

JERRY LAFFIN, CHAIRMAN

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BOARD OF MERCER COUNTY COMMISSIONERS

CELINA, OHIO 45822

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JOAN BOLLENBACHER, CLERK/ADM. OF THE BOARD

January 24, 1992

at 10:08 o'clock A.M.
JAN 30 1992
Patricia E. Grote
RECORDER - MERCER CO., OH

Mrs. Patricia Grote,
Mercer County Recorder
Court House, 2nd Floor
Celina, Ohio 45822

Dear Mrs. Grote,

Please find attached a check for \$50.00 for recording the resolution and map for East Jefferson.

CERTIFICATION

We, the undersigned, Board of County Commissioners of Mercer County, Ohio are submitting to the Mercer County Recorder, Patricia Grote, one (1) Zoning Resolution of East Jefferson Township and one (1) East Jefferson Township Zoning Map. Our signatures certify that the above is a true and correct copy of the zoning resolution and map of East Jefferson Township as is existed on December 31, 1991.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS
OF MERCER COUNTY, OHIO

Jerry Laffin

Jerry Laffin, Chairman

Ronald Puthoff

Ronald Puthoff, Vice Chairman

Herbert Muhlenkamp

Herbert Muhlenkamp, Member

Jefferson Township
Don Conn
2913 York
Celina, Ohio
586-7864

The undersigned, as Clerk/Adm. of the Board of Commissioners of Mercer County, Ohio does hereby certify that the foregoing resolution and map is a true and correct copy of the original resolution as passed by the Board.

Joan Bollenbacher

Clerk/Adm. of the Board

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ZONING RESOLUTION

for

MERCER COUNTY, OHIO

A RESOLUTION, for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of County Commissioners of Mercer County, Ohio, finds it necessary and advisable to regulate the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land, in the unincorporated area of the County; and for such purposes dividing the unincorporated area of the County into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MERCER COUNTY, STATE OF OHIO:

ARTICLE I -- TITLE AND ENACTMENT CLAUSE

SECTION 100. The Board of County Commissioners, Mercer County, Ohio in accordance with enabling legislation for county zoning as provided in Chapter 303 of the Ohio Revised Code hereby provide as follows:

SECTION 101. This Resolution shall be known and cited as the Zoning Resolution of 1972.

SECTION 102. This Resolution is adopted for the purpose of protecting and promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the economical provision of water, sewerage, schools and other public requirements, and lessening or avoiding congestion on public streets and highways.

ARTICLE II -- ESTABLISHMENT OF DISTRICTS

SECTION 200 Districts

The County is hereby divided into districts under four general categories which shall be known as: Open Area Districts, Residential Districts, Business Districts and Industrial Districts.

SECTION 201. Open Area Districts

201.1 "FP" Flood Plain: For land which is subject to periodic flooding.

201.2 "S-1" Special: For large public or semipublic land holdings, land which is suitable for noncommercial recreation, areas to be kept open for highway interchanges, or for the take-off or landing of aircraft, or land to be kept open to protect the source of municipal water supply.

201.3 "A-1" Agriculture: For land which is best reserved for agricultural and other nonintensive purposes.

SECTION 202 Residential Districts

202.1 "SR" Suburban Residence: For low density residential development which lacks community water and sewerage services.

202.2 "R-1" Low Density Residence: For relatively low density residential development which has or logically will have group water and sewerage facilities.

202.3 "R-2" Moderate Density Residence: For residential development of moderate density, including multiple dwellings as well as one family and two-family residences served by group water and sewerage facilities.

202.4 "R-3" Mobile Home Parks: For areas which have access to community services and major thoroughfares, and lend themselves to effective buffering.

SECTION 203. Business Districts

203.1 "B-1" Local Business: Areas for local or neighborhood business providing principally convenience goods and personal services.

203.2 "B-2" Highway and General Business: Areas along major highways or thoroughfares which provide sales and services oriented to highway travelers; or general businesses including sales and services for automotive, farm machinery, building trades, etc.

203.3 "B-3" Shopping Center: For shopping centers of an integrated design which provide adequate parking and servicing areas. They must be located along major thoroughfares, have restricted points of access, and be screened or fenced from surrounding residential areas.

SECTION 204. Industrial Districts

204.1 "M-1 Restricted Industry: Areas for light industries with restricted manufacturing operations, research facilities and offices of a restricted nature which will have little or no detrimental effects on neighboring land uses.

204.2 "M-2" General Industry: Areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general industry.

SECTION 205. Zoning District Map

205.1 The boundaries of the districts are shown upon the map which is made a part of this resolution, which map is designated as the "Zoning District Map." This map and other information shown thereon are a part of this resolution. The original Zoning District Map is property attested and is on file with the Board of County Commissioners.

205.2 No amendment to this resolution which involves matter portrayed on the Zoning District Map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made in the Zoning District Map or matter shown thereon except in conformity with the procedures set forth in this resolution.

205.3 The Zoning District Map, which shall be located in the office of the Board of County Commissioners shall be the final authority as to the current zoning status of land and water area, buildings and other structures.

205.4 In the event that the Zoning District Map becomes damaged, destroyed or lost, the Board of County Commissioners may, by ordinance, adopt a new Zoning District Map which shall supersede the prior Zoning District Map. The new Zoning District Map may correct drafting or other errors or omissions in the prior Zoning District Map, but no such corrections shall have the effect of amending the original resolution or subsequent amendments thereof.

SECTION 206. District Boundaries

The district boundary lines on the zoning District Map are intended to follow either centerlines of streets or alleys or lot lines; and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary line shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

SECTION 207. Compliance with Regulations

The regulations set forth by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

207.1 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

207.2 No building or other structure shall hereafter be erected or altered:

- (a) to exceed the height;
- (b) to accommodate or house a greater number of families;
- (c) to occupy a greater percentage of lot area;
- (d) to have narrower or smaller rear yards, front yards, side yards or other spaces;

than herein required; or in any other manner contrary to the provisions of this resolution.

207.3 No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure, or lot is located.

207.4 No yard or open space existing adjacent to any building or structure shall be reduced in area or dimension to less than the minimum required by this resolution.

207.5 No lot at the time of the effective date of this resolution shall be reduced or subdivided in any manner below the minimum area and yard provisions stated in this resolution.

207.6 Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this resolution.

207.7 Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this resolution providing such exception is in harmony with the general purpose and intent of the resolution and in accordance with the procedures and provisions specified in Article XII. Hardship shall be based on physical limitations of the land and does not encompass financial considerations.

SECTION 208. Interpretation and conflict

In interpreting and applying the provisions of this resolution, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this resolution to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinance, other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, or not in conflict with any of the provisions of this resolution, or which shall be adopted or issued, pursuant to law, regarding the use of buildings or land; provided, however, that where this resolution imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or

requires larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants, or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this resoluion shall control.

SECTION 209. Uses Exempted from Provisions of Resolution

209.1 The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located shall be permitted in all districts established by this resolution, and no zoning certificate shall be required for any such building or structure.

209.2 The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures 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 or the use of land for essential services as herein defined shall be permitted in all districts established by this resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

ARTICLE III -- DEFINITIONS

SECTION 300. Definitions

For the purpose of this resolution certain terms and words are defined as follows. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Except where specifically defined, all words used in this resolution shall carry their customary meanings.

Accessory Use or Structure: A use or structure (such as a garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional person, approved home occupations, and workshops not conducted for compensation shall be deemed accessory uses. In commercial, institutional and industrial areas, parking lots are accessory uses.

Agriculture: Agriculture shall include farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry, and limited processing and sale of agricultural products from land under same ownership.

Alley: Public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive and Trailer Sales: The sale or rental of new or used motor vehicles or trailers but not including repair work except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story having part but not more than one-half ($\frac{1}{2}$) of its height above grade, and used for storage, garages for the use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purpose shall not be counted as a story.

Billboard, Sign Board, or Poster Panel: Any sign or advertisement situated on private premises with an area greater than 100 square feet on which the written or pictorial information is not directly related to the principal use of the land on which sign is located; any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from the said display.

Board: The Board of Zoning Appeals of Mercer County, Ohio.

Boarding House: A building or portion thereof, other than a hotel, where, for compensation and by arrangement, meals or lodging and meals are provided for three (3) or more persons but not exceeding six (6) persons.

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and porches, whether enclosed or unenclosed, but does not include steps.

Building, Height of: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the decline of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building, Principal or Main: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, Unit Group: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals and institutions.

Business Classifications

- (a) Local or Neighborhood Business: Retail and service establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than five (5) persons. Permitted uses include drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and hardware and grocery stores, if less than 10,000 square feet of floor area. Other small businesses of an equally restricted and local nature may be permitted by the Board of Zoning Appeals.
- (b) Highway and General Business: Includes commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway business includes motels, gas stations, restaurants, drive-in establishments, auto and farm implement sales and services, building trades and services, commercial recreation and similar commercial activities. General business includes but is not limited to retail and service establishments which cater to the community residents' and workers' daily needs for convenience goods and services, such as supermarkets; stores for the sale of drugs, hardware, appliances, furniture, apparel, and footwear; business and personal services; professional services; offices and other similar or related activities.

- (c) Community Shopping Center includes retail outlets and service enterprises which lend themselves to the functions of a unified shopping center of ten to fifty acres in size.
- (d) Institution and Office areas include institutions of a charitable, philanthropic or religious nature; insurance and other main and regional business offices; medical centers and other comparable uses as determined by the Board of Appeals. These uses require spacious sites.

Business Services: Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

Clinic: An establishment where patients who are not lodged overnight (out patients) are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

Club: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Entertainment Facilities: Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs and similar entertainment activities.

Commission: The County Rural Zoning Commission of Mercer County.

Community Development Project: Any development of land for industrial, commercial or residential purposes, or a combination of these uses, provided they are functionally integrated, to attain an improved character of development that conforms to the purpose and intent of this resolution.

Conditional Use (Special Exceptions): A use which is subject to conditional approval by the board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specified provision for such special exceptions made in this resolution. A conditional use is not considered to be a nonconforming use.

Districts, Zoning Districts: Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the district map which is part of this resolution.

Drive-in Commercial Uses: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks, and similar uses.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, boarding and rooming houses.

Dwelling Unit: One or more rooms in a dwelling or apartment hotel designed for occupancy by one (1) family for living purposes and having cooking facilities.

Dwelling, Single-family: A building designed for or occupied exclusively by one family.

Dwelling, Two-family: A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex, (one dwelling unit above the other) or a semi-detached dwelling, (one dwelling unit beside the other.)

Dwelling, Multiple-family: A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.

Dwelling, Row: A row of three (3) to six (6) attached, one-family dwellings, not more than two (2) rooms deep.

Educational Institution: A college, university, academy or school giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.

Farm: Ten acres or more of land on which agricultural operations are conducted under the supervision of one person, partnership or corporation.

Farm Vacation Enterprises: Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

Food Processing: The preparation or processing of food products. Examples of activities included are bakeries, dairies, and similar businesses.

Forestry: The growing and care of trees for commercial purposes, including the cutting and marketing of timber.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured at the setback building line -- or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garages, Private: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not resident on the premises; (b) not more than one (1) commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicle permitted does not exceed two (2) tons capacity.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Gas Station, Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

Highway, Major: A street or road of considerable continuity which is used primarily as a traffic artery for intercity travel.

Home Occupation: An accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign. The office of a physician, surgeon, dentist or other professional person, including an instructor of musical instruments limited to a single pupil at a time, who is not professionally engaged in the purchase or sale of goods, shall be deemed home occupations. Beauty parlors, barber shops, dancing instruction, band instrument instruction in groups, tourist homes, convalescent homes, mortuary establishments, and stores, trades or business of any kind not herein excepted shall not be deemed home occupations. Borderline cases shall be ruled on by the Board of Appeals.

Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house or a lodging house which are herein separately defined.

Institution: Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

Junk Storage and Sales (Salvage Operation): Any lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

Kennel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

Land Use Plan: The long-range plan for the desirable use of land in area as adopted by the Mercer County Regional Planning Commission; the purpose of such plan being, among other purposes, to serve as a guide in future development and zoning for the townships of Mercer County.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lodging House: A building other than a hotel or motel where lodging and/or meals for two (2) or more persons is provided for compensation.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this resolution, including one main building together with its accessory buildings, the open spaces and parking spaces required by this resolution and having its principal frontage upon a street or upon an officially approved place. A lot may or may not be the land shown on a duly recorded plat.

Lot Area : The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot, or portion thereof, not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection of not more than 135°.

Lot Coverage: Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the office of the County Recorder.

Lot, Through: An interior lot having frontage on two (2) or more streets.

Lot, Minimum Area of: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot Width: The width of a lot at the building setback line measured at right angles to its depth. The width of lots fronting on a cul-de-sac or curved street shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard.

Manufacturing: Any production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing, General: Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, radiation, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water-carried waste. Any manufacturing or industrial process permitted in an "M-2" District shall comply with the performance requirements of Article VIII, Section 800.

Manufacturing Restricted: Manufacturing, storage, or industrial production which by the nature of the materials, equipment and process utilized is to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall comply with the performance requirements specified in Section 802 and shall include the industrial uses listed below and any other uses which are determined by the Board to be

of the same restricted character: the manufacture of drugs, jewelry, musical instruments, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories, printing, publishing and engraving plants, bakeries or dairies, building material sales and storage, farm supply sales and grain storage and processing, oil and gas well equipment sales and storage, warehousing, and wholesale businesses.

Mineral Extraction, Storage and Processing: Any mining, quarrying or processing of limestone, shale, clay, coal, sand, gravel or other mineral resources.

Mobile Home -- House Trailer: Any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

Mobile Home Parks: An area manifestly designed to accommodate mobile homes in a safe, sanitary and desirable manner as described in Article VII, Section 701.

More Restrictive: In reference to a nonconforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards, etc., or generally increasing compatibility of a nonconforming use to the requirements of the district in which it is located.

Motor Court or Motel: A building or group of buildings used for the temporary residence of motorists or travelers.

Nonconforming Use: The use of land or a building, or portion thereof, which does not conform with the use regulations of the district in which it is situated. See Article X.

Nursery, Nursing Home (Institutional Home): A home or institutional facility for the care of babies, children, pensioners or elderly people, except those for correctional or mental cases.

Off-street Parking Space: Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space has an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities.

Planning Commission: The Mercer County Regional Planning Commission.

Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

Professional Activities: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.

Public Maintenance and Storage Facilities: Public land and buildings devoted solely to the maintenance and storage of highway equipment and materials.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewerage services.

Public Uses: Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Recreational Facilities:

- (a) Noncommercial Recreational Facilities: Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, ski slopes, hunting and trapping, and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools. Noncommercial recreational facilities may be leased to outside groups and organizations provided the fee for such purposes is limited to incidental maintenance and custodial expenses.
- (b) Commercial Recreational Facilities: Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, amusement parks, boat docks and launching ramps, fishing piers and similar commercial enterprises.
- (c) Restricted Commercial Recreational Facilities: Boat docks and fishing piers, boat launching, maintenance, repair and fueling facilities, ski lodges, concessions for the sale of food, non-alcoholic beverages and boating and fishing supplies and accessories.

Residential Floor Area: The interior floor area of a dwelling, including stairways, halls and closets but not including basements, porches, garages, breezeways or carports.

Rooming House: A building or portion thereof other than a hotel, where lodging for five (5) or more persons is provided for compensation.

Semipublic Uses: Churches, Sunday Schools, cemeteries, parochial schools, colleges, seminaries, shrines, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Sand and Gravel Extraction: The excavation, storage, separation, cleaning and marketing of sand and gravel.

Seasonal Residence: Summer cottages, winter lodges and similar housing occupied less than six months during a year.

Setback Line: A line established by zoning, platting or other legal means on a lot a specified distance from and parallel to the lot line to restrict the encroachment of buildings on the lot line.

Sewage Disposal System -- Central: An approved sewage disposal system which provides for the combined collection and disposal of sewage from a group of residential, commercial or industrial buildings.

Sewage Disposal System -- On-site: A septic tank installation on an individual lot which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sign, Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

Sign, Billboard: Any sign situated on private premises with an area greater than 100 square feet on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

Sign, Business: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or "For Rent" sign relating to the property on which it is displayed shall be deemed a "business sign."

Social Activities: Any building and land used for private or semiprivate club activities, including lodges, fraternities and similar activities.

Special Exception: A use which is subject to conditional approval by the Board of Appeals. A conditional use may be granted by the Board of Appeals only when there is a specific provision for such special exceptions made in this Resolution. A special exception is not considered to be a nonconforming use.

Specialized Animal Raising and Care: The use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; animal kennels, pigeon raising and raising of any other domestic animals or birds of a similar nature.

Story: That portion of a building other than a cellar included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is above the average level of the adjacent ground.

Street Line, Right-of-Way Line: A dividing line between a lot, tract or parcel of land and contiguous street.

Structure: Anything constructed or erected other than a building, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground, including -- but not limited to -- advertising signs, billboards and backstops for tennis courts.

Structural Alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Tourist Camp: Land used or intended to be used by campers or for trailers, tents, or movable dwellings; two or more trailers, whether parked or supported by foundations, shall constitute a "Tourist Camp."

Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than ten individuals and open to transient guests.

Trailer: See Mobile Home.

Trailer, Small Utility: Any trailer drawn by passenger automobile, used for the occasional transport of personal effects.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Variance: A variance is a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this resolution would result in unnecessary and undue hardship.

Waste Disposal: Disposition of garbage, combustible and noncombustible waste material.

Yard: An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches.

Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Zoning Certificate: The document issued by the County Zoning Inspector authorizing the use of the land or buildings.

Zoning Commission: County Rural Zoning Commission of Mercer County, Ohio.

Zoning District Map: The Zoning District Map or maps of the County, together with all amendments subsequently adopted.

Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Board of County Commissioners.

ARTICLE IV -- USE REGULATIONS

SECTION 400. The permitted and conditional uses for each district are shown in the accompanying tabulation which shall constitute Article IV of the Zoning Resolution. The interpretation of uses given in categorical terms shall be as defined in Article II. Uses not specifically listed or interpreted to be included categorically under this Article and Article II shall not be permitted except by Amendment to the Resolution.

PERMITTED USES

"FP"
Flood Plain

Agriculture and Forestry, Plant Cultivation, Public Uses.

"S-1"
Special

Parks, Public Uses, Essential Services, Accessory Uses, Conservation and Highway Interchange Areas, Non-commercial Recreational Facilities, Agriculture and Forestry, Plant Cultivation.

"A-1"
Agriculture

Single-family Dwellings, Agriculture and Forestry, Public Uses, Public Service Facilities, Essential Services, Accessory Uses, Non-commercial Recreational Facilities.

"SR"
Suburban Residence

Single-family Dwellings, Public Uses, Semipublic Uses, Plant Cultivation, Essential Services, Accessory Uses.

CONDITIONAL USES REQUIRING BOARD APPROVAL

"FP"
Flood Plain

Restricted Commercial Recreational Facilities, Specialized Animal Raising and Care, Sand, Gravel, Topsoil Extraction, Residences provided they meet A-1 District requirements.

"S-1"
Special

Public Services Facilities, Restricted Commercial Recreational Facilities, Cemeteries, Airports, Semipublic Uses, Tourist Camps, Sand and Gravel Extraction.

"A-1"
Agriculture

Restricted Commercial Recreational Facilities, Institutions, Cemeteries, Specialized Animal Raising and Care, Home Occupations, Sand, Gravel, or Topsoil Extraction, Airports, Semipublic Uses, Commercial Billboards and Advertising Signs, Farm Vacation Enterprises, Seasonal Residences, Poultry, hog or cattle feeding not incidental to the farm operation, one mobile home per farm.

"SR"
Suburban Residence

Public Service Facilities, Noncommercial Recreational Facilities, Agriculture, Home Occupations, Specialized Animal Raising and Care, Cemeteries.

ARTICLE IV -- USE REGULATIONS (Continued)

PERMITTED USES

"R-1"

Low Density Residence

Single-family Dwellings, Two-family Dwellings, Public Uses, Semipublic Uses, Plant Cultivation, Essential Services, Accessory Uses

"R-2"

Moderate Density Residence

Single-family Dwellings, Two-family Dwellings, Multiple-family Dwellings, Plant Cultivation, Public Uses, Essential Services, Accessory Uses, Semipublic Uses

"R-3"

Mobile Home Parks

Mobile Homes, Management Office, Public Uses, Essential Services, Accessory Uses

"B-1"

Local Business

Local Neighborhood Business (see definition), Personal Services, Professional Activities, Public Uses, Public Service Facilities, Essential Services, Accessory Uses, Offices and Banks, Restaurants, Social Activities, Semipublic Uses

CONDITIONAL USES REQUIRING BOARD APPROVAL

"R-1"

Low Density Residence

Multiple Family Dwellings, Public Service Facilities, Noncommercial Recreational Facilities, Professional Activities, Home Occupations, Agriculture, Noncommercial Recreational Facilities, Nursing Homes

"R-2"

Moderate Density Residence

Noncommercial Recreational Facilities, Nursery Schools, Child Care Clinics, Professional Activities, Home Occupations, Lodging and Boarding Houses, Semipublic Uses, Noncommercial Recreational Facilities, Nurseries, Nursing Homes, Public Service Facilities, Conversion of Dwellings, Tourist Homes

"R-3"

Mobile Home Parks

Mobile Home Unit Sales, Neighborhood Business, Nursery School, Child Care Semipublic Uses.

"B-1"

Local Business

Gasoline Service Stations

ARTICLE IV -- USE REGULATIONS (Continued)

PERMITTED USES

"B-2"

Highway & General Business

Public Uses, Semipublic Uses, Social Activities, Retail Business, Personal Services, Business Services, Professional Activities, Offices and Banks, Gasoline Service Stations, Restaurants, Drive-in Commercial Uses, Motels, Automotive Sales and Repair, Building Trades & Services, Transportation Equipment Sales and Repairs, Farm Implement Sales and Service, Essential Services, Accessory Uses, Mortuaries, Commercial Schools, Taverns, Commercial Entertainment Facilities, Public Service Facilities.

"B-3"

Community Shopping Center

Retail Sales: Food, Apparel, Hardware, Home Furnishings; Services: Professional, Personal, Financial, Commercial Entertainment Facilities, Drive-in Banks, Public Uses, Essential Services, Accessory Uses, Restaurants and Taverns

"M-1"

Restricted Industry

Restricted Manufacturing (see definition), Offices, Research and Testing Facilities, Public Service Facilities, Essential Services, Accessory Uses, Agriculture

"M-2"

General Industry

General Manufacturing (see definition), Manufacturing, Sale and Storage of Building Materials, Transport and Trucking Terminals, Wholesale and Warehousing Activities, Food Processing, Grain Elevators and Feed Mills, Essential Services, Accessory Uses, Ceramic Products Manufacturing, Public Service Facilities, Mineral Extraction, Sand, Gravel, and Topsoil Extraction, Oil and Gas Well Equipment Storage and Sales

CONDITIONAL USES REQUIRING BOARD APPROVAL

"B-2"

Highway & General Business

Billboards and advertising Signs, Agriculture, Wholesale Business, Printing and Publishing, Animal Hospitals and Clinics, Bakeries and Dairies, Commercial Entertainment Facilities, Commercial Recreational Facilities, Building Materials Sales and Storage

"B-3"

Community Shopping Center

Gasoline Service Stations, Semipublic Uses, Automotive Sales and Repair

"M-1"

Restricted Industry

Restaurants, Billboards and Advertising Signs, Printing and Publishing, Food Processing, Warehousing, Wholesale Business

"M-2"

General Industry

Agriculture, Restaurants, Billboards and Advertising Signs, Recreational Facilities

ARTICLE V -- MINIMUM DIMENSIONAL REQUIREMENTS

SECTION 500 Basic Yard, Area and Height Requirements for Dwellings

The following schedule establishes minimum yard, area and height requirements for dwellings and structures accessory to dwellings by district:

District	Minimum Lot Width (in feet)	Minimum Lot Area (per family)	Minimum Yard (in feet)		Minimum Yard Width (in feet)		Maximum Height of Buildings	
			Front*	Rear	Either Side	Sum of Side Yards	Stories	Feet
"A-1"	150	1 acre	60	60	25	60	2½	35
"SR"	Combined Sewage Disposal System and Water Facilities Required							
	100	20,000 sq.ft.	60	60	15	40	2½	35
"R-1"	Combined Sewage Disposal System and Water Facilities Required							
Single-family	85	13,000 sq.ft.	35	40	10	25	2½	35
Two-family	120	9,000 sq.ft.	35	40	12	30	2½	35
"R-2"	Combined Sewage Disposal System and Water Facilities Required							
Single-family	70	9,000 sq.ft.	30	30	8	20	2½	35
Two-family	90	6,000 sq.ft.	30	30	10	25	2½	35
Multifamily	135	5,000 sq.ft.	30	30	15	30	3	40
"R-3"	Mobile Homes (-----See Section 700 for all requirements-----)							

*Larger front yards are required on certain streets and highways. (See text, Section 507.)

SECTION 501. Floor Area Requirements for Dwellings

The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only the area used for living quarters shall be counted. Garages, carports, porches, and basements are to be excluded. Floor area requirements for seasonal farm labor dwellings shall comply with federal or state regulations, whichever is greater.

Districts	Single-family	Two family	Apartment Dwellings		
			Efficiency	1 bed-room	2 bed-rooms
"A-1"					
(a) One story	720	--	--	--	--
(b) More than one story	860	--	--	--	--
"SR"					
(a) One story	860	--	--	--	--
(b) More than one story	1,075	--	--	--	--
"R-1"					
(a) One story	790	650	--	--	--
(b) More than one story	1,000	800	--	--	--
"R-2"					
(a) One story	720	580	--	--	--
(b) More than one story	860	720	--	--	--
(c) Apartment dwellings	--	--	360	500	600
"R-3"					
(a) Mobile Homes	400	--	--	--	--

SECTION 502. Basic Yard, Area, Lot Coverage and Height Requirements for Nonresidential Buildings

The following table establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings by district:

District	Minimum Lot Width (in feet)	Minimum Lot Area	Minimum Depth (in feet)		Minimum Width Each Side Yard (in feet)	Maximum Percent of Lot Coverage	Maximum Height of Buildings	
			Front Yard	Rear Yard			Stories	Feet
"S-1"	300	3 acres	60	60	50	15	4	45
"A-1"	300	3 acres	60	60	50	10	3	45
"SR"	300	3 acres	60	60	50	10	3	45
"R-1"	200	2 acres	60	60	50	15	3	40
"R-2"	150	1 acre	50	50	30	20	3	45
"R-3"	(-----See Section 701 for Special Requirements-----)							
"B-1"	80	10,000 sq.ft.	30	30	None	50	2	35
"B-2"	100	20,000 sq.ft.	40	20	15	40	3	45
"B-3"	400	5 acres	60	40	30	30	2	35
"M-1"	200	1 acre	50	40	30	25	3	45
"M-2"	200	2 acres	50	40	30	35	3	45

SECTION 503. Side and Rear Yard Requirements for Nonresidential Uses "SR" and "R" Districts

503.1 Minimum Yard Requirements: Business and Industrial buildings or uses shall not be located nor conducted closer to any lot line of an "SR" or "R" District than the distance specified in the following schedule, except as provided in paragraph 503.2 of this section. Minimum yard requirements for mineral extraction operations shall conform to the provisions of Section 802.

Minimum Yard Abutting any "R" or "SR" District (in feet)		Use
Side Yard	Rear Yard	
25	40	Off-street parking and loading spaces and access drives for nonresidential uses.
50	60	Churches, schools and public or semipublic buildings.
60	80	Recreation facilities, entertainment facilities, motels, all commercial uses, billboards, trailers, and mobile home parks.
100	100	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed below.
500	500	Auto and metal salvage operations, mineral extraction or processing.

503.2 Landscaping or Screening Provisions: For nonresidential uses abutting "SR" and "R" Districts the minimum yards may be reduced to fifty (50) percent of the requirements stated in paragraph 503.1 if acceptable landscaping or screening, approved by the Zoning Commission is provided. Such screening shall be a masonry or solid fence between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping, provided in lieu of such wall or fence, shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height. Parking of automobiles for nonresidential uses may be permitted within ten (10) feet of the boundaries of "SR" and "R" Districts, provided screening is installed as specified herein subject to approval of a plan therefor by the Zoning Commission.

SECTION 504. Height Regulations for Institutional, Office, Industrial, Commercial, and Apartment Buildings and Structures

504.1 Institutional, industrial, commercial and apartment buildings with a height in excess of the minimum height specified in Section 500 and 502 for such buildings may be permitted provided the required front, side and rear yards are increased by two feet for each foot of additional building height

above the maximum specified in Section 500 and 502, except that no building shall exceed a maximum height of sixty (60) feet without prior approval of the Board of Zoning Appeals.

504.2 The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smoke stacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 505. Existing Lots of Record

Any lot of record fifty (50) feet or wider existing at the effective date of this Resolution in any "SR" or "R" District may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of five (5) feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the Board may require that the lot be combined and used for one (1) main building. In either case, the prevailing setback shall be met. Where three or more contiguous unimproved lots of record with less than the required area and width are held by one owner, the Board may require replatting to fewer lots to permit compliance with minimum yard requirements.

SECTION 506. Architectural and Building Projections

506.1 Cornices, eaves, sills, canopies or similar architectural projections may extend or project into required side yards not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front or rear yard not more than thirty (30) inches. Bay windows and chimneys may project into a required front, side or rear yard not more than eighteen (18) inches, provided the side yard is not reduced to less than eight (8) feet.

506.2 Open structures such as porches, balconies, platforms, carports, and covered patios, shall be considered a part of the building to which attached and shall not project into the required minimum front, side or rear yards.

SECTION 507. Setback of Buildings on Principal Streets and Highways

Along any state, federal or major highway, or major street, no building or accessory building shall be located within sixty (60) feet or closer than the setback established by the existing adjacent structures from the existing right-of-way of such highway or any proposed right-of-way line on the county's major highway plan. Where there is no officially established public right-of-way for a road open to the public, all buildings shall be set back at least seventy-five (75) feet from the centerline of the traveled roadway.

SECTION 508. Special Yard Requirements

508.i Lots having frontage on more than one street shall provide the required front yard along every street.

508.2 No accessory buildings shall be located in any front or side yard except under unusual circumstances where such activity shall not conflict with the intent and purpose of this resolution; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Board. Accessory buildings such as garages may be located in the rear yard provided such buildings are set back at least three (3) feet from the side lot lines and six (6) feet from the rear lot lines.

508.3 No accessory uses or structures, off-street parking facilities or material or equipment storage shall be located in any front yard without approval of the Board.

SECTION 509. Traffic Visibility Across Corner Lots

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the "corner" at a height which exceeds two and one-half (2½) feet above curb or street grade, or so as to interfere with traffic visibility across the corner, except that a sign shall be constructed not less than ten (10) feet above the ground at its lowest edge. The corner shall be defined as the point of intersection of the two rights-of-way lines.

ARTICLE VI -- OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 600. Off-Street Parking Requirements

600.1 General Requirements: In all districts, in connection with every industrial, business, institutional, recreational, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- (a) Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- (b) There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the parking or storage or loading or unloading spaces required hereunder.

600.2 Number of Spaces Required: The number of off-street parking spaces to be provided shall not be less than the following:

<u>Use</u>	<u>Parking Spaces Required</u>
Dwellings, including one, two and three families, multiple dwellings, summer cottages, and mobile homes.	One (1) for each dwelling unit, except that one (1) additional space of proper size and construction shall be provided for each additional motor vehicle owned and/or continuously stored on a residential property by the resident or owner.
Rooming or boarding house, tourist home, or dormitory.	One (1) for each sleeping room or suite.
Hotel or motel.	Five (5) parking spaces plus one (1) parking space for each sleeping room or suite. These spaces shall be in addition to the parking spaces that shall be provided for any portion of the hotel that is used for office, business, or commercial purposes including the lobby, but not including corridors giving access to sleeping rooms.
Private club, golf club or lodge.	One (1) for each four (4) members.
Commercial golf course.	Forty (40) for each nine (9) holes plus one (1) for each employee.
Church or temple	One (1) for each five (5) seats in main auditorium.

Use	Parking Spaces Required
School (except high school or college).	One (1) for each five (5) seats in auditorium or main assembly room, or two (2) for each classroom, whichever is greater.
College or high school.	One (1) for each four (4) seats in main auditorium or four (4) for each classroom whichever is greater.
Community center, library, museum or art gallery	Ten (10) plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
Hospital	One (1) for each bed, plus one (1) for each employee.
Sanitarium, convalescent home, home for the aged, or similar institution.	One (1) for each two (2) beds.
Offices, clinics, personal and professional services.	One (1) for every one hundred (100) square feet of floor space.
Retail business or business service establishment except as otherwise specified herein.	One (1) for each one hundred fifty (150) square feet of floor space and one (1) for each two (2) employees on the maximum working shift.
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium.	One (1) for each five (5) seats or bench seating spaces.
Bowling alley.	Five (5) for each lane, plus one (1) additional space for each two hundred (200) square feet of area used for eating, drinking or other recreation.
Mortuary or funeral home.	One (1) for each fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
Restaurants, nightclubs, cafes or similar recreation or amusement establishments, dance halls, assembly or exhibition halls without fixed seats.	One (1) for each one hundred (100) square feet of floor area.
Printing or plumbing shop or similar service establishment.	One (1) for each person employed therein.

Use	Parking Spaces Required
Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service.	Two (2) plus one (1) additional space for each six hundred (600) square feet of floor area over one thousand (1,000) square feet.
Manufacturing, industrial or mining establishment, research or testing laboratory, bottling plant, dairy, bakery, warehouse or similar establishment.	One (1) for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

600.3 Interpretation: The following rules shall govern the determination of spaces required:

- (a) "Floor area" shall mean the gross floor area of the specified use.
- (b) Fractional numbers shall be increased to the next whole number.
- (c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (d) Whenever a building or use constructed or established after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this resolution is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- (e) One additional space of proper size and construction shall be provided for each additional operational motor vehicle owned and/or continuously stored on a residential property by the resident or owner.

SECTION 601. Special Parking Provisions

Every parcel of land hereafter used as a public, commercial or private parking lot shall be developed and maintained in accordance with the following requirements.

601.1 Screening and Landscaping: Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "SR" or "R" District, or institutional premises, by a masonry wall or solid fence of acceptable design. Such fence shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between

such wall or fence and the lot line of the adjoining premises in any "SR" or "R" District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, may be substituted.

601.2 Minimum Distance and Setbacks: No part of any parking area for more than five (5) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen or wall. If on the same lot with a main building, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way. The wall or hedge required in Section 601.1 hereof shall be set back from each street, the same as if it were a building wall, so as to observe the front yard requirements of this resolution.

601.3 Joint Use: Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the County Prosecutor and accepted by the Board of Zoning Appeals shall be filed with the application for a zoning certificate.

601.4 Other Locations: Parking spaces may be located on a lot situated within three hundred (300) feet of that lot containing the principal use with the approval of the Board of Appeals, provided a written agreement, approved by the County Prosecutor and accepted by the Board of Appeals, shall be filed with the application for a zoning certificate.

601.5 Surfacing: Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

601.6 Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any "SR" or "R" District.

601.7 Disabled Vehicles: The parking of a disabled automotive vehicle within any district for a period of more than two weeks shall be prohibited; except that such vehicle may be stored in an enclosed garage or other accessory building provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

SECTION 602. Off-street Loading Requirements

602.1 In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space; plus

one (1) additional such loading space for each additional ten thousand (10,000) square feet or major fraction thereof of gross floor area when required because of the volume or receipt or distribution by vehicle of material or merchandise.

602.2 Each loading space shall be not less than twelve (12) feet in width, fourteen (14) feet in height and forty (40) feet in length for tandem trailers or twenty-eight (28) feet for two-axle trucks.

602.3 Subject to the limitations in Section 503.1 of Article V, such space may occupy all or any part of any required yard or court space.

602.4 No such space shall be located closer than fifty (50) feet to any other lot in any "SR" or "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides facing lots in any "SR" or "R" District by a wall or fence not less than six (6) feet in height.

ARTICLE VII -- SPECIAL PROVISIONS FOR RESIDENTIAL USES

SECTION 700. Conversion of Dwellings

In "SR," "R-1" or "R-2" Districts, an existing residence may be converted to accommodate an increased number of dwelling units, provided:

- (a) The yard dimensions meet the yard dimensions required by the zoning regulations for new structures in that district.
- (b) The lot area per family is equal to the lot area requirements for new multifamily structures in that district.
- (c) The number of square feet of living area per family unit is not less than that which is required for new construction in that district.

SECTION 701. Mobile Home Parks

701.1 No mobile home, trailer or similar portable residence structure shall be permitted to locate in the county except in the "A-1" District as a conditional use or in a Mobile Home Park in an "R-3" Residence District.

701.2 The Mobile Home Park shall conform to the following requirements:

- (a) Shall contain a minimum of five (5) acres.
- (b) Shall provide an adequate supply of pure water.
- (c) Shall provide an adequate system of collective sanitary sewers and an approved sewage treatment and disposal system.
- (d) Shall provide a clearly defined minimum lot area of four thousand (4,000) square feet with a minimum lot width of forty (40) feet and four hundred (400) square feet of floor area for each mobile home or trailer.
- (e) Shall provide a minimum of twenty (20) foot clearance between the individual mobile homes or trailers and a fifty (50) foot setback from any property line bounding the mobile home park.
- (f) All mobile home spaces shall abut upon a chip and spray or better surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a private or public street.
- (g) A safe, usable recreation area shall be conveniently located in each mobile home park and shall not be less than twenty (20) percent of the gross area of the tract, or three (3) acres, whichever is the least.
- (h) Shall conform to all county and State Health Department requirements.
- (i) Skirts shall be provided to screen space beneath mobile homes.

- (j) Shall be landscaped with lawns and plantings, including appropriate trees.
- (k) Mobile home parks shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Board. Walls or fences shall be a minimum of four (4) feet and a maximum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

701.3 The parking of a mobile home, house trailer or similar portable residence structure in any residential district other than an "R-3" District, for forty-eight hours or a longer period of time shall be prohibited.

701.4 The parking of camping or vacation trailers, boats, and utility or boat trailers in any residential district for forty-eight (48) hours or a longer period of time shall be prohibited except that such trailers and boats may be stored in an enclosed garage or other accessory building or parked in the rear yard of a residential property, provided:

- (a) That in all cases no living quarters shall be maintained or any business conducted while the trailer or boat is stored or parked.
- (b) The trailer or boat is intended and used for the sole benefit and enjoyment of the resident occupants of the property on which it is stored or parked.
- (c) The trailer or boat shall not be parked closer than five (5) feet to the side or rear lot lines of the property on which it is stored or parked.

SECTION 702 Swimming Pools

702.1 Private Swimming Pools: A private swimming pool not including farm ponds, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any "B," "R" or "SR" District except as an accessory use and unless it complies with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (b) It may not be located, including any walks or paved areas or accessory structure adjacent thereto, closer than ten (10) feet to any property line of the property on which located.

- (c) The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than five (5) feet in height and maintained in good condition, with a gate and lock.

702.2 Community or Club Swimming Pools: A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which located.
- (c) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

SECTION 703. Fences and Planting Screens

703.1 Fences, plant material and similar screening devices up to three (3) feet in height are permitted in yards fronting on the public street. These same screening devices up to six (6) feet in height are permitted in the remaining yards.

703.2 Injurious materials such as barbed wire or spike fences are not permitted in any case.

SECTION 704. Community Development Projects

704.1 An authorized agency of the municipality, state or federal government or the owner or owners of any tract of land in an "R" or "SR" District comprising an area of not less than ten (10) acres may submit to the Commission a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article XII for hearings or changes and amendments. If the Commission approves the plans, these shall be submitted to the Board of County Commissioners for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence showing that the proposed community development project meets with the following conditions:

- (a) The property adjacent to the area included in the plan will not be adversely affected.
- (b) The plan is consistent with the intent and purpose of this resolution to promote public health, safety, morals and general welfare.
- (c) The use of the land shall be similar to the uses permitted in the district in which the plan is located.
- (d) That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is to be located.

704.2 If the Commission and Board of County Commissioners approve the plans, a zoning certificate may be issued, even though the use of the land, the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which the project is located.

ARTICLE VIII -- PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

SECTION 800. Integrated Commercial Centers

800.1. General Provisions

- (a) The owner of a tract of land located in any "B" District or near a proposed shopping center which is shown on the Land Use Plan and containing not less than two (2) acres for a center in a "B-1" or "B-2" District or ten (10) acres in a "B-3" District shall submit to the Planning Commission for its review a preliminary plan for the use and development of such tract of land as an integrated shopping center. The Planning Commission shall review the proposal and recommend appropriate action to Council thereto.
- (b) In accepting such plan for review the Commission must be satisfied that the proponents of the proposed shopping center are financially able to carry out the proposed project, that they intend to start construction within one year of the approval of the project and necessary change in zoning, and that they intend to complete it within a reasonable time as determined by the Commission.

800.2 Location, Size and Character of Development

- (a) The need for the proposed development must be supported by such evidence as the Commission may require.
- (b) The proposed shopping center shall be located so that reasonably direct traffic access is supplied from principal thoroughfares and where congestion will not likely be created by the proposed center, or where congestion will be alleviated by presently projected improvement of access thoroughfares.
- (c) The plan shall provide for a shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, which will fit harmoniously into the adjoining or surrounding development.

800.3 Permitted Uses: The uses permitted in a Community Shopping Center shall be those retail business, commercial and service uses permitted in the "B-3" District. Uses permitted in a Neighborhood Shopping Center shall be the uses permitted in the "B-1" District.

800.4 Design Regulations: The following regulations shall apply to an integrated shopping center:

- (a) Building Heights: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as modified by Section 504 of this resolution.

- (b) Yards: No building shall be less than fifty (50) feet distant from any boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" or "SR" District by a wall or compact evergreen hedge at least six (6) feet in height. Such wall or hedge shall be placed at least five (5) feet from the property line.
- (c) Tract Coverage: The ground area occupied by all the buildings shall not exceed in the aggregate thirty (30) percent of the total area of the lot or tract.
- (d) Customer Parking Space: Notwithstanding any other requirements of this resolution, there shall be provided one off-street parking space for each one hundred (100) square feet of rental floor space, not including basement storage space in the shopping center.
- (e) Loading Space: Notwithstanding any other requirements of this resolution, there shall be provided one off-street loading or unloading space for each ten thousand (10,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third (1/3) of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.
- (f) Access Drives and Illumination of Parking Areas: Access drives shall be at a minimum interval of three hundred (300) feet, and illumination of parking areas shall be so arranged to reflect light away from adjoining premises in any "R" or "SR" District.

800.5 Submission and Approval of Final Development Plan

- (a) Upon determination by the Planning Commission that the proposed integrated shopping center conforms to the requirements of this Section and all applicable requirements of this resolution, the proponents shall prepare and submit a final development plan which shall incorporate any changes or modifications required or suggested by the Commission.
- (b) If the final development plan is found to comply with requirements set forth in this Section and other applicable provisions of this resolution, the Commission shall submit said plan with its report and recommendations, together with the required application by the proponents of the necessary change in zoning classification of the site of the proposed center, to the Council which shall hold a public hearing on both the development plan and any application for a change in zoning.
- (c) Following a public hearing, the County Commissioners may modify the plan, consistent with the intent and meaning of this resolution, and may re-zone the property to the classification permitting the proposed center for development in substantial conformity with the final plan as approved by the County Commissioners.

- (d) After the final development plan has been approved by the County Commissioners, additional adjustments and rearrangements may have to be authorized to implement the carrying out of the plan. These may include adjustments or rearrangements of buildings, parking areas, entrances, heights of buildings, or yards. As long as the requested changes conform to the general standards established by this resolution, the changes may be authorized by the County Commissioners.

SECTION 801. Integrated Office, Research and Restricted Industrial Centers

The following regulations, conditions and procedures shall apply to the development of groups of properties for integrated office, research and restricted industrial uses in "M-1" Districts:

801.1 General Provisions

- (a) The owner of a tract of land located in any "M-1" District near where a proposed office, research or restricted industrial area is shown on the future land use plan, containing not less than four (4) acres, shall submit to the Planning Commission for its review a preliminary plan for the use and development of such tract of land for office, research or industrial uses permitted in accordance with the provisions of this resolution. The Planning Commission shall review the proposal and recommend what action should be taken by the County Commissioners.
- (b) In accepting such plan for review the Planning Commission must be satisfied that the proponents of the office, research or industrial development or combination thereof are financially able to carry out the proposed project, that they intend to start construction within one year of the approval of the project, and that they intend to complete it within a reasonable time as determined by the Commission.

801.2 Location and Character of Development

- (a) The proposed office, research or restricted industrial development or combination thereof shall be located so that reasonably direct traffic access is supplied from principal thoroughfares and where congestion will not likely be created by the proposed development, or where such congestion will be alleviated by presently projected improvements of access thoroughfares, by demonstrable provision in the plan for proper entrances and exits, and by internal provisions for traffic and parking.
- (b) The plan shall provide for an office, research or industrial development or a combination thereof consisting of one or more buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping which will be an attractive development and which will fit harmoniously into and will have no adverse effects upon the adjoining or surrounding development.

801.3 Permitted Uses: The uses permitted in "M-1" Districts shall be those office and research buildings, and restricted industrial and related uses listed in Article IV.

801.4 Regulations: The following regulations shall apply to office, research and restricted industrial developments in "M-1" Districts:

- (a) Building Heights: No building shall exceed three (3) stories or forty-five (45) feet in height, except as modified by Section 504 of this resolution.
- (b) Yards: No building shall be less than thirty (30) feet distant from any boundary of the tract on which the apartment, office, research or industrial development is located. Loading and storage shall be permanently screened from all adjoining properties located in any "R" or "SR" District by building walls, or a solid wall or compact evergreen hedge at least six (6) feet in height. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
- (c) Tract Coverage: The ground area occupied by all the buildings shall not exceed in the aggregate thirty (30) percent of the total area of the lot or tract except that where parking spaces are provided within the main buildings of the development, ground area occupied by all buildings shall not exceed forty (40) percent of the total area of the lot or tract.
- (d) Parking Space: Notwithstanding any other requirements of this resolution, there shall be provided one off-street space for each two employees on the maximum working shift. Parking areas will not be located closer than twenty-five (25) feet to any adjoining lot line in any "R," "SR" or "B" District and shall be set back at least thirty (30) feet from the street right-of-way line. The parking area shall be graded for proper drainage and provide a durable and dust-free surface.
- (e) Loading Space: Notwithstanding any other requirements of this resolution, there shall be provided off-street loading or unloading space sufficient in area and vertical clearance to accommodate the maximum number of trucks and tractor-trailers anticipated at any one time.
- (f) Access Drives and Illumination of Parking Areas: Access drives shall be at a minimum interval of three hundred (300) feet, and illumination of parking areas shall be so arranged to reflect light away from adjoining premises in any "R" or "SR" District.

801.5 Submission and Approval of Final Development Plan

- (a) Upon determination by the Commission that the proposed office, research, or industrial development, as shown by the preliminary plan, conforms to the requirements of this Section and all other

applicable requirements of this resolution, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes or modifications required or suggested by the Commission.

- (b) If the final development plan is found to comply with requirements set forth in this Section and other applicable provisions of this resolution, the Commission shall submit said plan with its report and recommendations, together with the required application for a Zoning Certificate to the County Commissioners, who shall hold a public hearing on the proposed development plan.
- (c) Following a public hearing, the County Commissioners may modify the plan consistent with the intent and meaning of this resolution and authorize the issuance of a Zoning Certificate.
- (d) After the final development plan has been approved by the County Commissioners, additional adjustments and rearrangements may have to be authorized to implement the carrying out of the plan. These may include adjustments or rearrangements of buildings, parking areas, entrances, heights of buildings or yards. As long as the requested changes conform to the general standards established by this resolution the changes may be authorized by the County Commissioners.

SECTION 802. Motels

802.1 Motels shall comply with the sanitary regulations prescribed by the County Health Officer and in addition shall comply with the following regulations:

- (a) Any lot to be used for a motel shall not be less than two (2) acres in area and shall contain not less than two thousand (2,000) square feet of lot per sleeping unit.
- (b) All areas not used for access, parking, circulation, buildings and services shall be landscaped and the entire site maintained in good condition.

SECTION 803. Performance Requirements

803.1 Requirements: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.

- (a) Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices that are normally used in handling of any such material. Such hazards shall be kept removed from adjacent activities to

a distance which is compatible with the potential danger involved as determined by the Zoning Inspector.

- (b) Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (c) Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempted from this requirement. The following table shall be used to determine the maximum noise level:

<u>Octave Band in Cycles per Second</u>	<u>Along Residence District Boundaries -- Maximum Permitted Sound Level in Decibels</u>	<u>Along all Business District "M-1" and "M-2" Boundaries -- Maximum Permitted Sound Level in Decibels</u>
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1,200	46	53
1,200 to 2,400	40	47
Above 2,400	34	41

- (d) Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property or which will have the effect of destroying adjoining property and is found to be detrimental to the legal use of any adjoining lot or property.
- (e) Smoke: Smoke shall not be emitted with a density greater than No. 1 on the Ringlemann chart as issued by the U. S. Bureau of Mines. Smoke of a density of No. 2 on the Ringlemann chart shall be permitted for a period of up to eight minutes in each hour, provided the following conditions exist:
1. Breakdown of equipment
 2. Starting new fires
 3. Clean-up time
- (f) Odors: No malodorous gas or matter shall be permitted which is offensive or which produces a public nuisance or hazard on any adjoining lot or property.
- (g) Air Pollution: No pollution of air by flyash, dust, vapor or other substances shall be permitted which can cause damage to health, animals, vegetation or other property, or which can cause damaging soiling.
- (h) Glare: No direct or reflected glare shall be permitted which is visible from any property outside an "M" District or from any public street, road or highway.

- (i) Erosion: No erosion, by either wind or water or other liquid shall be permitted which will carry objectionable substances onto neighboring properties.
- (j) Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.

803.2 Enforcement Provisions

- (a) The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, shall require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- (b) Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N. Y., the Manufacturing Chemists' Association, Inc., Washington, D. C.; and the United States Bureau of Mines.

SECTION 804. Signs and Outdoor Advertising Structures

804.1 No sign shall be permitted in any district except as herein-after provided.

804.2 General Provisions

- (a) Signs not exceeding twelve (12) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property.
- (b) Announcement or professional signs for home occupations and professional activities where permitted shall not exceed two (2) square feet in area in an "SR" or "R" District and not more than four (4) square feet in other districts. Such signs in "R" and "SR" districts shall be flat against the principal building.
- (c) Bulletin boards and signs for a church, school, community or other public or semipublic institutional building shall be permitted provided the area of such bulletin board or sign shall not exceed fifteen (15) square feet in area.
- (d) Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twenty (20) square feet.
- (e) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

- (f) Temporary signs not exceeding in the aggregate fifty (50) square feet, announcing special events or the erection of a building, the architect, the builders, contractors, etc., may be erected for the period of sixty (60) days, plus the construction period
- (g) No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs, or institutional signs approved by the Zoning Inspector.
- (h) Any existing sign removed or altered must conform to the provisions of this resolution.

804.3 Business or Industrial District Signs

- (a) In a business or industrial district, each business shall be permitted one flat or wall sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building.
- (b) The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purpose of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.
- (c) Free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet and located not closer than ten (10) feet to any street right-of-way line and not closer than one hundred feet to any adjoining lot line may be erected to serve a group of business establishments or a shopping center. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.
- (d) Pole signs and symbolical design shall be permitted for business establishments provided:
 1. no part of such sign shall project into the right-of-way of any street or highway;
 2. the maximum area of any face of such sign shall not exceed thirty-five (35) square feet; and
 3. the pole support of the sign shall not be less than fifty (50) feet from any lot in any "SR" or "R" District.
- (e) The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half (1½) square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square

feet. In computing the area of free-standing or protruding signs all faces on which advertising is displayed are considered sign area.

- (f) Each shopping center shall be permitted two free standing signs not over thirty (30) feet in height, having a maximum total area of one hundred (100) square feet and located not closer than ten (10) feet to any street line and not closer than one hundred (100) feet to the adjoining lot line. A single identification pylon or similar structure of a height in excess of thirty (30) feet and in harmony with the design of the buildings shall be permitted in a shopping center. All signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, to avoid excessive advertising and ensure a harmonious appearance to the center as a whole. In a shopping center if signs are illuminated the source of light shall not be visible from an "R" or "SR" District and all signs shall conform to the distance requirements from property lines for the buildings in the center.
- (g) Signs for apartment, office, research and industrial development shall be limited to wall-type signs on the principal building except that a free-standing identification and directional sign not over fifteen (15) square feet in area may be erected at entrances to the office, research and industrial development. If signs are illuminated, the source of light shall not be visible.
- (h) Expressway Interchange Signs. In any business or industrial use district located adjacent to the interchange of any expressway, interstate highway or limited access highway one business identification sign shall be permitted, in addition to any other signs hereinbefore provided. Any such signs shall conform to the following:
 - 1. the height of such signs shall not exceed one hundred (100) feet;
 - 2. the maximum area of any face of such signs shall not exceed two hundred (200) square feet;
 - 3. the signs shall contain only the name of the company, service provided, or use to which the property is being used and in no event shall contain any more descriptive material; and
 - 4. such signs shall be non-movable and if illuminated must maintain constant rather than flashing illumination.

804.4 Setback Requirements: Except as provided above, signs and outdoor advertising structures, excluding pole and symbolical signs, where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications:

- (a) For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such setback shall be increased by one-half ($\frac{1}{2}$) foot but need not exceed one hundred (100) feet.
- (b) At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than one hundred (100) feet from the established right-of-way of each highway or street.
- (c) Real estate signs and bulletin boards for a church, school or any other public or semipublic, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

804.5 Special Yard Provisions: The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures.

- (a) No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any "SR" or "R" District within one hundred (100) feet of such lot line, or which faces any public parkway, public square or entrances to any public park, public or parochial school, library, church, or similar institution, within three hundred (300) feet thereof.
- (b) Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in any "SR" or "R" District.

804.6 Illumination: The following provisions shall be observed in the illumination of signs and advertising structures:

- (a) All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- (b) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.

804.7 Subdivision Signs: Upon application to the Zoning Inspector, a permit may be issued as a special exception to the terms of this resolution allowing a land-sales sign, provided that:

- (a) The sign shall not be illuminated.
- (b) The sign shall advertise the sale or development of a recorded lot subdivision.
- (c) The sign shall be erected only upon the property for sale or being developed.
- (d) The sign shall not be in excess of forty (40) square feet.
- (e) Not more than one such sign shall be placed along one road frontage of any property in single and separate ownership, and not more than two (2) such signs may be permitted in any single development.
- (f) A permit for the erection, construction or maintenance of said sign shall expire within one year.

804.8 Permits

- (a) A separate permit shall be required for the erection of signs regulated in this resolution, except that no permit shall be required for temporary real estate signs with an area of twelve (12) square feet for the sale or lease of property and for small announcement signs with an area of less than two (2) square feet. Announcement signs, except those for professional and home occupations shall be removed by the person or persons responsible for posting same within thirty (30) days after erection.
- (b) Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination; the exact location of the sign in relation to the building and property, the details and specifications for construction. A fee of three dollars (\$3.00) shall accompany each application for a sign permit.

804.9 Exemptions: Public notices, traffic control signs and other official signs and notices are exempt from the provisions of this section.

SECTION 805. Mineral Extraction, Storage and Processing

The extraction, storage and processing of minerals, including the removal of sand, gravel, clay and soils, shall be conducted in accordance with the requirements of this Section.

805.1 Extraction, storage and processing of minerals of all types shall be permitted only in "S-1," "A-1" and "M-2" Districts as specified in the Use Regulations of Article IV of this resolution.

805.2 The Performance Requirements of Section 803 shall be met.

805.3 Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any "SR" or "R" District; nor closer

than two hundred (200) feet from any structure used for human occupancy in any other district.

805.4 Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.

805.5 The mine owner or operator, hereafter referred to as "operator," shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.

805.6 The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table, public utilities, roads and surface drainage.

805.7 The operator shall file with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, or other improvements contemplated.

805.8 The operator shall file with the Board of County Commissioners, a bond payable to the County and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be as fixed by resolution of the Board of County Commissioners. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

SECTION 806. Excavation of Fill for Highway Construction

Excavation of fill for highway construction outside highway rights-of-way shall be permitted only in "FP," "S-1" and "A-1" Districts only after approval of the Board of County Commissioners is granted. The construction contractor shall provide proof that the source of community water supply shall not be adversely affected due to lowering the water table or contaminating the supply before permission for excavation is given in "FP," "S-1" or "A-1" Districts. The contractor shall also submit a plan and description as to the manner in which public utilities, roads, and surface drainage are to be restored in those instances where such facilities are to be disturbed by excavation.

SECTION 807. Automobile Wrecking and Metal Salvaging, Sales and Storage, Junk Yards

807.1 The dismantling or wrecking of automobiles or the salvaging of metal materials for the sale or storage of the salvaged parts or material shall be permitted only in an "M-2" District subject to approval of the Zoning Commission and after permission has been granted by the Board of Zoning Appeals.

807.2 Automobile wrecking and metal salvaging sales and storage shall be effectively screened on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than

fifteen (15) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening. The area outside the fence or screening shall be adequately maintained at all times.

SECTION 808. Temporary Buildings

Temporary buildings and construction trailers used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

SECTION 809. Open Storage and Display of Material and Equipment

809.1 The open storage and display of material and equipment incident to permitted or conditional uses in "B" or "M" Districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any "SR" or "R" District by means of walls, fences, or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

809.2 The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special permit authorized by the Board of Zoning Appeals.

SECTION 810. Site Plan Review for Commercial and Industrial Developments

810.1 Site plans for the development of commercial and industrial projects which are likely to generate traffic to such a degree as to seriously interfere with the movement of existing and future traffic on the thoroughfares providing access to the property to be developed shall be submitted to the Zoning Commission for review and approval prior to the issuance of a zoning certificate. The Zoning Commission may at its discretion submit the site plan to the County Planning Commission for recommendation and report. Submission of site plans for the development of commercial and industrial projects shall be acted upon within sixty (60) days of the date of submission to the Zoning Commission.

ARTICLE IX -- PLANNED UNIT DEVELOPMENT

SECTION 900. Planned Unit Development

900.1 General: The county officials concerned with property development shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizeable developments, and that certain latitude, flexibility, and freedom in the execution of the design and layout of a project should be suggested or otherwise permitted by the county so as to encourage the developer to adjust the streets to irregular topography; to take advantage of topography in order to utilize the natural surface drainage; to economize in the construction of sewers and storm drainage facilities; to reduce the amount of grading and thus minimize destruction of trees and topsoil; to adjust the layout to geographical and cultural limitations such as property ownership lines; and, among other things, to create architectural variation in the development as well as attractive and usable buildings and building sites, and further such developments shall be designed so as to enhance the community in general by providing amenities which are unique to the community.

900.2 Planned Unit Developments may be residential, commercial or industrial developments, or they may be combinations of uses, such as residential and commercial, or commercial and industrial. The minimum site area for a residential development shall be twenty (20) acres; for a commercial development, five (5) acres; and for an industrial development, thirty (30) acres. If a combination of uses is proposed, a residential-commercial development shall have a minimum of forty (40) acres. In combination developments, the amount of land devoted to commercial usage shall not exceed twelve and one-half (12½) percent of the total land area of the development.

900.3 Such a development plan shall be submitted to the Board of County Commissioners and shall be referred to the Zoning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article XIII for hearings on changes and amendments.

900.4 Required Plans and Actions by the Zoning Commission

- (a) In order for the Commission to better determine that the planned unit development meets all requirements, the developer shall furnish a preliminary plan of the entire tract showing topography, roads, lot lines, lot areas, easements, encumbrances, and other relevant data. The plans shall include the location of existing structures, area of shrubs and/or trees of ten (10) inch diameter or more, existing contours and the proposed grading plan.
- (b) Upon determination by the Commission that the proposed planned unit development project as shown by the preliminary plan conforms to the requirements of all applicable provisions of this resolution, the proponent shall prepare and submit a final development plan, and such plan shall incorporate any changes or modifications required by the Commission.

(c) Upon approval by the Commission, the plans shall be submitted to the Board of County Commissioners for consideration and action. The approval and recommendations of the Commission shall be based on the following general conditions:

1. The plan is consistent with the intent and purpose of this resolution to promote public health, safety, morals and general welfare.
2. The use of the land shall be similar to the uses permitted in the district in which the plan is located.

900.5 Acceptance by Action by Board of County Commissioners

- (a) Following a public hearing, the Board of County Commissioners may modify the plan, consistent with the intent and meaning of this resolution, and may rezone the property to the classification permitting the proposal, for development in substantial conformity with the final plan as approved by the Board of County Commissioners.
- (b) After the final development plan has been approved by the Board of County Commissioners and in carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or yards may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and this resolution, such adjustments or rearrangements may be authorized by the Commission.
- (c) Planned Unit Developments shall be encouraged, but they shall conform to the regulations of this resolution or the the following modifications of the regulations found elsewhere in this resolution.
- (d) In "A," "SR" or "R" Districts, a planned unit development may be permitted as follows:
 1. The lot area per family may be reduced, but such reduction shall not exceed twenty (20) percent of the area required in Section 500.
 2. Sixty (60) percent of the lot area reduction or not less than ten (10) percent of the total project area shall be devoted to open space and recreational facilities for the residents of the area being developed. Such open space land or recreational facilities shall be held in corporate ownership by the owners of the project area building sites and the developer shall incorporate into the protective covenants and/or deed restrictions a clause giving an interest in such land to each owner who buys property within the development. As an alternate to a property owners' association, the developer may deed the land to a public agency, which shall maintain the open space in lieu of a property owners' association.

3. In no case shall the density of families per net residential acre be greater than twelve (12) percent more than that which would be permitted in "A," "R" or "SR" Districts under the requirements of Section 500.
4. The lot width and required yards may be reduced not to exceed a ten (10) percent reduction of the requirements of Section 500.
5. The design of single-family and two-family residential structures to be erected in a planned unit development shall be so varied in placement of windows, entrance ways, roof design, coloring and height that no structure shall be closer than five lots to another structure substantially similar in design. The lot widths may be varied due to the variety of structural designs and it is recommended that setbacks may be varied, but in no case shall a structure be closer to the street than is permitted by the front yard requirements as modified by paragraph (d) of this section. If lot widths for single-family or two-family residential lots are varied by the developer, he shall enter into an agreement with the county that the property owners within a planned unit development of this nature shall be assessed equally for any improvements which may be by assessment, rather than by a front footage basis.
6. Every property shall be designed to abut upon the open space or recreation facilities required by 900.5 (d) 2.

900.6 In "B" Districts, a planned unit development may be permitted in accordance with the following provisions if the Commission is satisfied (1) that the proponents of the development are financially able to carry out the proposed project, (2) that they intend to start construction within one year of the approval of the project and necessary change in zoning, (3) that they intend to complete it within a reasonable time as determined by the Commission, and (4) that the need for the proposed development has been demonstrated by means of market studies and such other evidence as the Commission may require.

- (a) Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development. Planting screens or fences as provided elsewhere in this resolution shall be required.
- (b) Off-street parking and loading requirements shall be observed as required. Group parking facilities shall provide spaces equal to the number of spaces required for each use to be developed.

- (c) The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing or potential developments.
- (d) The ground area occupied by all the buildings shall not exceed in the aggregate twenty-four (24) percent of the total area of the lot or tract.

900.7 In "M" Districts, a planned unit development may be permitted as follows:

- (a) Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares which are constructed may be built to the highest possible standards.
- (b) Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
- (c) Off-street parking and loading areas shall conform to the provisions of this resolution, and all screening requirements shall be observed.
- (d) Yards. No building shall be less than seventy-five (75) feet distant from any boundary of the tract on which thy office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

ARTICLE X -- NONCONFORMING USES

SECTION 1000. Nonconforming Uses

1000.1 Any lawful uses of buildings or land existing at the effective date of this resolution may be continued, even though such use does not conform to the provisions hereof. The nonconforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use. No nonconforming use of land shall be expanded, except when authorized by the Board in accordance with the provisions of Article XII.

1000.2 Whenever the use of a building or land becomes nonconforming through a change in the amended Zoning Resolution or in the district boundaries, such use may be continued.

1000.3 A nonconforming use which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

1000.4 A nonconforming use which has been damaged by fire, explosion, act of God or the public enemy to the extent of sixty (60) percent or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its reproduction value a nonconforming use may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage.

1000.5 Nonconforming trailer or mobile homes located on a lot in any district other than in an established mobile home park in an "R-3" District, once removed shall not be located on such lot unless the unit was "traded-in" for another unit. In this instance, the replacement shall be on-site within one week of the removal of the previous unit.

1000.6 It is not the intention herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of this resolution.

1000.7 Any building arranged, intended or designed for a nonconforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put into such nonconforming use, provided it is done within one (1) year after this resolution takes effect.

SECTION 1001. Zoning Certificates for Nonconforming Uses

A zoning certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of this resolution in accordance with the provisions of Article XI, Section 1105.

ARTICLE XI -- ENFORCEMENT

SECTION 1100. Zoning Inspector

1100.1 It shall be the duty of the County Zoning Inspector, who shall be appointed by the Board of County Commissioners and who may be recommended by the Zoning Commission, to enforce this resolution. It shall also be the duty of all officials and employees of the county and townships affected by this resolution to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land uses or upon seeming violations.

1100.2 Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Article XII.

SECTION 1101. Zoning Certificates

1101.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conforms with all the requirements of this resolution. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this resolution. All zoning certificates shall expire two (2) years after their issuance unless construction has reached twenty-five (25) percent of completion.

Prior to the issuance of a zoning certificate for the use or alteration of any building or for the use of any property within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed, as described in the certification by the Director of the Ohio Department of Highways, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice by registered or certified mail, to the director of the department of highways, and shall not issue a zoning certificate for a period of one hundred twenty (120) days from date notice is received by the director during which period the director shall proceed in accordance with the provisions of Section 5511.01 of the Ohio Code.

1101.2 Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution. No charge shall be made for issuing a zoning certificate in accordance with this paragraph.

SECTION 1102. Conditions Under Which Certificates are Required

A zoning certificate shall be required for any of the following; except as herein provided:

1102.1 Construction or structural alteration of any building, including accessory buildings.

1102.2 Change in use of an existing building or accessory building to a use of a different classification.

1102.3 Occupancy and use of vacant land.

1102.4 Change in the use of land to a use of a different classification.

1102.5 Any change in the use of a nonconforming use.

1102.6 A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this resolution or any amendments thereto.

SECTION 1103. Application and Issuance of Zoning Certificates

1103.1 Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this resolution.

1103.2 Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this resolution, the certificate therefor shall be issued within fifteen (15) days after the application for same has been made.

1103.3 Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

(a) Each plan shall show:

1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.

4. The location and size of the proposed structure, and/or the proposed enlargement of the existing structure.
5. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this resolution.

(b) Each plan shall bear statements declaring:

1. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
2. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.

(c) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

(d) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

(e) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

1103.4 The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review by the Zoning Commission, namely:

- (a) Planned Unit development Projects (Article IX, Section 900)
- (b) Mobile Home Parks (Article VII, Section 701)
- (c) Commercial and Industrial Development Projects (Article VIII, Section 810)

unless the proposed site plan has been approved by the Zoning Commission and any necessary zone changes are passed by the Board of County Commissioners.

SECTION 1104. Fee for Zoning Certificates

1104.1 A fee, in accordance with the following schedule of amounts, shall accompany each application for a zoning certificate:

Use	Fee
Single-family Dwelling	\$ 5.00
Accessory Building, Signs, Fences or Swimming Pools	3.00
Two-family Dwelling	8.00
Multiple Dwelling	20.00
Each additional family unit in excess of three (3)	2.00
Commercial, Industrial or Institutional and Mobile Home Park	25.00
Each additional five thousand (5,000) square feet of commercial or industrial building floor space or fraction thereof in excess of ten thousand (10,000) square feet of floor space	3.00

The fee for the application for a certificate for the use of land, not involving structures, including changes in the use of land shall be \$5.00

1104.2 The Zoning Inspector shall forthwith deposit all fees with the County Treasurer who shall credit such fees to the credit of the General Revenue Fund of the County.

1104.3 Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

SECTION 1105. Zoning Certificate for Nonconforming Uses

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this resolution. Application for such certificate for a nonconforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by such nonconforming use within three (3) months of the effective date of this resolution. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful nonconforming use. Failure to apply for such certificate for a nonconforming use or refusal of the Zoning Inspector to issue a certificate for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this resolution. No charge shall be made for issuing a zoning certificate in accordance with this section.

SECTION 1106. Violation and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this resolution or any amendment or supplement thereto adopted by the Board of County Commissioners. Any person, firm or corporation violating any regulation thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

SECTION 1107 Violations - Remedies

1107.1 Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of County Commissioners, the certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this resolution shall be deemed guilty of violation thereof.

1107.2 In case any building is located or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used or is proposed to be used in violation of this resolution or any amendment or supplement thereto, the Zoning Inspector, the County Prosecutor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE XII -- BOARD OF ZONING APPEALS

SECTION 1200. Organization and Procedures

1200.1 Appointment: There is hereby established a Board of Zoning Appeals which shall consist of five (5) electors appointed by the Board of County Commissioners. The Board shall choose a successor to fill any vacancy. The five (5) electors first appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years, respectively; thereafter appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of County Commissioners and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Board of County Commissioners provides.

1200.2 Proceedings: The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths, compel the attendance of witnesses, punish for contempt, or may require the production of documents. Three members shall constitute a quorum; however, three affirmative votes shall be required on any resolution overruling an action under or interpretation of the Zoning Resolution by any administrative officer of the municipality.

1200.3 Hearings, Rules, etc. The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall organize annually and elect a President, Vice President and Secretary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this resolution.

The Board shall hear any owner of property adjacent to the lot for which the granting of any zoning permit is pending, and shall also hear any other parties having substantial interest as determined by the Board.

1200.4 Minutes and Records: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of County Commissioners and shall be a public record.

1200.5 Department Assistance: The Board may call upon the various departments of the township and county for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

SECTION 1201. Applications and Appeals

1201.1 Applications: An application, in cases in which the Board has original jurisdiction under the provisions of this resolution, may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board. A fee of twenty-five dollars (\$25.00)

shall be paid to the Zoning Inspector at the time notice of appeal is filed, for the purpose of defraying the costs of the proceedings described herein. The Zoning Inspector shall forthwith pay this fee over to the County Auditor to the credit of the County General Revenue Fund.

1201.2 Appeals

- (a) Appeals to the Board concerning interpretation and administration of this resolution may be taken by any person aggrieved or by an officer of the county affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (b) Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken and on due cause shown.
- (c) The Board may, in conformity with the provisions of this resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the county, on the ground that the decision was unreasonable or unlawful.

SECTION 1202. Hearings

1202.1 The Board shall fix a reasonable time for the hearing of an appeal, give at least ten (10) days' public notice thereof in a newspaper of general circulation in the County and at least ten (10) days; notice to parties having proprietary interest in land within two hundred (200) feet and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by attorney.

1202.2 Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously

notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

SECTION 1203. Decisions of the Board

1203.1 The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

1203.2 A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

1203.3 A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

1203.4 The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the County, on the ground that the decision was unreasonable or unlawful.

SECTION 1204. Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

1204.1 To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this resolution or any amendments thereto.

1204.2 In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

- (a) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this resolution.
- (b) Interpret provisions of this resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this resolution where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- (c) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

- (d) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit (1) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or (2) the dual use of parking facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.
- (e) Permit land within 300 feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.
- (f) Determine whether an industry should be permitted within the "M-1" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- (g) The substitution for a nonconforming use existing at the time of enactment of this resolution of another nonconforming use, if no structural alterations except those required by law or resolution are made, provided, however, that in an "SR" or "R" District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any "SR" or "R" District, and in a "B" District no change shall be authorized to any use which is not a permitted or conditional use in any "B" District.
- (h) Temporary Structures and Uses: The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.
- (i) Permit a junk salvage operation in an "A-1" District with the provision that property owners within one thousand (1,000) feet of the proposed use be mailed notification of the meeting at which the question of the proposed operation is discussed.

SECTION 1205. Variances

1205.1 The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this resolution. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the Zoning Resolution only if all of the following findings are made:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Resolution in the neighborhood or district in which the property is located.
- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (c) That such unnecessary hardship has not been created by the appellant.
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1205.2 The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all one hundred (100) percent of the floor area of the existing building or buildings devoted to a nonconforming use and provided further that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became nonconforming.

SECTION 1206. Conditional Uses

1206.1 Under the authorization granted in Chapter 303 of the Ohio Revised Code, to hear and decide special exceptions to the terms of this resolution, the Board shall have the power to decide applications for conditional uses in those cases specified in Article IV of this resolution. In considering such application the Board shall give due regard to the nature and condition of all adjacent uses and structures; and may impose such requirements and conditions as the Board may deem necessary for the protection of adjacent properties and the public interest, including specific limitation as to future expansion. The Board, at its discretion, may hold a public hearing on conditional uses.

1206.2 The following basic standards shall apply to conditional uses in any open area or residential district:

- (a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to

it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the area.

- (b) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1206.3 The following basic standards shall apply to conditional uses in any Commercial or Industrial District:

- (a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development in the surrounding area, taking into account vehicular turning movements in relation to routes of traffic flow, street intersections, sight distances, and pedestrian traffic.
- (b) The nature, location, size and site layout of the use shall be such that it will be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in a commercial or industrial district.

SECTION 1207. Performance Requirements

1207.1 The Board shall have the power to authorize issuance of a zoning certificate for uses that are subject to performance requirements as set forth in this resolution.

1207.2 The application for a zoning certificate for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Performance Requirements.

1207.3 The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.

SECTION 1208. Interpretation of District Map

1208.1 Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this resolution. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning District Map may be made to the Board and a determination shall be made by said Board.

ARTICLE XIII -- DISTRICT CHANGES AND RESOLUTION AMENDMENTS

SECTION 1300. General

1300.1 Whenever public necessity, convenience, general welfare or good zoning practices require, the Board of County Commissioners may, by resolution -- after receipt of recommendations thereon from the Zoning Commission, and subject to the procedures provided by law -- amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this resolution or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of County Commissioners.

SECTION 1301. Procedure for Change in Zoning Districts

1301.1 Amendments or supplements to zoning resolution; procedure; referendum. Amendments or supplements to the zoning resolution may be initiated by motion of the county rural zoning commission, by the passage of a resolution therefor by the Board of County Commissioners or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the zoning commission. The Board of County Commissioners shall, upon the passage of such resolution, certify it to the Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or filing of such application the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application.

1301.2 Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

1301.3 Names and Addresses of Adjacent Property Owners: Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.

1301.4 Referral of Proposed Change to Regional Planning Commission: Within five (5) days after the application for change in the resolution or districts, the Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit

such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

If the proposed amendment or supplement involves a rezoning of property within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed, as described in the certification by the Director of the Ohio Department of Highways, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Regional Planning Commission shall give notice by registered or certified mail to the Director of the Department of Highways and shall not take action on the proposed amendment or supplement for a period of one hundred twenty (120) days from date notice is received by the director during which period the director shall proceed in accordance with the provisions of Section 5511.01 of the Ohio Code.

1301.5 Public Hearing by Commission: Before submitting its recommendation on a proposed amendment to the Board of County Commissioners, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the County at least thirty (30) days before the date of the hearing. The notice shall state the place or places and times at which the proposed amendment to the resolution, including text and maps, may be examined.

1301.6 Notice to Property Owners: If the proposed amendment or supplement intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of all properties lying within two hundred (200) feet of any part of the parcel proposed to be rezoned, or to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure to notify, as provided in this section, shall not invalidate any recommendations adopted hereunder; it being the intention of this section to provide, so far as may be possible, due notice to persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the Zoning District Map or the regulations set forth in this resolution.

1301.7 Action of Commission: The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. These recommendations shall then be certified to the Board of County Commissioners within thirty (30) days after the hearing.

1301.8 Public Hearing by Board of County Commissioners: After receiving from the Commission the certification of said recommendations on the proposed amendment and before adoption of such amendment, the Board of County Commissioners shall hold a public hearing thereon within thirty (30) days of the receipt of the recommendations from the Commission; at least fifteen (15) days' notice of the time and place of which shall be given by publication in a newspaper of general circulation in the County once a week for two weeks. The

notice shall state the place or places and times at which the proposed amendment to the resolution, including text and maps, may be examined and other notices as required by state statutes, or by the Planning Commission.

1301.9 Action of Board of County Commissioners: Within twenty (20) days after holding the public hearing on the proposed amendment the Board of County Commissioners shall consider such recommendations and vote on the passage of the proposed amendment to the text of the resolution or Zoning District Map. The Board of County Commissioners may overrule the recommendations of the Commission by unanimous vote of the full membership of the Board of County Commissioners. The amendment, if adopted by the Board of County Commissioners, shall become effective thirty (30) days after its adoption.

SECTION 1302. Application Fees

1302.1 At the time that an application for a change of zoning districts is filed with the Commission, as provided herein, there shall be deposited with the County Treasurer the sum of twenty-five dollars (\$25.00) as a fee to cover investigation, legal notices and other expenses incidental to the determination of such matter, such fee to be for one lot or part of one lot. An additional fee of five dollars (\$5.00) shall be deposited for each additional lot or part of an additional lot which may be included in the request, such additional lot or part of a lot to be adjacent to each other. Such sums so deposited shall be credited by the County Treasurer to the general Fund.

1302.2 In the event that the Commission disapproves the application and the petitioner elects not to have the same certified to the Board of County Commissioners, then a refund of ten dollars (\$10.00) plus an additional refund of three dollars (\$3.00) for each additional lot or part of an additional lot which was included in the application should be made to the petitioner by the County Treasurer, provided that the County Treasurer is notified of such decision by the petitioner within thirty (30) days from the time of the action taken by the Commission.

ARTICLE XIV -- VALIDITY AND SEPARABILITY

1400. If any article, section, subsection, paragraph, sentence or phrase of this resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

ARTICLE XV -- EFFECTIVE DATE

1500. As provided in Section 303.11 of the Ohio Revised Code "Upon certification by the Board of Electors this resolution shall take immediate effect in all townships which voted approval, eliminating from the plan any township which did not vote approval."

PASED May 16, 1972
(Date)

BOARD OF COUNTY COMMISSIONERS
MERCER COUNTY, OHIO

/s/ Ralph Klosterman

/s/ Lee Garman

/s/ George J. Bihn

ATTEST: /s/ Joan James
Clerk