, and gift shops.
- E. No existing hotel/motel shall be converted for use of cooking and/or kitchen facilities unless the owner first obtains a building permit, comply with all applicable fire prevention and building codes and obtains a certificate of occupancy for each unit prior to renting said unit.
- F. All parking areas of greater than five (5) spaces shall be set back from residential zoned or occupied parcels by no less than twenty-five (25) feet for the rear and side yards.
- G. Egress and Ingress shall be via a public street improved in such a fashion as to accommodate the trip ends anticipated by the land use.

**SECTION 4.21            OUTDOOR SALES LOTS AND DISPLAYS.**

Outdoor sales for automobiles, trucks, trailers, boats, mobile homes, and similar uses shall be subject to the following standards:

- A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district or shall not interfere with drive visibility on a public right-of-way. All regulations contained in the section dealing with Artificial Lighting, Exterior Lighting and Glare shall be addressed.



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- B. There shall be no strings of flags, pennants, or bare light bulbs permitted.
  - C. No vehicle or merchandise for sale shall be displayed within the required front yard setback.
  - D. There shall be no broadcast of continuous music or announcement over any loudspeaker or public address system.

**SECTION 4.22 CONSTRUCTION AND DEMOLITION DEBRIS.**

A temporary trash and construction/demolition debris storage area (fenced area or dumpster) shall be required to be located on the site of all construction, demolition and renovation projects for the duration of the project. Windblown debris, trash, material resulting from construction, demolition and renovation projects shall be considered a public nuisance and a violation of this Resolution. All trash and debris shall be removed from the property and disposed of in an adequate and lawful fashion prior to the issuance of an occupancy permit.

**SECTION 4.23 STREET, ALLEY, AND RAILROAD RIGHT-OF-WAY.**

All streets, alleys, railroads, and rights-of-way, whether active or abandoned, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street, alley, railroad or right-of-way. Where the centerline of a street, alley, railroad or right-of-way serves as a district boundary, the zoning of such street, alley, railroad or right-of-way, unless otherwise specifically designated, shall be deemed to the same as that of the abutting property up to such centerline. No building or structure may be erected, constructed, or altered upon any right-of-way unless appurtenant to the right-of-way.

The setback for any new structure: primary, accessory or temporary, shall be ten (10) feet from the right-of-way of any dedicated alley.

**SECTION 4.24 HOME BASED BUSINESSES AND OCCUPATIONS.**

Home occupations that are clearly incidental to the principal residential use are permitted in any residential district or commercial district where residential uses are allowed. A home occupation permit is required for any revenue producing activity or business conducted in a principal or accessory residential structure and the following standards shall be used for issuance of a home occupation permit by the Zoning Official/Inspector.

- A. The occupation shall utilize no more than twenty-five (25) percent of the total floor area of permitted primary buildings/structures on the entire property. All structures utilized totally or in part for home-based occupations shall meet all the requirements for accessory structures as set forth in this Resolution.
- B. All home occupation activities shall be conducted indoors wholly within the approved primary or accessory structure with a permanent foundation approved by the Clinton County Building and Zoning Department. No outdoor storage and/or sale of materials, or any servicing or sales activities shall be allowed.

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- C. No structural alterations or additions that will alter the residential character of the structure shall be permitted to accommodate a home occupation.
  - D. There shall be no external evidence of such occupations except a small non-illuminated announcement sign not to exceed six (6) square feet and conforming to the provisions of the regulations governing signs herein.
  - E. No unrelated commodity shall be sold on the premises in connection with a home occupation.
  - F. No motor vehicle and/or engine repair or servicing of any kind, small or large shall be allowed as a home occupation. Furthermore, no home occupation shall be operated in such a manner as to cause offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, electronic interference, or otherwise constitute a nuisance or safety hazard.
  - G. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
  - H. A home occupation shall not add a separate entrance from outside the dwelling.
  - I. In no event shall a home occupation be interpreted to include an animal hospital, barber or beauty shop, dance studio, doctor or dentist office, trailer rental, or restaurant.

**SECTION 4.25            TRAFFIC IMPACT STUDIES.**

Traffic impact analysis, statement, study or assessment may be required for any petition, zoning amendment, site plan, conditional use, or subdivision filed under the provisions of this Resolution deemed appropriate by the Clinton County Regional Planning Commission (CCRPC), the Office of the Clinton County Engineer or the Ohio Department of Transportation (ODOT). The type of study required shall be dependent upon the type of proposal and existing traffic conditions, secured and paid for by the applicant with approval of the relevant agencies listed above.

**SECTION 4.26            ESSENTIAL SERVICES.**

Essential services shall be permitted as authorized and regulated by this Resolution and other regulations of the County and State of Ohio. The construction of buildings associated with essential services shall be subject to the provision of the Site Plan Review Article of this Resolution.

**SECTION 4.27            INTERSECTION VISIBILITY, WALLS, SCREENS, AND FENCES.**

In any district, no fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorist approaching a street intersection. Barriers or fences over eight (8) feet tall and all retaining walls shall be designed and constructed in accordance with applicable building code requirements. On any corner lot in any district having front and side yards, no fences, wall screen, hedge, sign or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring

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thirty-five (35) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty-five (35) foot extremities of the intersecting right-of-way lines.

**SECTION 4.28            ONE LOT – ONE DWELLING.**

In all districts allowing single-family residential as a permitted use, only one (1) principal building or structure shall be placed on a single lot of record.

**SECTION 4.29            ONE LOT – ONE ZONE.**

All proposed, newly created lots subject to this Resolution shall have only one zoning district applicable to them. A proposed mixed use or mixed zoning district lot shall follow the Planned Unit Development (PUD) regulations of this Resolution.

**SECTION 4.30            REQUIRED ACCESS – STREET FRONTAGE.**

Lots and parcels of land shall have the minimum continuous lot width as prescribed in the district where it is located and frontage on and access to a dedicated public roadway or approved private street. County or township government, park districts or boards may create new lots with no frontage to a dedicated public roadway in the interest of the public and with a recorded access easement to the lot.

**SECTION 4.31            PRIVATE AND GATED DEVELOPMENTS.**

All proposed residential subdivisions shall be constructed at the developer's expense to have dedicated public streets and public sidewalks or pedestrian access trails that allow full access to the public, unless developed as an approved Planned Unit Development (PUD) approved by the Clinton County Regional Planning Commission (CCRPC) where private areas and streets of a proposed development are discouraged but allowed in some circumstances.

**SECTION 4.32            YARD ENCROACHMENTS.**

- A. Terraces, patios, and similar accessory structures not attached to a principal building or accessory structure may project into a required yard as provided herein, provided that such structures are unroofed and without walls or other continuous enclosure, and are setback five (5) feet from a side yard or rear yard property line. Such structures are not permitted in the required front yard setback. Such area may have open railing or fences not exceeding four (4) feet in height and may have non-continuous windbreaks or visual screens not exceeding eight (8) feet in height in a side or rear yard.
  
- B. Enclosed and unenclosed roofed porches attached to a structure shall be considered an integral part of the building to which they are attached and shall be subject to all principal and accessory structure yard requirements to which the improvement is attached.

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- C. Fire escapes, outside stairways, and balconies that are attached to a structure may project into a required yard setback a maximum of fifty (50) percent of the required side and rear yard established by the district in which it is located. Such structures are not, however, permitted in the required front yard setback, any recorded easements or rights-of-way.
  - D. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard setback a maximum of thirty-six (36) inches but not into any recorded easements or rights-of-way.

**SECTION 4.33                    CONTINUED CONFORMANCE WITH REGULATIONS.**

The continued conformance of all yard setbacks, open spaces, lot areas, height and bulk limitation, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Resolution shall be an obligation of the owner of such building or property on which such building or use is located.

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## **ARTICLE 5**

### **Site Plan Review**

#### **SECTION 5.01 INTENT AND PURPOSE.**

It is the purpose of this Article to require Site Plan Review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns and the character of the future development of Clinton County, Ohio. The requirements contained in this Article are intended to reduce the hazards to life, property and the environment because of fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors, and other hazards; and to promote and facilitate adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements and to promote the harmonious relationship of uses through proper design.

#### **SECTION 5.02 AUTHORITY FOR SITE PLAN REVIEW.**

The Clinton County Regional Planning Commission (CCRPC) shall have the authority to review and approve the Preliminary and Final Site Plans as required in this Article. The approval of said Final Site Plan shall be forwarded to the Clinton County Rural Zoning Commission (RZC) and follow the prescribed process for a zoning amendment pursuant to Article 2 of this Resolution.

#### **SECTION 5.03 SITE PLAN REVIEW REQUIRED.**

The construction, alteration, addition, expansion, change or conversion of all development other than a single-family residential use or agricultural/farm structures requires review subject to this Article and Resolution. No building shall be erected, moved, structurally altered, added to or have any change in use which would affect its approved off street parking, or other requirement, and no building or land shall be used nor any building, grading, or occupancy permit shall be issued except in accordance with a Final Site Plan approved under this Article.

#### **SECTION 5.04 SITE PLAN REVIEW COORDINATION.**

Prior to approving a site plan submitted under this Article, the Clinton County Regional Planning Commission (CCRPC) shall have obtained the review and recommendation(s) from the Clinton County Technical Review Committee, including the office of the Clinton County Engineer, Clinton County Health Department, Clinton Soil and Water Conservation District, Clinton County Building and Zoning Department, the Clinton County Sanitary Engineer, and as necessary, the Ohio Department of Transportation, the Ohio Environmental Protection Agency, the townships trustees for the township in which the project is located, and other appropriate agencies deemed necessary.

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**SECTION 5.05                   ISSUANCE OF ZONING PERMIT.**

The Zoning/Land Use Permit shall not be issued until a Final Site Plan has been approved and is in effect. Should approval of a site plan be denied, the applicant shall be given a written explanation detailing why the site plan was denied.

**SECTION 5.06                   PRELIMINARY SITE PLAN APPLICATION.**

- A. Any person with a legal interest in a lot may apply for preliminary site plan approval to the Clinton County Regional Planning Commission (CCRPC). All site plans shall be submitted no less than fifteen (15) business days prior to the date consideration is desired and must contain the following to be formally accepted:
  - 1. A completed application signed by the owner(s); if the owner(s) is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is one or more individual(s), each individual owner must sign the application.
  - 2. The application, a complete set of plans and narratives conforming to the standards of the Clinton County Subdivision Regulations and any review fees as set by Resolution of the Clinton County Regional Planning Commission (CCRPC).
- B. Upon receipt of the application for Preliminary Site Plan review and plans drafted according to the Clinton County Subdivision Regulations:
  - 1. CCRPC staff shall review the application for completeness.
  - 2. After it is determined that the application is complete CCRPC staff or the Secretary of the Clinton County Regional Planning Commission (CCRPC) shall place the application on the agenda for the next scheduled meeting of the CCRPC.
  - 3. The application and site plan may be forwarded by the CCRPC to any other agency having jurisdiction for appropriate review and comment.

**SECTION 5.07                   STANDARDS FOR PRELIMINARY REVIEW.**

- A. In reviewing the preliminary site plan the review agencies shall consider the following standards:
  - 1. That all required information has been provided.
  - 2. That the proposed development as shown in the preliminary site plan conforms to all regulations of the Zoning Resolution for the district(s) for which it is located.
  - 3. That the applicant may legally apply for the site plan review.
  - 4. That the proposed development meets all established rules and regulations of the various review agencies.

**SECTION 5.08                   PRELIMINARY SITE PLAN ACTION BY THE CCRPC.**

The Clinton County Regional Planning Commission (CCRPC) shall study the site plan and shall be reviewed at the next regular meeting of the CCRPC. The Commission may require changes in the plan, and may attach conditions to its approval. The Commission shall advise the applicant in writing of its actions on a preliminary site plan. The approved preliminary site plan is that site plan revised by the applicant in accordance with the Commission's approval, as signed by the designated official upon review and assessment of compliance.

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**SECTION 5.09 EFFECT AND EXPIRATION OF APPROVAL.**

The preliminary site plan approval by the Clinton County Regional Planning Commission (CCRPC) shall indicate its acceptance of the general character of the proposed development, and of the proposed layout of buildings, streets, drives, parking areas, and other facilities and features. Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Commission within that time frame. If a final site plan is submitted for only a portion of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Commission may declare the approved preliminary site plan as not in compliance with the Zoning Resolution with respect to the remaining parts of the site and shall notify the Commission by placing the item on the next available meeting of the Commission. In such case, the Commission may require a new preliminary site plan be submitted, or extend the expiration period if good cause can be shown for the delay(s).

**SECTION 5.10 FINAL SITE PLAN APPLICATION.**

- A. After the approval of the preliminary site plan, the applicant shall submit to the Clinton County Regional Planning Commission (CCRPC) the following:
  - 1. A completed application signed by the owner(s); if the owner(s) is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is one or more individual(s), each individual owner must sign the application.
  - 2. The application, a complete set of plans and narratives conforming to the standards of the Clinton County Subdivision Regulations and any review fees as set by Resolution of the Clinton County Regional Planning Commission (CCRPC).
  
- B. Upon receipt of the completed Final Site Plan application plan drafted according to the standards of the Clinton County Subdivision Regulations:
  - 1. CCRPC staff will review the application for completeness. After it is determined that the application is complete CCRPC staff or the Secretary of the CCRPC shall place the application on the agenda for the next scheduled meeting of the CCRPC. The application and site plan may be forwarded by the CCRPC to any other agency having jurisdiction for appropriate review and comment.

**SECTION 5.11 STANDARDS FOR REVIEW.**

- A. In reviewing the Final Site Plan the Clinton County Regional Planning Commission (CCRPC) shall determine whether the plan meets the following specifications and standards:
  - 1. That the final site plan conforms to the preliminary site plan as approved.
  - 2. That all required information has been provided.
  - 3. That the proposed development as shown in the site plan conforms to all regulations of the Zoning Resolution for the district(s) for which it is located.
  - 4. That the applicant may legally apply for the site plan review.

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5. That the proposed development meets all established rules and regulations of the various review agencies.
  6. That the plan complies with all applicable zoning resolution and other regulations covering the proposal, including the Design Review Guidelines of this Article.
  7. That the plan, including all engineering drawings, meets specifications of the County and individual Township for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services.

#### **SECTION 5.12 FINAL SITE PLAN ACTION BY THE CCRPC.**

- A. The Clinton County Regional Planning Commission (CCRPC) may study the final site plan and shall review that site plan at the next regularly scheduled meeting of the CCRPC, and if the submitted application is complete, approve, conditionally approve or reject the final site plan. The Commission may specify reasonable conditions, changes, or modifications to the proposed site plan as deemed necessary.
- B. Upon Clinton County Regional Planning Commission (CCRPC) approval of a final site plan, the representative of the Commission shall sign three (3) copies and initial each page of the approved site plan. The Commission secretary shall transmit one (1) such signed copies of the approved site plan, and any conditions attached to such approval, to the Building and Zoning Department, one (1) copy to the applicant, and retain one copy. If the final site plan is rejected, the Commission shall notify the applicant in writing of such action and reasons thereof within ten (10) business days of such action.

#### **SECTION 5.13 EFFECT OF APPROVAL.**

Approval of the final site plan authorizes issuance of the zoning/land use permit and issuance of a building permit, provided all other requirements for a building permit have been satisfied. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a zoning/land use permit, provided all other requirements for such approval have been met.

#### **SECTION 5.14 EXPIRATION OF APPROVAL.**

The approval of the final site plan shall expire and be of no effect unless a building permit has been issued within one hundred eighty (180) days of the approval of the final site plan. Approval of a final site plan shall expire and be of no effect one (1) year following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

#### **SECTION 5.15 COMBINING PRELIMINARY AND FINAL SITE PLANS.**

An applicant may, at the applicant's discretion and risk, with the advance approval of the Clinton County Regional Planning Commission (CCRPC) staff, combine a preliminary and final site plan in the application for approval. The Clinton County Regional Planning Commission (CCRPC) shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where in its opinion, the complexity and/or site conditions



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warrant. A preliminary site plan and final site plan shall not be combined for any development consisting of two (2) or more phases.

#### **SECTION 5.16            AMENDMENTS TO THE APPROVED SITE PLAN.**

- A. Amendments to an approved preliminary or final site plan may occur only under the following conditions:
1. An applicant or property owner who has been granted approval of a site plan shall notify the Zoning Official/Inspector of any minor proposed amendments to the approved site plan.
  2. The Zoning Official/Inspector may approve minor changes if the proposed revision does not alter the basic design, or any conditions of the plan. In considering such determination the Zoning Official/Inspector shall consult the Clinton County Regional Planning Commission (CCRPC) and for the purposes of this section consider the following to be a minor change:
    - a. For residential buildings, the size of the structures may be reduced, provided that the overall density of units does not increase.
    - b. Square footage of the non-residential building may be decreased.
    - c. Change of building height, but in no case exceed height limits.
    - d. Movement of a building or buildings by not more than twenty-five (25) feet provided required setbacks are addressed.
    - e. Designated "areas not to be disturbed" may be increased.
    - f. Plantings approved in the final site plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one to one or greater basis.
    - g. Changes in floor plans, which do not alter the character of the use.
    - h. Slight modifications to sign placement or reduction of size.
    - i. Relocation of sidewalks and/or refuse storage stations.
    - j. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design, provided that all parking regulations are met.
    - k. Changes required or requested by the County Sheriff or the Fire Department for safety reasons, which do not affect the site lay out, shall be considered a minor change.
    - l. The proposed addition constitutes not more than five (5) percent of the existing floor area.
    - m. The building modification or change of use does not require additional off-street parking.
    - n. The building or site modification does not encroach upon an existing parking lot.
    - o. The building or site modification is not adjacent to a district that permits a dwelling.
    - p. A minor building or site modification will not have a significant impact upon adjoining land uses.
- B. Major changes to a Preliminary or Final Site Plan shall be submitted to the Clinton County Regional Planning Commission (CCRPC) for approval as a new application in accordance with this Resolution.

#### **SECTION 5.17            PHASING OF DEVELOPMENT.**

The applicant may divide the proposed development into two or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

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**SECTION 5.18            DESIGN REVIEW GUIDELINES.**

During the Preliminary and Final Site Plan review process, the Clinton County Regional Planning Commission (CCRPC) shall determine and find that the project satisfies standards of good design as detailed below in order to protect, promote and enhance the character, economic value, integrity, and quality of the built and natural environments. Accordingly, the following guidelines should be referenced:

- A. Proposed development which could potentially harm nearby and surrounding area property values shall not be permitted.
- B. The side and rear elevations of proposed buildings shall compliment the front elevation, especially where the side and rear elevations are viewed by the motoring public.
- C. Building additions shall result in elevations which compliment the architectural design and building materials of the main structure.
- D. Mechanical equipment, whether located at ground level, raised, or on a roof, shall be shielded and screened from public view, and, be designed in order to be perceived as being an integral part of a building.
- E. Unless entirely screened from view, structures shall be oriented such that no loading area is directly visible from an adjacent residential district or from either an existing or future public right of way.
- F. To the greatest extent possible, specimen trees and tree groves shall be preserved as well as integrated into the design of a development site.
- G. Parking lot and lighting layout and design shall be comprehensively reviewed to comply with the requirements of these Regulations. No streetscape shall be dominated by parking lots, whether located on the same, adjacent, or nearby property. Any proposed lighting must not cast glare upward or onto adjacent properties.
- H. Manufacturing and warehouse buildings, including self storage facilities and mini warehouses, shall contain an attractive façade on all building sides facing a public street or one or more residential structures, and, shall also include generous amounts of landscape materials, some of which must be trees.
- I. Large impervious surfaces, including structures or parking areas over 60,000 sq.ft. in area should incorporate low impact development storm water management techniques including but not limited to: green roofs, rain gardens, or pervious parking surfaces to the greatest extent feasible.

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## Article 6

### Overlay Zones

#### SECTION 6.01 INTRODUCTION.

An overlay zone is a zoning standard superimposed on the base-zoning district. For example, not only are the standards prescribed in the base zone applied to the land use within that zone, where there may be certain features requiring special attention, the overlay prescribes additional stipulations for any land use in the zone. This secondary “zone” is overlaid upon the top of the underlying general standards so that the district is customized for the features of the landscape.

#### SECTION 6.02 RIVER AND STREAM OVERLAY ZONE.

All rivers and streams shown on the USGS Quadrangle Maps as a blue line shall be subject to these overlay requirements. Such stream locations may be field verified, and modified as necessary by the Zoning Official.

- A. **Intention of the River and Stream Overlay Zone.** A strip of land adjacent to a stream or river retained in its natural vegetation or re-vegetated/re-forested with appropriate perennial vegetation to avoid erosion problems will reduce the velocity of overland water flow, trap sediment and eroded soil from cropland or land being developed and limit other pollutants from entering the waterway.
  
- B. **Effect Upon Bona Fide Farms.** While the Ohio Revised Code exempts farms or agricultural operations from local zoning regulations, nevertheless, the County encourages the use of best management practices in farming. A stream buffer is one of these practices and is therefore consistent with Ohio laws. Consultation with the Clinton County Soil and Water Conservation District will aid in determining best management practices for any particular farm or agricultural operation.
  
- C. **Standards applicable to all development.** The following text shall apply to all development, subdivision of land, or changing of conditions adjacent to a perennial stream.
  - 1. A fifty (50) foot stream buffer zone shall be established on both sides of all perennial streams and watercourses indicated as a solid blue line on the USGS Quadrangle maps along with all designated floodways and flood-fringe areas as defined by the Federal Emergency Management Agency (FEMA) within Clinton County, Ohio. No development of any kind, including the placement of all structures and all soil-disturbing activities, shall occur within this buffer strip zone except as listed below.
  - 2. As development occurs in any area/zone requiring a site plan or subdivision review, an enlarged stream buffer shall be made as follows:
    - a. The size of a stream buffer shall be measured from the annual average stream banks perpendicularly for a distance of fifty (50) feet plus four (4) times the average percent of slope of area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. However, the maximum distance shall not exceed 120 feet from the edge of the stream.
    - b. Open space reserves in subdivisions or developments should be located to maximize the preservation of the riparian corridors.

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3. This overlay zone and all stream buffers shall be shown on all appropriate plans and plats for review by the Clinton County Regional Planning Commission (CCRPC), the Clinton County Building and Zoning Department, and/or the Board of Clinton County Commissioners.
  4. Generally, stream buffer areas within this overlay zone shall remain undisturbed. When agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill materials, or similar activities must occur, they shall conform to all State and Federal regulations.
  5. Permitted activities/uses within the buffer areas include sewer easements, providing the activities strictly adhere to applicable State, Federal and local soil and erosion control regulations and guidelines. Permanent appropriate native perennial vegetation must be established as a necessary step in completing the construction of any sewer facilities. Sewer easements should be as close to perpendicular to the stream channel to minimize the impact on the stream buffer. Other overhead and/or underground utilities, roads, streets, bridges, or similar structures would be placed within existing public rights-of-way if possible, but in any case, must cross the buffer as close to perpendicular as possible.
  6. All disturbed areas within the buffer zone shall be re-vegetated with permanent appropriate native perennial vegetation immediately after the disturbance. Including the re-forestation of forest areas with more mature growth as detailed in the approved replacement program as approved by the Clinton County Soil and Water Conservation District.

#### **SECTION 6.03            STEEP SLOPE OVERLAY ZONE.**

- A. Steep slopes shall be defined as those areas that contain a gradient of twelve (12) percent or greater, (equivalent to a ten (10) foot elevation change in a horizontal distance of eighty-three (83) feet or less), or those soil types identified in the Clinton County Soils Manual as having severe development limitations because of slope or soil erosion.
- B. Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas that were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainage ways, wetland, streams, ponds and lakes. Beyond adversely affecting the environment, functions of these resource areas, such sedimentation also increases flood hazards by reducing the floodwater storage capacity of hydrological system components. Further, disruption of steep slopes increases the likelihood of slippage and slumping – unstable soil movements, which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.
- C. General steep slope boundaries are depicted on mapping that is available from the Clinton County Soil and Water Conservation District offices. Upon the proposal of development or subdivision activities the petitioner shall prepared a detailed site analysis addressing the site plan requirements contained in this Resolution. This analysis shall depict the location of all steep slope areas on the subject property, and such slopes shall remain in an undisturbed state.
- D. The following guidelines should be used to assess the proposed development or major subdivision:
  1. Cluster new development, retaining surrounding tree cover and minimizing changes in topography.
  2. Match scale of building to scale of terrain.
  3. Retain the natural slope lines as seen in profile. Restore the vegetation lines which convey the slope.
  4. Plan buildings to fit into hillsides rather than altering the hillside to fit the development.

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5. Stagger or step building units according to the topography.
  6. Plan buildings, drive, and parking areas to acknowledge the natural contour line of the site.
  7. Clearly designate disturbed limits on the plans and in the field before site work commences.

**SECTION 6.04                    GROUNDWATER POLLUTION OVERLAY ZONE.**

- A. The location of any I-1 or I-2 permitted or conditional use, any commercial landfill or chemical/petroleum processing or storage facility of any kind, any automobile service station or wash location, and/or any automobile storage or junkyard is heavily discouraged within this overlay zone and shall be previously approved by the Clinton County Regional Planning Commission (CCRPC) site plan review process and meet appropriate federal, state and local environmental performance standards to prevent run-off including but not limited to, the installation of catch drains/basins and proper curbs/swales.
- B. The extent of this overlay district shall be considered to be areas within Clinton County that are noted as having a Groundwater Pollution Potential Indexing Range of 120 or greater as shown on the Groundwater Pollution Potential of Clinton County map produced by the Ohio Department of Natural Resources (ODNR) dated December 1994 and any amendments or updates hereto or any designated Surface Water Protection Areas by the Ohio Environmental Protection Agency (OEPA).

**SECTION 6.05                    FLOODPLAINS AND HYDRIC SOILS OVERLAY ZONE.**

- A. Development Prohibited. Any development requiring site plan review under any section of this Resolution shall be prohibited within the one hundred (100) year floodplain of any existing watercourse, unless specifically permitted by the Ohio Department of Natural Resources, Division of Water.
- B. Delineation of Floodplain. It shall be the petitioner's responsibility to delineate the one hundred (100) year floodplain boundaries. However, for the purposes of this Resolution, the County has adopted the following Federal Emergency Management Agency (FEMA) maps: 3907640001B through and including 3907640008B all of which are dated September 16, 1988 and accompanying any revisions or updated flood plain identification maps approved by either the Federal Emergency Management Agency (FEMA) or relevant State agency thereto are hereby adopted by reference and declared to a part of this Resolution.
- C. Warning and disclaimer of Liability. The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood elevations may be increased by man-made or natural events or causes. This Resolution does not imply that land outside of the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Zoning Resolution shall not create liability on the part of Clinton County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.
- D. Floodway Encroachment Prohibited. The flood Insurance Study referenced herein identifies a segment within the areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in this Zoning Resolution. The floodway is an extremely hazardous area due to

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the velocity of floodwaters, which carry debris, potential projectiles and erosion potential. The following provision apply within all delineated floodway areas:

1. Prohibit encroachment, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Resolution.
3. Any encroachment within the floodway that would result in an increase in base flood elevation can only be granted upon prior approval by the Federal Emergency Management Agency.

E. Flood Hazard Areas and Flood Control.

1. All development and subdivision activities shall conform to the standards and criteria established under the Federal Emergency Management Agency, Flood Insurance Study and map for Clinton County, Ohio as may be revised. The "Flood Boundary and Floodway Maps" and "Flood Insurance Rate Maps" and the Flood Damage Prevention Regulations originally adopted by the board of Clinton County Commissioners as Resolution #208 on April 16, 1987, as may be amended are incorporated herein by reference. Wherever all or part of a subdivision or development lies within an area of Special Flood Hazard, as identified in the most recent available mapping published by the Federal Emergency Management Agency (FEMA), approval of the plan or plat shall be conditioned on the following:
2. No encroachment by either fill material or future structures shall be permitted in the area identified as "Floodway" on the FEMA mapping. Modification of Floodway areas shall only be permitted if an engineering analysis demonstrates to the satisfaction of the office of the Clinton County Engineer that such modifications will not result in detrimental impacts either up or downstream.
3. If a development or subdivision is located in an area having poor natural drainage or other adverse physical characteristics, the Clinton County Regional Planning Commission (CCRPC) may approve the development or subdivision provided the developer or subdivider agrees to perform such improvements as will render the area safe for the intended use.
  - a. Where drainage outlets are located off lot, easements will be required to allow drains to outlet into an open ditch or natural stream.
  - b. All underground outlets located on more than one lot or tract of land will meet storm sewer specifications and be non-perforated.
  - c. Outlets designed for subsurface drainage and curtain drainage only will be adequate to conduct a minimum of ½ inch of water from the site daily.
  - d. To guarantee the improvements, the developer or subdivider shall furnish a surety bond or certified check covering the costs of the required improvements or have completed the improvements.
4. Flood control or storm drainage or surface drainage facilities shall be provided as follows:
  - a. All new subdivisions shall be designed in such a manner that the rate of flow of storm water discharge after development does not exceed the rate of stormwater discharge prior to development. The basis for determining stormwater discharges and for designing new storm drainage shall be a five-year storm. Detention – the office of the Clinton County Engineer shall review retention / detention calculations. All lots within recorded subdivisions shall be provided with drainage so as to avoid areas of standing water.
  - b. Access to flood control or storm drainage ditches and surface drainage channels shall be by means of easements. Such easements shall be not less than thirty (30) feet in width, exclusive of the width of

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the ditch or channel, and an easement of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.

- c. Flood control or storm drainage and surface drainage easements containing underground facilities shall have a minimum width of ten (10) feet.
  - d. Whenever a flood control or storm drainage ditch or channel has a depth of three (3) feet or more, or a bank slope of two (2) feet horizontal to one (1) foot vertical or steeper, a five (5) foot high masonry wall or chain link fence may be required by the Regional Planning Commission.
5. Warning and Disclaimer of Liability:
- a. The degree of flood protection required by these Regulations shall be considered reasonable for regulatory purposes. These Regulations do not imply that areas outside of the delineated Flood Hazard Areas or land uses permitted within such areas will be free from flooding and flood damage.
  - b. These Regulations shall not create liability on the part of Clinton County or any officer or employee thereof for any flood damage that results from reliance on Regulations or any administrative decision lawfully made there under.

## **SECTION 6.06 AIRPORT OVERLAY ZONE.**

- A. It is the purpose of this section to regulate land uses in the areas surrounding the Wilmington Air Park Airport, formerly the Clinton County Air Force Base herein referred to as ILN and Clinton Field, owned by Clinton County referred to as I66, (together, the "Airports"), in order to minimize injury, loss of life, and hazards to the safety of persons or to the security of property within such zones, and to assist in the implementation of the Clinton County Comprehensive Plan. Accordingly, it is declared that:
- 1. The creation or establishment of non-compatible land uses which have the potential to reduce the size of the area available for taking off, maneuvering, and landing of aircraft, thus tending to impair or destroy the utility of the Airports, and the investment therein, is a public nuisance and an injury to the regions served by the ILN and I66;
  - 2. Certain other land uses in the vicinity of the Airports also have the potential for being hazardous to normal aircraft operations or to increase the potential for personal and property damage in the event of an aircraft accident; therefore, it is necessary in the interest of the public health, public safety, and general welfare that non-compatible uses of land within the areas surrounding the Airports be prevented; and
  - 3. The prevention of these non-compatible land uses should be accomplished, to the extent legally possible, by the exercise of the police power.
- B. The following definitions shall apply in the interpretation of this section:
- 1. **"Airport"** – Any area of land designated and set aside for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces, designated for the storage, repair, and operation of aircraft, and utilized or to be utilized for such purposes.
  - 2. **"Airport Hazard"** – Any structure or object of natural growth or use of land within an Airport Hazard Area that obstructs the air space required for flight of aircraft in landing or taking off at the Airports or is otherwise hazardous to such air navigation.
  - 3. **"Airport Hazard Area"** – Any area of land adjacent to the Airports which includes any of the following areas and surfaces:
    - a. **"Runway Landing Areas"** – The Runway Landing Areas, or "primary surfaces", are rectangular areas symmetrically about the runway centerline with an overall width of 1,000 feet for ILN and 500 feet for I66, and with their length extending to a line 200 feet beyond each end of the runways, which line is defined as the landing area end.
    - b. **"Approach Surfaces"**
      - i. The Approach Surface for each end of the instrument runways at ILN is the airspace above a plane sloping upward and outward from the end of the runway landing area to its outer boundary at the uniform rate of one foot (1') in elevation for each fifty feet (50') measured



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- horizontally along the extended centerline of said runway. This plane shall increase in width at a uniform rate symmetrically about the extended runway centerline from 1,000 feet at its beginning to 4,000 feet at its outer boundary which, at 10,000 feet distance from the end of the runway landing area measured horizontally along the extended centerline of the runway, is 200 feet above the elevation at the end of the runway.
- ii. The Approach Surface for each end of the instrument runway at I66 is the airspace above a plane sloping upward and outward from the end of the runway landing area to its outer boundary at the uniform rate of one foot (1') in elevation for each twenty feet (20') measured horizontally along the extended centerline of said runway. This plane shall increase in width at a uniform rate symmetrically about the extended runway centerline from 500 feet at its beginning to 3,500 feet at its outer boundary which, at 10,000 feet distance from the end of the runway landing area measured horizontally along the extended centerline of the runway, is 294 feet above the elevation at the end of the runway.
- c. **"Transitional Surfaces"**

The Transitional Surfaces consist of the airspace above planes which slope upward and outward laterally from the sides of the planes forming the base of the Approach/Departure Surfaces and from the sides of the Runway Landing Areas. These planes shall be contiguous with the sides of the planes forming the base of the Approach/Departure Surfaces and, with the sides of the Runway Landing Areas and extending upward and outwardly at the uniform rate of one foot (1') in elevation for each seven feet (7') in horizontal distance. These planes extend upward and outward until they intersect with the planes forming, respectively, the bases of the Horizontal and Conical Surfaces, which are described in the following paragraphs.
  - d. **"Horizontal Surfaces"**
    - i. The Horizontal Surface at ILN is the airspace above a horizontal plane 150 feet above the airport elevation established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway (a point 200 feet beyond the runway end) and connecting the adjacent arcs by drawing lines tangential to those arcs.
    - ii. The Horizontal Surface at I66 is the airspace above a horizontal plane 150 feet above the airport elevation established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway (a point 200 feet beyond the runway end) and connecting the adjacent arcs by drawing lines tangential to those arcs.
  - e. **"Conical Surface"**
    - i. The Conical Surface is the airspace above a conical surface extending upward and outward at a uniform rate of one foot (1') in elevation for each twenty feet (20') in horizontal distance starting at the periphery of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
    - ii. This definition of "Airport Hazard Area" is to be construed in conformity with *Title 14: Aeronautics and Space, of the Code of Federal Regulations, Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace*. Furthermore, the definition of the "Airport Hazard Area" may be amended from time-to-time by the approved Airport Layout Plans (ALP) for the Airports.
4. **"Airport Notice Area"** – The space within a horizontal distance of 20,000 feet of the nearest point of the nearest runway of either the ILN or I66 and above a surface extending out from that nearest point, which surface rises at a slope of 100:1 horizontally, *i.e.*, 100 feet horizontally for each one foot (1') vertically.
  5. **"Blanket Approval"** – Approval by the FAA, given to a local jurisdiction, to waive FAA approval requirements for buildings or structures located within the boundaries of specifically defined areas. The waiver of FAA approval shall only apply if a building or structure does not exceed a maximum height detailed in an FAA Blanket Approval Agreement for a specifically defined area. Transmitting devices and/or buildings or structures which exceed the maximum height shall not be included in a "Blanket Approval" and proof of FAA Approval must be provided before any building permit may be issued.
  6. **"FAA"** – The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.
  7. **"FCC"** – The Federal Communications Commission and any legally appointed, designated or elected agent or successor.



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8. **"Feed Lot"** – An area of land for the fattening or finishing of animals, generally beef cattle, in which the stocking densities – the number of animals per unit of land at a particular time – exceed 6 cattle per acre.
  9. **"Fish Processing"** – A factory or other place where fish are prepared for canning, or other commercial uses.
  10. **"Landfill"** – A place where waste material is disposed by the process of reclaiming areas of the ground.
  11. **"Person"** – Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
  12. **"Political Subdivision"** – Any municipal corporation, township, or county.
  13. **"Pond"** – A small, natural, or man-made body of standing fresh water filling a surface depression, usually smaller than a lake, where the retention of water takes place.
  14. **"Sewage Pond"** – A shallow pond where sunlight, bacterial action, and oxygen work to purify wastewater.
  15. **"Slaughter House"** – A building or place where animals are butchered for food.
  16. **"Sludge Disposal"** – The collection and removal of the concentration of solids from sewage during wastewater treatment in conjunction with the use of a spread area.
  17. **"Transfer Station"** – Any site, location, tract of land, installation or building that is used or intended to be used primarily for the purpose of transferring solid waste that is generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of 50 cubic yards or less, nor any facility where legitimate recycling activities are conducted.
  18. **"Water Fowl Production"** – Any activity or plan which promotes and/or aides the reproduction or breeding of water fowl species.
  19. **"Water Reservoir"** – A multipurpose project which may generate hydro-electric power, controls floods, provides recreational benefits and supplies water.
  20. **"Wildlife Sanctuary"** – An area of land set aside for, among other purposes, providing a refuge for wildlife species, or a small area in private ownership for breeding purposes.

### C. Airport Zoning Districts

The following Airport Zoning Districts (see Airport Overlay Zone Map) are hereby established and shall be governed by the accompanying regulations:

1. **Airport Zoning District One (AZD-1)**
  - a. AZD-1 encompasses the land on which ILN is situated. The boundary for the AZD-1 zone for ILN is set forth in yellow on the referenced map.
  - b. Permitted uses within AZD-1 include open space and airport-related uses.
2. **Airport Zoning District Two (AZD-2)**
  - a. AZD-2 generally encompasses land that experiences direct overflights to and from ILN. The boundary for the AZD-2 zone for ILN is set forth in blue on the referenced map.
  - b. Permitted uses within AZD-2 include open space, airport-related uses, agriculture, general commercial, industrial, and existing institutional and educational uses.
  - c. Those uses specifically prohibited in AZD-2 include residential uses, nursing care facilities, hospitals, schools, libraries, landfills, transfer stations, sewage ponds, sludge disposal, feed lots, slaughter houses, waterfowl production, wildlife sanctuary, or fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited (*see Federal Aviation Administration Advisory Circular (AC) 150/5200-33B Hazardous Wildlife Attractants On or Near Airports*).
  - d. All new primary buildings and alterations to existing residential buildings in AZD-2 shall be constructed so as to reduce noise by 30 dBA.
3. **Airport Zoning District Three (AZD-3)**
  - a. AZD-3 generally encompasses land that would occasionally experience direct overflights to and from the ILN. The boundary for the AZD-3 zone for ILN is set forth in green on the referenced map.
  - b. Permitted uses within AZD-3 include open space, agricultural, airport-related uses, general commercial, industrial, institutional, single-family residential, and those uses otherwise permitted by the applicable zoning under this Resolution, unless prohibited in this Section.
  - c. Those uses specifically prohibited in AZD-3 include multi-family residential, libraries, landfills, transfer stations, sewage ponds, sludge disposal, feed lots, slaughter houses, waterfowl production, wildlife sanctuary, or fish processing. Lakes or ponds intended to attract or harbor

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waterfowl are prohibited (see *Federal Aviation Administration Advisory Circular (AC) 150/5200-33B Hazardous Wildlife Attractants On or Near Airports*).

- d. Any new single-family residential minor or major subdivision of lots occurring within AZD-3 shall include deed covenants and restrictions:
    - i. notifying the occupants that they will reside within the Airport Zoning District of ILN;
    - ii. acknowledging that they understand that they will be exposed to noise from aircraft;
    - iii. notifying the residents that they are prohibited from using any equipment which can interfere with the communications or other electronics of the ILN;
    - iv. Waiving the occupants' right to oppose any continued use or growth of the ILN for its current purposes.
  - e. Platted subdivisions shall include these covenants and restrictions on the final plat.
  - f. All new primary buildings and alterations to existing residential buildings in AZD-3 shall be constructed so as to reduce noise by 25 dBA.
  - g. Drawings for the construction of any new single-family dwelling in AZD-3 shall be submitted to the Clinton County Building and Zoning Department for review and certification that the proposed materials and construction techniques comply with the provisions of this AZD-3.
- 4. Airport Zoning District Four (AZD-4)**
- a. AZD-4 generally encompasses land that would occasionally experience direct overflights to and from the Airports. The boundary for the AZD-4 zone for the ILN is set forth in red on the referenced map.
  - b. Permitted uses within AZD-4 include open space, agricultural, airport-related uses, general commercial, industrial, institutional, single-family residential, and those uses otherwise permitted by the applicable zoning under this Resolution, unless prohibited in this Section.
  - c. Those uses specifically prohibited in AZD-4 include multi-family residential, libraries, landfills, transfer stations, sewage ponds, sludge disposal, feed lots, slaughter houses, waterfowl production, wildlife sanctuary, or fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited (see *Federal Aviation Administration Advisory Circular (AC) 150/5200-33B Hazardous Wildlife Attractants On or Near Airports*).
  - d. Any new single-family residential minor or major subdivision of lots occurring within AZD-4 shall include deed covenants and restrictions:
    - i. notifying the occupants that they will reside within the Airport Zoning District of ILN;
    - ii. acknowledging that they understand that they will be exposed to noise from aircraft;
    - iii. notifying the residents that they are prohibited from using any equipment which can interfere with the communications or other electronics of the ILN;
    - iv. waiving the occupants' right to oppose any continued use or growth of ILN for its current purposes.
  - e. Platted subdivisions shall include these covenants and restrictions on the final plat.
  - f. All new primary buildings and alterations to existing residential buildings in AZD-4 shall be constructed so as to reduce noise by 20 dBA.
  - g. Drawings for the construction of any new single-family dwelling in AZD-4 shall be submitted to the Clinton County Building and Zoning Department for review and certification that the proposed materials and construction techniques comply with the provisions of this AZD-4.
5. Notwithstanding any other provision of this Section, no use may be made of land within any zone established by this Section in such a manner as to create electrical interference with radio communication between the Airports and aircraft, to make it difficult for pilots to distinguish between airport lights and other lights, to create glare in the eyes of pilots using the Airports, to impair visibility in the vicinity of the Airports, or to otherwise endanger the landing, taking off, or maneuvering of aircraft.
6. Notwithstanding any other provision of this Section, no use may be made of and no installation may be placed on land within any Airport Hazard Area that will produce smoke, fumes, gases, or odors that would interfere with the safe use by aircraft of the Airports. Notwithstanding any other provisions of this section, no use may be made of, or an installation placed on, land within any airport zone for public or private rifle ranges, or private aircraft landing fields, which would interfere with the safe use by aircraft of the Airports.

#### **D. Prohibition of Airport Hazard**

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No owner or occupant of real property shall construct or create, or permit to be constructed or created, an Airport Hazard.

**E. Certification of "No Hazard" Required**

The Zoning Official/Inspector may require any person who proposes to construct, erect, place or otherwise locate a structure that will be within the Airport Notice Area, as defined, to receive written certification from the Federal Aviation Administration (FAA) and the Ohio Department of Transportation, Division of Aviation (ODOT-DOA), that the proposed project does not constitute an Airport Hazard.

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## ARTICLE 7

### SIGNS

#### **SECTION 7.01            PURPOSE AND INTENT.**

The purpose and intent of this Section of the Resolution is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, and welfare. While this Resolution recognized that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the County, conflicts between different types of land uses, and reduction in traffic safety to pedestrians and motorists. To achieve the purpose of this Article, the following are articulated objectives:

- To prevent the placement of signs in a manner that will conceal or obscure signs of adjacent businesses;
- To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- To keep signs within a reasonable scale with respect to the building they identify;
- To reduce visual distractions and obstructions to motorist traveling along, entering or leaving streets;
- To promote a quality manner of display that enhances the character of the County;
- To prevent the proliferation of temporary signs which may promote visual blight.

#### **SECTION 7.02            GENERAL SIGN REGULATIONS.**

**General.** All signs shall require a permit unless specifically exempted in this Article.

No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control devices and directional signs, and other signs as permitted by the legislative body or agency which owns the right-of-way. Removal of signs that are in violation of this Resolution is the responsibility of the legislative body or the agency that owns the right-of-way. Signs containing expressions, which are protected by the First Amendment of the United States Constitution, are permitted in all zoning districts. The permitted height and area of such signs must be in accordance with the underlying zoning district regulations. Under no circumstances will additional freestanding or building mounted signs be permitted because an establishment has opted to use the permitted signage as free speech.

#### **SECTION 7.03            ILLUMINATED SIGNS.**

**Residential Districts.** Only indirectly, non-internally illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays or cast glare to a public right-of-way or any adjacent residential property. Indirectly illuminated signs shall be shielded and designed to prevent light rays from shining or reflecting into or onto any residential structure.

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**Commercial, Public Facilities, and Industrial Districts.** Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.

**All Districts.** No sign shall have blinking, flashing, intermittent, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of writing or printing, except that movement showing date, time and temperature exclusively shall be permitted. Nothing contained in this Resolution shall be construed as preventing use of lights or decorations related to religious purposes except as provided in the Section dealing with Temporary Signs. In no event, shall an illuminated sign or lighting device be placed or directed so as to directly beam upon a public road, highway, street, sidewalk or other vehicle or pedestrian system, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

#### **SECTION 7.04 SAFETY.**

- A. All signs shall be erected and maintained in compliance with the applicable building codes, and other resolutions, ordinances governing construction within the County. In the event of conflict between this Resolution and other laws, the most restrictive shall apply.
- B. All signs shall be so placed as to not interfere with the visibility or effectiveness or any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk.
- C. No sign shall be erected, relocated, or maintained so as to obstruct fire fighting or prevent free access to any door, window, or fire escape.

#### **SECTION 7.05 MEASUREMENT OF SIGNS.**

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in the computations of the sign area. Where a sign has two or more faces, the area of all faces shall be counted in determining the area of the sign, except where two such faces are placed back to back, parallel to one another, and are twelve (12) inches or less apart, in which case the area of the sign shall be the area of one face.

The area of the letters, numbers or emblems mounted or painted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.

#### **SECTION 7.06 SETBACK REQUIREMENTS FOR SIGNS.**

Notwithstanding other setback provision of this Resolution, the following setback standards shall apply to all freestanding signs. All signs shall maintain a minimum setback of fifteen (15) feet from all property lines and/or the right-of-way whichever is greater, unless otherwise specified herein.

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**SECTION 7.07                   LANDSCAPE QUALITY AND PRESERVATION.**

In the application of these Standards, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- A. Do not interfere with scenic views;
- B. Do not create a nuisance to persons using the public right-of-way;
- C. Do not constitute a nuisance to the occupancy of adjacent and continuous property by their brightness, size, height, or movement.
- D. Are not detrimental to land or property values;
- E. Are properly maintained.

**SECTION 7.08                   SIGNS PROHIBITED IN ALL DISTRICTS.**

- A. Signs not expressly permitted are prohibited.
- B. Roof Signs.
- C. Signs containing flashing, blinking, intermittent or moving lights, moving or revolving parts that may distract drivers. This provision is not intended to exclude those signs that give the time or temperature, provided no other animated messages are displayed.
- D. Signs affixed to trees, shrubs, or similar natural features, except, signs denoting a site of historic significance.
- E. Signs that imitate or obscure traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of the words such as “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters, in such a fashion as to interfere with, mislead or confuse traffic. Traffic control signs permitted as part of the site plan approval shall be permitted.
- F. Temporary signs mounted upon trucks, vans, or other wheeled devices and parked in a location for advertising purposes, except for political signs. Signs permanently painted on, or otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner’s occupation or livelihood, appropriate for that type of business, shall be permitted, provided that said vehicle is removed from the property every week.
- G. All signs, other than those erected by a public agency that are located within or overhang the public right-of-way or on public property are explicitly not permitted.
- H. Any sign or sign structure that:

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1. Is structurally unsafe.
  2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
  3. Is not kept in good repair.
  4. Is capable of causing electrical shocks to persons likely to come in contact with the sign.
  5. Abandoned signs.
- I. Any sign unlawfully installed, erected or maintained.
  - J. Portable signs unless otherwise provided for in this Resolution.
  - K. Festoon signs, banners, pennants, ribbons, streamers, spinners, incandescent light bulbs, or other such temporary features which are hung or strung overhead and which are not an integral, physical part of the building or structure they are intended to serve.
  - L. Signs that are pasted or attached to utility poles, trees, public benches, bus stops or placed on any public property or public right-of-way.
  - M. Any sign installed prior to the effective date of this Resolution without a permit, when the Resolution in effect at the time of installation of the sign required such a permit.

#### **SECTION 7.09 EXEMPTIONS.**

The following types of signs are exempt from all provisions of this Resolution except for construction and safety regulations:

- A. Nameplates containing only name, and address not exceeding two (2) square feet.
- B. Political campaign signs announcing candidates seeking public office and other signs pertinent thereto. Political signs shall be erected on private property. All such signs shall be removed within five (5) days following the Election Day.
- C. Directional signs that indicate the direction of traffic flow on private property. Directional signs shall not exceed eight (8) square feet in size, shall contain no advertising, and may be illuminated. Horizontal directional signs, on and flush with paved areas, are exempt from these standards.
- D. Traffic control or other governmental signs such as, but not limited to, directional signs placed in right-of-ways, legal notices, railroad crossing signs, danger and other temporary emergency signs.
- E. House numbers.
- F. No hunting, no fishing, no trespassing signs.
- G. Agricultural test plot signs.

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- H. Historical Markers.
  - I. Signs in the interior of a building or structure that are not designed or located so as to be typically visible from outside the building.
  - J. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his/her duty, such as directional signs, regulatory signs, and information signs.
  - K. Names of buildings, dates of construction, monument citations, commemorative tablets, and similar signs when carved into stone, concrete, or similar materials or made of other permanent type construction and made an integral part of the structure and are less than nine (9) square feet.
  - L. Newspaper delivery box.
  - M. Any identification, address, or for sale sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four (4) square feet in display surface.
  - N. Agricultural produce for sale signs.
  - O. Signs approved as part of a major subdivision or site plan review process.

**SECTION 7.10                    SIGNS FOR HOME BASED BUSINESSES AND OCCUPATIONS.**

One name plate, not more than six (6) square feet in area, may be attached to a building, or may be located no less than fifteen (15) feet from the front property line and/or road right-of-way whichever is greater.

**SECTION 7.11                    SIGNS PERMITTED IN A-1, A-2, A-3 DISTRICTS.**

- A. Agricultural Produce for Sale Sign. One sign is allowed on the premises not to exceed sixteen (16) square feet per side, with a set back from the road right-of-way of not less than fifteen (15) feet.
- B. One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building, park, municipal buildings, civic organization, quasi-public uses, or other authorized use or lawful non-conforming use. Each sign shall not exceed sixteen (16) square feet in area per side.
- C. Identification signs for subdivision or other residential developments. Signs are not to exceed a total of thirty-two (32) square feet in area per side.

**SECTION 7.12                    SIGNS PERMITTED IN R-R AND S-R RESIDENTIAL DISTRICTS.**

One identification sign shall be permitted for each public street frontage of a subdivision, multi-family building development or a mobile home park. Each sign shall not exceed thirty-two (32) square feet in area per side. One



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(1) additional sign advertising “For Rent” or “Vacancy” may be placed on each public street frontage of a rental residential development, provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign.

One (1) identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance for a school, church or similar worship center, park, municipal buildings, civic organization, quasi-public use, or other authorized use or lawful nonconforming use. Each sign shall not exceed sixteen (16) square feet in area per side and shall not exceed eight (8) feet in height.

**SECTION 7.13                    SIGNS PERMITTED IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS.**

This Resolution encourages the placement of monument, pediment or other signs that are not supported by pylon or pole and enclosed within a natural material such as stone or brick. On-site canopy or marquee signs, wall signs, and pediment signs are permitted in all commercial and industrial districts subject to the following conditions:

- A. Single Building - Signs permitted for single buildings on developed lots or groups of lots developed as one lot.
  - 1. AREA - The area of all exterior attached wall and free-standing signs permitted for each lot shall be determined by two (2) square feet of sign area for each one (1) linear foot of building length which faces one public street. Each developed lot shall be permitted at least eighty (80) square feet of sign for all exterior free-standing signs. No free-standing identification sign shall exceed one hundred (100) square feet in area. The maximum area for all exterior attached wall signs for each developed lot shall be two hundred (200) square feet. A business without direct ground floor access shall be allowed an exterior wall sign not to exceed twenty four (24) square feet in area.
  - 2. NUMBER – Each developed lot shall be permitted one (1) exterior on-site monument sign, two (2) onsite monument signs shall be allowed if the site has frontage on two (2) public roads. All businesses without ground floor frontage shall be permitted one (1) exterior attached wall sign. The total area of all exterior signs shall not exceed the total sign area permitted in the above standard.
  - 3. HEIGHT – No free-standing sign shall exceed a height of 8 (eight) feet.
  - 4. DESIGN REVIEW – Characteristics, design, and materials of any proposed onsite sign shall be reviewed for design consistency within the Site Plan Review process of this Resolution.
  
- B. Business Center – Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Item A above.
  - 1. PARK SIGNS – A freestanding sign, identifying the primary tenants in a business center, office park or an industrial park, may be installed at the entrance(s) to a park. Park signs shall be no larger than two-hundred (200) square feet and shall be no higher than fifteen (15) feet above the centerline of the nearest public roadway. All park signs shall be located at least fifteen (15) feet beyond the right-of-way of all public roadways.
  - 2. FREESTANDING SIGNS – Each building shall be permitted one freestanding identification sign. Each sign shall state only the name of the major tenants located therein. The maximum area for each freestanding sign shall be forty-eight (48) square feet per side and shall be no higher than six (6) feet above access drive or roadway or a total height of eight (8) feet whichever is greater. Landlords of a building shall not permit individual tenants a separate freestanding identification sign.
  - 3. WALL SIGNS – Each business in a business center with ground floor frontage shall be permitted one exterior wall sign. The sign area for such an exterior wall sign shall be computed as one (1) square foot for

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each one (1) linear foot of building frontage occupies by the business. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign not more than twenty-four (24) square feet in area.

- C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which display or exceed a total of two hundred (200) square feet for any one (1) building. If window signs occupy more than twenty-five (25) percent of the said window area or exceed a total of two hundred (200) square feet of any on building, they shall be treated as exterior signs and shall conform to items A-1 and 1-2 above.
- D. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.

#### **SECTION 7.14 PERMITTED TEMPORARY SIGNS.**

The following temporary signs shall be permitted in accordance with the regulations herein. All temporary signs that are located within or overhang the public right-of-way or are located on public property are explicitly prohibited.

- A. **Residential Real Estate.** One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the agricultural and residential districts provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet. If the lot or parcel has a multiple frontage, one (1) additional sign not exceeding six (6) square feet in area shall be permitted on the property on each frontage. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days after the sale.
- B. **Non-Residential Real Estate.** One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the Agricultural, Commercial and Industrial Districts provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of thirty-two (32) square feet and a height of twelve (12) feet. If the lot or parcel has multiple frontages, one (1) additional sign not exceeding twenty (20) square feet in area shall be permitted on each frontage. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days after sale.
- C. **Real Estate Directional.** Temporary real estate directional signs, not exceeding six (6) square feet in area and four (4) in number, showing a directional arrow and placed in back of the property line, shall be permitted on approach routes to an open house. The top of such signs shall not exceed three (3) feet in height.
- D. **Construction Work.** One (1) non-illuminated freestanding sign listing persons or firms connected with construction work being performed. Such signs shall not exceed thirty-two (32) square feet in area and a height limitation of twelve (12) feet unless a greater size sign is required by State or Federal contract.
- E. **Community Special Event.** Community special event signs approved by the Zoning Official/Inspector: Signs announcing any community, public, charitable, educational, or religious event or function, located entirely on

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the premises of that institution, and set back no less than twenty (20) feet from the property line, shall be permitted. Maximum sign area shall be thirty-two (32) square feet. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function and shall be removed within seven (7) days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than six (6) feet above the ground level.

- F. **Street Banners.** Street banners advertising a public entertainment or an event, if such banners are approved by and in locations designated by the Zoning Official / Inspector, may be displayed fourteen (14) days prior to and seven (7) days after the event or public entertainment.
  
- G. **Contractor's Signs.** One sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) square feet overall, with not more than a total of three (3) such signs permitted on one site. The sign shall be confined to the site of construction, construction shed or construction trailer and shall be removed within fourteen (14) days of issuance of the certificate of occupancy.
  
- H. **Banners Pennants, and Similar Signs.** Banners, Pennants, Search Lights, Balloons, and other gas filled figures shall be permitted at the opening of a new business in a commercial or industrial district, for a period of not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular views and shall not interfere with safe traffic flow.

**SECTION 7.15 SEASONAL OFF-PREMISE FARM PRODUCT DIRECTIONAL SIGNS.**

Seasonal Off-Premise Farm Product Directional Signs may be permitted in all districts subject to the review of the Zoning Administrator and the following standards:

- A. The size of off-premise farm product directional sign shall not exceed six (6) square feet.
  
- B. The height of an off-premise farm product directional sign shall not exceed five (5) feet. However, variations in height may be granted by the Board of Zoning Appeals (BZA) to accommodate vehicular visibility to avoid obstruction to visibility.
  
- C. Illumination shall not be permitted.
  
- D. Seasonal Off-Premise Farm Product Directional Signs shall be no closer than ten (10) feet from the road right-of-way.
  
- E. Seasonal Off-Premise Farm Production Direction Signs may be displayed seven (7) days prior and seven (7) days after the sale of the product.

**SECTION 7.16 PERMITTED PORTABLE TEMPORARY SIGNS.**

- A. A portable temporary sign shall be permitted in all districts.

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- B. Only one (1) portable temporary sign shall be permitted per premise.
  - C. A portable temporary sign shall not exceed four (4) feet in height.
  - D. A portable temporary sign shall not exceed thirty-two (32) square feet in area per side.
  - E. A portable temporary sign may be permitted by the Zoning Official/Inspector for up to a fourteen (14) day period, not to exceed four (4) times per year.
  - F. The placement of a portable temporary sign shall be approved at the discretion of the Zoning Official/Inspector in order to ensure safe and efficient pedestrian and vehicular traffic movement. The placement of the sign shall be placed at least twenty (20) feet from the roadway right-of-way.

**SECTION 7.17 BILLBOARDS (OFF-PREMISE COMMERCIAL SIGNS).**

The following regulations shall apply to all billboards or any commercial sign where work of the commercial operation is done primarily off-premise.

- A. **Where Permitted.** Billboards shall be a conditional use and shall be permitted only in the Agricultural, Commercial and Industrial districts, subject to the standards contained herein and the Highway Advertising Act of 1972, as amended.
- B. **Spacing.**
  - 1. No billboard shall be located within two thousand (2,000) feet of another billboard abutting either side of a street or highway.
  - 2. No billboard shall be located within one thousand (1,000) feet of a residential zone and/or existing residence.
  - 3. No billboard shall be located closer than seventy-five (75) feet from a public right-of-way and ten (10) feet or the height of the billboard (whichever is greater) from any boundary lines of the lot/premises on which the billboard is located.
  - 4. Tandem and stacked billboards are not permitted.
- C. **Height.** The height of a billboard shall not exceed twenty-five (25) feet above the ground level provided however, that the permitted height may be increased to forty (40) feet by the Board of Zoning Appeals (BZA), if it can be shown that excessive grades, building interference, bridge obstruction, and similar traits exists on the site.
- D. **Surface Area.** The surface display area of any side of the billboard shall not exceed three hundred (300) square feet.
- E. **Illumination.** A billboard may be indirectly illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare, reflection or light rays cast onto any portion of a public right-of-way, the path of on-coming vehicles or any adjacent property or premise. Billboards or off-premise commercial signs shall not be internally illuminated or have blinking, flashing, intermittent, LED or fluttering

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lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of writing or printing.

**F. Construction and Maintenance of Billboards or Off-Premise Signs.**

1. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
2. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
3. A billboard shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area.
4. Not be hazardous or disturbing to existing or projected future use.

**SECTION 7.18 MISCELLANEOUS PERMITTED SIGNS.**

- A. **Menu Board.** Two (2) menu boards for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed eight (8) feet in height from finished grade.
- B. **Changeable Copy Sign.** Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign.
- C. **Off-Premise Directional Signs.** Off-Premise Directional Signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review and approval of the Zoning Administrator and the following standards.
1. No more than two (2) signs per use shall be permitted.
  2. The size of an off-premise directional sign shall not exceed six (6) square feet.
  3. The height of an off-premise directional sign shall not exceed six (6) feet.
  4. Illumination shall not be permitted.

**SECTION 7.19 SIGN PERMITS.**

- A. **Application for a Permit:** Application for a permit to construct or replace a sign shall be made to the Clinton County Building and Zoning Department by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee.
- B. Sign permits issued on the basis of plans and application approved by the County Building and Zoning Department authorizes only the design and construction set forth in such approved plans and applications, and not other design.
- C. The Building and Zoning Department shall not approve the plans or issue sign permits for any sign, which does not conform to the provisions of this Resolution.

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- D. The Building and Zoning Department shall maintain a record of all sign permits issued, and said record shall be open to the public for inspection.
  - E. If the sign described in the sign permit has not been constructed or installed within six (6) months of the date of issuance thereof, said permit shall expire without further notice. The permit may be extended upon written request of the applicant prior to the date of expiration for a period not to exceed six (6) months.

**SECTION 7.20 PERMIT FEES.**

Permit fees will be established by resolution with a copy of the current fee schedule available at the Building and Zoning Department.

**SECTION 7.21 ILLEGAL SIGNS.**

For all signs hereafter erected without issuance of a required sign permit, the County Building and Zoning Department shall inform, by certified mail or personal service, the property owner upon whose property the sign is situated of the alleged violation of the Zoning Resolution. If compliance is not accomplished in the prescribed thirty (30) day period, the County may take action permitted by law to enforce compliance with this Resolution.

**SECTION 7.22 SIGN BONUSES.**

- A. One (1) additional square foot of monument onsite sign area will be permitted for every additional foot that a monument sign is set back beyond the minimum setback requirement up to a maximum of fifty (50) square feet.
  - 1. An automatic sign area bonus of 10% will be permitted for monument onsite signs which are setback two hundred (200) or more feet from the edge of the right of way along all state highways in areas where the speed limit is fifty five (55) or more miles per hour.
  - 2. Monument onsite signs placed in a landscape planter area containing one hundred (100) or more square feet of planted area shall, in all non-residential districts, be entitled to a 10% sign area bonus.
  - 3. Monument onsite signs placed in a landscaped planter area containing two hundred 200 or more square feet of planted area shall, in all non-residential districts, be entitled to a 15% sign area bonus.

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## Article 8

### Off-Street Parking and Loading

#### SECTION 8.01 INTENT OF PARKING PROVISIONS.

It is the intent of this Resolution that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street parking of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Resolution. All vehicles shall be parked on the premise occupied by the principal building, but may be parked on premises located outside the premises within specifically limited walking distances as specified below.

- A. **Floor Area.** The term “floor area” as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor area which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those area where customers, patients, clients, salesmen, and the general public are denied access. “Floor Area” shall be measured from the exterior faces of exterior walls.
- B. **Fractional Space.** When units or measurement determining the number of required parking spaces result in a fractional space, any fraction to and including the one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- C. **Requirements for a Use Not Mentioned.** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply.
- D. **Calculation of Required Parking Areas.** Parking spaces shall be provided for vehicles utilizing the establishment to which it is accessory and by its patrons.
  - 1. **Directional Signs:** No more than one direction sign at each point of ingress or egress may be erected which may also bear the name of the enterprise the lot is intended to serve.
  - 2. **Building Additions or Other Changes in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the use change increased floor area or capacity.
  - 3. **Computing Capacities:** The joint use of parking facilities by two or more uses may be granted by the Board of Appeals whenever such is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are addressed / met. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
  - 4. **Record of Agreement:** A copy of the agreement between joint users shall be filed with the application for building permit and recorded with the office of the Clinton County Recorder. The agreement shall include a guarantee for continued use of the parking facility and maintenance by each party.

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**SECTION 8.02                    SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.**

The Building and/or Zoning Official/Inspector shall determine the required off-street parking spaces for land uses not listed in this Section, the Section shall apply to all developments except an approved Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC), where the parking standards will be set as a condition of approval. Space allocated to any off-street parking facility shall not, while so allocated, be used to satisfy the requirement for any off-street loading facility or portions thereof.

If in determining the number of off-street parking spaces required, the computation results in a requirement of a fractional space, any fraction less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one parking space. Off-street parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

**A.            Residential**

Single-family Detached Dwelling	
2-bedroom	1.5 Per Dwelling
3-bedroom	2.0 Per Dwelling
4-bedroom	2.5 Per Dwelling
5-bedroom	3.0 Per Dwelling
Single-family Attached Dwelling (Duplex)	2 Per Dwelling
Multi-family Dwelling (conversion of single-family unit)	2 Per each Dwelling, plus 1 per each ten (10) dwelling units.
Garden Apartment	
1-bedroom	1.8 Per Dwelling
2-bedroom	2.0 Per Dwelling
3-bedroom	2.1 Per Dwelling
Townhouse	
1-bedroom	1.8 Per Dwelling
2-bedroom	2.3 Per Dwelling
3-bedroom	2.4 Per Dwelling
High Rise	
Studio	0.8 Per Dwelling
1-bedroom	0.8 Per Dwelling
2-bedroom	1.3 Per Dwelling
3-bedroom	1.9 Per Dwelling
Mobile Home	
2-bedroom	2 Per Mobile Home
3-bedroom	2.5 Per Mobile Home
Senior Citizen Housing	1 per each dwelling unit, plus 1 per each ten (10) dwelling units, plus 1 per each employee.



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**B. Institutional Uses**

Churches	1 Per each three seats based on maximum seating capacity in the main place of assembly therein. In the absence of seats, pews or chairs. The Fire Marshall shall set the capacity of the building. Parking will be based on 1 space for every 3 people up to maximum number set by the Fire Marshall.
Private Clubs and Lodges	1 Per each (3) individual members allowed within the maximum occupancy load as established by the Fire Marshall and building codes.
General or Specialty Hospitals	1 Per each four (4) beds, plus 1 per each staff doctor and plus 1 for each employee.
Convalescent Homes, Homes for the aged, Nursing Homes, Children's Homes, Sanitariums.	1 Per four (4) beds, plus 1 per staff doctor, plus 1 per each employee.
Elementary and Junior High Schools	1 Per each teacher, plus 1 per classroom, plus 1 per each employee, plus 1 per 5 seats in an auditorium.
High (Secondary) School	2.5 per classroom; plus 1 per teacher, plus 1 per employee. More parking may be mandated by the Clinton County Regional Planning Commission (CCRPC) within the Site Plan Review stage depending on the size and makeup of the facility.
Child Care Center, Day Nurseries or Nursery Schools.	1 per each five (5) students, plus 1 per each employee.
Stadiums, Sports Arenas, and Auditoriums	1 per each four (4) seats based on maximum seating capacity.
Libraries, Museums, and Post Offices	1 per 300 square feet of gross floor area.

**C. Commercial Uses**

Retail Stores, not elsewhere classified.	1 per each two hundred (200) square feet of gross floor area.
Big Box, single occupant, retail stores of 60,000 or more square feet.	1 per each two hundred fifty (250) square feet of gross floor area
Supermarkets, drugstores, and other of the self-service retail establishments	1 per one hundred fifty (150) square feet of gross floor area.

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Convenience Stores and Video Stores	1 per two hundred (200) square feet of gross floor area.
Planned Shopping Centers, Multi-Tenant	19,999 or fewer square feet of gross floor area: 5 per 1,000 square feet of gross floor area. 20,000 - 99,000 square feet of gross floor area: 4.5 per 1,000 square feet of gross floor area. 100,000 or more square feet of gross floor area: 4 per 1,000 square feet gross floor area.
Furniture, Appliance, Hardware, Household Equipment Sales and Repair Shops	1 per each four hundred (400) square feet of gross floor area, plus 1 per each employee.
Motels and Hotels	1 per each guest bedroom, plus 1 per employee, plus amount required for accessory uses, such as a restaurant or cocktail lounge.
Fast Food Restaurants with drive-in facilities	One (1) space per sixty (60) square feet of net floor area with a minimum of ten (10) spaces; plus eleven (11) stacking spaces for the drive-in window, with a minimum of five (5) such spaces designed for the ordering station. Such spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street.
Fast Food Restaurant with no drive-in facilities	One (1) space per sixty (60) square feet of net floor area with a minimum of ten (10) spaces.
Sit-down Restaurants	1 per each three (3) seats, based on maximum seating capacity, plus 1 per each employee.
Bars, taverns and cocktail lounges	1 per every three (3) seats allowed within the (other than fast food restaurants) maximum occupancy load as established by the fire Marshall and/or building codes, plus 1 per each employee.
Garden Stores, Building Material Sales	1 per eight hundred (800) square feet of gross floor area of lot used for said business
Movie Theaters	1 per every four (4) seats based on the maximum seating capacity, plus 1 for each employee.
Wholesale Stores, Machinery Sales, and similar uses.	2 per every one thousand (1,000) square feet of gross floor area.
Self-Storage Facilities	1 per every one hundred fifty (150) spaces or fraction thereof shall be located adjacent to the office. At least three (3) spaces shall be provided.

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**D. Automotive Uses**

Automotive Sales	1 per each two hundred (200) square feet of showroom floor area, plus 1 per each employee, plus 1 per each service stall.
Automotive Repair Facilities	2 per each service stall, plus 1 per each employee, plus 1 per each service vehicle.
Gasoline Stations without Convenience Store	1 per each pump unit, plus 2 per each service stall, plus 1 per each employee.
Gasoline Stations with Convenience Store	1 per each pump unit, plus 2 per service stall, plus 1 per each employee, plus 1 per each one hundred (100) square feet of floor area devoted to retail sales and customer service.
Car Washes	2 per washing lane.
Collision or Bump Shops, and similar uses	2 per each stall or service area, plus 1 per each employee.

**E. Office and Service Uses**

Medical and Dental Offices	1 per one hundred fifty (150) square feet of gross floor area.
Business and Professional Offices	1 per every two hundred fifty (250) square feet of gross floor area.
Banks	1 per each two hundred (200) square feet of gross floor area.
Barber and Beauty Shops Day Spas	2 per each chair. 1 per 100 square feet of gross floor area
Funeral Homes	10 per visitation and waiting room, or 1 space for each twenty five (25) square feet of floor area, whichever is the greatest, plus 1 per each fleet vehicle.
Personal Service Establishments (unless provided for herein)	One (1) space per 200 square feet of gross floor area.
Home Professional Office	As determined by the Board of Appeals, a sufficient number of spaces to accommodate all employees plus the largest number of person that may be expected at any one time.

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Financial Institutions	One (1) space per 250 square feet of net floor area.
Office (unless otherwise provided herein)	Four and one-half (4 ½) spaces per 1,000 square feet of net floor area plus one (1) space per company vehicle.

**F. Recreational Uses**

Bowling Alleys	5 per bowling lane, plus 1 per employee, plus amount accessory uses such as a cocktail lounge or restaurant.
Private Tennis, Swim or Golf Clubs or similar uses.	1 per each two (2) memberships, plus amount required for accessory uses such as restaurant.
Golf Course, open to the public.	4 per each hole, plus 1 per each employee, plus amount required for accessory uses.

**G. Industrial Uses**

Manufacturing, Fabricating, Processing, Research and Testing Establishments	1 per each employee or 1 per every eight hundred (800) square feet of gross floor area, whichever is the greater.
Warehousing and Storage Buildings	1 per each employee or 1 per every two thousand (2,000) square feet of gross floor area which ever is the greater.
Contractors Office / Establishment	1 per each employee, plus 1 for each vehicle stored on the premises.
Utility Substations	1 per each employee.
Auto Wrecking and Junk Yards	1 per each employee, plus 1 space for each operating vehicle on the premises, plus 2 spaces for each acre of land in the yard.

**H. Other Uses**

Other uses not specifically delineated or listed within this Resolution.	Determined by the Clinton County Regional Planning Commission (CCRPC) in consultation with the Office of the Clinton County Engineer.
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**SECTION 8.03 LOCATION OF PARKING AREAS.**

A. All off-street parking areas should be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the exception of the following:

1. Uses in the Commercial Districts: Parking on the premises or within five hundred (500) feet.
2. Used in the Industrial Districts: Parking on the premises or within eight hundred (800) feet.
3. Other Uses: Public and quasi-public buildings, places of assembly, private clubs, associations and institutions: Parking on the premises or within five hundred (500) feet.
4. Parking lots or areas shall be permitted no closer than ten (10) feet from any property line.

B. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety vehicles and pedestrians.

**SECTION 8.04            PARKING LOT PLAN REVIEW.**

Whenever four (4) or more vehicle parking spaces are required for a given use, plans and specification for the construction or alteration of an off-street parking area shall be submitted as part of the Site Plan review before a building permit can be issued. Such plans and specifications shall indicate the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and other detailed features essential to the complete design and construction of the parking area.

**SECTION 8.05            SITE DEVELOPMENT REQUIREMENTS.**

Plans for the layout of off-street parking facilities shall be in accordance with the following minimum standards:

<b>Parking Pattern</b>	<b>Lane Width (feet)</b>	<b>Parking Space Width (feet)</b>	<b>Parking Space Length (feet)</b>
0 degrees parallel	-	9	24
30 degrees	12	9	20
31 – 45 degrees	15	9	20
46 – 60 degrees	18	9	20
61 – 75 degrees	24	9	20
76 – 90 degrees	27	9	20

- A. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- B. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
  1. Except for parking spaces provided for single-family and two-family residential lots, drives for ingress and egress to the parking areas for four (4) spaces or more shall be not less than twenty feet wide and so located as to secure the most appropriate development of the individual property.
  2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
- C. Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

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- D. Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.
  - E. Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.
  - F. Where a parking area, lot or drive with a capacity of four (4) or more vehicles adjoins a residential parcel or district, a landscaped buffer strip at least twenty (20) feet wide shall be provided between the parking area and the adjoining property. Parking area or lots adjacent to a public street or right-of-way shall also require a landscaped buffer strip at least twenty (20) feet wide beyond the thoroughfare right-of-way. Any landscaping materials in parking area or lots and on the street frontage shall be placed so that it will not obstruct sight distance.
  - G. Parking lots containing ten (10) or more spaces, shall be planted with at least one (1) tree per eight (8) spaces. Each tree planted shall be no smaller than a two (2) inch caliper (tree trunk diameter at chest height) and surrounded by no less than forty (40) square feet of permeable, unpaved area.
  - H. Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional one (1) foot is provided in order to accommodate such overhang.
  - I. Along all roadways classified as arterials, as established by the Clinton County Comprehensive Plan, there shall be an off-street parking facility setback of seventy (70) feet from the center line of the right-of-way or thirty (30) feet from the edge of the right-of-way, whichever is greater.

**SECTION 8.06                    REDUCTION, MODIFICATION AND WAIVER.**

The Board of Zoning Appeals (BZA) may authorize a reduction, modification, or waiver of any of the off-street parking or loading regulations provided in this Article when it can be demonstrate that circumstances of extreme practical difficulty exist that would result in hardship to the applicant. Hardship shall not be deemed economic, but shall be evaluated also in terms of the use of a parcel of land. The Board of Zoning Appeals (BZA) shall not consider a hardship that is a result of any action of the applicant. In no case shall the off-street parking or loading standards be reduced by more than twenty-five (25) percent, provided there is compliance with the provisions of this Article.

**SECTION 8.07                    TIME OF CONSTRUCTION OF OFF-STREET PARKING AND LOADING FACILITIES.**

Off-street parking and loading facilities, as required by this Resolution, shall be constructed at the time of construction, establishment, alteration, or enlargement of the building, structure, or use of land they are required to serve. No permanent occupancy permit shall be issued until the required parking and loading facilities have been installed.

**SECTION 8.08                    LOADING AND UN-LOADING REQUIREMENTS.**

A. On the same premises with every building or part thereof, erected, and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale market, hotel, hospital, laundry, dry cleaning or similar use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with street or parking areas. Such loading and unloading space, unless completely and adequately provided for within a building, shall be at least fourteen (14) feet by seventy (70) feet, with a fourteen (14) feet height clearance, and shall be approved according to the following schedule:

Gross Floor Area (Sq. Ft.)	Loading & Unloading Spaces Required as a Function of Square Feet of Gross Floor Area
0-1,999	None Required.
2,000-19,999	One (1) space.
20,000-99,999	One (1) space plus one (1) space for every 20,000 square feet in excess of 20,000 square feet.
100,000-499,999	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of the 100,000 square feet.
Over 500,000	Fifteen (15) spaces plus one (1) space for every 80,000 square feet in excess of 500,000 square feet.

- B. Off-street loading space areas shall not be constructed as, or counted toward, the supplying of area required as off-street parking space areas.
- C. Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street.
- D. Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential zone, there shall be provide a masonry wall, solid fence, or other appropriate screening not less than four (4) feet in height between the off-street loading space and the residential, educational, recreational, or religious premises or residential zone.

**SECTION 8.09 OFF-STREET STACKING SPACE FOR DRIVE-THROUGH FACILITIES.**

- A. All businesses, which provide drive-through facilities for serving customers within their automobile, shall provide adequate off-street stacking and lanes, which meets the following standards:
  1. Every stacking space shall be computed on the basis of twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.
  2. The minimum distance from any drive-through facility to any residential parcel or zone shall be forty (40) feet. This distance is measured at the narrowest point between the property line of the residential property and either the main building, an off-street parking area, or stacking lanes, whichever is closer. The setback must be landscaped.
  3. A bypass lane shall be provided. The minimum width shall be ten (10) feet.

4. Stacking lanes for drive-through stations shall not cross or pass through off-street parking areas or pedestrian access ways.
  5. Stacking lanes for drive-through facilities shall not be located in the required front or corner side yard setback areas.
- B. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety.
- C. When existing drive-through uses apply for occupancy permits, modifications of existing use permits, or site plan reviews, they will be required to meet as many of the supplemental standards as reasonably possible as determined by good engineering practice within the limits of the existing site layout and structural location.
- D. For all drive-through facilities, which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be served.
- E. The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for similar uses shall apply.

Use	Minimum Stacking Spaces per Service Lane
Bank	4
Photo Service	4
Dry Cleaning	4
Quick Lube	4
Fast Food Restaurant	6
Car Washes (self serve)	
Entry	3
Exit	1
Car Washes (automatic)	
Entry	6
Exit	2

Note that additional stacking spaces may be required at the discretion of the CCRPC.

**SECTION 8.10 REQUIREMENTS FOR BARRIER FREE / ACCESSIBLE PARKING SPACES.**

Where parking is provided the following number of barrier free/accessible parking spaces shall be provided:

Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces *
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total
More than 1,000	20 percent plus 1 for every 100 spaces over 1,000

\* Van Spaces: For every fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space.



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**SECTION 8.11                    BARRIER FREE / ACCESSIBLE PARKING SPACES – WIDTH/LENGTH.**

Accessible parking spaces are required to be a minimum width of ninety-six (96) inches with an adjacent access aisle of a minimum of sixty (60) inches in width. Total length to be twenty (20) feet at passenger loading zones, and be parallel to the vehicle pull up space. Van-accessible parking spaces require a minimum clear height of ninety-eight (98) inches, as well as an access aisle with a minimum width of ninety-six (96) inches for clearance of van-mounted wheelchair lifting devices and vans with raised roofs. For other requirements on Barrier Free Design refer to the most recent Ohio Building Codes.

**SECTION 8.12                    STANDARDS FOR BICYCLE PARKING.**

- A. Purpose. These supplemental standards are provided for uses with bicycle facilities. These standards are applied in addition to all other applicable standard contained in this Resolution.
  
- B. Location. Bicycle racks shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach. Bicycle racks intended for the sole use of employees of a property can be located inside of a building or near an employee entrance. Bicycle parking shall be located in designated areas, which minimize pedestrian vehicular conflicts. If located within a vehicle parking area, the bicycle parking should be clearly designated and located as close to a building entrance as possible. The bicycle racks and pads are considered accessory structures and must comply with all accessory structure setback requirements. Bicycle parking provided adjacent to a pedestrian walkway shall allow sufficient passage (at least six feet) for pedestrians. Such facilities shall not be located so as to impede pedestrian or automobile traffic flow or to cause damage to plant material from bicycle traffic.
  
- C. Design Criteria. Bicyclist must be able to lock their bicycles to the rack with the rack supporting the bicycle in an upright position. A hard surface parking area is required with racks securely anchored to a supporting surface. The bicycle racks shall be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate the locking mechanism. Bicycle parking facilities shall be at least two feet in width and six feet in length, with additional back-out or maneuvering space of at least five feet.
  
- D. Shared Walkways. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be sufficiently wide to accommodate anticipated pedestrian and bicycle traffic volumes. A shared walkway shall have a minimum width of eight feet and shall comply with the American Association of State Highway and Transportation Officials guidelines.

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## ARTICLE 9

### Nonconforming Uses of Land and Structures

#### **SECTION 9.01 INTENT AND PURPOSE.**

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in the Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, and any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other uses(s) or structure(s) prohibited elsewhere in the district without the approval of the Clinton County Board of Zoning Appeals (BZA), except as otherwise specifically provided for in this Resolution.

#### **SECTION 9.02 USES UNDER CONDITIONAL USE PROVISIONS – NOT NON-CONFORMING USES.**

Any existing use that is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

#### **SECTION 9.03 INCOMPATIBILITY OF NONCONFORMITIES.**

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature that would be generally prohibited in the district in which such use is located.

#### **SECTION 9.04 AVOIDANCE OF UNDUE HARDSHIP.**

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 this Resolution or amendments and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent fashion. Where demolition or removal of an existing building has been substantially begun

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preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

**SECTION 9.05                    SUBSTITUTION OF NONCONFORMING USES.**

So long as no structural alterations are made, except as required by enforcement of other codes, any nonconforming use may, upon appeal to and approval from the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulate conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

**SECTION 9.06                    NONCONFORMING LOTS.**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Resolution or other regulatory agencies, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this adoption or amendment of this Resolution. 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; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which said lot is located.

In the application of this Resolution a substandard or nonconforming parcel or lot, created by conveyance, division, subdivision, or residual shall be permitted to combine additional property to the nonconforming lot to produce a lot which will conform to the requirements of the Zoning Resolution or brings nonconforming lot into greater conformance to this Resolution. Under no circumstances shall land be combined to an existing nonconforming parcel if the parcel or lot from which the additional land is being removed, is rendered nonconforming, or further nonconforming under the Resolution, including setbacks for existing structures. Nor shall land be combined to a parcel or lot where said addition would create additional nonconformities.

If two or more contiguous lots or a combination of contiguous lots and portions of lots, one or more of which has road frontage, in single ownership are of record at the time of the passage of this amendment, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the land involved shall be combined prior to any building permit being issued. The combined land shall be considered a pre-existing non-conforming use. No portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements state herein.

The transfer of an exempt portion of a non-conforming property to a contiguous property owner shall not be considered an alteration pursuant to this Resolution provided that the alteration does not increase the nonconformity.

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**SECTION 9.07                   NONCONFORMING USES OF LAND.**

Where, at the effective date of adoption or amendment of this Resolution, where lawful use of land exists that is made no longer permissible under the terms of the Resolution as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of the adoption of this amendment.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the adoption of this amendment.
- C. If such nonconforming use of land ceases operation with the intent of abandonment for a period of one (1) year or more (except when governmental action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution.

**SECTION 9.08                   NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of the amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on lot coverage, height, yards, or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered or moved in a way that increases its nonconformity.
- B. When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is permitted within one (1) year of the time of the damage, that construction is completed within two (2) years from the time of issuance of the permit, and that such restoration or rebuilding would not extend or expand the existing use.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of this Resolution.

**SECTION 9.09                   NONCONFORMING USES OF STRUCTURES AND LAND.**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of this amendment that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. This section is not intended to override Section 9.08.

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- B. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of the adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
  - C. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - D. If such nonconforming use of land and structure ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Resolution pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempted from this provision only so long as seasonal uses shall continue.
  - E. Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.
  - F. With the exception of nonconforming uses in the Commercial and Industrial districts, if no alterations are made, any nonconforming use of structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals (BZA), either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Resolution. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

**SECTION 9.10 CHANGE IN NONCONFORMING USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Irrespective of other requirements of this Resolution, in a commercial and industrial district, if no structural alterations are made, any nonconforming use of a structure and land, may be changed to another nonconforming use of the same or a more restricted classification. ,

**SECTION 9.11 CHANGE OF TENANCY OR OWNERSHIP.**

As long as there is no change in the characteristics of the nonconforming use, a change of tenancy or ownership is allowed.

**SECTION 9.12 DISTRICT CHANGE.**

Whenever the boundaries of a district shall be changed as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary change.

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**SECTION 9.13            HARDSHIP CASES.**

Existing nonconforming buildings and structures may be structurally changed, altered, or enlarged with the approval of a variance by the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief request would unreasonably restrict the use of the property or would restrict valuable benefits that the public currently derives from the property as uses in its nonconforming status; except that any approval for structural changes, alterations or enlargement may be granted only with a finding by the Board of Appeals that approval will not have an adverse effect on the surrounding property and that it will be the minimum necessary to relieve the hardship.

**SECTION 9.14            ILLEGAL USES.**

Uses of structures or land existing at the effective date of this Resolution or amendment that were established without approval of zoning compliance or without a valid building permit or those uses that cannot be proved conclusively as existing prior to the effective date of this amendment shall be declared illegal uses and are not entitled to the status and rights accorded legally established.

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## Article 10

### Blighted Properties

#### **SECTION 10.01 INTENT AND PURPOSE.**

It is the intent of this Resolution to enhance and improve enforcement against blighted areas and parcels as defined in Section 1.08 of the Ohio Revised Code (See attached). These regulations herein are not designed to be punitive in nature, but rather designed to provide for the health, safety, and general welfare of the public. The regulations included under Article 10 shall exclude all Agricultural Use activities, as defined in Section 11.03, which states:

Activities and land use which includes: farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage or any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

#### **SECTION 10.02 MAINTAINING JUNK, WEEDS OR RUBBISH PROHIBITED.**

No junk shall be openly stored or kept in the open. Junk for the purpose of this Resolution, is defined in Section 11.03, which states:

Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated, if except in a completely enclosed building. Junk includes and inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the state of Ohio for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from a residential structure for a period not to exceed seven (7) days.

The following actions are prohibited, unless otherwise provided in Sections 10.01 and 11.03 as an Agricultural Use:

- (A) No weeds shall be allowed to go uncut within any residential or commercial zones, when the same may be construed to be a danger to public health and safety by the Clinton County Health Department.
- (B) No person, business, or corporation shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance, or collection of any junk on his or her own premises or

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any premises under his or her control, or on the road, sidewalks, or alleys or in any other place within the County, except as expressly provided by law.

- (C) No person, business, or corporation shall store or permit to be stored, any junk vehicle upon any lot of land situated in the township or county where such use is not specifically permitted by the Zoning Code, unless the same is within a completely enclosed building, garage or the view from a public road is completely obstructed by a fence.
- (D) No junk vehicle shall be parked in any yard where it can be visible from any public road, alley, adjoining property unless concealed by a nontransparent fence.
- (E) No junk vehicles shall be parked so that any part of that vehicle extends into any alley, sidewalk, public road, or adjoining property.

### **SECTION 10.03 STRUCTURAL SOUNDNESS AND GENERAL MAINTENANCE.**

Any building, duplex, dwelling, dwelling unit, hotel, motel, restaurant, business related structure, or other structure as defined in Section 11.03, and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including being free from a state of collapse. Furthermore, any building, duplex, dwelling, dwelling unit, hotel, motel, restaurant, business related structure, or other structure shall be free from any defect which makes the use of the structure or premises a public nuisance as defined by O.R.C. 3767.41. For the purpose of this section the following terms are as follows:

- (A) Structurally sound means substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.
- (B) Collapse means the instance of falling down or in or giving way.

### **SECTION 10.04 NOTICE AND REMOVAL.**

Notice of the condition of the lot or premises in violation of this Article must be served on the owner, tenant, or other person in control of the property by certified mail service, personal service, or residence service. If the notice is refused, ordinary mail service of the notice or publication service may be made in accordance with the Ohio Rules of Civil Procedure and then a copy of the notice shall be posted in a conspicuous place on the building. The notice will provide that the lot or premises must be cleared or remedied within 30 days of such notice, and if not done by that time, the same can be done by the Township, County or the County's designee.



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The costs and expenses thereof shall be taxed against the premises. The total cost of the work done shall be certified to the County Auditor, to be assessed against the premises upon which the labor was performed and collected as other taxes are collected.

**SECTION 10.05 DISPOSAL OF VEHICLE LEFT WITHOUT PERMISSION.**

If a junk motor vehicle is left upon private property for more than 72 hours without permission of the person having the right to possession of the property, on a public road or other property open to the public for purposes of vehicular travel or parking or upon or within the right-of-way of any road or highway for 48 hours or longer, the Sheriff or person designated by the Sheriff to act on his behalf may proceed to dispose of the abandoned junk vehicle as provided under ORC 4513.63.

**SECTION 10.06 VEHICLE LEFT WITH PERMISSION.**

If a junk vehicle is left in the open on private property for more than 72 hours with permission of the person having the right of possession of that property, notice of the condition of the vehicle in violation shall be served on the owner, tenant, or person in control of the property by personal service, the notice will provide that the vehicle in violation shall be covered by being housed in a garage or other suitable structure or shall be removed from the premises within 10 days of receipt of this notice. If after 10 days the vehicle is still in violation as determined by the County Zoning Inspector, the Township or County may remove the vehicle at the expense of the property owner.

**SECTION 10.07 SECURING FIRE INSURANCE PROCEEDS.**

This section hereby implements ORC 3929.86 (C) and (D) for securing a certain portion of insurance policy proceeds to secure the cost of removing, repairing, or securing the building or fire damaged structures.

A Township and the County, through the County Auditor, is hereby authorized to utilize the procedure described in Ohio Revised Code (ORC) 3229.86 (C) and (D), whereby no insurance company doing business in the State of Ohio shall pay a claim to a named insured for fire damage to a structure located within the township or county where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000), unless there is compliance with the following procedures;

- (A) When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty percent (60%) of the aggregate limit of liability on all fire damage policies covering the building or structure, the insurance company or companies in accordance with ORC 715.26 (F) shall transfer from the insurance proceeds to the County Auditor in the aggregate two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) and each fraction of that amount, of a claim, or if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a

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contractor's sign estimate of the costs of removing, repairing, or securing the fire damaged building or structure, shall transfer from the insurance policy proceeds the amount specified in the estimate.

- (1) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the County shall be disbursed in accordance with the policy terms.
- (2) The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or structure after the transfer and the County Auditor shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the County has not commenced to remove, repair, or secure the building or other structure.

(B) Upon receipt of the proceeds by the County as authorized by this section, the County Auditor shall place the proceeds in a separate fund to-wit: Fire Insurance Fund to be used solely as security against the total cost of removing, repairing, or securing said fire damage structure incurred by the township or county pursuant to ORC 715.261:

- (1) When transferring said funds pursuant to ORC 3929.86 (C), and the named insured or insureds, whereupon the Township or County shall contact the named insured or insureds, certify that the proceeds have been received by the County and notify them that the proceeds have been reviewed by the County and notify them that the following procedures will be followed.
- (2) The fire insurance proceeds deposited in said Fund shall be returned to the named insured or insureds when repairs, or removal, or securing of the building or other fire damaged structure have been completed and the required proof received by the County Auditor, if the County has not incurred any costs for such repairs, removal or securing said fire damaged structure. If the County has incurred any costs for repairs, removal or securing of the building or other fire damaged structure, such costs shall be paid from the fund and if excess funds remain, the County shall transfer the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of the County to recover any deficiency under ORC 715.26 and 517.261.

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(3) Nothing in this section shall be construed to prohibit the Township or County and the name insured or insured from entering into an agreement that permits the transfer of funds to the named insured or insured if some other reasonable transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(C) The County Auditor is hereby designated as the officer authorized to carry out the duties of this section. The Clerk of Courts is hereby directed to file a certified copy of this chapter with the Superintendent of Insurance of the State of Ohio.

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## **ORC 1.08 Blighted area defined - excluded considerations.**

As used in the Revised Code:

(A) "Blighted area" and "slum" mean an area in which at least seventy per cent of the parcels are blighted parcels and those blighted parcels substantially impair or arrest the sound growth of the state or a political subdivision of the state, retard the provision of housing accommodations, constitute an economic or social liability, or are a menace to the public health, safety, morals, or welfare in their present condition and use.

(B) "Blighted parcel" means either of the following:

(1) A parcel that has one or more of the following conditions:

(a) A structure that is dilapidated, unsanitary, unsafe, or vermin infested and that because of its condition has been designated by an agency that is responsible for the enforcement of housing, building, or fire codes as unfit for human habitation or use;

(b) The property poses a direct threat to public health or safety in its present condition by reason of environmentally hazardous conditions, solid waste pollution, or contamination;

(c) Tax or special assessment delinquencies exceeding the fair value of the land that remain unpaid thirty-five days after notice to pay has been mailed.

(2) A parcel that has two or more of the following conditions that, collectively considered, adversely affect surrounding or community property values or entail land use relationships that cannot reasonably be corrected through existing zoning codes or other land use regulations:

(a) Dilapidation and deterioration;

(b) Age and obsolescence;

(c) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(d) Unsafe and unsanitary conditions;

(e) Hazards that endanger lives or properties by fire or other causes;

(f) Noncompliance with building, housing, or other codes;

(g) Nonworking or disconnected utilities;

(h) Is vacant or contains an abandoned structure;

(i) Excessive dwelling unit density;

(j) Is located in an area of defective or inadequate street layout;

(k) Overcrowding of buildings on the land;

(l) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(m) Vermin infestation;

(n) Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time;

(o) Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime;

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(p) Ownership or multiple ownership of a single parcel when the owner, or a majority of the owners of a parcel in the case of multiple ownership, cannot be located.

(C) When determining whether a property is a blighted parcel or whether an area is a blighted area or slum for the purposes of this section, no person shall consider whether there is a comparatively better use for any premises, property, structure, area, or portion of an area, or whether the property could generate more tax revenues if put to another use.

(D)

(1) Notwithstanding any other provision of this section, absent any environmental or public health hazard that cannot be corrected under its current use or ownership, a property is not a blighted parcel because of any condition listed in division (B) of this section if the condition is consistent with conditions that are normally incident to generally accepted agricultural practices and the land is used for agricultural purposes as defined in section 303.01 or 519.01 of the Revised Code, or the county auditor of the county in which the land is located has determined under section 5713.31 of the Revised Code that the land is "land devoted exclusively to agricultural use" as defined in section 5713.30 of the Revised Code.

(2) A property that under division (D)(1) of this section is not a blighted parcel shall not be included in a blighted area or slum.

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## **Article 11**

### **Definitions**

#### **SECTION 10.01                      PURPOSE.**

For the purposes of this Resolution, certain words and terms are herewith defined.

#### **SECTION 10.02                      RULES FOR APPLYING TO TEXT.**

The following rules shall apply to the text and language of this Resolution:

- A. The particular shall control the general.
- B. In case of any differences of meaning or implication between the text of this Resolution and any caption, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive. The word "should" is prescriptive and can be mandatory on a case basis.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. All buildings are considered a structure, but all structures may not be buildings.
- F. The words "building" or "structure" includes any part thereof.
- G. The word "person" includes corporations, partnerships as well as individuals.
- H. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words intended, arranged or designed to be used or occupied.
- I. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

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**SECTION 10.03**

**SPECIFIC DEFINITIONS.**

**A...**

**Abandoned Sign**

A sign, which no longer identifies or advertises a bona fide business

**Access**

A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

**Access Management  
(Access Control)**

A technique to improve traffic operations along roadways and decrease the potential for accidents through the control of driveway locations and design; Consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access. A set of policies and standards that manage the number and location of access points on the public road system.

**Access Point**

An access point includes vehicular access (driveway, private road, or public road) except those serving one or two dwelling units, or serving an essential public service utility structure.

**Accessory Apartment**

A self-contained residential dwelling unit resulting from the conversion of an existing single-family detached dwelling into two (2) units. The accessory unit is complete with kitchen and bath facilities, has direct access to the outdoors, or to a hall from which there is direct access to the outdoors, and is physically subordinate to the primary unit that exists in the dwelling.

**Accessory Building or  
Structure**

A supplementary building or structure on the same lot or parcel of land as the main or principal building or part of the main building occupied by or devoted exclusively to any accessory use.

**Accessory Use**

A use that is incidental and subordinate to the principal use of the land.

**Active Recreation**

Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at a prescribed places, sites, or fields. For the purpose of these standards, active recreation does not include paths for bike riding, hiking and walking and picnic areas.

**Agricultural Use**

Activities and land use which includes: farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage or any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Agritourism**

Agritourism means 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 as defined in O.R.C 901.80.

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<b>Altered</b>	Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joist, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type or occupancy. Also includes the words “reconstructed” and “alteration.”
<b>Ambient Noise</b>	Background noise or noise that cannot be identified from any particular source.
<b>Animated Sign</b>	(See Flashing Sign) Any sign that uses movement or change of lighting to depict or capture a special effect or scene.
<b>Applicant</b>	An individual submitting an application for approval or other related action under the authority and provisions of the Clinton County Zoning Resolution.
<b>Architectural Features</b>	Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
<b>As Built Drawings (or As Constructed)</b>	Final drawings or plans that are the result of modifications in the field.
<b>Assembly or Dance Hall</b>	A large public or semi-public building, room or structure in which a group of people can gather to worship, meet, have instruction, banquets, exhibits or entertainment.
<b>Association</b>	A legal entity operating under recorded land agreements or contracts through which each unit owner is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization’s activities such as maintaining common open spaces and other common areas and providing services needed for the development. An Association can take the form of homeowners’ association, community association, condominium association, or other similar entity.
<b>Automobile Convenience Mart</b>	A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises or in combination with the retailing of items typically found in a convenience market, carryout restaurant or supermarket.
<b>Automobile Repair (also motor vehicle repair/service)</b>	General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.
<b>Automobile Wrecking Yard</b>	An area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles are stored.
<b>Awning Sign</b>	(See Canopy Sign) A sign that is printed or otherwise affixed to an awning that may be rolled or folded up against the wall to which it is attached.



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**B...**

<b>Balloon Sign</b>	Any air or gas-filled object used as a temporary sign to direct attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any festival or entertainment.
<b>Banner Sign</b>	A sign made of fabric or any non-rigid material with no enclosing framework.
<b>Bar</b>	An establishment containing tables and chairs, and a counter at which an alcoholic beverages and sometimes food are served to be consumed on the premises.
<b>Basement</b>	That portion of a building that is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finish grade to ceiling. A basement shall not be included as a story for height measurements, except as provided in the definition of "story."
<b>Bedroom</b>	The bedroom is a dwelling room used for or intended to be used in whole or in part for sleeping purposes, by human beings.
<b>Bed and Breakfast</b>	A detached dwelling in which a maximum of six (6) sleeping rooms are rented with or without meals for hire or pay, for the traveling or vacationing public.
<b>Berm</b>	A man made mound of earth in excess of 3 feet in vertical height which is designed primarily to provide visual interest, screen undesirable uses, and reduce noise.
<b>Billboard</b>	(See Off Premise Sign). A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
<b>Block</b>	The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.
<b>Board of Zoning Appeals (BZA)</b>	The Clinton County Board of Zoning Appeals (BZA)
<b>Bond</b>	A form of insurance required of an individual or firm to secure the performance of an obligation; as in performance bond.
<b>Buffer</b>	A naturally vegetated area or vegetated area along the exterior boundaries of a development which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses, or to separate a natural feature from development.
<b>Building</b>	Temporary or permanent structure, or any part thereof, having a roof supported by columns or walls. A detached building is one (1) separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground

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up, and without openings, each portion of such structure shall be deemed a separate building.

<b>Buildable Area (Building Envelope)</b>	The buildable area of the lot is the space remaining after the minimum setback and open space requirements of this Resolution have been addressed.
<b>Building Code</b>	The currently designated code or codes regulating building construction in Clinton County, Ohio.
<b>Building Frontage</b>	The portion of a building that principally faces public or private rights-of-way.
<b>Building Height</b>	The building height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.
<b>Building, Main or Principal</b>	A building in which a principal use of the lot on which it is located is conducted.
<b>Building Official</b>	The administrative official designated by the board of County Commissioners to enforce the Building Code and/or provision of this Resolution.
<b>Building Permits</b>	A building permit is the written authority issued by the Building Official permitting the construction, removal, alteration, or use of a building, fence, or sign in conformity with the provisions of this Resolution.
<b>Building Set-back Line</b>	The line established by the minimum required setbacks forming the area within a lot in which a building may be located, unless otherwise provided for by this Resolution.
<b>Building Sign</b>	Any sign attached to any part of a building, as contrasted with a freestanding sign. For the purposes of this Resolution, building signs shall include: awning/canopy signs, identification signs, integral signs, marquee signs, projecting signs, roof and integral roof signs, wall, window, and suspended signs.
<b>Building Site</b>	A parcel of land under separate deed or description and having road frontage.
<b>Business Center</b>	A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses.
<b>Business Sign</b>	As accessory sign related to the business, activity or service conducted on the premises upon which the sign is located.

**C...**

(See Awning Sign) Any sign that is a part of or attached to awning, canopy, or other

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<b>Canopy Sign</b>	fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
<b>Canopy Structure</b>	Any overhead protective structure, which is either extended from a building or freestanding, including an awning.
<b>Changeable Copy Sign (Automatic)</b>	A sign on which the copy changes automatically on a lamp bank or through mechanical means, for example, electrical or electronic time and temperature.
<b>Changeable Copy Sign (Manual)</b>	A sign on which copy is changed manually in the field, for example, reader boards with changeable letters.
<b>Church</b>	A building or structure wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
<b>Cemetery</b>	Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments.
<b>Clear Vision Area (Clear Sight Triangle)</b>	The clear vision area (sight triangle) is a triangular-shaped area on corner lots. On any corner lot in any district front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet extremities of the intersecting right-of-way lines.
<b>Clinic</b>	An establishment where patients are examined and treated by physicians, dentists, veterinarians or members of similar professions. A clinic shall not include overnight boarding facilities.
<b>Club</b>	Buildings or facilities owned and operated by a corporation, association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.
<b>Commercial Message</b>	Any sign wording, logo or other representative that, directly or indirectly, names, advertises or sells or calls attention to a business, product, service, or other commercial activity.
<b>Commercial Recreation</b>	A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, such as an indoor or outdoor golf driving range.
<b>Commercial Use</b>	Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, ware, merchandise, or services.
<b>Commission or Planning Commission</b>	The Clinton County Regional Planning Commission (CCRPC)

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<b>Common Area</b>	Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowner's Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.
<b>Comprehensive Plan</b>	The Plan or any portion, thereof adopted by the Clinton County Regional Planning Commission (CCRPC) and the Board of Clinton County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. The Plan establishes development goals, objectives and policies for the County.
<b>Concept Plan</b>	A plan preparatory to the preparation of the Preliminary Site Plan to enable the developer/subdivider to save considerable time and expense in reaching general agreement with the County Review Agencies as to form of the Plan and the objectives of these Regulations.
<b>Conditional Use</b>	A use which, because of special requirements or characteristics, may be allowed only after the Board of Zoning Appeals has granted approval by imposing such conditions as are determined necessary to mitigate undesirable land use impacts and help assure compatibility.
<b>Conservation Development</b>	A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of housing in order to conserve open space and existing natural resources.
<b>Conservation Easement</b>	A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by Ohio Revised Code 5301.67 through 5301.70.
<b>Construction Sign</b>	A temporary sign identifying an architect, contractor, engineer, subcontractor, and/or material supplier participant in construction on the property on which the sign is located.
<b>Convenience Store</b>	Any retail establishment offering the sale of pre-packaged food products, household items, and other commonly associated goods and having a gross floor area of less than 5,000 square feet.
<b>Corner Lot</b>	See Lot Type.
<b>Corridor</b>	The sections or segments of roadway including the right-of-way and lands on both sides of the roadway.
<b>Corridor Plan</b>	The Access Management Plan adopted by the Board of Clinton County Commissioners that presents the rationale for the standards and illustrates existing and recommended location of access points.

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<b>County</b>	Clinton County, Ohio.
<b>Covenant</b>	A written promise or pledge.
<b>Critical Ecosystems</b>	An environmentally sensitive area subject to natural hazards or those landform features which in their natural state carry, hold or purify water and support unique, fragile or valuable natural resources such as fish, wildlife, and other organisms. These areas provide flood protection, shoreline and slope stability and aid in recharging valuable groundwater resources. These environmentally sensitive areas include natural resource areas, open space, landslide hazard areas, erosion hazards, flood hazard areas, steep hillsides or slopes, streams and wetlands and their adjacent buffers.
<b>Cross Access</b>	A service drive providing vehicular access between two or more contiguous sites so the drive need not enter the public street system.
<b>Cultural Resources</b>	Resources and other physical features that are remnants or components of the community's culture.
<b>D...</b>	
<b>Deed</b>	A legal document conveying ownership of real property.
<b>Density</b>	A unit of measure; the number of dwelling units per acre of land.
<b>Density, Gross</b>	The number of dwelling units per acre of total land to be developed or divided.
<b>Density, Net</b>	The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses (that is excluding rights-of-way, easements).
<b>Development</b>	Any man-made change to real estate or property, including buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling. Further, any utilization of open land that is appropriately zoned for a new use.
<b>Development Amenity</b>	One or more enhancements or features which are capable of increasing both the attractiveness and value of a development.
<b>Development Plan</b>	A proposal including drawings and maps prepared in accordance with the appropriate standards, illustrating the proposed design, layout and other features for the development and including all elements set forth in the Clinton County Subdivision Regulations and/or the Zoning Resolution.
<b>Direction / Information Sign</b>	An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of the establishment by no advertising copy, for example, parking or exit and entrance signs

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<b>Direction Sign</b>	A freestanding sign locate at the entry and/or exit of a business or commercial establishment that indicates traffic flow.
<b>District</b>	A portion of the County within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provision of this Resolution.
<b>Double-Faced Sign</b>	A sign with two faces.
<b>Drive-In</b>	A commercial activity where, prior to service, the patron customarily drives a motor vehicle onto the premises, parks the vehicle in a defined space, and turns off the engine. Thereafter, the patron customarily is served in the automobile by a carhop or other means, which eliminates the need for the customer to exit the vehicle.
<b>Drive-In Business</b>	Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions and is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle.
<b>Drive-In Restaurant</b>	A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption is designed to take place outside the confines of the building, often in a motor vehicle.
<b>Drive-in Bank</b>	Any financial institution that offers its services to persons within a motor vehicle.
<b>Drive-Through</b>	A commercial facility where the patron customarily drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. Prior to service, the engine of the motor vehicle customarily remains in operation.
<b>Duplex</b>	A building designed for occupancy by two (2) households living in separate dwelling units.
<b>Dwelling</b>	A dwelling is any building or portion of a building, which is designed for occupancy wholly as a home or residence of one (1) family, either permanently or transiently. A travel trailer, motor home, automobile chassis, tent or other portable building shall not be considered a dwelling.
<b>Dwelling Unit – One Household (Single Family)</b>	A building designed for occupancy by not more than one (1) household or family.
<b>Dwelling Unit – Multiple Household</b>	A building designed for occupancy by three (3) or more households living in separate dwelling units, but not including motels or hotels.
<b>Dwelling Unit</b>	A building or any portion of a building designed for occupancy as complete,

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independent living quarters for one or more persons, having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.

**E...**

**Easement** The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.

**Efficiency Unit** A dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

**Electronic Message Center** (See Changeable Copy Sign, Automatic)

**Essential Services** The phrase "essential services" means the erection, operation, construction, alteration, or maintenance by public utilities, or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins, and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate services by such public utilities or municipal departments or commission or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures for shelters of the above essential service equipment. Wireless communication facilities shall not be considered an essential service.

**Excavating** Excavating shall be the removal of sand, stone, gravel, or fill dirt to below-the-average grade of the surrounding land and/or the finished grade, whichever shall be the highest, excepting common household gardening and farming operations.

**Extraction** Sand and Gravel Pits, etc: See definition for Quarry.

**F...**

**Farm Market** The use of land, buildings or structures or part thereof for the purposes of selling fruit and vegetables to the public. The fruit and vegetables sold in a farm market must be grown exclusively by the operator on property owned or leased by the operator of the said farm market.

**Fence**

- A. An artificially constructed barrier of and material or combination of materials erected to enclose or screen areas of land.
- B. A barrier closing or bordering a field or yard usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

**Flag** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Flag Lot** A lot, the major portion of which has access to a street by means of a comparatively narrow strip of land.

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<b>Flashing Sign</b>	A sign, or graphic, which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
<b>Flea Market</b>	<ul style="list-style-type: none"> <li>A. A building or part of a building where second hand goods, article and antiques are offered or dept for sale at retail to the public but shall not include any other establishment otherwise defined or classified herein.</li> <li>B. An occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.</li> </ul>
<b>Flood Plain</b>	<p>The relatively flat area or low lands adjoining the channel or watercourse or a body of water, which may be covered by floodwater when high amounts of precipitation are experienced. Determinants of flood plain are as follows:</p> <ul style="list-style-type: none"> <li>A. Contiguous areas paralleling major streams that constitute at their maximum edge the highest flood levels experience in a period of one hundred (100) years.</li> <li>B. Principal wetland area that are part of the stream flow system.</li> <li>C. Contiguous areas paralleling major streams that exhibit unstable soil conditions for development.</li> </ul>
<b>Floodway</b>	The channel of any watercourse and those portion of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.
<b>Floor Area</b>	The term “floor area” as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor area which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those area where customers, patients, clients, salesmen, and the general public are denied access. “Floor Area” shall be measured from the exterior faces of exterior walls.
<b>Floor Area Ratio (FAR)</b>	The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by the dividing the total floor area by the total lot area, both being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.
<b>Floor, Ground</b>	That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.
<b>Foot-Candle</b>	A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.
<b>Free-Standing Sign</b>	A sign supported upon the ground by poles or braces and not attached to any building.
<b>Functional Classification</b>	Also referred to as the Level of Service. A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.



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**G...**

<b>Gateway</b>	An entry point into a development which is improved with one or more development amenities, including walls, fences, lighting, landscaping, gatehouses, benches, gazebos, water, and identification signing.
<b>Generally Accepted Agricultural and Management Practices</b>	Those practices as defined by the Ohio Department of Agriculture. The Commission shall give due consideration to available written information from the Ohio State University Extension Service, the Natural Resources Conservation Service and other professional and industry organizations.
<b>Glare</b>	Light that is misdirected into the eye of potential observers or passes-by, potentially impairing their ability to see clearly and compromising public safety and welfare.
<b>Government Sign</b>	Any temporary or permanent sign erected and maintained by the city, county, state, federal government for traffic direction or for designation of or direction to any school, hospital site, or public service, property, or facility.
<b>Greenbelt</b>	An open space feature which is intended to act primarily as a landscape buffer screen separating different land uses and/or densities from one another.

**H...**

<b>Height (of a Sign)</b>	The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or surface grade beneath the sign, whichever is less.
<b>Home Occupation</b>	Any occupation or business use, other than a home occupation of convenience, conducted entirely within a dwelling or an accessory structure or both by a resident of the property, and which is clearly incidental to the residential use of the property. Prohibited uses include but are not limited to: antique shops, boarding or rooming houses or tourist homes; commercial repair or storage of automobile(s), watercraft, or other motor vehicle(s); mortuary establishments; and restaurants or tea rooms.
<b>Hotel</b>	A building or structure or part thereof, occupied as a more or less temporary abiding place of individual, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be a general kitchen and/or public dining room(s) for the accommodation of the occupants. The term "hotel" shall not include "motel" or "motor court."

**I...**

<b>Identification Sign</b>	A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
<b>Illegal Sign</b>	A sign that does not meet requirements of this Resolution and which has not received legal nonconforming status.
<b>Illuminated Sign</b>	A sign illuminated in any manner by an artificial light source.

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<b>Improvements</b>	Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control of drainage facilities, utility lines, landscaping, and other related matters normally associated with the development or raw land into building lots.
<b>Incidental Sign</b>	A sign generally informational, that has a purpose secondary to the use of the zoned lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and similar directives. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.
<b>Industrial Use</b>	The use of land, building or structure for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.
<b>Inoperable or Abandoned Motor Vehicles</b>	Any wheeled vehicle, which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.
<b>Integral Sign</b>	A sign that may contain the name of the building, date of erection, or take the form of a monumental citation or commemorative table. The sign is often carved into stone, concrete or similar materials or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
<b>J...</b>	
<b>Junk</b>	Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated, if except in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the state of Ohio for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from a residential structure for a period not to exceed seven (7) days.
<b>Junk Yard</b>	A lot and any accessory building where waste, used or secondhand materials including scrap iron, and other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale or exchange.
<b>Kennel</b>	An establishment which is licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business.
<b>L...</b>	
<b>Lamp</b>	The component of the luminary that produces the actual light including luminous tube lighting.

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<b>Land Disturbance</b>	Any removal or destruction of trees, ground cover, or other vegetation by means of heavy mechanized equipment (including all equipment weighing in excess of 1,500 pounds) by any means affecting an area of 5,000 square feet or more in a period of one year or less. If construction activities disturb land or entails the grading or extraction of a surface area of five acres or greater, a land disturbance permit shall be obtained from the appropriate agency.
<b>Landscaping</b>	The following shall apply in the construction and application of this Resolution: <ul style="list-style-type: none"> <li>A. Berm: A landscaped mound of earth that blends with the surrounding terrain.</li> <li>B. Buffer: A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.</li> <li>C. Conflicting non-residential land use: Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.</li> <li>D. Conflicting residential use: Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.</li> <li>E. Opacity: The degree of being impervious to obscure to light and sight.</li> <li>F. Plant Material: A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.</li> </ul>
<b>Light Fixture</b>	The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, ballast, a reflector or mirror and a reflector or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
<b>Light Pollution</b>	Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment.
<b>Light Trespass</b>	The shining of light produced by a luminary beyond the boundaries of the property on which it is located.
<b>Loading Space</b>	An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.
<b>Lot</b>	For the purposes of these Regulations, a lot is a parcel of land that is: <ul style="list-style-type: none"> <li>A. A single lot of record;</li> <li>B. A portion of a lot of record;</li> <li>C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.</li> </ul>
<b>Lot Area</b>	The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.
<b>Lot Depth</b>	The distance from the point (on the rear property line) furthest from the front property line, measured perpendicular to the front property line.
<b>Lot Frontage</b>	The width of the lot at the street right-of-way. The front of a lot shall be constructed

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to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the Zoning Resolution or the Subdivision Regulations. Portions of the lot adjoining a limited-access right-of-way shall not be considered frontage pursuant to this Resolution.

<b>Lot Lines</b>	Any line dividing one (1) lot from another or from a right-of-way, and thus constitutes the property lines bounding a lot.
<b>Lot of Record</b>	A lot of record, which is part of a subdivision recorded in the office of the Clinton County Recorder, or a lot of record or recorded parcel described by metes and bonds, the description of which has been so recorded.
<b>Lot Width</b>	The horizontal distance between side lot lines measured along the required building setback line. When the street is curved, the measurement shall be made on the arc, on a parallel to the curve of the street line.
<b>Lot, Double Frontage</b>	A lot other than a corner lot having frontage on two (2) or more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning permit. If there are existing structures in the same block fronting one (1) or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.
<b>Lot, Interior</b>	An interior lot is a lot other than a corner lot with only one lot lone fronting on a street.
<b>Lot, Improvements of</b>	Any building, structure, place or other object or improvement of the land on which they are situated which constitutes a physical betterment of real property or any part of such betterment.
<b>Lot, Minimum Usable Area of</b>	The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street. The Clinton County Health Department may determine the minimum usable area for on-site facilities.
<b>Lot, Non-conforming</b>	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 zoning district in which the lot is located, or these Regulations.
<b>Lot, Zoning</b>	A single tract of land, locate within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the requirements of this Resolution in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots or record.
<b>Luminary</b>	The complete lighting system including the lamp and light fixture.
<b>Luminous Tube Lighting</b>	Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used.

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**M...**

<b>Marquee</b>	A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.
<b>Marquee Sign</b>	Any sign attached to or supported by a marquee structure.
<b>Menu Board</b>	A sign that is intended to service patrons using a drive-through facility.
<b>Mine</b>	The disturbance and removal/relocation of gravel, aggregate or minerals from a site below the natural grade of the land.
<b>Monolith Sign</b>	A three (3) dimensional, self supporting, base-mounted, freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A monolith sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.
<b>Motel</b>	A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel

**N...**

<b>Nameplate</b>	A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
<b>Natural Features</b>	An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.
<b>Neon Sign</b>	A sign where any portion of which consists of glass tubing filled with neon gas, which glows or illuminates when electric current is sent through the gas.
<b>Non-Conforming Building</b>	A building or portion thereof existing at the effective date of this Resolution, or amendments thereto, and which does not conform to the provision of the Resolution in the zoning district in which it is located.
<b>Non-Conforming Lot</b>	A lot, created prior to the effective date of this Resolution, or amendments thereto, and which does not conform to the lot area requirements for the district in which it is located.
<b>Non-Conforming Sign</b>	<ul style="list-style-type: none"><li>A. A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.</li><li>B. A sign, which does not conform, to the sign code requirements but for which a special permit has been issued.</li></ul>

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**Non-Conforming Structure** A structure or part thereof constructed and existing at the effective of this Resolution, or amendments thereto, that does not conform to the area and/or placement and/or height regulations, and/or loading requirements of the district in which it is located.

**Non-Conforming Use** A structure, building, lot or other parcel of land occupied by a use at the effective date of this Resolution, or amendments thereto, and which does not conform to the Use Regulations of the district in which it is located.

**Nuisance** An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people – particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations as defined by the State of Ohio, shall not be considered nuisances where generally accepted agricultural and management practices are adhered to.

O...

**Occupied** The word “occupied” shall include arrange, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

**Off-Premise Sign** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located, e.g. “billboards” or “outdoor advertising.”

**Off-Street Parking Lot** A facility providing vehicular parking spaces and adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted ingress and egress plus on-site parking space for at least two (2) vehicles. Such area or lot shall be totally outside of any street or alley right-of-way.

**On-Premise Sign** A sign that pertains to the use of the premises on which it is located.

**Open Air Business** When developed in conjunction with a permitted use, any area that is exclusively used for the sale of or taking of orders for any merchandise where such merchandise is displayed or sold in the open air.

**Open Space** An area that is intended to provide light and air. Open space may include, but is not limited to meadows, wooded areas, and water bodies. Streets, structures for habitation, and the like are not to be included. Also see Restricted Open Space.

**Open Storage** All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles and other supplies.

P...

**Painted Wall Sign** A sign that is applied with paint or similar substance on the face of a wall.

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<b>Parcel</b>	Any piece of land described by a current deed. Also see Lot of Record.
<b>Parking Space</b>	An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
<b>Pennant Sign</b>	A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric, or other materials, that may or may not contain a message, suspended from a rope, wire, or other sting, usually in series, designed to move in the wind.
<b>Permitted Use</b>	Any use allowed by right in a zoning district and subject to the restrictions or standards applicable to that district.
<b>Personal Service Establishment</b>	A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.
<b>Perennial Stream</b>	A natural waterway that contains water throughout the year except in severe drought.
<b>Planned Unit Development (PUD)</b>	A form of development usually characterized by the flexible application of zoning district regulations and unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, of approval by the Clinton County Regional Planning Commission (CCRPC) which then sets the performance standards of a proposed development applicable to this Resolution and one in which the County will have considerable involvement in determining the nature of the development.
<b>Plat</b>	The map, drawing, or chart on which the developer's development or subdivision is presented to the Planning Commission for approval, to the County Recorder's office for recording.
<b>Political Sign</b>	For the purposes of this Resolution, a temporary sign used in connection with a local, state, or national election or referendum.
<b>Porch</b>	A covered but unenclosed projection having a minimum projection of 8 feet from the main wall of a building and encompassing an area of 100 or more square feet.
<b>Portable Sign</b>	A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one location to another. Portable signs include signs designed to be transported by means of wheels, signs converted to 'A' or 'T' frame, menu and sandwich board signs, balloons used as signs, and signs attached to or painted on persons or vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal daily operations of the business.
<b>Principal Use</b>	The primary or most predominant use of a parcel. Storage buildings, garages, and

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other clearly accessory uses shall not be considered principal buildings.

<b>Project Boundary or Development Boundary</b>	The boundary defining the tracts (s) of land that is included in a development project to meet the minimum required project area for a conservation or similar development. The term "project boundary" shall also mean "development boundary".
<b>Projecting Sign</b>	Any sign affixed to a building or wall in such a fashion that its leading edge extends beyond the surface of such building or wall.
<b>Prosecutor</b>	The Prosecuting Attorney for Clinton County, Ohio.
<b>Public</b>	Open to common use, whether or not under public ownership.
<b>Public Improvement</b>	Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.
<b>Public Sanitary Sewer System</b>	A system, owned and operated by a municipality, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health.
<b>R...</b>	
<b>Real Estate Development Sign</b>	A sign informing when a subdivision or other real estate development will commence construction or will be available for occupancy or use on the premises upon which it is located.
<b>Real Estate Sign</b>	A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
<b>Reasonable Access</b>	A property owner's legal right, incident to property ownership, to access a public right-of-way. Reasonable access includes indirect access via frontage roads, service drives and shared driveways or partial access at a driveway where turning movements are restricted due to site and traffic conditions.
<b>Repair Shop, Auto Body</b>	An establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age. This type of use includes the reconstruction of motor vehicles, painting or repainting of motor vehicles and the rebuilding or conversion of automobile engines or engine parts. This type of use does not include a motor vehicle repair shop, an impounding yard, and an automobile service and/or gasoline station.
<b>Repair Shop, Motor Vehicle</b>	An establishment for the repair or replacement of parts in a motor vehicle. This includes: shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or



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electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement. The following uses are not included: an automobile body repair shop, an impounding yard, and an automobile service and/or gasoline station. However, the repair shop may provide vehicle rescue service and emergency road service.

**Residential Conversion** The alteration of an existing single-family detached dwelling to accommodate two (2) or more dwelling units.

**Restaurant** An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon, and as accessory use thereto, may be engaged in providing customers with take-out service of food and beverages for off-site consumption.

**Restricted Open Space** Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements that is restricted from further development according to the provision of this Resolution.

**Retail Establishment** A building where merchandise is offered or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such store.

**Retaining Wall** A wall designed and constructed to hold back a mass of earth.

**Right-of-Way** A strip of land designated for current or future use as a public way or street on the Clinton County Functional Classification Road Map or by the Clinton County Subdivision Regulations. In addition to the roadway, it normally incorporates the roadbed, ditches, utilities curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges. For purposes of this Resolution, the right-of-way shall be considered to be one and the same as the thoroughfare right-of-way.

**Road Agency** The agency having jurisdiction over the right-of-way.

**Roadside or Farm Produce Stand** A temporary structure not permanently affixed to the ground where a variety of agricultural products grown on the premises are displayed for sale purposes. Such stands shall be located a minimum of 10 feet from the edge of the right of way and shall be accompanied by a minimum of 3 temporary off street parking spaces.

**Roof Sign** Any sign erected over or on the roof of a building.

**Roof Sign, Integral** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Rural Zoning** The Clinton County Rural Zoning Commission (RZC)

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**Commission (RZC)**

**S...**

<b>Sandwich Sign</b>	A temporary, portable sign consisting of two (2) advertising boards laid back-to-back and at least partially supported by each other.
<b>Sanitary Sewer</b>	Artificial conduits to convey water and waster matter to a central treatment facility.
<b>Saw Mill</b>	A building, structure or area where timber is cut, sawed, planed or distributed, either as finished lumber, or as an intermediary step and may include facilities for kiln drying or distribution on a wholesale or retail basis.
<b>Secondhand Store</b>	Any building, structure, premises, or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.
<b>Self Storage Facility</b>	A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facility is typically contained within a fenced, controlled access compound.
<b>Service Drive / Frontage Road</b>	A drive designed to provide shared access to specific access points along the arterial roadway to one or more developments within the corridor. A Service Road is generally parallel to the arterial road along either the front or rear of the site, but may be perpendicular or have another alignment. Service Roads may be in front of, or along the rear of, buildings within the overlay district.
<b>Setback</b>	The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines, the street right-of-way, pavement, stream, wetland or other delineated site feature.
<b>Shielded Fixture</b>	An outdoor light fixture shielded or constructed in a fashion such that its light does not project beyond a certain limit. A luminary mounted in a recessed manner under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Resolution. Shielded fixtures shall be specified and installed properly to restrict light spillage past the property line.
<b>Sight Distance</b>	The length of roadway visible to the driver. Generally related to the distance or time (perception / reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.
<b>Sign</b>	A name, identification, description, display, light, balloon, banner, flag, or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property.
<b>Sign, Area of</b>	A. Projecting and Free Standing: The area of a free-standing or projecting sign

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shall have only one face (the largest) of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

1. The area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments, such as pole covers, framing, and decorative roofing. Provided that there is not written advertising copy on such embellishments.
  2. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign of measurement if they do not bear advertising copy.
- B. Wall Signs: The area shall be within a single, continuous perimeter composed of any straight-line geometric figure, which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

**Skinny Streets**

Streets with lesser right of way and pavement widths than are identified in the Clinton County Subdivision Regulations. Skinny streets may, upon approval by the Clinton County Engineer and as approved as a Planned Unit Development (PUD) by the Clinton County Regional Planning Commission (CCRPC) be permitted in one or more areas of a proposed residential development.

**Spill Light**

Light that is misdirected and illuminates an object or area that is not intended to be illuminated.

**Standard Subdivision**

A major or minor subdivision, as defined by the Clinton County Subdivision Regulations, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a public street.

**Street Furniture Sign**

A sign structure that by its design invites, entices, encourages or makes itself convenient or available to use by the general public for something more than mere visual attraction to its message. Street furniture signs include signage on benches and on table umbrellas used for outdoor, café-style dining.

**Story**

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

**Story, Basement**

For the purposes of this Resolution, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured.

**Street**

See the Clinton County Subdivision Regulations.

**Structure**

Anything constructed or erected, the use of which requires a temporary or permanent

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location on the ground or is attached to something having a permanent location in, on or below the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure. Among other things, structures shall include buildings, mobile homes, walls, fences, billboards, signs, and towers.

**Structural Alteration** Any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof.

**Subdivision Identification Sign** A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Suspended Sign** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

T...

**Temporary Sign** A sign not constructed or intended for long-term use.

**Traffic Impact Study** The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary and is a function of the type and size of the project – Traffic Impact Assessment, Traffic Impact Statement, and Regional Traffic Impact Study.

**Trail or Pathway** A permanently established hard surfaced passageway having a width of not less than four (4) feet which is intended for use by pedestrians in carrying out such activities as walking, jogging, bicycling, or skating.

**Trip Generation** The number of trip ends associates with a development; based on building area, lot size, number of units/employees or other parameters. The number can be estimated using actual data from comparable developments or information given in nationally accepted sources such as the Trip Generation manual developed by the Institute of Transportation Engineers or the Federal Highway Administration.

U...

**Use** The lawful purpose, for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let or leased.

**Usable Open Space** Open space which is easily accessed and is suitable for a variety of outdoor pursuits and recreational activities. Usable open space shall not include parking facilities or driveways or any required front or side yards which are situated on private property. Hillside areas which do not include trails incorporating one or more scenic views shall not be classified as usable open space.

**Useful Light** Light that is directed to illuminate an object or area for a useful purpose.

**Use, Permitted** A use permitted by right in the Zoning District where so designated without further action by the property owner or the County.

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	<b>V...</b>
<b>Variance</b>	A variance is the relaxation of regulations of this Resolution with respect to a specific lot, granted by the Board of Appeals. The variance shall not be contrary to the public interest and where, owing to condition peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship or practical difficulty.
	<b>W...</b>
<b>Walkway</b>	A public way, four (4) or more feet in width, for pedestrian use only, which may or may not be located within the street right-of-way.
<b>Wall Sign</b>	A sign attached parallel to and extending not more than four (4) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.
<b>Watercourse</b>	Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.
<b>Wetland</b>	An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.
<b>Window Sign</b>	A sign installed inside a window or intended to be viewed from the outside.
	<b>Y...</b>
<b>Yard Front</b>	A required front yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as hereinafter specified.
<b>Yard, Rear</b>	An open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the side lot line; an unoccupied from the ground upward except as herein specified.
<b>Yard, Required</b>	An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
<b>Yard, Side</b>	An open space extending from the front yard to the rear yard and of uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as otherwise specified.

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**Z...**

**Zoning  
Official/Inspector**

The person(s) designated by the Board of Clinton County Commissioners to administer the Zoning Regulations of Clinton County, Ohio.