

Zoning Resolution

of

Scioto Township, Delaware County, Ohio

January 2025

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ARTICLE I - Title

Section 1.01 - This resolution shall be known and may be cited and referred to as the Scioto Township Zoning Resolution, Delaware County, Ohio.

ARTICLE II - Purpose

Section 2.01 - As provided in R.C. § 519.02(A), this resolution is enacted in the interest of the public health, safety, public convenience, comfort, prosperity, or general welfare of Scioto Township, in accordance with existing county or township plans, or such plans later adopted, and as permitted by the provisions of R.C. 519.01 et seq.

ARTICLE III - Interpretations of Standards

Section 3.01 - In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. Zoning boards and the board of Township Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the township area and may require inclusion of recommendations in plans or proposals as submitted or approved.

ARTICLE IV - Definitions

Section 4.01 - All words used in this zoning resolution shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such words or as the same are defined in Webster's Dictionary. The words shall be liberally construed to achieve the salutary effect or objectives of this resolution.

- a) Dwelling, Single-Family: a building designed and/or used exclusively for residential purposes for one (1) family only and containing not more than one (1) dwelling unit.
- b) Family: (a) an individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or (b) a group of not more than six persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.
- c) Floor area: the square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, secondary stairways, and basements.
- d) Adult Care Facility Definitions:
 - 1) Adult Care Facility: Adult Care Facility has the same meaning as that term is defined in ORC 5119.70 (A) (9).
 - 2) Adult Family Home: Adult Family Home has the same meaning as that term is defined in ORC 5119.70 (A) (7).
 - 3) Adult Group Home: Adult Group Home has the same meaning as that term is defined in ORC 5119.70 (A) (8).
 - 4) Residential Facility: Residential Facility has the same meaning as that term is defined in ORC 5123.19 (A) (1) (a).
- e) Improvement: any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.
- f) Improvements: street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and trees.
- g) Mobile Home: means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
- h) Structure: anything which is constructed or erected and the use of which requires a permanent location on the property or attached to something having a permanent location on the property, not, however, including

wheels; an edifice or building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

- i) Centralized Sanitary Sewer Service: Any sanitary sewer system, other than an individual septic tank tile field, that is operated by a municipality, governmental agency, or a public or private utility for the collection, treatment and disposal of wastes.
- j) Centralized Water: Any potable water system, other than an individual well, that is operated by a municipality, governmental agency, or a public or private utility for the treatment and furnishing of potable water.
- k) Cemetery Definitions:
 - 1) Cemetery: means any one or a combination of more than one of the following (ORC 1721.21(A)):
 - i) a burial ground for earth interments;
 - ii) a mausoleum for crypt entombments;
 - iii) a columbarium for the deposit of cremated remains;
 - iv) a scattering ground for the spreading of cremated remains.
 - 2) Pet Cemetery: means land together with any structures, facilities, or building appurtenant thereto, provided to members of the general public for the use or reservation for use for the individual interment, above or below ground, of pet remains (ORC 961.01).
 - 3) Family Cemetery: means a cemetery containing the human remains of persons, at least three-fourths of whom have a common ancestor or who are the spouse or adopted child of that common ancestor (ORC 4767.02(C)).
 - 4) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association (ORC 1.59(C)).
- l) Temporary Conditional Use: A transient, non-permanent Use and/or Structure permitted to exist for a designated period of time, not to exceed 90 days, for special events.
- m) Telecommunication Tower: any free-standing structure, or any structure to be attached to a building or other structures that meets the following criteria
 - 1. The free-standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 303.211 (i.e. 10/31/96).

2. The free-standing or attached structure is proposed to be owned or principally used by a public utility (or functionally equivalent provider) engaged in the provision of telecommunication services.
3. The free-standing or attached structure is proposed to be located in an unincorporated area under Scioto Township Zoning, Delaware County, Ohio
4. The height of the proposed structure, whether attached or free-standing, is greater than either the maximum allowable height within the zoning district of residential structures or of such a free-standing structure.
5. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

Section 4.02 - All personal pronouns used in this Zoning Resolution, whether masculine, feminine or neuter pronouns, shall include all genders.

ARTICLE V - District and Boundaries

Section 5.01 - Zoning Districts: For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated areas under Scioto Township Zoning, Delaware County, Ohio, may be divided into one or more such districts:

FR-1	Farm Residence District
PRD	Planned Residence District
PRCD	Planned Residential Conservation District
C-1	Neighborhood Office District
C-2	Neighborhood Commercial District
PC	Planned Commercial and Office District
I	Industrial District
PI	Planned Industrial District
QD	Quarry District
A-1	Agricultural Preservation District

The regulation shall be uniform for each class or kind of building or other structure or use throughout each district or zone, but the regulation in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

Section 5.02 - District Boundaries: The boundaries of each district into which the township is divided are indicated upon the zoning maps of Scioto Township, which are hereby made a part of this Resolution. The said maps of Scioto Township, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those township maps entitled "Zoning Map, Scioto Township, Delaware County, Ohio", is properly attested and is on file in the office of the Zoning Inspector of Scioto Township.

Section 5.03 - New Territory: All territory which may hereafter become part of Scioto Township, Delaware County, Ohio, by any method and all territory in a Farm Residence District (FR-1) on the effective date of this amendment shall automatically be classed as lying in and being in a Farm Residence District (FR-1) until such classification shall have been changed by an amendment to this Zoning Resolution and map as provided by law.

Section 5.04 - Rules for Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highways right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- e) Where the boundary of a district follows a stream, or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- f) Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning of any territory, said metes and bounds descriptions shall control over all of the foregoing.
- g) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

Section 5.05 - Zoning Map: The official zoning map shall be maintained by the Township Zoning Inspector and the same shall be accessible to the public at all reasonable times.

ARTICLE VI - Application of Resolution

Section 6.01 - Conformance Required: Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by the Resolution for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereof is commenced.

Section 6.02 - Agriculture: Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agriculture purposes of the land on which such buildings or structures are located, and no zoning certification shall be required for any such use, building or structure. For purposes of this Resolution, the use of land, buildings or structures for agriculture on tracts of land less than five (5) acres shall be subject to ORC 519.21.

Section 6.03 - Public Utilities and Railroads: Except as otherwise provided in Section 519.211 of The Ohio Revised Code, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices of other uses not related directly to provision of utility services.

Section 6.04 - Buildings under Construction and New Construction: Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of the Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The ground story framework, including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable amendments hereto.

Section 6.05 - Issued Zoning Certificates: Any new proposed construction for which a zoning certificate is issued shall be started within six (6) months of issuance of said permit and the ground story framework, including structural parts of a second floor shall be completed within one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Township Zoning Inspector with the original request for the certificate.

In the case of old construction, if the above schedule is not met, any prior right as a non-conforming use is lost and zoning certificates for new construction invalidated.

Section 6.06 - **Telecommunication Towers** Ohio Revised Code 519.211 allows regulations of Telecommunication Towers under certain conditions. The following is a summary of local zoning authority:

- A. Any person who plans to construct a telecommunications tower shall provide both of the following by certified mail:
 - 1. Written notice to the Board of Township Trustees of the Township in which the tower is proposed to be constructed and to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following:
 - a. The person's intent to construct the tower;
 - b. A description of the property sufficient to identify the proposed location;
 - c. That, no later than fifteen days after the date of mailing of the notice, the Board of Township Trustees or any property owner may give written notice to the Board of County Commissioners requesting that zoning authority apply to the proposed location of the tower.
 - d. If any notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
 - 2. Written notice to the Board of County Commissioners of the information above, as well as verification that notice to the trustees and adjacent property owners.
- B. If the County Commissioners receive notice from the Township Trustees or a property owner within the time specified or if a member of the Board of County Commissioners makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent, the County Commissioners shall send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with this Section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from the Township Trustees or a property owner or the date upon which a member of the County Commissioners makes an objection. Upon the date of mailing of the notice to the person, the zoning regulations shall apply to the tower. If no notice is received and there are no objections, zoning shall not apply to the proposed tower.
- C. **Local Zoning Authority** - If objections are filed for a proposed tower in a district zoned for residential use then the tower shall only be permitted as a conditional use by the Board of Zoning Appeals, provided that all of the following conditions of this section are met.
 - 1. **Conditional Use - Application and Requirements** – An application for conditional use shall be filed with the Board of Zoning Appeals. The application shall include:
 - a. A locator map which shall contain the following:
 - i. The location of all the applicant's existing facilities within (1) mile of the proposed tower.

- ii. The general location of planned future facilities within (1) mile of the proposed tower.
 - iii. For each location of the existing facilities within (1) mile of the proposed tower, list the type and size, the type of equipment, the space available for additional equipment a site plan depicting any parcels on which any existing or proposed tower is/will be.
 - b. A site plan:
 - i. the location, type and size of existing and proposed towers;
 - ii. existing and proposed buildings and structures, drives, circulation and parking;
 - iii. landscape screening plan and related design standards;
 - iv. land uses, structures and zoning district, adjacent uses, structures and zoning districts;
 - v. setbacks from property lines and dwellings within 600 feet of the proposed tower;
 - vi. legal description of the lot on which the tower is to be sited;
 - vii. any other information necessary to assess compliance with this section;
 - viii. and any illumination required by the FAA or FCC.
 - c. A written certification from a Professional Engineer stipulating:
 - i. that the tower's design is structurally sound and in compliance with all codes;
 - ii. that the equipment on the tower and at the site complies with all current FCC regulations;
 - iii. that the tower will accommodate co-location of additional antennas for future use, with a statement as to the number of antennas capable of being accommodated or an explanation as to why the tower will not be constructed to accommodate co-location;
 - iv. and height and fall zone drawing.
- 2. Conditional Use Procedure by Board of Zoning appeals on Receipt of Application - Consistent with the zoning code, the BZA shall provide notice of, conduct a public hearing and render a decision on the conditional use requested in the application.
- 3. General Requirements for all Telecommunications Towers
 - a. The applicant or tower provider shall demonstrate that the proposed tower location is essential to service the applicant's service area and that there are no alternative sites. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smoke stacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over 48 feet in height.
 - b. Maintenance: Towers and related structures must be maintained in good working order.
 - c. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.
- 4. Development Standards for all Telecommunications Towers

- a. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
- b. The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider shall be 100 feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers shall be as follows:
 - i. Towers proposed for and designed to support the co-location of a total of two antenna facilities – 115 feet;
 - ii. Towers proposed for and designed to support the co-location of a total of three antenna facilities – 130 feet; and
 - iii. Towers proposed for and designed to support the co-location of four or more antenna facilities – 145 feet.
- c. Clear Fall Zone: Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower
 - i. The tower base shall not be placed closer than the height of the tower plus forty feet from a unit on a lot contiguous to or directly across the street from the tower's lot.
 - ii. A tower base shall be located no closer to any lot line than the distance equal to the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any lot line than 50 feet.
 - iii. The tower base shall be located no closer to a street right-of-way than 50 feet.
- d. Ancillary Requirements:
 - i. Reasonable and safe access and circulation shall be provided to the tower.
 - ii. Security fencing shall be provided to prevent uncontrolled access to the tower site.
 - iii. The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment.
 - iv. The tower shall be of a monopole design.
 - v. No advertising is permitted anywhere on the tower.
 - vi. Where located on property not owned by the operator, the applicant shall present documentation that the owner of the property has approved the application

- vii. The applicant shall submit a signed statement indicating that he/she agrees to allow for the potential co-location of other antenna facilities to the extent possible.
 - viii. An antenna may be attached to a nonresidential building permitted in the district as long as it meets the other requirements within this code.
 - ix. Any structures for equipment shelter shall be shown on the site plan and be architecturally compatible with the surrounding area.
- e. Towers on Township or County Property - A tower may be sited on county-owned or township-owned property not zoned for residential use with the prior consent of the County Commissioners or Township Trustees, respectively, obtained through resolution.
- f. After obtaining a conditional use permit, a tower may be located on county-owned or township-owned property zoned for residential use with the prior consent of the County Commissioners or Township Trustees, respectively, obtained through resolution.
 - i.

ARTICLE VII - Farm Residence District (FR-1)

Section 7.01 - Purpose: There is created hereby within Scioto Township Zoning a Farm Residence District to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences and other essentially non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained.

Section 7.02 – Application: All lands under Township Zoning not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots in subdivisions which are located within the limits of Scioto Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

Section 7.03 - Permitted Uses: Within the Farm Residence District the following uses, developed in accordance with all other provisions of this resolution, shall be permitted:

- a) Single family dwellings (limited to one single family dwelling per parcel, tract or lot).
- b) Accessory buildings and accessory uses including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.
- c) One occupied mobile home to be occupied by full time farm labor only and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one mobile home shall be located on any farm within the township.
- d) Projects specifically designated for watershed protection, conservation of soil or water or for flood control.
- e) Agriculture as defined by O.R.C. 519.01 to mean: farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to; the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when

those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Further, in accordance with the restrictions and requirements set forth in O.R.C. 519.21, the Board of Township Trustees, Zoning Commission, or Board of Zoning Appeals shall permit and/or regulate the agricultural uses in the FR-1 District.

- f) Mobile homes for temporary residential use and temporary buildings of a non-residential character may be used or occupied only during residential construction on the premises for a maximum of twelve (12) months from the date of the issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after the expiration of said twelve (12) month period or within sixty (60) days of issuance of an occupancy permit, whichever comes first. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees.
- g) Casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales are not conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.
- h) Adult Family Home pursuant to ORC 5119.72 (A) and Residential Facility pursuant to ORC 5123.19 (O). No Adult Family Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.
- i) Adult Group Home pursuant to ORC 5119.72 (B) and Residential Facility pursuant to ORC 5123.19 (P). No Adult Group Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.

Section 7.04 – Conditional Uses: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of the Resolution. Conditionally permitted uses shall be considered and declared abandoned and expired if said use or use(s) are not commenced within one (1) year or if they are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or their agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of the Board to declare the Conditional Use Permit

abandoned and/or expired. No Conditional Use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

Scioto Township reserves the right to consider and pursue criminal and/or civil enforcement actions against any violation(s) of the terms of a Conditional Use Permit, pursuant to and in accordance with Sections 519.23 and 519.24 of the Ohio Revised Code.

- a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
 - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) Only one (1) sign, not larger than six (6) square feet and no part of which is more than four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
 - 3) The home occupation shall occupy not more than thirty three percent (33%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space when an attached garage is included and is used for a home occupation. An unattached accessory building may be utilized for home occupation at one hundred (100%) percent, provided that the home occupation does not exceed two thousand five hundred (2,500) square feet of the accessory building.
 - 4) No more than one (1) non-resident employee shall work on said premises.
 - 5) Services may be rendered on the premises or elsewhere.
 - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)

- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
 - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Conversion of existing residential structures to permit occupancy by more than one family.
 - c) Private Landing Fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises and the site complies with all F.A.A. regulations.
 - d) Public or Private Schools and Colleges provided that said institution occupies not less than 20 acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
 - e) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.

- f) Churches or other places of worship provided it occupies a lot of not less than five (5) acres plus one (1) acre for each 100 permanent seats over 300 in the main assembly area.
- g) Convalescent Homes, Rest Homes or Homes for Children or Aged provided that the area of the tract used is adequate to provide set backs, parking and recreational areas prescribed by the Board of Zoning Appeals.
- h) Playgrounds, Playfields, Picnic Areas and Summer Camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm and danger.
- i) Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Club, Fishing Lakes, or similar recreational uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.
- j) Cemeteries
 - i) No person, church, religious society, established fraternal organization, or political subdivision of the state shall operate a cemetery of less than ten (10) acres nor greater than six hundred and forty (640) acres unless the cemetery existed prior to Zoning Regulations. No building shall be placed closer to the right-of-way line of any approved road than the set back prescribed by Section 21.09 of this Resolution. A cemetery shall not be located in a "Flood Plain" that is designated in maps that are provided by the Federal Emergency Management Agency and available in the Delaware County Building Department. No interment may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No interment shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property lines at least six (6) feet in height in which case interments may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building, or storage area shall be constructed except as approved by the Board of Zoning Appeals and parking areas, public accesses, screening and other improvements shall be furnished as required. Existing cemeteries may expand and use existing cemetery land that they own as part of the acreage limitations cited above, even if said new land does not directly adjoin the existing site.
 - ii) Pet Cemeteries: No person, Political Subdivision, Non-Profit Organization, Association or Private Company shall operate a pet

cemetery of less than three (3) acres nor greater than one hundred (100) acres. No building shall be placed closer to the right-of-way of any approved road than the set back prescribed by Section 21.09 of this Resolution. A cemetery shall not be located in a “Flood Plain” that is designated in maps that are provided by the Federal Emergency Management Agency and available in the Delaware County Building Department. No interment shall be permitted nearer than fifty (50) feet to the right-off-way of the approved public road adjacent thereto. No interment shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height in which case interments may be permitted not closer than ten (10) feet to said property line. No office facility, maintenance building or storage area shall be constructed, except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening and other improvements shall be furnished as required.

iii) Family Cemeteries are exclusive to family ownership, control and maintenance. A person who establishes a family cemetery shall be solely and individually responsible for the upkeep and maintenance. A Family Cemetery shall not be located in a “Flood Plain” that is designated in maps that are provided by the Federal Emergency Management Agency and available in the Delaware County Building Department. If approved as a Conditional Use of land by the Board of Zoning Appeals, the area of the land to be used as a cemetery shall be restricted to cemetery use only. Set back requirements for buildings and interments are the same as those required for cemeteries in i) above. In addition, the following requirements shall be met by the applicant:

- a) A description of the land.
- b) A copy of the deed.
- c) A plan or survey of the land showing the location of the proposed Family Cemetery.
- d) Description and location of facilities, if any, to be used in conjunction with the Family Cemetery.
- e) Declaration, to be filed with the Delaware County Recorder, in a form to be prescribed by the Board of Zoning Appeals, relating to the obligation of the Applicant and any future owner of the parcel with respect to maintenance of the Family Cemetery.
- f) Any expansion or changes to the site will require a new Conditional Use Application to be submitted.

k) Borrow Pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Township

Trustees and/or County Engineer to ensure compliance with the restrictions and conditions imposed to insure regrading, reseeding and general restoration of the area including haul roads. All applications or plans submitted incident thereto shall be reviewed by the Delaware County Engineer and his comments shall be included in the record regarding the matter and where applicable said work shall be carried out in compliance with County Sedimentation Regulations.

- l) Dog Kennels or Catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District.
- m) Sanitary Land Fills or Solid Waste Transfer Stations provided that all required licenses and approvals are issues by appropriate state and county agencies. In addition to requirements imposed by state agencies, the Board of Zoning Appeals may require such screening as is necessary to protect adjacent neighborhoods. This section not applicable to facilities qualifying as a Public Utility and exempt from zoning.
- n) Zero Lot Line housing providing that the minimum lot area per unit is maintained.
- o) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.
- p) Parking Lots or Storage Yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.
- q) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.
- r) Telecommunications Towers subject and pursuant to Section 6.06.
- s) The following Uses are deemed temporary in nature and the time duration(s) and/or limitation(s) requested shall be included as part of the Conditional Use Application. In addition, any Use listed within this Section may be conditionally permitted only upon a finding by the Board of Zoning Appeals that such a Use complies with the Standards and Requirements of Article VII – Farm Residence District (FR-1) and Article XXVIII – Board of Zoning Appeals.
 - 1) Carnivals, circuses, tent meetings, bazaars, political rallies, festivals, antique and/or classic vehicle shows or competitions,

motor cross or mountain bike off road competitions, art shows, open air or temporarily enclosed live or displayed theater presentations, and concerts may be conditionally permitted upon any land sites zoned FR-1 with enough land area to meet the Standards and Requirements of Articles VII and XXVIII. Miscellaneous temporary uses that are open to the public on private land sites may be conditionally permitted provided the applicant, at the time of requesting a Conditional Use Application, provides a written statement from the Delaware County Health Department approving the water supply and wastewater disposal system at the site to support the requested temporary Conditional Use.

- 2) Prior to the issuance of a temporary Conditional Use Certificate, the written consent of at least fifty one percent (51%) of the owners of all residentially used property within one thousand (1000) feet of the property lines of the Temporary Use site must be obtained. Written consent of the various property owners shall be filed by the applicant with the Secretary of the Board of Zoning Appeals prior to the Public Hearing for the requested Temporary Conditional Use.

Section 7.05 – Prohibited Uses

- a) No use not specifically authorized by the express terms of this Article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- d) Except as specifically permitted in Section 7.03 herein, no mobile home shall be placed or occupied in this district.
- e) No trailer, camper, motor home, truck or any other motor or recreational vehicle, or part thereof, or any other manufactured object, which use was other than that of a storage building, shall be used as a storage building.
- f) No trash, debris, unused property or discarded material shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or public nuisance to the neighborhood or general public.

- g) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 7.06 – Development Standards: All lands and uses within the Farm Residence District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area – No parcel of land in this district shall be used for residential purposes which has an area of less than one point nine five (1.95) acres (84,942 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.
- b) Lot Frontage – Except as hereinafter set forth, all lots or parcels within this zoning district shall have the following minimum lot frontage on a road approved by the Delaware County Engineer:

Less than 2 acres	150 ft.
2 acres but less than 3 acres	175 ft.
3 acres but less than 4 acres	200 ft.
4 acres but less than 5 acres	250 ft.
5 acres or larger	300 ft.

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width fifty (50) feet forward of the building line which is equal to that minimum lot frontage requirements. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet in width and the parcel shall not be less than sixty (60) feet in width at any point forward of the building line of the principal residence located on the premises. If an irregularly shaped lot (i.e. pishaped) located on a curve or cul de sac widens to the minimum lot width within seventy five (75) feet of the right-of-way line of the adjoining roadway, the requirement for extra setback is required to conform with setback lines for principal structures on adjoining lots.

- c) Building Height Limits – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

- d) Building Dimensions (Floor Space Requirements) – Each single family dwelling hereafter erected in this district shall have a living area of not less than eight hundred (800) square feet. All such living areas shall be exclusive of basements, porches or garages.
- e) Building Set Back – No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- f) Side Yard Set Back – Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Section 7.04 (o) herein, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) Rear Yard Requirement – No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage – On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.
- i) Parking – Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of the Resolution. Trailers of any type, boats, motor homes and equipment of any type shall be parked at least fifty (50) feet from the road right-of-way on any parcel within this district.
- j) Signs – Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

ARTICLE VIII

Reserved

ARTICLE IX

Reserved

ARTICLE X – Planned Residential District (PRD)

Section 10.01 – Purpose: The Township, recognizing that with increased urbanization and population growth comes increased demand for well-organized residential areas which take into account unique features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet this demand while still preserving and enhancing the health, safety and general welfare of the inhabitants of the Township. This district and all tracts of land within it shall be served by central water and sewer systems.

Section 10.02 – Application: The provisions of this Article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning-map amendment to PRD. An owner of land in the township that is served by centralized water and sanitary sewer may submit an application for change to PRD zoning under the provisions of this Article. The action of the township upon an application processed pursuant to this section shall be considered a legislative act, subject to referendum.

Section 10.03 – Permitted Uses: Within any Planned Residence District (PRD), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures of any type, either single family or multi-family including but not limited to detached, semi-detached, attached, modular, mobile, cluster, patio, common wall or any reasonable variation on the same theme.
- b) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- c) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the

permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewal thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

- d) Adult Family Home pursuant to ORC 5119.72 (A) and Residential Facility pursuant to ORC 5123.19 (O). No Adult Family Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.

Section 10.04 – Conditional Uses: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of the Resolution. Conditionally permitted uses shall be considered and declared abandoned and expired if said use or use(s) are not commenced within one (1) year or if they are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or their agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of the Board to declare the Conditional Use Permit abandoned and/or expired. No conditional use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

Scioto Township reserves the right to consider and pursue criminal and/or civil enforcement actions against any violation(s) of the terms of a Conditional Use Permit, pursuant to and in accordance with Sections 519.23 and 519.24 of the Ohio Revised Code.

- a) Home occupation conducted by the resident of a permitted dwelling subject to the following restrictions:
 - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.

- 2) Only one (1) sign, not larger than six (6) square feet and no part of which is more than four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than thirty-three (33%) percent of the total floor area of the dwelling unit or fifty (50%) percent of the combined floor space when an attached garage is included and is used for a home occupation. An unattached accessory building may be utilized for home occupation at one hundred (100%) percent, provided that the home occupation does not exceed two thousand five hundred (2,500) square feet of the accessory building.
- 4) No more than one (1) non-resident employee shall work on said premise.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located and closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

- 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicle access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- c) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.
- d) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.
- e) Telecommunications Towers subject and pursuant to Section 6.06

Section 10.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this Article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) Trailers of any type, boats, motor homes and equipment of any type shall not be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this resolution or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.

- e) Except as specifically permitted in Section 10.03 or approved in the development plan, no mobile home shall be placed or occupied in this district.
- f) Adult Group Home pursuant to ORC 5119.72 (B), and Residential Facility pursuant to ORC 5123.19 (P).
- g) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 10.06 – Procedure: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Application – The owner or owners of lots and lands within the area under Township Zoning may request that the zoning map be amended to include such tracts in the Planned Residence District in accordance with the provisions of this Resolution.
 - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by officials of the Township shall be binding upon either.
- b) Development Plan – Seventeen (17) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
 - 1) The proposed size and location of the Planned Residential District.
 - 2) The general development character of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.
 - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
 - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - 7) Location of schools, parks and other facility sites, if any.
 - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
 - 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
 - 11) Specific statements of divergence from the development standards in Article VII and/or XXI or existing Township regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with.
 - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval – In approving an application for a Planned Residence District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
 - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof which may apply.
 - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.

- d) Effect of Approval – The Development Plan as approved by the township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to FR-1 District unless an application for time extension is timely submitted and approved.
- e) Extension or Modification of Final Development Plan
- 1) An extension of the time limit for the completion of the approved Final Development Plan may be granted by the Scioto Township Zoning Commission provided they find that such extension is not in conflict with the public interest.
 - 2) A request for minor changes to the Final Development Plan may be approved by the Scioto Township Zoning Commission. Requests for minor changes shall initially be made to the Scioto Township Zoning Commission, which shall determine if the change is minor. In approving requests, the Scioto Township Zoning Commission may impose conditions, safeguards and restrictions in order to carry out the purpose and intent of this district. If it is determined that the change is major, then 10.06(e) (3) applies.
 - 3) In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial (major) departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial (major) departures from the original application:
 - i) A change in the use or character of the development;
 - ii) An increase in overall coverage of structures;
 - iii) An increase in the density or overall number of dwelling units;
 - iv) An increase in the problems of traffic circulation or public utilities;
 - v) A reduction in approved open space;
 - vi) A reduction of off-street parking and loading space;
 - vii) A reduction in required pavement widths;

viii) A reduction of the acreage in the PRD.

In approving such requests, the Scioto Township Trustees may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.COL1997

- f) Plat Required – In the Planned Residence District (PRD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
 - 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
 - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
 - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event however, shall any zoning certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.
- g) Administrative Review – All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Board and the Township Trustees or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

Section 10.07 – Development Standards: In addition to any other provisions of this resolution, the following standards for arrangement and development of lands and buildings are required in the Planned Residence District:

- a) Intensity of Use – The maximum density shall be one (1) dwelling unit per (2) gross acres of area within the area to be developed.

For purposes of development within the Planned Residence District in areas under Township Zoning, the maximum density for development shall be as follows:

<u>Type Dwelling</u>	<u>Maximum Units on any single acre</u>
Single Family	1
Two family and Townhouses	1

- b) Open Space – A minimum of one acre per dwelling unit shall be provided as designated open space, arranged and restricted by easement, covenant deed or dedication. This organized open space shall not include minimum yard space as required or required off-street parking areas. However, it may include recreation or education facilities, fire protection areas, additional street right-of-way in excess of required right-of-way, or other public improvements necessary to the health, safety and welfare of the people. If it is demonstrated to the Township Trustees that the type of development, adjoining development or adjoining publicly controlled open space is sufficient to provide for the health and welfare of the area, the density as set forth above may be reduced by not more than ten (10%) percent in lieu of the provisions of organized open space as described above.
- c) Arrangement of Structures
- 1) Setbacks – The physical relationship of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article XXI unless a variance therefrom is approved.
 - 2) Building Height Limits – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No antenna or aerial shall be permitted to extend more than twenty-five (25) feet over the highest point of the principal residence on the premises.
- f) Building Dimensions – Each single family dwelling hereafter erected in this district shall have a living area of not less than eight hundred (800) square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space:

One (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	850 sq. ft.
Three or more bedroom units	900 sq. ft.

- g) Landscaping – All yards, front, side and rear, shall be landscaped and all organized open space or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required for the subdivision plat.
- h) Site Development – To the maximum extent possible, any natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
- g) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan. The provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- h) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which such sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one (1) sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

- i) Mobile Home Development Standards – In the event mobile homes are included as a type of residence within this district, construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Associations, any State or Federal Regulations or standards established, on said subject or any requirement approved or imposed in the plan of development.
- j) The Township Zoning Commission and/or Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance characteristics.

Article XI - Planned Residential Conservation District (PRCD)

Section 11.01 - Purpose: The Planned Residential Conservation District (PRCD) is created pursuant to Section 519.021(A) of the Ohio Revised Code to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in public utility services, and encourage innovation in the planning and building of all types of development. This district and all tracts of land within it shall be served by central water and sewer systems. The PRCD achieves this purpose by allowing the development of conservation subdivisions that:

- a) permanently preserve and integrate open space within residential developments;
- b) offer landowners alternatives to standard tract development of their land;
- c) establish a less sprawling, more efficient use of land, streets and utilities;
- d) preserve natural topography in wooded areas;
- e) create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and
- f) encourage creativity in design through a controlled process of review and approval of the development plan and related documents.

Section 11.02 – Application: The provisions of this Article of the Zoning Resolution may be applied only to lands of the Township that have been approved for which application is made for a zoning-map amendment to PRCD. An owner of land or his or her agent in the township that is served by centralized water and centralized sanitary sewer may submit an application for change to PRCD zoning under the provisions of this Article. The action of the township upon an application processed pursuant to this section shall be considered a legislative act, subject to referendum.

Section 11.03 - Permitted Uses

- a) Single Family detached residential dwelling units.
- b) Common wall single family attached dwellings.
- c) Two family dwellings.
- d) Condominiums, provided they comprise no more than 20% of the total allowable density.
- e) Open Space - Upon approval of the final development plan by the Township Trustees, the following types of activities are permitted within open space, including but not limited to:

- 1) Active recreational outdoor sports. If open space is intended to be used as a commercial venture, it shall be so stated in the development plan that is submitted as part of the application and is subject to approval in the final development plan by the Township Trustees. All open space lands shall be permanently owned as provided in Section 11.09.
 - 2) Accessory service buildings and structures incidental and pertinent to permitted uses in paragraph (1) above, where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.
 - 3) Natural (Open Space) Area - restricted to passive uses and such other recreation that does not alter any of the natural features of the area. Agriculture may be used as natural open space, provided it does not permit hog operations, poultry, fur bearing farms or feed lots.
- f) Adult Family Home pursuant to ORC 5119.72 (A) and Residential Facility pursuant to ORC 5123.19 (O). No Adult Family Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.

Section 11.04 – Conditional Uses: Provisions for conditional uses are unnecessary under this article because in effect, each application for plan approval is a conditional use granted by the Scioto Township Zoning Commission and/or the Scioto Township Board of Trustees.

Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.

Section 11.05 – Prohibited Uses:

- a) No use not specifically authorized by express terms of this Article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public/private road.
- c) Trailers of any type, boats, motor homes and equipment of any type shall not be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Zoning Resolution or the restrictions on the plat or subdivision.

- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- e) Except as specifically permitted in Section 11.03 or approved in the final development plan, no mobile home shall be placed or occupied in this district.
- f) Telecommunications Tower as defined in the Ohio Revised Code, Sec. 519.211(B)(1).
- g) Adult Group Home pursuant to ORC 5119.72 (B), and Residential Facility pursuant to ORC 5123.19 (P).
- h) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 11.06 - Designing a Conservation Subdivision: A conservation subdivision is an open space development designed in accordance with the following process:

- a) Preliminary Design Process:
 - 1) Delineate primary conservation areas. Preserve as natural open space.
 - 2) Delineate secondary conservation areas; preserve selected areas as common (improved) or natural open space.
 - 3) Draw house footprints outside the conservation areas. Draw the number of houses based upon the permitted density calculations, with lot lines.
- b) Preliminary Design Guidelines:
 - 1) In order to reduce visual impact, dwellings should typically be located along the edges rather than in the center of open fields if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.
 - 2) Face the fronts of dwellings to internal roads, not to external roads.
 - 3) 85% or more of the total number of house lots should have a direct view of common open space from the rear and/or side face of each lot.
 - 4) Retain or replant native vegetation adjacent to wetlands and surface waters.
 - 5) Preserve existing hedge and tree lines to the extent practicable.

- 6) Preserve scenic views and vistas.
- 7) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
- 8) Landscape or retain vegetation in common areas with native trees and shrubs.
- 9) Provide active recreational areas in suitable locations.
- 10) Include a viable pedestrian circulation system, meaning a minimum of a five foot wide asphalt bike and walking path throughout the development.
- 11) Protect natural drainage swales and creeks. No construction of buildings inside the 100 year floodplain.
- 12) Provide permanent open space, according Section 11.09 B.

Section 11.07 – Procedure to Create a Conservation Subdivision:

- a) Prepare an Existing Features (Site Analysis) Map.
- b) Submit Existing Features (Site Analysis) Map without fee - The applicant shall submit the existing features (site analysis) map for a tract(s) of land to be considered as a conservation subdivision with the Scioto Township Zoning Inspector and the Scioto Township Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site walkabout.
- c) On-Site Walkabout - The applicant, the Zoning Inspector, the Zoning Commission chairman or his/her designee and the Board of Township Trustees chairman or his/her designee may visit and view the site, at which time the primary and secondary conservation areas shall be identified.
- d) Conceptual Development Plan - At the completion of the on-site walkabout a conceptual development plan shall be provided and adjusted (if necessary) on the existing features (site analysis) map by the applicant or his consultant for impromptu comments from those in attendance. Based upon such comments, a formal development plan can be prepared for public hearing. No binding decisions or votes are made at the on-site walkabout.
- e) Prepare Application and Final Development Plan - Applicant shall prepare and submit a formal application to rezone the land, a final development plan, with seventeen (17) copies and fees, to the Scioto Township Zoning Inspector. The Zoning Commission shall then schedule a public hearing.

Notice of the hearing shall be given to directly abutting property owners by certified mail. The failure of delivery of such notice shall not invalidate any action taken on the application. The Zoning Commission shall request the Delaware County Regional Planning Commission (DCRPC) to comment. The DCRPC's review is an administrative act. The Zoning Commission's review is a legislative act.

The applicant may, if he chooses, submit a preliminary development plan to test the appropriateness of his design and his general attention to the development standards of Section 11.08 prior to submitting a final development plan. Such preliminary development plan may be reviewed by the Zoning Commission and/or the Trustees, who may comment on the record to the applicant. If the Township holds public hearings to review the preliminary development plan they shall comply with Ohio's open meeting law and abutting property owners shall be notified.

The Final Development Plan shall be drawn to a scale of at least 1" = 100 ft., and shall include in text and map form the following:

- 1) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- 2) A preliminary drainage plan with a letter of feasibility from a licensed professional engineer.
- 3) An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
- 4) The proposed uses of the site, including the limitations or controls to be placed on each.
- 5) All design standards from Section 11.08.
- 6) Location of buildings and structures.
- 7) Streets, roadways, pathways, sidewalks and parking areas.
- 8) Existing utility easements and proposed new easements to the extent known.
- 9) Proposed lot sizes.
- 10) Minimum setback and spacing requirements.

- 11) Recreational facilities.
- 12) Preserved open space areas and a description of proposed open space improvements.
- 13) All commonly owned structures.
- 14) A landscape plan that depicts and identifies all proposed landscaping and entrance features, including those specified herein. The landscape plan shall identify typical elevations and cross sections of landscape features, with the names of plants, shrubs or trees intended to be used.
- 15) Dwelling unit types, the total number of dwelling units proposed for the site density, and the method and manner used to calculate density.
- 16) Primary conservation areas.
- 17) Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. No structure (other than approved drainage structures as shown on The Development Plan or other approved structures, such as a park shelter house) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.
- 18) The extent of environmental conservation by indicating the location of all woodland preservation areas and natural topography preservation areas.
- 19) Architectural design guidelines including materials, colors and typical renderings for structures and proposed procedures for controlling architectural design elements.
- 20) Signs, with specific renderings of the elevations.
- 21) The proposed provisions for water supply, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 22) A preliminary traffic impact analysis based upon new trip generation.

- 23) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 24) Identification and location of all land dedicated to schools, parks and other public facility sites within or adjacent to the site.
- 25) The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- 26) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan. In addition, the applicant shall provide evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- 27) Unless specifically superseded by the standards contained in Article XI or those standards approved in the Development Plan, the development shall comply with the requirements contained in the General Development Standards contained in Article XXI of this Resolution applicable to all zoning districts of the Scioto Township Zoning Resolution. Except for density, and the percentage of required open space, the applicant may request a divergence by the Township from the development standards set forth in Article XI or Article XXI. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved "per plan."
- 28) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the open space.
- 29) The various plans that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an

architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.

- f) Public Hearing - The Scioto Township Zoning Commission, after giving proper notice, shall hold a public hearing on the request to rezone within 40 days but no sooner than 20 days after receipt of the application, the Final Development Plan and the submission of fees.
- g) Action by The Scioto Township Zoning Commission - The Scioto Township Zoning Commission may approve divergences it finds are warranted by the design and amenities incorporated in the development plan. The Zoning Commission shall recommend approval of the application for the PRCD and final development plan provided it determines that the application and plan comply with the standards of Section 11.08 and the process of Article XI. If the Zoning Commission finds that the development plan does not meet the standards of Section 11.08 and the provisions of Article XI, or that divergences requested are not warranted, it shall make recommendations, comments concerning the plan or the divergences through a motion to approve or disapprove all or part of the development plan. This completes the Zoning Commission's actions, and they shall forward the development plan with their recommendations to the Township Trustees for their review.
- h) Upon receipt of the Zoning Commission's recommendation, the Board of Trustees shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of the Zoning Commission's recommendation. Notice of the hearing shall be given by the Board of Trustees by one (1) publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of the hearing. The notice shall include all of the information required by either O.R.C. § 519.12(F) or (G), whichever is applicable. Within twenty (20) days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If the Board of Trustees denies or modifies the Zoning Commission's recommendations, a majority vote of the Board of Trustees shall be required.
- i) Subdivision Plat - No zoning certificate shall be issued for any structure in any portion of a PRCD for which a plat is required by the Delaware County Subdivision Regulations unless and until:

- 1) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, the Delaware County Commissioners and then recorded.
- 2) A full size and an 11"x 17" copy of the recorded plat have been filed with the zoning inspector.

No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless the provisions of Section 11.10 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

- j) Zoning Certificate - After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each lot. The zoning permit for each PRCD development lot shall be for a period not to exceed three (3) years or that period approved in the final development plan. If significant construction, meaning the physical placement of roads or foundations, has not begun within three (3) years after final development plan approval is granted or within the time period approved in the final development plan, then the Final Development Plan approval shall be void. In such case, the PRCD zoning and map amendment shall remain in place, but a development plan must be resubmitted for approval.

Section 11.08 - PRCD Development Plan Standards:

- a) Minimum tract size for a PRCD Subdivision - 10 acres.
- b) Open Space - At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception as provided in 11.08(c)(1) and (2) is granted by the Township. Open space locations and uses shall be identified on the development plan and shall be subject to the approval of the Township. Open space shall be owned, administered and maintained as identified on the development plan pursuant to Section 11.07. With prior consent through resolution of the Board of Trustees of Scioto Township, land may be transferred to the Township for public purposes if approved as a part of the final development plan. Uses of land transferred to the Township for public purposes must be approved as a part of the final development plan and may include, but are not limited to, trails, active recreation and spray irrigation fields. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the open space requirement

if approved on the development plan.

- 1) At least fifteen percent (15%) of the minimum required open space shall be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than fifty percent (50%) shall be utilized for that purpose. The development plan shall specify the purposes and uses for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the development plan.
 - 2) In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.
 - 3) The required open space may be used for underground drainage fields for community septic systems, and for "spray fields" for spray irrigation purposes in a "land application" sewage disposal system as approved per the development plan.
 - 4) Primary conservation areas, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment areas may count in their combined aggregate for up to 50% of the required open space.
 - 5) Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the development plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.
- c) Determining the Number of Dwelling Units Permitted, and the Percent of Open Space - The number of dwelling units is dependent on the provision of centralized sanitary sewer as defined in Article IV as follows:
- 1) For land served by centralized sanitary sewer, multiply the gross acreage to be developed by seventy-five hundredths (0.75) dwelling unit per gross acre to obtain the maximum number of dwelling units permitted. Provide 50% of the gross acreage in permanent open space.
 - 2) Density Exception: For land served by centralized sanitary sewer and where the existing features (site analysis) map shows that the sum of all steep slopes, floodplains, wetlands, and/or overhead electric transmission line easements comprises less than 10% of the gross land acreage, the Township shall allow a density exception to a maximum of (0.85) dwelling units per gross acre with 40% of the gross acreage in

open space, in return for which the applicant shall commit to the reforestation, seeding of native plants and creation of ponds in these open spaces. This additional density is granted in order to offset the costs of reforestation, plantings, water features, regrading and exceptional horticultural techniques needed to recreate adequate natural landscape buffers, and secondary conservation areas that do not exist naturally in order to meet the intent of a conservation subdivision under Article XI.

- d) Sewage Disposal - For centralized sanitary sewer usage, a feasibility letter shall be provided by the Delaware County Sanitary Engineer or the Ostrander Village Council indicating that sewer service is available with the capacity needed. For sites served by private centralized sewer, sewage disposal feasibility shall be demonstrated by letter from either the Delaware General Health District or the Ohio EPA.
- e) Perimeter Setback - No building shall be constructed within 50 feet of the external boundary of the conservation subdivision.
- f) Storm Water - No features shall be designed which are likely to cause erosion or flooding.
- g) Subdivision standards - Public streets and all drainage improvements shall conform to the subdivision standards for Delaware County Ohio or as otherwise approved per the final development plan.
- h) Pavement standards for condominium drives - All condominium drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of 20 years.
- i) Pavement standards for parking lots - Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.
- j) Paths - A five foot wide asphalt walking or bike path is required for conservation subdivisions of more than 15 lots. Paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Township may require paved or unpaved walkways to connect residential areas and open spaces.

- k) Street Trees - Deciduous, broad leaf street trees with a minimum diameter of three inches (3") at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- l) Minimum Front Setbacks - Dwelling Units and garages shall be set back a minimum of forty (40) feet from the street right-of-way.
- m) Minimum lot size - Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots, or as otherwise approved on the final development plan. Attached dwelling units or detached condominiums as approved per the final development plan.
- n) Minimum Lot Width - at the building line
 - 1) 80 ft. lot widths may be used for a maximum of 30% of the total single family lots.
 - 2) 90 ft. lot widths may be used for a maximum of 30% of the total single family lots.
 - 3) 100 ft. or wider lots shall be used for at least 40% of the total single family lots.
- o) Minimum Side yards - Twelve and one-half (12 ½) feet each side for single family and common wall single family units and their garages, with no encroachments. For multi-family or non-residential structures the minimum separation between buildings units shall be thirty (30) feet.
- p) Driveway Setbacks - Two feet from side lot line. Side-load garages shall provide at least 24 feet of paved apron, exclusive of the 2 foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.
- q) Minimum Rear yard - 30 feet for single family detached dwellings on fee simple ownership lots and attached garages. Fifteen (15) feet for accessory buildings. Attached units or detached condominiums as approved per the final development plan.
- r) Building Height Requirement - No principal building in this district shall exceed thirty five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No antenna or aerial shall be permitted to extend more than twenty five (25) feet over the highest point of the principal residence on the premises.

- s) Minimum Dwelling Unit Floor Area - Eleven hundred (1100) square feet per dwelling unit.
- t) Street lighting - If provided, must be of white light, maximum height sixteen (16) feet, with a cutoff downward cast fixture.
- u) Landscaping - All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right-of-way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the final development plan.
- v) Parking – Off-street parking shall be provided. Construction traffic may park in the street, but only on one side so as to allow for safe access by emergency equipment. Off-street parking shall comply with the provisions of Article XXI of the Scioto Township Zoning Resolution, or as approved per the development plan.
- w) Signs - All signs shall be in accordance with Article XXII of the Scioto Township Zoning Resolution, or as approved per the development plan.
- x) Other Requirements - Unless specifically supplemented by the standards contained in Article XI, or those standards approved by divergence in the development plan, the development shall comply with all the General Development Standards applicable to all zoning districts as set forth in Articles XXI and XXII of the Scioto Township Zoning Resolution.
 - i) Preserve historic or archaeological sites (i.e. earthworks, burial grounds).
- y) Supplemental Conditions and Safeguards - If the Township determines that additional landscaping is needed to buffer existing land uses they may require such as part of the development plan approval.
- z) Divergences - The Township, as a part of development plan approval, may grant divergences from any standard or requirement in this Section with the exception of density, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the development plan submittals with a request that the proposed divergence be approved “per plan.”

Section 11.09 – Ownership and Maintenance of Open Space:

a) Ownership of Open Space

Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in Section 11.07. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

Ownership Standards - Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval of the Township Trustees.

- 1) Offer of Dedication - The Township Trustees shall have the first right of refusal of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township Trustees may, but are not required, to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township Trustees agree to maintain such lands. Where the Township Trustees accept dedication of common open space that contains improvements, the Township Trustees may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
- 2) Homeowners Association - The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:
 - a) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
 - b) The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
 - c) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of

transferring control of the association from developer to homeowners shall be identified.

- d) The association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
- e) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
- f) In the event of transfer, within the methods herein permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
- g) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
- h) The homeowners association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:
 - i) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season).
 - ii) That the undivided common open space shall be maintained for purposes set forth in the approved final development plan.
 - iii) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways.

- iv) The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's office and notification shall be provided to the Township Trustees within 30 days of action by the Board.
- 3) Condominiums - The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
- 4) Dedication of Easements - The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:
 - a) Such land is accessible to Township residents;
 - b) There is no cost of acquisition other than incidental transfer of ownership costs;
 - c) A satisfactory maintenance agreement is reached between the developer, association and the Township.
- 5) Transfer of Easements to a Private Conservation Organization - With the approval of the Township Trustees, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
 - a) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
 - b) The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization.
- 6) Third Party Ownership - With the approval of the Township Trustees, open space may be owned by a third party if protected by either: (i) an open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township or a conservation organization; or (ii) unmodifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan. Open space land to be transferred to a third party other than a homeowners association,

condominium association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.

7) Maintenance of Open Space

- 1) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowner's association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
- 2) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

Section 11.10 - Extension or Modification of Final Development Plan:

- a) An extension of the time limit for the completion of the approved Final Development Plan may be granted by the Scioto Township Zoning Commission without public hearing provided they find that such extension is not in conflict with the public interest.
- b) A request for minor changes to the Final Development Plan may be approved by the Scioto Township Zoning Commission. Requests for minor changes shall initially be made to the Scioto Township Zoning Commission, which shall make administrative review to determine if the change is minor.

In approving such requests, the Scioto Township Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district. If it is determined that the change is major, then 11.10(c) applies.

- c) In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial (major) departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial (major) departures from the original application:
 - 1) A change in the use or character of the development;
 - 2) An increase in overall coverage of structures;
 - 3) An increase in the density or overall number of dwelling units;
 - 4) An increase in the problems of traffic circulation or public utilities;
 - 5) A reduction in approved open space;
 - 6) A reduction of off-street parking and loading space;
 - 7) A reduction in required pavement widths;
 - 8) A reduction of the acreage in the PRCD.

In approving such requests, the Scioto Township Trustees may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

ARTICLE XII - Neighborhood Office District (C-1)

Section 12.01 – Purpose: It is the intention of the Township to create a district which will regulate future commercial development and foster expansion and rehabilitation of existing facilities to provide the atmosphere and opportunity to develop neighborhood oriented office facilities which are small, pleasant, safe and convenient to the neighborhood.

Section 12.02 – Application. The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

Section 12.03 – Permitted Uses: Within the Neighborhood Office District (C-1) the following uses, developed in accordance with other provisions of this resolution, shall be permitted:

- a) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers.
- b) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.
- c) Offices of veterinarians provided that the practice of said veterinarian is limited to small animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- d) Other offices, similar in nature or character, as determined by the zoning board.
- e) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector upon a finding of reasonable progress toward completion of the permanent structure of project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVII of this Resolution.

- f) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.
- g) Adult Family Home pursuant to ORC 5119.72 (A) and Residential Facility pursuant to ORC 5123.19 (O). No Adult Family Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.
- h) Adult Group Home pursuant to ORC 5119.72 (B) and Residential Facility pursuant to ORC 5123.19 (P). No Adult Group Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.

Section 12.04 – Conditional Uses: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of the Resolution. Conditionally permitted uses shall be considered and declared abandoned and expired if said use or use(s) are not commenced within one (1) year or if they are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or their agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of the Board to declare the Conditional Use Permit abandoned and/or expired. No conditional use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

Scioto Township reserves the right to consider and pursue criminal and/or civil enforcement actions against any violation(s) of the terms of a Conditional Use Permit, pursuant to and in accordance with Sections 519.23 and 519.24 of the Ohio Revised Code.

- a) Single Family Residences provided the same contain at least eight hundred (800) square feet of living area exclusive of porches, garages and basements.
- b) Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages:

One (1) bedroom unit	-	750 sq. ft.
Two (2) bedroom unit	-	850 sq. ft.
Three (3) or more bedroom units	-	900 sq. ft.

- c) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- d) Telecommunications Towers subject and pursuant to Section 6.06

Section 12.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, not boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.
- d) Except as specifically permitted in Section 12.03(3) herein no mobile home or mobile office structure shall be placed or occupied in this district.
- e) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 12.06 – Development Standards: In addition to any other provision of this resolution, all lands and uses within the Neighborhood Office District shall be developed in strict compliance with the standards hereinafter established:

- a) Building Size- No structure in this district shall contain more than three thousand (3,000) square feet of floor space per floor devoted to any permitted or conditional use.

- b) Lot Size- No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard space and off street parking as herein required.
 - 1) Water, Sewer, Drainage-
Identify specific provisions for water, sanitary sewer and surface drainage with engineering specifications and feasibility studies and/or other evidence of solutions that comply with health and safety standards and/or regulations as defined by County, State or Federal jurisdictions.
- c) Lot Width- No minimum lot width shall be required, however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.
- d) Building Height- No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closed than fifteen (15) feet to the exterior wall of the structure.
- e) Building Setback- No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 (Page 76) herein.
- f) Side Yard- Side yards shall be required adjacent to residential districts not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) Rear Yard- Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to residential areas.
- h) Screening-All commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) Parking- Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) Signs- Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) Lighting- Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- l) Freight Loading Areas- When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be

adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

- m) Landscape Plan- When any use abuts a Class A or Class B road as defined in Section 21.09 herein, a landscape plan shall be developed which is compatible, in the discretion of the Zoning Board, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grasses and landscaped areas.

ARTICLE XIII – Neighborhood Commercial (C-2)

Section 13.01 – Purpose: It is the intent of the Township to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.

Section 13.02 – Application: The provisions of this article shall apply to all areas zoned neighborhood commercial as of the date of adoption of this amendment and all existing legal neighborhood commercial uses on lands now zoned neighborhood commercial within the areas under Township Zoning shall be considered, for purposes of this zoning district, permitted uses.

The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

Section 13.03 – Permitted Uses: Within the Neighborhood Commercial District (C-2) the following uses, developed in accordance with other provisions of this resolution, shall be permitted provided that all activities and transactions, except off street parking and loading/unloading, shall be conducted within a closed building:

- a) Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carry-outs, florists, eating and drinking places where service is provide totally within the building, self-service laundromats, laundry and dry cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.
- b) Office facilities for the providing or personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices or physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers.
- c) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-through windows are provided.

- d) Offices of veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- e) Other business, similar in nature or character or as approved by the zoning board.
- f) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector upon a finding of reasonable progress toward completion of the permanent structure of project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVII of this Resolution.
- g) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.
- h) Adult Family Home pursuant to ORC 5119.72 (A) and Residential Facility pursuant to ORC 5123.19 (O). No Adult Family Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.
- i) Adult Group Home pursuant to ORC 5119.72 (B) and Residential Facility pursuant to ORC 5123.19 (P). No Adult Group Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.

Section 13.04 – Conditional Uses: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of the Resolution. Conditionally permitted uses shall be considered and declared abandoned and expired if said use or use(s) are not commenced within one (1) year or if they are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides

that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or their agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of the Board to declare the Conditional Use Permit abandoned and/or expired. No conditional use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

Scioto Township reserves the right to consider and pursue criminal and/or civil enforcement actions against any violation(s) of the terms of a Conditional Use Permit, pursuant to and in accordance with Sections 519.23 and 519.24 of the Ohio Revised Code.

- a) Single Family Residences provided the same contain at least eight hundred (800) square feet of living area exclusive of porches, garages and basements.
- b) Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garaged, to-wit:

One (1) bedroom unit	-	750 sq. ft.
Two (2) bedroom unit	-	850 sq. ft.
Three (3) or more bedroom units	-	900 sq. ft.
- c) Outside display of products for sale.
- d) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- e) Drive-thru or drive-in facilities for financial institutions, restaurants or other businesses.
- f) Outdoor storage.
- g) Telecommunications Towers subject and pursuant to Section 6.06

Section 13.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) Trailers of any type, boats, motor homes and equipment of any type shall not be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.
- d) Except as specifically permitted in Section 13.03(f) herein, no mobile home or mobile structure shall be placed or occupied in this district.
- e) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 13.06 – Development Standards: In addition to any other provisions of this resolution, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

- a) Building Site – No structure in this district shall contain more than three thousand (3,000) square feet of floor space per floor devoted to any permitted or conditional use.
- b) Lot Size – No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
 - 1) Water, Sewer, Drainage-
Identify specific provisions for water, sanitary sewer and surface drainage with engineering specifications and feasibility studies and/or other evidence of solutions that comply with health and safety standards and/or regulations as defined by County, State or Federal jurisdictions.
- c) Lot Width – No minimum lot width shall be required, however all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.

- d) Building Height – No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.
- e) Building Setback – No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- f) Side Yard – Side yards shall be required adjacent to residential districts not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) Rear Yard- Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to residential areas.
- h) Screening – All commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view of neighboring properties or public roads. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) Parking – Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) Signs – Signs identifying or advertising uses within this district shall be strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) Lighting – Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- l) Freight Loading Area – When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- m) Landscape Plan – When any use abuts a Class A or Class B road as defined in Section 21.09 herein a landscape plan shall be developed

which is compatible, in the discretion of the Zoning Board, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

ARTICLE XIV – Planned Commercial and Office District (PC)

Section 14.01 – Purpose: The Township recognizing that with increased urbanization and population growth comes increased demand for well-organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the Township hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet this demand while still preserving and enhancing the health, safety and general welfare of the inhabitants of Scioto Township.

Section 14.02 – Application: This provision of the zoning resolution shall apply to all lands within the areas under Township Zoning which are to be used for commercial or office purposes and which are not regulated by the Neighborhood Commercial or Neighborhood Office District as set forth in Articles XII and XIII of this Resolution.

Section 14.03 – Permitted Uses: Within the Planned Commercial and Office District (PC) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- a) Commercial and Office Establishments of all types developed and maintained within, and organized development of associated commercial activities in accordance with, the approved development plan.
- b) Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
- c) Commercial Establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes and convalescence homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or child care facilities.
- g) Other Commercial ventures not provided by this or other sections of this Resolution if approved as part of the plan.
- h) Wholesale Business, storage and warehouse.
- i) Apartments or residences when the same are specifically designed as part of the architecture of the structure in a village setting. All living units

constructed within this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit	-	750 Sq. Ft.
Two (2) bedroom unit	-	850 Sq. Ft.
Three (3) or more bedroom units	-	900 Sq. Ft.

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Zoning Board.

- j) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector upon a finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.
- k) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.
- l) Adult Family Home pursuant to ORC 5119.72 (A) and Residential Facility pursuant to ORC 5123.19 (O). No Adult Family Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.
- m) Telecommunications Towers subject and pursuant to Section 6.06

Section 14.04 – Conditional Uses: Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Board and/or the Township Trustees.

Section 14.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- c) Except as provided in the plan of development, trailers of any type, boats, motor homes or equipment of any type shall not be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this resolution, the restrictions in the plat or deed or the development plan.
- d) Except as specifically permitted in Section 14.03(j) or in the approved development plan no mobile office structure shall be placed or occupied in this district.
- e) Adult Group Home pursuant to ORC 5119.72 (B), and Residential Facility pursuant to ORC 5123.19 (P).
- f) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 14.06 – Procedure: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Application- The owner or owners of land under Township Zoning may request that the zoning map be amended to include such tracts in the Planned Commercial and Office District in accordance with the provisions on this Resolution.
 - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Township shall be binding upon either.

- b) Development Plan – Seventeen (17) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
- 1) The proposed size and location of the Planned Commercial District.
 - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.
 - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
 - 4) The specific proposed provisions for water, sanitary sewer, and surface drainage with engineering specifications and feasibility studies and/or other evidence or solutions that comply with health and safety standards and/or regulations as defined by County, State and Federal jurisdictions.
 - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - 7) Location of parks and other public facility sites, if any.
 - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tracts (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
 - 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

- 11) Specific statements of divergence from the development standards in Articles XII, XIII, XXI and/or XXII or existing Township regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
 - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval – In approving an application for a Planned Commercial and Office District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
 - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
 - 3) If the proposed development advances the general welfare of the Township and the immediate vicinity.
- d) Effect of Approval – The Development Plan as approved by the Township Trustees shall constitute an amendment to the zoning resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to FR-1 District unless an application for time extension is timely submitted and approved.
- e) Extension or Modification of Final Development Plan
- 1) An extension of the time limit for the completion of the approved Final Development Plan may be granted by the Scioto Township Zoning Commission provided they find that such extension is not in conflict with the public interest.

- 2) A request for minor changes to the Final Development Plan may be approved by the Scioto Township Zoning Commission. Requests for minor changes shall initially be made to the Scioto Township Zoning Commission, which shall determine if the change is minor. In approving requests, the Scioto Township Zoning Commission may impose conditions, safeguards and restrictions in order to carry out the purpose and intent of this district. If it is determined that the change is major, then 14.06(e)(3) applies.
- 3) In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial (major) departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial (major) departures from the original application:
 - i) A change in the use or character of the development;
 - ii) An increase in overall coverage of structures;
 - iii) An increase in the density or overall number of dwelling units;
 - iv) An increase in the problems of traffic circulation or public utilities;
 - v) A reduction in approved open space;
 - vi) A reduction of off-street parking and loading space;
 - vii) A reduction in required pavement widths;
 - viii) A reduction of the acreage in the PC.

In approving such requests, the Scioto Township Trustees may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district. COL1997

- f) Plat Required – In the Planned Commercial and Office District (PC), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivisions plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal

facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
- 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

Section 14.07 – Development Standards: In addition to any other provisions of this resolution, the following standards are required in this district:

- a) Fire and Explosion Hazards – All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- b) Pollution – No emission of air pollutants shall be permitted which violates the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- c) Glare, Heat and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

- d) Dust and Erosion – Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e) Liquid or Solid Waste – No discharge at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature, as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) Vibrations and Noise – No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- g) Odors – No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
- h) Setbacks – The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therefrom is approved.
- i) Building Height Limits – No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Elevator shafts, aerials and antennas may be constructed to any safe height.
- j) Building Dimensions – Buildings may contain such area of floor space as is approved in the development plan.
- k) Landscaping – All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

- l) Site Development – To the maximum extent possible, any natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.
- m) Parking – Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- n) Signs – Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which such sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

- o) The Township Zoning commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of common open space, and any other pertinent development characteristics.

ARTICLE XV

RESERVED

ARTICLE XVI – Industrial District (I)

Section 16.01 – Purpose: The Township recognizes that a well-planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention of this Township to provide those reasonable conditions under which desirable industry of all types may operate so that the health, safety and general welfare of the residents of the Township may be preserved.

Section 16.02 – Application: The provisions of this article shall apply to all areas zoned Industrial (I) as of the date of adoption of this amendment. All existing legal industrial uses on lands now zoned I within areas under Township Zoning shall be considered, for purposes of this resolution and this zoning district, permitted uses.

Section 16.03 – Permitted Uses: Within the Industrial District (I) the following uses, developed in accordance with other provisions of this resolution, shall be permitted:

- a) Wholesale business when all products are stored within the building.
- b) Enclosed warehouse or storage activities.
- c) Enclosed manufacturing industries.
- d) Enclosed service or repair activities
- e) Business Offices.
- f) Enclosed research facilities.
- g) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector upon a finding of reasonable progress toward completion of the permanent structure of project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

- h) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.

Section 16.04 – Conditional Uses: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Any use of an industrial or commercial nature not already provided for by this Resolution.
- b) Any manufacturing process not already provided for or prohibited by this Resolution.
- c) Circuses, carnivals or similar transient enterprises provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.
- d) Petroleum product storage areas.
- e) Exploration and drilling for oil or gas and production of said products.
- f) Sanitary Landfills and Solid Waste Transfer Stations provided that all required licenses and approvals are issued by appropriate state and County agencies. In addition to requirements imposed by state agencies, the Board of Zoning Appeals may require such screening as is applicable to facilities qualifying as a Public Utility and exempt from zoning.
- g) Freight or trucking terminals.

- h) The outdoor, storage, display, processing, repair or sale of raw materials, supplies, equipment or products.
- i) Telecommunications Towers subject and pursuant to Section 6.06

Section 16.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, trailers of any type, boats, motor homes and equipment of any type shall not be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this resolution or the restrictions in the plat or deed.
- d) Residential use of any kind.
- e) Except as specifically permitted in Section 16.03(g), no mobile home or mobile office structure shall be placed or occupied in this district.
- f) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 16.06 – Development Standards: In addition to any other provisions of this resolution, all lands and uses within the Industrial District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Size – No minimum lot size shall be required, however, the lot size shall be adequate to provide the required yard spaces and off street parking as herein required.

- 1) Water, Sewer, Drainage
Identify specific provisions for water, sanitary sewer and surface drainage with engineering specifications and feasibility studies and/or other evidence of solutions that comply with health and safety standards and/or regulations as defined by County, State or Federal jurisdictions.
- b) Lot Width – No minimum lot width shall be required, however, the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking.
- c) Building Height – No building shall exceed two (2) stories or thirty-five (35) feet in height.
- d) Building Setback – No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- e) Side Yards – There shall be a side yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off street parking shall encroach in said side yard except with consent of the Board of Zoning Appeals.
- f) Rear Yards – No building shall be located closer than thirty (30) feet to the rear line of any lot. No outdoor storage area or required off street parking area may encroach in the prescribed rear yard except with permission of the Board of Zoning Appeals.
- g) Screening – All outside storage areas, manufacturing areas, service areas and loading docks shall be screened by properly maintained walls, fences or shrubbery at least six (6) feet but not more than twelve (12) feet in height. Such walls, fences or shrubbery shall be of a design so as to effectively screen such storage, manufacturing, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in a neat and tidy manner.
- h) Parking – Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- i) Signs – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.

- j) Lighting – Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- k) Freight Loading Areas – When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Performance Standards – No use shall be conducted within this district which fails to maintain the following standards:
 - 1) Fire and Explosion Hazards – All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
 - 2) Air Pollution: - No emission of air pollutants shall be permitted which violates the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
 - 3) Glare, Heat and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
 - 4) Dust and Erosion – Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
 - 5) Liquid or Solid Waste – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature, as can contaminate any water supply or

interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

- 6) Vibrations and Noise – No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- 7) Odors – No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XVII – Planned Industrial District (PI)

Section 17.01 – Purpose: In the creation of the Planned Industrial District it is the intention and desire of the Township to provide those reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire Township and so that the health, safety and general welfare of all inhabitants of Scioto Township may be preserved.

Section 17.02 – Application: The provisions of this Article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning map amendment to PI. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.

Section 17.03 – Permitted Uses: Within the Planned Industrial District (PI) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
- b) Commercial Establishments normally associated with industrial establishments to the extent they are designed to serve the Industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities provided such establishments or facilities are established primarily for the employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
- c) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector upon a finding of reasonable progress toward completion of the permanent structure of project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVII of this Resolution.

- d) Telecommunications Tower as defined in the Ohio Revised Code, Sec. 519.211(B)(1).
- e) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.

Section 17.04 – Conditional Uses: Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Board and/or the Township Trustees.

Section 17.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Except as provided in the development plan the outdoor storage of any inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited.
- c) Except as provided in the plan of development, trailers of any type, boats, motor homes and equipment of any type shall not be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this resolution, the restrictions in the plat or deed or the development plan.
- d) Residential uses of any kind.
- e) Except as specifically permitted in Section 17.03(c) or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district.
- f) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana shall be prohibited within this district.

Section 17.06 – Procedure: In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Application – The owner or owners of lots and lands within the Township may request that the zoning map be amended to include such tracts in the Planned Industrial District in accordance with the provisions of this resolution.
 - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Committee prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Township shall be binding upon either.
- b) Development Plan – Seventeen (17) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
 - 1) The proposed size and location of the Planned Industrial District.
 - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.
 - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
 - 4) The specific proposed provisions for water, sanitary sewer, and surface drainage with engineering specifications and feasibility studies and/or other evidence of solutions that comply with health and safety standards and/or regulations as defined by County, State and Federal jurisdictions.
 - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - 7) Location of parks and other public facility sites, if any.

- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), should be fully described in text form in a manner calculated to give Township Officials definitive guidelines for approval of future phases.
 - 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
 - 11) Specific statements of divergence from the development standards, in Article XXI or XXII or existing Township regulations or standards. Unless a variation from the development standards is specifically approved, the same shall be complied with.
 - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval – In approving an application for a Planned Industrial District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
 - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof which may apply.
 - 3) If the proposed development advances the general welfare of the Township and the immediate vicinity.
- d) Effects of Approval – The Development Plan as approved by the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded

and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to FR-1 District unless the application for time extension is timely submitted and approved.

e) Extension of Time of Modification

- 1) An extension of the time limit for the completion of the approved Final Development Plan may be granted by the Scioto Township Zoning Commission provided they find that such extension is not in conflict with the public interest.
- 2) A request for minor changes to the Final Development Plan may be approved by the Scioto Township Zoning Commission. Requests for minor changes shall initially be made to the Scioto Township Zoning Commission, which shall determine if the change is minor. In approving requests, the Scioto Township Zoning Commission may impose conditions, safeguards and restrictions in order to carry out the purpose and intent of this district. If it is determined that the change is major, then 17.06(e) (3) applies.
- 3) In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial (major) departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial (major) departures from the original application:
 - i) A change in the use or character of the development;
 - ii) An increase in overall coverage of structures;
 - iii) An increase in the density or overall number of dwelling units;
 - iv) An increase in the problems of traffic circulation or public utilities;
 - v) A reduction in approved open space;
 - vi) A reduction of off-street parking and loading space;
 - vii) A reduction in required pavement widths;
 - viii) A reduction of the acreage in the PI.

In approving such requests, the Scioto Township Trustees may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district. COL1997

- f) Plat Required – In the Planned Industrial District (PI), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and

recorded in accordance with Subdivision Regulations for Scioto Township, Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use the indication of the nature of such use.
 - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon and the activities of occupants.
 - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officer in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.
- g) Administrative Review – All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Board and the Board of Township Trustees or their designed technical advisors for administrative review to insure substantial compliance with the development plan as approved.

Section 17.07 – Development Standards: In addition to any development standards imposed or approved as part of the plan of development, the following standards shall apply:

- a) Fire and Explosion Hazards – All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of

waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

- b) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- c) Glare, Heat and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- d) Dust and Erosion – Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e) Liquid or Solid Wastes – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- g) Vibrations and Noise – No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- h) Odors – No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environment Protection Agency shall be adhered to.
- i) Setbacks – The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therefrom is approved.
- j) Building Height Limits – No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the

exterior wall of the structure. Elevator shafts, aerials and antennas may be constructed to any safe height.

- k) Building Dimensions – Building may contain such area of floor space as is approved in the development plan.
- l) Landscaping – All yards, front, side, and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- m) Site Development – To the maximum extent possible, any natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.
- n) Parking – Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- o) Signs – Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

- p) The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement and maintenance of common open space; and any other pertinent development characteristics.

ARTICLE XVIII – Quarry District (QD)

Section 18.01 – Purpose: The Township recognizes that a well planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention of this Township to provide those reasonable conditions under which Quarry Operations may operate so that the health, safety and general welfare of the residents of the Township may be preserved.

Section 18.02 – Applications: The provisions of this article shall apply to all areas zoned Industrial (I) with a conditional use for Quarry Operations as of the date of adoption of this amendment. All existing Quarry Operations on lands now zoned Industrial (I) with a conditional use for Quarry Operations within areas under Township Zoning shall be considered, for purposes of this resolution and this zoning district, permitted uses.

The Board of Township Trustees or the Zoning Board will require that an application and plan of development be filed under this article for future Quarry Operations or expansions or operations requiring zoning amendments.

Section 18.03 – Permitted Uses: Within the Quarry District (I) the following uses, developed in accordance with other provisions of this resolution, shall be permitted:

- a) Quarry Operations and other activities providing for the removal, processing and sale of stone, sand or gravel.
 - 1) Enclosed service or repair activities.
 - 2) Business offices.
 - 3) Enclosed warehouse or storage activities.
 - 4) Outdoor storage or quarried product i.e., stone, sand or gravel.
 - 5) Outdoor construction or repair of equipment which is commonly deemed necessary to conduct Quarry Operations on the site.
 - 6) Enclosed manufacturing industries.
 - 7) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice

(2). Renewal of the permit shall be at the discretion of the Zoning Inspector upon a finding of reasonable process toward completion of the permanent structure of the project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

- b) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.

Section 18.04 – Conditional Uses: Provisions for conditional uses are generally unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Board and/or the Township Trustees.

- a) The following are considered conditional uses and may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such Use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

NOTE: For information purposes, hours of operation are to be included as a part of the plan submitted to the Board of Zoning Appeals.

- 1) Asphalt production

- 2) Concrete production
- 3) Petroleum and/or explosive product storage

Section 18.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this Article of the Zoning Resolution shall be permitted.
- b) Except as provided in the development plan, the outdoor storage of any abandoned motor vehicles for a period exceeding seven (7) days is prohibited.
- c) Residential uses of any kind.
- d) Except as specifically permitted in Section 18.03(7) or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district.
- e) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 18.06 – Procedure: In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Application: The owner or owners of lots and lands within the Township may request that the zoning map be amended to include such tracts in the Quarry District in accordance with the provisions of this resolution.
 - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the county Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Township shall be binding upon either.
- b) Development Plan - Seventeen (17) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
 - 1) The proposed size and location of the Quarry District.
 - 2) The planned landscaping character of the tract including proposed reclamation plans.

- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The specific proposed provisions for water, sanitary sewer, and surface drainage with engineering specifications and feasibility studies and/or other evidence of solutions that comply with health and safety standards and/or regulations as defined by County, State and Federal jurisdictions.
- 5) The proposed traffic patterns showing public and private street and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- 6) The relationship of the proposed quarry operation to existing and probable uses of surrounding areas. In addition, text and maps should address plans and/or actions to deal with community quality issues i.e., Noise, ground and/or air vibrations, air quality, water quality, etc. If not provided, environment impact studies may be requested by Township Officials.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for quarrying of the site.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, should be fully described in text form in a manner calculated to give Township Officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
- 11) Specific statements of divergence from the development standards, in Article XXI or XXII or existing Township regulations or standards. Unless a variation from the development standards is specifically approved, the same shall be complied with.

NOTE: For information purposes, hours of operations are to be included as a part of the plan.

- c) Criteria for Approval: In approving an application for a Quarry District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
 - 2) If the proposed Quarry Operation is in conformity with the comprehensive plan or portion thereof as it may apply.
 - 3) If the proposed Quarry Operation advances the general welfare of the Township and the immediate vicinity.
- d) Effect of Approval: The Plan as approved by the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment.
 - e) Administrative Review: All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the Board of Township Trustees or their designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

Section 18.07 – Development Standards: In addition to any other provisions of this resolution, all lands and uses within the Quarry District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Size – No minimum lot size shall be required, however, the lot size shall be adequate to provide the required yard spaces and off street parking as herein required.
- b) Lot Width – No minimum lot width shall be required, however, the Quarry tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking.
- c) Building Height – See Section 18.06(b)(11).
- d) Building Setback – No building or use shall be located closer to the right-of-way or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- e) Side Yards – There shall be a side yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off street parking shall encroach in said side yard.

- f) Rear Yards – No building shall be located closer than thirty (30) feet to the rear line or any lot. No outdoor storage area or required off street parking area may encroach in the prescribed rear yard.
- g) Screening – All outside storage areas, manufacturing areas, service areas and loading docks shall be screened by properly maintained walls, fences or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, manufacturing, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in a neat and tidy manner.
- h) Parking – Off street parking shall be provided within this district in strict compliance with the provisions at Article XXI of this Resolution.
- i) Signs – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- j) Lighting – Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- k) Freight Loading Areas – When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Quarry Operations – Quarry operations, meaning the actual removal of stone, sand or gravel, shall not be located closer to the right-of-way line or center line of an adjacent public or private road or the property line of an adjacent property than permitted by township, county, state or federal regulations or rules depending upon which entity has jurisdiction at the time of expansion.
- m) Performance Standards – No use shall be conducted within this district which fails to maintain the following standards:
 - 1) Fire and Explosion Hazards – All activities, including storage, involving flammable, explosive or hazardous

materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Mine Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

- 2) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- 3) Glare, Heat and Exterior Light – Any operations producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property wherein the use is conducted.
- 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- 5) Liquid or Solid Wasted – No discharge at any point into a public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacteria processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- 6) Vibrations and Noise- No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- 7) Odors – No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XIX – Agricultural Preservation District (A-1)

Section 19.01 – Purpose: The Agricultural Preservation District is intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development.

Section 19.02 – Application: This section shall apply to all prime agricultural lands, the owner of which has applied for classification herein provided such lands meet the criteria established by state law as to size, location, productivity and classification.

Section 19.03 – Permitted Uses: Within the Agricultural Preservation District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Farm residence.
- b) Accessory buildings and accessory uses including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.
- c) One occupied mobile home to be occupied by full time farm labor only and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one mobile home shall be located on any farm under Township Zoning.
- d) Projects specifically designed for watershed protection, conservation of water or soils or for flood control.
- e) Agriculture as defined by O.R.C. 519.01 to mean: farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals, poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops; tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Further, in accordance with the restrictions and requirements set forth in O.R.C. 519.21, the Board of Township Trustees, Zoning Commission, or Board of Zoning Appeals shall permit and/or regulate the agricultural uses in the A-1 District.

- f) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector upon a finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.
- g) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than (6) days in any calendar year or more than three (3) consecutive days.
- h) Small Wind Farm Projects with an aggregate electrical capacity of less than 5 MW and with a single interconnection to an electrical grid – refer to ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS – SECTION 21.12 for detailed requirements.
- i) Adult Family Home pursuant to ORC 5119.72 (A) and Residential Facility pursuant to ORC 5123.19 (O). No Adult Family Home pursuant to ORC 5119.72 (D) (1) shall be located within a one (1) mile radius of another such facility, measured from the property line of one (1) facility to the property line of another facility.

Section 19.04 – Conditional Uses: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of the Resolution. Conditionally permitted uses shall be considered and declared abandoned and expired if said use or use(s) are not commenced within one (1) year or if they are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or their agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of the Board to declare the Conditional Use Permit

abandoned and/or expired. No conditional use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

Scioto Township reserves the right to consider and pursue criminal and/or civil enforcement actions against any violation(s) of the terms of a Conditional Use Permit, pursuant to and in accordance with Sections 519.23 and 519.24 of the Ohio Revised Code.

- a) Home occupations conducted by the resident of permitted dwelling subject to the following restrictions:
 - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) Only one sign, not larger than six (6) square feet and no part of which is more than four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
 - 3) The home occupation shall occupy not more than thirty three percent (33%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space when an attached garage is included and is used for a home occupation. An unattached accessory building may be utilized for home occupation at one hundred (100%) percent, provided that the home occupation does not exceed two thousand five hundred (2,500) square feet of the accessory building.
 - 4) No more than one (1) non-resident employee shall work on said premises.
 - 5) Services may be rendered on the premises or elsewhere.
 - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use

which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)

- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises and the site complies with all F.A.A. regulations.
- c) Permanent structures or improvements used for retail sale of agricultural products produced on the premises.
- d) Conversion of existing residential structures to permit occupancy by more than one family.
- e) Telecommunications Towers subject and pursuant to Section 6.06

Section 19.05 – Prohibited Uses:

- a) No use not specifically authorized by the express terms of this chapter of the zoning resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- d) Except as specifically permitted by Section 19.03(c) or (h) herein, no mobile home shall be placed or occupied in this district.
- e) Adult Group Home pursuant to ORC 5119.72 (B), and Residential Facility pursuant to ORC 5123.19 (P).
- f) Pursuant to the authority granted by Ohio Revised Code Sec. 3796.29, the cultivation, processing and retail dispensing of medical marijuana are prohibited within this district.

Section 19.06 – Development Standards: All lands and uses within the Agricultural Preservation District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area – No parcel of land in this district shall be used for residential purposes which has an area of less than five (5) acres (217,800 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.
- b) Lot Frontage – Except as hereinafter set forth all lots or parcels within this Zoning District shall have three hundred (300) feet frontage on a road approved by the Delaware County Engineer.

Lots or parcels having less than the above listed minimum frontages on the right-of-way line of the adjoining approved road or street must have a lot width fifty (50) feet forward of the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right of way line be less than sixty (60) feet in width and the parcel shall not be less than sixty (60) feet in width at any point forward of the building line of the principal residence located on the premises.

- c) Building Height Limits – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) Building Dimensions (Floor Space Requirements) – Each single family dwelling hereafter erected in this district shall have a living area of not less than eight hundred (800) square feet. All such living areas shall be exclusive of basements, porches or garages.
- e) Building Set Back- No building or use shall be located closer to the right-of-way line or center line or the adjacent public or private road than permitted in Section 21.09 herein.
- f) Side Yard Set Back – Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Section 7.04 (o) herein, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) Rear Yard Requirements – No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage – On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- i) Parking – Off street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the recommended standards set forth in Article XXI of this Resolution.

Trailers of any type, boats, motor homes and equipment of any type shall be parked at least fifty (50) feet from the road right-of-way on any parcel within the district.
- j) Signs – Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except

for “For Sale” or “For Rent or Lease” signs advertising the tract on which such sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one (1) sign not exceeding forty-eight (48) square feet in area per side advertising said tract for sale.

ARTICLE XX –

RESERVED

ARTICLE XXI – General Development Standards

Section 21.00 – General: It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to insure that the general welfare of citizens of Scioto Township, Delaware County is protected and enhanced. These development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district, the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

Section 21.01 – Parking: Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution. The following conditions shall apply:

- a) **Dimensions** – All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aisles or driveways of sufficient width to permit easy and smooth access to all parking spaces.
- b) **Paving** – Except in the Farm Residence Zoning District (FR-1) and the Agricultural Conservation District (A-1) all common parking areas and adjacent aisles or driveways are recommended to be paved with asphaltic material or cement.
- c) **Driveways** – All driveways serving parking lots for five (5) or more vehicles should be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway should be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways should be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet.
- d) **Parking Area Location** – Except in the single family districts (A-1) and (FR-1), no parking lot or parking area shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located and parking in front of the main structure may be permitted only if not more than forty percent (40%) of the front set back area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served.

- e) Required Off-Street Parking Spaces – The user of any tract shall provide off-street parking for all employees, customers, visitors and invitees. The following table shall specify the minimum parking areas to be provided:

Parking Spaces

	USE	REQUIRED PARKING SPACES
1	Single family residential	4 per dwelling unit
2	All other residential	3 per dwelling unit
3	Hotels, motels, lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on largest shift plus 1 for each four seats in the dining room or restaurant area
4	Hotels, motels, lodges exhibition halls and public assembly areas (except churches)	1 per rental unit plus 1 per employee on the largest shift plus 1 per 75 sq. ft. of floor area used for exhibition or assembly purposes plus 1 per 4 seats in any restaurant therein
5	Churches or places of public assembly	1 for each three (3) seats or one (1) for each forty-five (45) sq. ft. of assembly area, whichever is greater
6	Hospitals	1-1/2 for each bed plus 1 for each employee on the largest shift
7	Nursing Homes	1 for each 2 beds plus 1 for each employee on the largest shift
8	Museums, libraries, etc.	1 for each 400 sq. ft. of area open to public plus 1 for each employee on largest shift
9	Primary or elementary schools	4 for each classroom
10	Secondary schools, colleges, trade schools, etc.	4 for each classroom plus 1 for each four (4) students
11	Restaurants	1 for each two (2) seats plus 1 for each employee on the largest shift; not less than 25 parking spaces shall be provided
12	Offices	1 for each 400 sq. ft. of floor area plus 1 for each employee
13	Funeral Homes	1 for each 25 sq. ft. of public area
14	Retail Stores	5 plus 1 for every four hundred (400) sq. ft. of floor space
15	All industrial, warehousing	20 plus 1 for each two (2) employees plus 1 for each vehicle maintained on premises

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as set forth herein.

Section 21.02 – Height Limitations: The building height limitations set forth in this Resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator

shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aeriels, antenna or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract.

Section 21.03 – Structure Separation: No principal structure shall be located closer than twenty-five (25) ft. to another principal structure unless the adjacent walls of both structures are masonry in which event said principal structures shall be no closer than fifteen (15) feet to another principal structure unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

Section 21.04 – Sanitary Sewer Requirements and Pollution Control: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency, The Delaware County Department of Health and The Delaware County Sanitary Engineer's Department. Prior to the issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

Section 21.05 – Water Impoundments: All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

- a) Adjacent to all class "A" roadways no impoundment shall be located closer than twenty-five (25) feet to the right-of-way or fifty-five (55) feet of the center line of any adjacent approved road. No impoundment shall be located closer than fifty (50) feet to the right-of-way of U.S. Route 36 and State Routes 257 and 37.
- b) No impoundment shall be located in the front yard in any district, except the FR-1 or A-1 district, except upon issuance of a conditional use permit pursuant to Article XXVIII of this Resolution or as approved in plans of development or approved subdivision plats.
- c) All installed in-ground or permanent swimming pools, or the entire property upon which they are located, shall be walled or fenced to prevent uncontrolled access by individuals from the street, road or from adjacent properties. Said wall or fence shall be in accordance with the Building Code of Delaware County, Ohio as adopted and enforced by the Delaware County Code Compliance Department. All such walls or fences shall be inspected and approved through Delaware County Code Compliance.

Section 21.06 – Landscaping: All uses and improvements in the Township should pay close attention to maintenance of proper landscaping as soon as possible after

completion of construction of the principle structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees removed during the land clearing should be accomplished as soon as possible.

Section 21.07 – Drainage: All construction within areas under Township Zoning shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to insure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. Where applicable, the Delaware County Urban Sediment Pollution and Water Run Off Control Regulations shall be complied with. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Regulations to property owners on installation of driveway pipe: Scioto Township requires installation thirty (30) feet length, minimum 12” diameter with a twenty-five (25) feet set back from the middle of the road. A variance could be issued by the Township Trustees for unusual circumstances. Plastic pipe may be installed with ODOT specifications.

Section 21.08 – Flood Plain Restriction: Certain limited areas under this Resolution lie within the flood plain of the Scioto River or its tributaries. Inundation of this area during periods of high water can impose great loss of property value, unless controls are imposed to insure that land uses within this area consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the Township, the following regulations shall be imposed:

- a) The County Building Department maintains on file for public examination current maps delineating the boundaries within the Township of all lands designated 100 year “Flood Plain” by the Federal Emergency Management Agency (FEMA).
- b) Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment or violate the “Flood Damage Prevention Regulations for Delaware County.”
- c) No new structure shall be permitted within the 100 year flood plain and uses shall be limited to those permitted within the “Flood Damage Prevention Regulations for Delaware County.”

Section 21.09 – Set Back Regulation: No building or use (except parking area) shall be located closer to the centerline of adjoining streets, roads, highways, common access driveways (public or private) or private roadways than the distances set forth in the table

set forth hereinafter. For purposes of this table and for all other purposes of the zoning resolution, streets, roads, highways, common access driveways and approved private roadways shall be classified in one of the three following classes:

- a) Class A – Roadways designated in the Road Classification Plan of Delaware County, Ohio, made a part of this Resolution, as CLASS A roads, or any other roads as later designated by the Township Trustees.
- b) Class B – Any other through public street or road or any private roadway approved by the County Engineer connecting two or more public roads.
- c) Class C – Common access driveways, dead end roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said common access driveway, roadway or any branch therefrom to create a connecting street between two or more existing or future streets, roads or common access driveways

MINIMUM SET BACK DISTANCES

All distances are measured from the centerline of the existing or proposed roadway to the nearest use or improvement, except parking areas or signs which may be located within the set back area as regulated by Article XXI of this Resolution.

Set Back Distances

USE CLASSIFICATIONS	CLASS A	CLASS B	CLASS C
F R – 1 Residential	130	90	90
P R D Residential	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
C-1 and C-2 Commercial and Office	130	80	60
P C Commercial and Office	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
I Industrial	130	130	100
P I Planned Industrial	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
A – 1 Agricultural	130	90	90

Section 21.10 – Installation of Satellite Signal Receiving Earth Stations: Installation of dish type Satellite Signal Receiving Earth Stations shall be governed by this Article and the following regulations shall be imposed:

- a) No installation may be made forward of the front building line of the principal structure and no antenna or dish shall be placed nearer than twenty (20) feet to any property line.
- b) No disk or dish having a diameter of greater than twenty-four (24) inches may be located on the roof of any residential structure or accessory building on a residential or agricultural lot and the top of such disk or dish may not be more than twelve (12) feet above the ground level.
- c) No disk or dish having a diameter of more than twenty-four (24) inches shall be installed on the roof or other mounting more than six (6) feet above ground level in a commercial or industrial district unless the mounting of the same is designed to withstand a wind force of eight-five (85) miles per hour and a certificate is furnished to the Zoning Inspector, signed by a licensed and qualified engineer, that the installation in conformity to the above limitations.
- d) No dish or disk shall be permitted within the Township which exceeds twelve (12) feet in diameter unless the same is specifically approved as part of the development plan in the Planned Office/Commercial District or an Industrial District.
- e) No permit for installation of a disk or dish shall be required for a dish measuring twenty-four (24) inches in diameter or less. For any dishes greater than twenty-four (24) inches in diameter a permit fee as prescribed by the Board of Township Trustees shall be paid to the Zoning Inspector and permit forms shall be executed as prescribed.

Section 21.11 – Driveway Construction: It being considered important that driveways serving any property or use be constructed in a manner which insures access by emergency vehicles and the free and safe flow or traffic from public streets or roads, the following standards are recommended for such driveways:

- a) All driveways (any use). In addition to the conditions or specifications imposed in subsections (b) or (c) hereinafter established, the following specifications are recommended for all driveways, regardless of the use served thereby:

- 1) Driveway should not have a grade, up or down, from the public road pavement level exceeding eight percent (8%).
- 2) Driveway should not, at any point over its entire length, contain a grade exceeding eight percent (8%).
- 3) At the point the driveway intersects the public road, the driveway shall have such radii and drain pipe as specified or required by the governmental agency (State, County or Township) which controls the public roadway.
- 4) If the driveway leaves the public road on an up-grade, the design and construction should include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.
- 5) If any driveway crosses a drainage swale, stream or ditch the same should be bridged by a pipe or such structure as required to permit the unobstructed passage of all surface water generated by a five (5) year storm. Any pipe should be of sufficient length to extend not less than three (3) feet beyond the toe of the slope of the fill over said pipe unless a properly designed head wall is installed to protect the end of such pipe. Any bridge or structure spanning a stream or ditch should be designed by a Professional Engineer with HS fifteen (15) loading. No bridge should be less than twelve (12) feet in width. If the driveway serves a commercial or industrial use the bridge should be not less than eighteen (18) feet in width.
- 6) If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill should be no steeper than a two to one slope. All fill areas should be scalped of vegetation and excavated to load bearing soil before fill material is placed over it. Such fill should be free of all human and organic materials and should be compacted to a density of ninety-five percent (95%) proctor. The fill should be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guardrails or barriers should be installed when necessary to create safe conditions.
- 7) Drainage ditches should be constructed as necessary parallel to said driveway which ditch should be graded to a good and sufficient outlet. Siltation control should be placed in any

ditch and such siltation should not flow to roadside ditches along public roads.

- 8) All curves in the driveway should be of sufficient radius (not less than fifty (50) feet) to permit unhindered passage of public safety vehicles including fire vehicles and all other vehicles reasonably expected to utilize the same.
 - 9) All trees, overhanging branches or other obstructions to the free passage of public safety vehicles should be removed.
 - 10) Obstructions on the prevailing wind-ward side of the driveway which contribute to drifting of snow should, when possible, be removed.
- b) Residential Driveways: In addition to the conditions imposed by Section 21.11(a), the following standards are recommended for driveways serving residential structures or uses:
- 1) Driveways serving individual residential structures should not be less than ten (10) feet in width and should be constructed over an aggregate base of reasonable depth.
 - 2) Driveways serving two (2) or more residences (not including apartment structures) shall be twelve (12) feet in width and shall be constructed over an aggregate base of reasonable depth.
 - 3) If any residential driveway is over five hundred (500) feet in length, widened paved passing areas at least fifteen (15) feet in width should be provided at reasonable intervals, not more than three hundred (300) feet distance from each other to permit the free passage of traffic over said drive.
 - 4) Dust control should be provided on an “as needed” basis.
- c) Commercial, industrial, public facility and apartment complex driveways. In addition to the conditions recommended by Section 21.11(a), the following standards are recommended for driveways serving all commercial and industrial uses and apartment complexes containing ten (10) or more units and served by a common parking area:
- 1) Driveways should be not less than twenty (20) feet in width.

- 2) Driveway base and surface should be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.
- 3) The finished surface of the driveway should be hard surfaced and may be of any Ohio Department of Transportation approved materials.

Section 21.12 – Small Wind Farm Projects less than 5MW - As used in this section, "small wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

Wind Farm Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Farm Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind farm project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use/Permit Required in any zoning district except those expressly zoned for residential use. A Conditional Use Permit shall be required in all districts zoned for residential use. The areas zoned for residential use shall be deemed to be all land located within the following districts: Farm Residential (FR- I), Planned Residential (PRD) and Planned Residential Conservation District (PRCD).

a) Definitions:

- 1) **Accessory Structures:** Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.
- 2) **Anemometer:** An instrument that measures the force and direction of the wind.
- 3) **Clear Fall Zone:** An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel. and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

- 4) **Cowling:** A streamlined removable metal cover that encloses the turbine's nacelle.
- 5) **Decibel:** A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
- 6) **Nacelle:** A separate streamlined metal enclosure that covers and sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.
- 7) **Primary Structure.** For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
- 8) **Professional Engineer.** A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- 9) **Megawatt (MW):** A unit of power, equal to one million watts.
- 10) **Small Wind Farm Project:** Any wind project less than 5MW which includes the wind turbine generator and anemometer.
- 11) **Wind Power Turbine Owner.** The person or persons who owns the Wind Turbine structure.
- 12) **Wind Power Turbine Tower.** The support structure to which the turbine and rotor are attached.
- 13) **Wind Power Turbine Tower Height.** The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

The following conditions shall be met for both Permitted and Conditional Use Permit:

b) General Requirements

- 1) **Height:** The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated

by measuring the length of a prop at maximum vertical rotation to the base of the tower.

2) Setbacks: Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established “clear fall zone”, from all road right-of-way lines and neighboring property lines, structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located, and would not strike any structures including the primary dwelling, and any inhabited structures.

3) Maintenance: Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine tower, provide written notice of abandonment to the Zoning Inspector. An unused tower wind turbine or small wind project farm may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine tower and associated equipment shall be borne by the owner. A wind turbine tower is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

4) Decibel Levels: Decibel levels shall not exceed those provided by the manufacturer as required in Section II Permits, C, 2, e. All units shall operate not more than 5 decibels above the established ambient decibel levels at property lines. This information shall be included in the engineering report described in Section II Permits. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property lines. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.

5) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

6) Warning Signs: Appropriate warning signs to address voltage shall be posted.

7) Building Permits: All Small Wind Projects Farms and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.

c) Permits

1) A permit shall be required before construction is commenced on an individual wind turbine project system.

2) As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

3) Applicant shall then provide the Township Zoning Inspector with the following items and/or information when applying for a permit:

i) Location of all public and private airports in relation to the location of the wind turbine.

ii) An engineering report that shows:

- a. The total size and height of the unit
- b. If applicable, the total size and depth of the unit's foundation structure concrete mounting pad, as well as soil and bedrock data.
- c. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
- d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
- e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
- f. Ambient noise levels at property lines.
- g. Hazardous materials containment and disposal plan.

iii) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.

iv) Evidence of an established setback of 1.1 times the height of the wind turbine and "clear fall zone." with manufacturer's recommendation must be attached to the engineering report.

v) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled.

ARTICLE XXII – Sign and Billboard Regulations

Section 22.01 – Purpose: The purpose of this sign regulation is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types. It is intended to protect values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.

Section 22.01 (a) - Signs and Billboards – Definitions: – All of the following definitions are applied and specific to Article XXII – Sign and Billboard Regulations and each defined word is prefaced by the term “Sign”.

- 1) **Abandoned:** Refer to Section 22.07 for definition/description.
- 2) **Advertise/Advertisement:** To make public announcement or notice designed to attract public attention and/or patronage.
- 3) **A-Frame:** See Sandwich Board.
- 4) **Address:** Address signs are numbers or placards comprising less than one and one half (1-1/2) square feet of advertising area typically located on a mailbox, post, or house front.
- 5) **Animated:** Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.
- 6) **Banner:** A flag, pennant or other device emblematic of a political jurisdiction/domain, a faith, military command and/or profession.
- 7) **Bench:** Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.
- 8) **Billboard:** 1) A structure for the display of advertisements in public places and/or alongside roads/highways; 2) A large surface display board of either two (2) dimensions of length and width, or polygon or of three (3) dimensions of height, length and width, used for advertising.
- 9) **Bunting:** A light fabric especially used for flags and streamers.
- 10) **Bus Shelter:** Any sign painted on or affixed to any bus shelter.
- 11) **Cabinet:** A sign cabinet is the mechanical portion of an internally lit sign. The sign cabinet typically consists of a metal frame, with a lighted background face; Sign cabinets typically mount either to a wall, or to a pedestal or monument. A

sign cabinet may be either one sided (wall mount) or two (2) sided (monument sign).

- 12) **Changeable Copy (Manual):** A sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a reader board with changeable letters.
- 13) **Changeable Copy (Mechanical or Electronic):** A sign or portion thereof, on which characters, letters or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.
- 14) **Commercial Billboard/Non-Commercial Billboard:** An outdoor display surface upon which are placed fixed symbols, marks, words or attractions, to convey information, directions, ideas and opinions to the public.
- 15) **Development:** A temporary sign indicating such things as the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the development, structure, or project. This includes both private and public projects.
- 16) **Electronic-digital Billboards:** A display surface upon which digits, characters or graphics are displayed by electronic means.
- 17) **Electro-mechanical Billboards:** A display surface on which all or part of the display surface has parts operated by mechanical apparatus, powered by electrical motors.
- 18) **Entry Feature:** An on premises ground-mounted sign that graphically identifies a residential subdivision and/or multi-family development. For commercial properties, see **Joint Identification**.
- 19) **Face:** The surface intended for the display of information on the sign.
- 20) **Flashing:** 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 by a conspicuous and intermittent variation in light or movement.
- 21) **For Sale/For Rent/For Lease:** A sign indicating the sale, rental, or lease of a structure or property.
- 22) **Freestanding:** A sign or billboard intended to be erected and used permanently whose support structure is imbedded in the ground, and not part of any building.

- 23) **Gas-Inflatable Device:** Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.
- 24) **Governmental:** A sign erected and maintained pursuant to and in discharge of any government functions or required by law, ordinance, or other governmental regulations.
- 25) **Graphics:** The making of drawings, printings, or engravings; vivid lifelike pictorial information displayed or printed by computer or person.
- 26) **Ground:** A free standing sign whose advertising area is mounted directly to a base, pole, pylon or monument with the bottom of the advertising area less than three (3) feet above the grade and the maximum height of the advertising area that is no more than fifteen (15) feet above the grade.
- 27) **Height:** Unless otherwise specified, the height of a sign or billboard is the vertical distance between the top of its advertising area and the existing grade of the earth's surface.
- 28) **Identification:** A sign used to identify the name of the individual, family, organization, or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.
- 29) **Illuminated:** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.
- 30) **Informational Window:** Window signage with a total area of two (2) square feet or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment.
- 31) **Joint Identification:** A sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two (2) or more uses within one (1) building or on one (1) property or the name of the building or its address for property occupied by two (2) or more businesses, or for a shopping center, office park, industrial park, or other building complex.
- 32) **Marquee:** A projecting roof or canopy above a door or sidewall and which is supported by the building when such roof, door or canopy covered structure extends beyond the building or building line.
- 33) **Menu Board:** A permanently mounted sign displaying the bill of fare for a restaurant, drive-in or drive-through restaurant or instructions or services for other drive-through establishments.

- 34) **Monument:** A permanent, two-sided free-standing square or rectangular ground sign placed perpendicular to the street where the base of the rectangle of the sign that is closest to the ground is at least twice the height of the main body of the sign. The main face of a monument sign may either be flush with the ground or flush against a finished stone or brick base, or affixed to poles less than three (3) feet in length so that the clearance from the underside of the sign to the base is less than three (3) feet. (Also see **Ground**)
- 35) **Moving:** Any sign, all or any parts of which physically moves up or down or sideways, revolves or is animated so as to give the appearance of movement.
- 36) **Non-Conforming:** A sign that does not conform to the standards set forth in this code.
- 37) **Off Premise:** A sign not located on the same parcel of property as the business or thing being advertised.
- 38) **Pennant:** A triangular shaped banner.
- 39) **Permanent Residential Subdivision Identification Signage:** Those signage features specifically relating to the denotation of a major entrance or entrances to a residential subdivision.
- 40) **Permanent:** A sign intended to be erected and used or in fact which is used for a time period in excess of one year.
- 41) **Pole:** A sign whose advertising area is mounted on one or more poles (i.e. metal, wood, concrete) that are embedded in and extending upward from the ground, and where the bottom of the advertising area is more than three (3) feet above the ground.
- 42) **Political Graphic:** A billboard or other graphic, the purpose of which is to support or oppose any candidate or candidates for public office or any ballot questions or issues to be voted on in any election.
- 43) **Portable:** A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.
- 44) **Product:** A sign typically located in a window, advertising a product or service offered by a business.
- 45) **Projected Image:** An image projected onto a building, structure, or sign.
- 46) **Projecting Nameplate:** A sign indicating only the name and/or address of an occupant that extends outward perpendicular to the building face.

- 47) **Projecting:** A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building. Such signs must be perpendicular to the building face upon which they are attached.
- 48) **Promotional:** A temporary sign that provides information regarding time, place, and the like of a special event, community activity or similar activity.
- 49) **Raceway:** An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.
- 50) **Re-facing:** Any alteration to the face of a sign involving the replacement of materials or parts. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.
- 51) **Roof:** A sign erected upon the roof of a building, any portion of which is above the roof line of the building.
- 52) **Sandwich Board:** A sign with two (2) hinged boards which can be placed on the ground.
- 53) **Secondary Image:** Any and all text, graphics, or images displayed on a sign in addition to the name of the use or business, including but not limited to pictorial representations, tag lines, products and phone numbers.
- 54) **Sign:** Any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior façade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity. A sign shall further be defined as an outdoor display intended to identify or attract attention to the premises on which it is located; the businesses, organizations, or individuals conducting professional activities on the premises; or the products or services sold, distributed, produced, or repaired on the premises. Signs also include outdoor displays used by businesses, organizations, or individuals conducting professional activities on the premises to convey information, ideas, and opinions to the public. The word “sign” as used throughout this section means signs that are externally visible from adjacent properties or streets. Signage that is placed internally within a building that is not externally visible shall be excluded from sign regulations.

- 55) **Structure:** The supporting unit of a sign face, including but not limited to frames, braces and poles.
- 56) **Temporary:** A sign intended to be used and in fact used for a time period of one (1) year or less.
- 57) **Wall:** A sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.
- 58) **Window:** A sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two (2) feet of the window and intended to be viewed through the window from the exterior of the premises.

Section 22.02 – Permitted Signs – No Permit Required: The following signs shall be permitted in the Township subject to the regulations set forth in this Section. No zoning permit shall be required for any sign constructed or erected under the terms of this Section.

- a) Signs for Sale, Lease or Rent of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side with not more than two (2) sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy by the purchaser.
- b) Signs for Home Occupation – One (1) sign per residence shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Board of Zoning Appeals.
- c) Identification, Informational, or Directional Signs: On-site directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum of two (2) square feet in area and three (3) feet in height above the grade and do not interfere with safe vehicular or pedestrian traffic circulation and are located within the clear sight distance triangle. No more than two (2) such signs are allowed per vehicular access point. Such signs may contain information such as “in”, “enter”, “entrance”, “out”, “exit”, “do not enter” or similar

language as approved by the Zoning Inspector or his designee or arrows indicating desired traffic movement. Such signs may contain no advertising, including logos and must be of a rectangular shape. Such signs must be on the property to which they refer and may not be placed within a public right-of-way. All legally authorized traffic control signs and devices erected by governmental agencies shall be exempt from this Resolution.

- d) Name and Address of Occupant of residential property provided that such sign is not more than six (6) square feet in area per side and is located outside the easement or right-of-way of any road. Not more than one sign shall be permitted per residence.
- e) Political Signs – The erection of political signs shall be permitted in any district under the Township Zoning Resolution provided that said signs.
 - 1) Are located outside the right-of-way limits of the road and do not interfere with visibility of vehicular traffic entering or leaving the highway. Signs shall not be placed on Public Utility Poles or Public Property without proper authorization and in no event shall such signs be within public road right-of-way.
 - 2) Reserved for future narrative.
 - 3) Are capable of posting and removal without destruction of public or private property.
 - 4) Designate the name and address of the person charged with removal of the sign.
- f) Temporary Signs Announcing a Special Public or Institutional Event. Said signs shall not be placed within the right-of-way of any road. Such signs shall not exceed thirty-two (32) square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the name and address of the person charged with the duty of removing the sign.
- g) Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises and denoting membership in organizations. No more than one sign of any type may be permitted and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet

of area per side and all other signs shall be limited to six (6) square feet per side.

- h) Signs having not more than ten (10) square feet of display area on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
- i) Signs Required or Authorized for a Public Purpose: By any law, statute or ordinance, such signs to include traffic control devices.
- j) Flags and Insignia: Of the United States or any other country, State of Ohio or any other state, any college or university, County of Delaware, Scioto Township or any City, Town, or Village.
- k) Integral Decoration or Architectural Details: Of buildings except letters, trademarks, moving parts or moving lights.
- l) Signs that are in the Nature of Cornerstones, Commemorative Tablets and Historical Signs: Such signs shall be less than nine (9) square feet in size and not illuminated.
- m) Projecting Signs Displaying the Name of the Business: Such signs shall have an area of two (2) square feet or less when located under a pedestrian canopy.
- n) Signs That Advertise the Sale of Personal Property: Signs such as a garage, yard, porch or moving sale provided that it is limited to one (1) sign, not greater than six (6) square feet in size and which sign is located on the sale premises for a time period not greater than two (2) consecutive days. Such signs shall not be located in a public right-of-way.

Section 22.03 – Permitted Signs – Permit Required: The following signs shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth herein:

- a) Outdoor Advertising or Billboards – for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial districts and/or lands used for agricultural purposes subject to regulations set forth herein.
 - 1) No billboard shall exceed three hundred (300) square feet in area per side nor have more than two (2) sides.

- 2) No billboard shall exceed fifteen (15) feet in height nor have a length in excess of four (4) times the height of the sign face.
 - 3) The use shall comply with the general regulations set forth in other provisions of this Resolution and article.
 - 4) All billboards shall be located in compliance with all local, state and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
 - 5) All billboards shall be located behind the building set back lines established for the district in which the sign is located and shall be at least one thousand (1,000) feet from any residence.
 - 6) No billboards or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.
 - 7) Spacing Requirements: Each billboard site location shall be separated from every other billboard site location in accordance with the following:
 1. Spacing requirements shall be measured along the curb line of the street or edge of the pavement of the road with which the billboard is oriented. The measurement shall apply to billboards located on the same and opposite sides of the street or road.
 2. Spacing requirements shall be measured from existing billboards regardless of the political jurisdiction within which any other billboard may be located.
 3. Measurement of the spacing between billboard locations shall begin at a point nearest to the proposed billboard site location from an existing billboard site location and extending to a point nearest to the existing billboard site location from the proposed billboard site location.
 4. Billboards shall be located at least 1250 feet in any direction from other billboards.
- b) Commercial or Industrial Display Signs- All display signs shall be mounted on the building which houses the business establishment

advertised by such signs, except as otherwise specifically authorized by this Resolution. Such sign shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap or parapets of such building, whichever is higher. Signs may be erected on a wall which is an extension of a building wall which faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building, that such wall does not extend beyond any required building setback line and does not exceed twelve (12) feet in height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display of the sign must be located either on the wall or extension; it may not be located on both.

All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall, it being hereby intended to prohibit signs projecting outward from the wall at right angles or otherwise, except as follows:

- 1) Signs may be installed on an attached canopy, roof or marquee which projects beyond the building over a walk or yard, provided that no part of such signs may extend above such canopy, roof or marquee.
- 2) One sign, not more than fifteen (15) inches in height and five (5) square feet in area, projecting outward from the building wall not more than three (3) feet, may be erected at each entrance to such building and shall not be included in determining the aggregate sign area of such building.

No part of any sign shall be less than eight (8) feet above the sidewalk or ground level, if such sign projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer than eighteen (18) inches closer to either end of the building face, (including any wall extension), on which it is erected. Where more than one sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs. Letters, numerals or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letter numerals or other graphics carved into the face of the building

shall generally not be considered wall signs, unless they are over nineteen (19) inches in height, or one inch thick, or the color contrasts with that of the building. Super-graphics (large scale painted graphic devices) and architectural detailing which have a graphic or signage function, which are painted upon a building, shall be subject to regulation as a wall sign.

- 3) The advertising area of any one (1) surface does not exceed thirty-two (32) square feet.

c) Free Standing Signs Identifying Commercial or Office Complexes
– A sign supported by posts, pillars, columns or other structures identifying a commercial or office complex on the following conditions:

- 1) The maximum height of such sign does not exceed eight (8) feet above the grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet set back from the street right-of-way, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.
- 2) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot set back from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.
- 3) The display area of any one surface does not exceed twenty-five (25) square feet.
- 4) No part of such sign will be closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building set-back line, if the adjoining property is in a residential district.
- 5) The function of such sign is in keeping with the uses in the surrounding area.
- 6) Such sign will be compatible with the buildings on the site, and will not detract from the appearance of the general

neighborhood in which it is located or adversely affect property values in such neighborhood.

- 7) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.
 - 8) Where more than one (1) business establishment is located on a single tract of land, having an entrance or parking area used in common by customers of such establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined for purposes of this provision by community of use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one (1) free standing sign.
- d) Signs not approved as part of the development plan for a Planned Residential District are permitted provided that the approved sign is constructed in strict compliance with Article XXII and a permit is issued.
- e) Model Home Signs: Provided the following conditions are met:
- 1) Maximum advertising area of eight (8) square feet per single side of sign, two (2) sides only.
 - 2) Maximum height of eight (8) feet to the top of the advertising area.
 - 3) Must be a ground, monument, or single pole, braced inverted “L” pole, with suspended sign.
 - 4) If lit, must be externally lit from above only.
- f) Drive-through or Drive-up Menu Boards: Provided all of the following conditions are fulfilled.
- 1) The sign is located on the property to which it refers;
 - 2) The sign is oriented solely for the use of patrons utilizing the drive-through;

- 3) The sign is not intended to be visible from adjacent property or the right-of-way; and
- 4) The sign does not exceed thirty two (32) square feet in size.

g) Temporary Signs

- 1) Temporary signs shall require a temporary sign permit.
- 2) Banners, temporary wall signs, and pennants less than sixteen (16) square feet are permitted provided that they are attached at each corner, point and/or end so as to prevent movement. Banners may be attached to ground signs within the frame provided that they are attached at each corner, point and/or end so as to prevent movement. Only one (1) banner is permitted per establishment. No business shall display such signs for more than ninety (90) days per calendar year or for more than thirty (30) continuous days. The date each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign. The area of each banner shall not count toward the maximum sign area as specified herein.
- 3) Ribbons, streamers and other moving devices are prohibited temporary signs.
- 4) All temporary signs shall be located at the site or location of the event being promoted or of the headquarters for the sponsoring organization except as otherwise provided for community events.
- 5) The date upon which a temporary sign is first displayed shall be legibly marked on the sign.
- 6) Normal construction requirements for permanent signs shall not be applicable to temporary signs.

Section 22.04 - Conditionally Permitted Signs – Permit Required: Within any commercial or industrial district or within any non-residential portion of a residential district the following signs may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the conditional use permit shall end,

expire, cease to exist, and be void upon the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Free Standing Signs which are defined as signs supported by or supported from posts, pillars, columns or other structures, except signs attached to buildings as described in Section 22.03(b) of this Resolution. Free standing signs heretofore lawfully erected and maintained and now in place shall be designated as non-conforming signs or billboards and may be maintained as provided in this Resolution until such sign is dismantled, removed, or more than fifty percent (50%) destroyed. Except as permitted in Section 22.08 of this Resolution, no such sign shall hereafter be relocated, rebuilt, enlarged, extended or otherwise altered in any material respect.

The Board of Zoning Appeals may grant a permit for the erection or maintenance of a free standing sign only upon compliance with the following requirements:

- 1) The filing of a written application for such sign, together with a scale drawing of the proposed sign showing its design, color and materials, and a site plan showing the location of the proposed sign.
- 2) A determination by the Board that a free standing sign is necessary to the conduct of the business, professional or commercial activity on the site and that an attached sign would not be in harmony with the building thereon.
- 3) A determination that the proposed sign meets all of the following requirements:
 - a) The maximum height of such sign does not exceed eight (8) feet above the grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet set back from the street right-of-way, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.
 - b) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located

fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot set back from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.

- c) The display area of any one surface does not exceed twenty-five (25) square feet.
 - d) No part of such sign will be closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building set back line, if the adjoining property is in a residential district.
 - e) The function of such sign is in keeping with the uses in the surrounding area.
 - f) Such sign will be compatible with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.
 - g) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.
- 4) In making its determination, the Board shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to its size, shape, color, brightness, design and its general appearance.
 - 5) Not more than one (1) free standing sign may be authorized for any one business establishment. Where more than one business establishment is located on a single street tract of land, having an entrance or entrances or parking area or areas used in common by the customers or such establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall

be determined for purposes of this provision by community of use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one (1) free standing sign, except in the case of a shopping center which is contiguous to two (2) streets which do not intersect each other at a point adjacent to such shopping center, in which case one (1) free standing sign, fronting on each street, may be authorized.

Section 22.05 – Prohibited Signs: The following signs shall be prohibited in areas under the Scioto Township Zoning Resolution.

- a) Signs mounted upon the roof of any building or structure.
- b) Signs not otherwise specifically authorized by this Resolution.
- c) Flashing lights, string of lights, “A” frame signs and billboards, or air-activated attraction devices.
- d) Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- e) Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the roof of any building or structure.
- f) No sign shall be attached to any fence within the right-of-way of any road and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.
- g) Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official traffic control sign, signal or device.
- h) Pole signs, except as otherwise specifically permitted in this Article.
- i) Clear or white backgrounds on internally lit cabinet signs.
- j) Obscene Nature: No sign shall be erected that displays a sexual act or sexually oriented materials.
- k) Signs on or over any public property or public right-of-way except as is specifically permitted in this Zoning Resolution.

Signs may be erected on public property only by an authorized representative of a public agency or a quasi-public agency, provided such sign is approved by the Zoning Inspector prior to its erection. Signs on State Route right-of-way shall comply fully with ODOT regulations.

- l) Advertising signs on benches, trash receptacles, phone booths, bus shelters and similar structures, when visible from the public right-of-way.
- m) Off premise signs, except for legal billboards.
- n) Billboards in residential zoning districts.
- o) Revolving signs, sandwich board signs, and animated signs (includes mechanical or electronic changeable copy signs, flashing signs, moving signs and any animation of signs). No sign shall contain or consist of banners, pennants, ribbons, streamers or similar moving devices.
- p) Arrangements of lights in rows, strings, patterns, or designs that outline or are attached to any portion of a building or structure, including windows, are prohibited. This prohibition does not apply to seasonal light displays, or lights that are an integral part of an approved sign or those required for public safety. Flashing signs, other than time and temperature signs not exceeding twenty-five (25) square feet of total area are prohibited.

Section 22.06 – General Regulations: The following restrictions shall apply to all signs located and erected within the Township regardless of type, style, location, design or other classification.

- a) Stability: Display signs shall be constructed so that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and will be otherwise fastened, suspended or supported so that they will not be a menace to persons or property.
- b) Location: No sign shall be located within the right-of-way of any public or private road within the Township. All signs shall be located in strict compliance with this Resolution, in strict compliance with the approved development plan or restrictions imposed by the Board of Zoning Appeals. Ground and projecting signs shall be located no closer than five (5) feet from any side lot line.

c) Lighting:

- 1) No sign shall be illuminated to a level which causes unnaturally high light levels on adjacent residential lots.
- 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.
- 3) No flashing, rotating or moving light source shall be permitted on any sign within the Township.
- 4) Confusing Lights: There shall be no red, amber, and blue or green lights, either fixed, moving or flashing on a sign, which could create confusion with traffic lights or lights on emergency vehicles.

5) Illumination:

1. Near Residential Districts: Except for signs located facing or fronting the public right-of-way, signs that are within one hundred fifty (150) feet of a residential district or existing, conforming single-family home shall be indirectly illuminated.
2. Internally Lit Sign Backgrounds: Clear or white backgrounds are prohibited for interior illuminated signs. Internally lit signs may use colored translucent backgrounds for the advertising area, or they may use opaque backgrounds with illuminated letters.

d) Sight Interference: No sign shall be permitted in Scioto Township which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.

e) Height: No sign within Scioto Township shall be erected to a height greater than fifteen (15) feet from the grade or as permitted by the specific provisions of Section 22.03 and 22.04.

- f) Maintenance: All signs or billboards constructed or erected within areas under Township Zoning shall be maintained as follows:
 - 1) All sign surfaces, supports, braces, guys and anchors shall be kept in good repair and in a proper state of preservation by painting or otherwise.
- g) Traffic Safety – Colors, etc.: Display signs shall not closely resemble or approximate the shape, form and color of official traffic control signs, signals and devices. If no maximum height is otherwise set forth, no sign shall be erected at a height greater than fifteen (15) feet.
- h) Sign Area: Except as otherwise permitted in this Resolution, the aggregate sign area or display surface of all exterior signs of every nature shall not exceed three (3) square feet for each lineal foot of the street frontage of such building, if a one-story building, or four (4) square feet per foot, if more than one-story in height, street frontage being defined as the total width of that side of the building which faces the street, excluding any extension of a building wall beyond the building itself. In the case of a corner lot or other situation where the building site abuts more than one public street, (not including alleys), the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one-half thereof for each lineal foot of other or secondary street frontage. The total signage on any one side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this subsection, provided that where any such drive or parking area abuts a residential district, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said residential district is less than one hundred fifty (150) feet.
- i) Sign Area Measurement: Sign area shall include the advertising area of the sign, not including the bracing, framing and structural supports, unless such support members are made part of the message or face of the sign or

are determined by the Zoning Inspector to be intended solely to make the sign more visible rather than serving aesthetic or structural purpose. For internally illuminated signs or internally illuminated awnings, canopies or marquees, the entire lighted surface shall be considered the sign area. The lighted surface area of internally illuminated canopies, awnings, or marquees is counted as signage regardless of whether it contains graphics.

Except as otherwise permitted in this Resolution, where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to each other and are not more than twenty four (24) inches apart, or form a V-angle of less than forty five (45) degrees. For spherical signs, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.

- j) Compliance with Other Codes: All signs shall be erected, altered, or maintained in accordance with the State of Ohio Fire Code, the Delaware County adopted building, electrical codes and all other applicable regulations.
- k) Fire and Health Hazards: Vegetation shall be kept trimmed in front of, behind, and underneath the base of any ground sign in an area encompassing a ten (10) foot radius around the base of the sign, and no rubbish shall be permitted to remain under or near such sign which would constitute a fire or health hazard.
- l) Public Interference: Signs shall not create a traffic or fire hazard, nor create conditions that adversely affect public safety.
- m) Placement: No sign shall be placed upon any tree, shrub, vine, or utility structure.
- n) Sign Area and Number: In no event shall the maximum number of signs allowed be exceeded even though the total allowed area may not be used.
- o) Information to be Provided on Sign: All signs shall permanently display the name of the company installing the

sign, the date of erection, and the permit number in a conspicuous place thereon, in letters not less than one (1) inch in height.

- p) Maintenance: Applications for permanent subdivision identification signs must demonstrate provisions for future maintenance and maintenance easements at the time of the final platting. Written consent of the property owner of each proposed sign location shall be submitted with each permit application.

Section 22.07 – Abandoned Signs: If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any of the following criteria:

- a) Any sign or billboard associated with an abandoned non-conforming use.
- b) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred eighty (180) consecutive days. Seasonal businesses are exempted from this determination, but signs are determined to be abandoned when the business has ceased operation for one (1) year.
- c) Any sign or billboard that is not maintained in accordance with this Resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by ordinary mail, of his findings. Such notice shall advise the owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner may appeal such decision to the Board of Zoning Appeals as provided in Article XXVIII of this Resolution.

Section 22.08 – Non Conforming Signs or Billboards: Any sign or billboard in existence within the Township prior to the effective date of this Article, that does not conform with the provisions of this Article, is considered to be non-conforming.

Any sign or billboard that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally.

A non-conforming sign or billboard shall be maintained or repaired in accordance with the following provision:

- a) The size and structural shape shall not be changed or altered.
- b) The copy may be changed provided that the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- c) In the case where damage occurs to the sign or billboard to the extent of fifty percent (50%) or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty percent (50%) of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

Section 22.09 – Permit: No signs, except as provided for in Section 22.02 of this Resolution, shall be erected prior to the issuance of a permit therefore by the Township Zoning Inspector. An applicant for a sign permit shall submit the following to the Zoning Inspector:

An accurate, scaled drawing which shows the dimensions, materials, illumination and colors of the proposed sign; construction details; electrical plans conforming to the requirements of the Ohio Basic Building Code; a drawing showing the location of the proposed sign on the site or building, including dimensions to property lines, right of way, and/or buildings on the site; and the location, type, and dimensions of other signs on the same site advertising the same business.

- a) Fees: The applicant for a permit herein shall pay such fee as is prescribed by the Scioto Township Trustees. An application for a sign permit shall be completed at the time such plans are submitted. The permit fee is required with the application.

- b) Term of Permit: The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- c) Inspection: All signs and billboards erected within areas under Township Zoning are subject to inspection, whether a permit is required or not prior to erection. Such inspection may be made at any reasonable time and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
- d) Cancellation of Permit: In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution said permit may be revoked upon compliance with the following terms:
 - 1) Notice: The Township Zoning Inspector shall notify the owner of any deficiency or violation of this regulation. Notice shall be served personally or by certified mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Article XXVIII of this Resolution dealing with revocation of the Conditional Use Permit. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.
- e) Removal of Signs: The Township Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within areas under Township Zoning. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location. If the owner of the sign fails to claim the same within thirty (30) days after mailing of the notice by the Zoning Inspector, said sign may be destroyed.

ARTICLE XXIII –

RESERVED

ARTICLE XXIV – Non-Conforming Uses

Section 24.01 – Continuance. The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments hereto, may be continued, although such use does not conform with the Zoning Resolution or amendments hereto, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with this Zoning Resolution and amendments hereto.

Section 24.02 – Non-Conforming Lots of Record. A nonconforming lot is one that, at the time of its establishment, met the minimum lots size requirements for the district in which it is located but which, because of subsequent changes to the minimum lot size applicable to that district, is now smaller than that minimum lot size.

In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution.

Such non-conforming lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such non-conforming lot fails to meet the requirements for area or width, or both, that are generally applicable in the applicable district, provided that all other development standards set forth in Sec. 7.06 are adhered to.

Variance of lot area or width requirements shall be obtained only through action of the Scioto Township Board of Zoning Appeals. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership were of record at the time of passage or amendment of this Resolution, and if all or part of the lots do not meet the requirements established for lot width and area, such lots shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Resolution.

Section 24.03 – Non-Conforming Uses of Land. Where, at the time of adoption or amendment of this Resolution, lawful uses of land existed, which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- a) No such non-conforming, non-residential uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- b) A non-conforming use of a less objectionable nature may be substituted for an existing non-conforming use. Factors to be considered include:
 - i. the proposed use does not diminish the value of the property;

- ii. the proposed use is more in compliance with current zoning regulations; and
 - iii. the proposed use is more in compliance with the current development standards of Article XX.
- c) An existing, legal non-conforming use which occupied only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- d) Any extension shall not be more than fifty percent (50%) greater in size than the non-conforming use that existed at the time of passage of this Resolution.
- g) No such non-conforming uses shall be moved in whole or in part to any portion of the Lot or parcel other than that occupied by such Uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with this Resolution.
- h) If any such non-conforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located.
- i) Additional structures not conforming to the requirements of this Resolution shall not be erected in connection with such non-conforming use of land.

Section 24.04 – Non-Conforming Structures. A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but, which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.

Where a lawful structure exists at the effective date of adoption of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on lot area, height, setback, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided:

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

1. Should a residential non-conforming structure be destroyed, either partially or totally, the destroyed structure or portion of the structure may be reconstructed to the same size provided other applicable provisions of this Resolution are met.
2. Should a nonresidential nonconforming structure be destroyed, either partially or totally, the structure or portion of the structure may be reconstructed provided the height and floor area shall not be in excess of those which existed prior to said damage.
3. Should any nonconforming structure be moved any distance, for any reason, such nonconforming structure shall thereafter conform to the regulations for the district in which it is located after the nonconforming structure is moved.
4. To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any Building on which

actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently.

Nothing in this Article shall be deemed to prevent ordinary maintenance and repairs on walls, fixtures, wiring, or plumbing, or the restoration to a safe condition any building or other structure in accordance with the lawful order of a duly authorized public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

ARTICLE XXV – Zoning Inspector - Zoning Certificates and Applications:

Section 25.01 – Township Zoning Inspector: The Board of Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the Township Zoning Inspector to compare each zoning certificate application with the then existing zoning map. The Township Zoning Inspector, before entering upon the duties of his office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the state, in the sum of not less than One-Thousand Dollars (\$1,000.00) or more than Five-Thousand Dollars (\$5,000.00) as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees and the bond shall be conditional upon the faithful performance of such Zoning Inspector shall be set and paid by the Board of Township Trustees.

Section 25.02 – Zoning Certificate Required: No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started upon same, nor shall any use of land be commenced until a zoning certificate for same has been issued by the Scioto Township Zoning Inspector, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution or the approved Development Plan. No zoning certificate shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located nor shall a certificate be required for use of land or building or construction of any building used for public utility or railroad purposes. Fees for zoning certificated are established by the Board of Township Trustees in Section 27.04.

Section 25.03 – Procedures for Obtaining Zoning Certificates: No zoning certificate shall be issued by the Township Zoning Inspector until the zoning certificate application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the Official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning certificate shall be issued by the Township Zoning Inspector until the applicant for said zoning certificate has submitted a plat plan of the area upon which the applicant's use or structure is proposed. Said plat shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

Section 25.04 – Conditions of Certificate: No zoning certificate shall be effective for more than one (1) year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

Section 25.05 – Certificate of Compliance: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted on wholly or partly altered or enlarged in its use or structure until certificate of compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms the requirements of this Resolution.

Section 25.06- Temporary Certificate of Compliance: A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Section 25.07 – Zoning Certificate

(Change of Use: No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning certificate being issued therefore by the Township Zoning Inspector. No zoning certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

Section 25.08 – Non Conforming Uses: Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

Section 25.09 – Records: A record of all zoning certificates shall be kept on file in the office of the Township Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 25.10 – Complaints: The Zoning Inspector shall investigate all complaints received alleging violations and shall provide a copy of his findings to the Township Trustees. If violations are evident the Zoning Inspector (official) shall take the appropriate action to bring the use into compliance. A written notice by first class mail or personal service shall be served on the property owner in violation giving them thirty (30) days to bring the use into compliance. If compliance is not obtained by the end of thirty (30) days the matter shall be turned over to the Prosecutor for legal recourse. If a clear and present danger exists the thirty (30) day written notice may be waived and the Zoning Inspector may refer the matter directly to the Prosecutor for appropriate action. The Inspector shall require that all such complaints be submitted in writing.

ARTICLE XXVI – Zoning Commission

Section 26.01 – Township Zoning Commission: The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the board. The Board of Township Trustees may appoint two (2) alternate members to the Township Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a County or Regional Planning Commission the board may appoint qualified members of such commission to serve on the Township Zoning Commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term.

Section 26.02 – Compensation and Expenses: The members of the Township Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide.

Section 26.03 – Functions of the Township Zoning Commission: The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the zoning commission for the carrying out of this Zoning Resolution.

The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

The Zoning Commission may request that the county or regional planning commission prepare or make available to the zoning commission a zoning plan, including text and maps, for the unincorporated areas under Township Zoning or any portion of the same.

Section 26.04 – Zoning Secretary: To assist in the administration of this Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain Township Zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary may be compensated at rates set from time to time by the Township Trustees. The Township Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

Section 26.05 – Meetings and Agenda of Township Zoning Commission: The Zoning Commission shall meet as necessary in the Township Firehouse or other Public building within the Township.

Section 26.06 – Minutes: The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the Zoning office with the other zoning records. The minutes shall be open for public inspection during commission meetings and normal business hours.

ARTICLE XXVII – Amendments

Section 27.01 – Amendments or Supplements: Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees or by filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the County Recorder, and other expenses. If the Board of Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

Upon adoption of such motion, the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a Public Hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Township Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any amendment.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the Public Hearing, and shall include all the following;

- 1) The name of the Zoning Commission that will be conducting the Public Hearing;
- 2) A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners or these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;

- 5) The time and place where the motion, resolution, or application proposing the amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the Public Hearing;
- 6) The name of the person responsible for giving notice of the Public Hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the Zoning Commission;
- 8) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the Public Hearing, and shall include all the following:

- 1) The name of the Zoning Commission that will conduct the Public Hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the Public Hearing;
- 4) The name of the person responsible for giving notice of the Public Hearing by publication;
- 5) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
- 6) Any other information requested by the Zoning Commission.

Within five (5) days after the adoption of such motion, the certification of such resolution, or the filing of such application, the Township Zoning Commission shall transmit a copy of it together with text and map pertaining to it to the County or Regional Planning Commission, if there is such a commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the Public Hearing held by the Township Zoning Commission on such proposed amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial or the proposed amendment, or the approval of some

modification of it and submit such recommendation together with such application or resolution, the text and map pertaining to it, and the recommendation of the County or Regional Planning Commission on it to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a Public Hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

The proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the Public Hearing and shall include all of the following;

- 1) The name of the Board that will be conducting the Public Hearing;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of the property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the Public Hearing;
- 6) The name of the person responsible for giving notice of the Public Hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the Board.

If the proposed amendment alters the text of the Zoning Resolution, or rezones or Rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the Public Hearing, and shall include all of the following;

- 1) The name of the Board that will be conducting the Public Hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the Public Hearing;
- 4) The name of the person responsible for giving notice of the Public Hearing by publication;
- 5) Any other information requested by the Board.

Within twenty (20) days after such Public Hearing, the Board shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification of them. If the Board denies or modifies the recommendation of the Zoning Commission, a majority vote of the Board shall be required.

Such amendment adopted by the Board shall become effective in thirty (30) days after the date of such adoption, unless, within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and full and correct title, if any, of the Zoning Amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

An example of form for a petition calling for a Zoning Referendum and the Statement of the Circulator can be found in Chapter 519, Section 519.12 of the Ohio Revised Code.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than (75) days prior to the election at which the question is to be voted upon.

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

Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the Regional or County Planning Commission, if one exists.

The Board shall file all amendments, including text and maps, that are in effect on January 1, 1992, in the office of the County Recorder within thirty (30) working days after that date. The Board shall also file duplicates of the same documents with the Regional or County Planning Commission, if one exists, within the same period.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the County Recorder or the County or Regional Planning Commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

Section 27.02 – Form of Application: All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as may be designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 27.03 – Record: On any application for an amendment or supplement to the Zoning Resolution at which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the Zoning Commission or the Township Fiscal Officer, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the Trustees to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the Zoning Secretary of the Township Zoning Commission or of the Township Fiscal Officer, as the case may be, shall serve as the sole transcript of such hearing.

Section 27.04 – Fees: The owner or lessee of property filing for a zoning certificate or an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as prescribed by the Board of Township Trustees, to defray the cost of advertising, mailing and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established annually by the Board of Township Trustees at the Board's annual organizational meeting.

ARTICLE XXVIII – Board of Zoning Appeals:

Section 28.01 – Board of Zoning Appeals: The Board of Township Trustees hereby creates and establishes a Scioto Township Board of Zoning Appeals. The Board of Township Trustees shall appoint a Township Board of Zoning Appeals composed of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Appeals, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of all regular members shall be of such length and so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by section 519.04 of the Revised Code of Ohio. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 28.02 – Organization: The Board of Zoning Appeals shall organize, electing a chairman and vice-chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Zoning office and shall be a public record. Attendance of three (3) members shall constitute a quorum. The Board of Township Trustees and the Zoning Inspector shall be notified in advance of all meetings conducted by the board.

Section 28.03 – Compensation and Expenses: The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may, within the limits of monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professionals, technical assistants and other assistants as it deems necessary.

Section 28.04 – Powers of the Board: The Township Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.02 to 519.25 and 519.99 of the Revised Code of Ohio, or of any resolution adopted pursuant thereto:

- b) Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done:
- c) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates are provided for in the zoning resolution.
- d) Revoke an authorized variance of conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of this right to a hearing before the board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke the variance of certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, the board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

Section 28.05 – Procedures on Hearing Appeals: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one publication in a newspaper of general circulation within the Township at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

Section 28.06 – Procedure on Application for Variance: The Township Board of Zoning Appeals, appointed by the Township Trustees, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of the Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have power to authorize a variance from the terms of this Resolution.

- a) Public Notice: Written application for a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a variance is requested. An application for variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the Township.
- b) Hearing and Decision: At such hearing the applicant shall present a statement and adequate evidence in such form as the Township Board of Zoning Appeals may require.

In granting such variance the board shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the resolution will result in unnecessary hardship and that the spirit of this Resolution will be observed and substantial justice done.

In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

- c) Form of Application: All applications for variances under this section shall be submitted on such forms as are designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.
- d) Expiration of Variance: A Variance granted by the Board of Zoning Appeals shall automatically expire at the end of one (1) year from the date

on which the Board grants the Variance, unless within such one (1) year period, a Zoning Permit is obtained.

Section 28.07 – Procedure on Application for Conditional Use Permit: The owner or lessee of any land or building within a zoning district within the areas under Township Zoning may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

- a) Application: An application for Conditional Use permit shall be submitted on such forms as are designated and/or approved by the Township Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application.
- b) Hearing: The application shall be transmitted to the Board of Zoning Appeals which shall cause a public hearing to be held.
- c) Notice: Notice of the application for Conditional Use permit and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one notice of said meeting shall be published in a newspaper of general circulation within the Township not less than ten (10) days prior to the scheduled hearing.
- d) Conditional Uses: General Standards – Before approving any conditional use, the Board of Zoning Appeals shall review the particular facts and circumstances of each application and the proposed use in terms of the following standards and shall find probative evidence that the use as proposed conforms with all of the following:
 - 1) Is in fact a conditional use and authorized within the existing zoning district pursuant to provisions of the zoning resolution:
 - 2) Will be harmonious with and in accordance with the general objectives and/or with any specific objective of the township comprehensive plan, the zoning resolution and the zoning district in which it is located;
 - 3) Will be designed, constructed, operated, (including periods of operation) and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not

change the essential character of the area in which it is to be located;

- 4) Will be served adequately by essential public facilities and services such as highways, streets or roadways, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposal use shall be able to provide adequately any such services;
- 5) Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of production of traffic, noise, smoke, dust, lights, vibration, fumes or odors:
- 6) Will not cause substantial injury to the value of other property in the immediate vicinity and/or neighborhood;
- 7) The use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance;
- 8) The use is so designed, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected.

In the event the Board of Zoning Appeals approves the conditional use permit, it shall impose such reasonable conditions as it deems necessary to address each of the following factors to ensure that use will be conducted in the best interests of the zoning district:

- 1) Traffic,
 - 2) Parking,
 - 3) Noise,
 - 4) Smoke, fumes and/or odors,
 - 5) Dust,
 - 6) External lighting, that is not offensive to the neighborhood,
 - 7) Vibration,
 - 8) The preservation of natural, scenic or historic features of any major importance.
- e) Decision: The board shall make its decision within a reasonable time after the hearing. In the event the board approves the Conditional Use permit, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the zoning district.

- 1) Expiration of a Conditional Use Permit: A Conditional Use Permit granted by the Board of Zoning Appeals shall be deemed to authorize only one (1) particular Conditional Use. The Conditional Use Permit shall automatically expire, if for any reason the authorized use or construction is not commenced within one (1) year from the date that the Board grants the Conditional Use or, if for any reason, the Conditional Use is discontinued for a period in excess of two (2) years.
- f) Revocation: The Board of Zoning Appeals may revoke a Conditional Use permit for failure to comply with the conditions of that permit. The board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holders' right to a hearing before the board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

Section 28.08 – Decision of Board: The Board of Zoning Appeals shall act by resolution, in which three (3) members concur and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason by a granting or denying the request. A copy of the Board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.

Section 28.09 – Public Information: All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the Township Zoning office, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

Section 28.10 – Record: For any hearing, a court reporter will be retained to make a record of the Boards proceedings and all resultant actions which are decided during the hearing.

Section 28.11 – Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use: For all actions of the Board of Zoning Appeals the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be required generally for each application to defray the costs of advertising, mailing, the making of a record by a court reporter and other expenses. The amount of such fees shall be established annually by the Board of Township Trustees at the Board's annual organizational meeting.

ARTICLE XXIX – Enforcement

Section 29.01 – Violations: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such resolution, adopted by the Township Board of Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

Section 29.02 – Remedies: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of Township Trustees under such resolution, such board, the prosecuting attorney of the county, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

Section 29.03 – Penalty: Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 519, Ohio Revised Code, shall be fined not more than five hundred dollars (\$500.00) plus any additional cost or expense incurred by Scioto Township (including but not limited to legal fees, court cost, consulting fees, etc.) for each offense or the maximum fine or imprisonment as provided by law.

ARTICLE XXX – Severability and Repeal

Section 30.01 – Severability: If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid and the invalidity of any section, sentence, clauses, or parts of this Zoning Resolution in any one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

Section 30.02 – Repeal: This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519 of the Revised Code of Ohio as amended.

Section 30.03 – Repeal of Conflicting Resolution: The Township Zoning Resolution or parts thereof previously in effect in areas under County Zoning, Delaware, County, Ohio not otherwise adopted as part of this Zoning Resolution, and in conflict with the Zoning Resolution as it is established on or established hereafter are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.