



# Zoning Resolution

CLINTON COUNTY, OHIO



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# ARTICLE 1

## GENERAL PROVISIONS

### 1.01 Title

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

### 1.02 Purpose

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

### 1.03 Applicability and Limitations

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

**Table 1: Areas Covered by the Clinton County Zoning Resolution**

Adams Township	Chester Township	Green Township	Jefferson Township
Liberty Township	Marion Township	Richland Township	Union Township
Wayne Township	Wilson Township	Vernon Township	
<i>Townships of Clark and Washington are not yet applicable to this Resolution. Incorporated villages and cities are not applicable to this Resolution.</i>			

### 1.04 Interpretation and Consistency

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

### 1.05 Scope and Construction of Regulations

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

### 1.06 Validity and Severability Clause

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

### **1.07 Relationship to Adopted Comprehensive Plan**

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

### **1.08 Interpretations and Applications**

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

### **1.09 Vested Right**

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

### **1.10 Effective Date**

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

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# ARTICLE 2

## ZONING DISTRICT REGULATIONS

### 2.01 Purpose

The purpose of this Article is to provide for the orderly growth and development of Clinton County and to promote development that is in accordance with the Clinton County Comprehensive Plan.

### 2.02 Zoning Districts Established

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

**Table 2: Zoning Districts**

Abbreviation	District Name	Section
A-1	Agriculture and Open Space Preservation	<a href="#">2.06</a>
A-2	General Agriculture	<a href="#">2.07</a>
A-3	Agriculture-Residential Transition	<a href="#">2.08</a>
R-R	Rural Residential	<a href="#">2.09</a>
S-R	Suburban Residential	<a href="#">2.10</a>
C-1	Town-Centered Commercial	<a href="#">2.11</a>
C-2	General Commercial	<a href="#">2.12</a>
C-3	Highway Service Commercial	<a href="#">2.13</a>
I-1	Limited Industrial	<a href="#">2.14</a>
I-2	Industrial	<a href="#">2.15</a>
PUD	Planned Unit Development	<a href="#">4.01</a>

## 2.03 Zoning Districts and Map

- A. Provisions for Official Zoning District Map.** These districts, so established, are bounded and defined as shown on the map entitled: "Zoning District Map for Clinton County, Ohio" adopted by the Board of Clinton County Commissioners, and which with all notations, references and other information appearing, is hereby declared to be a part of this Resolution and of the same force and effect as if the districts shown were fully set forth herein. Zoning district boundaries shall follow surveyed and recorded property and lot lines with only one zoning district applicable to one lot of record. The Official Zoning District Map shall be adopted by the Board of County Commissioners and may be amended from time to time by resolution of the Board of County Commissioners and shall be maintained on file at the Clinton County Building and Zoning Department.
- B. Changes to the Official Zoning Map.** Should changes be made to the district boundaries, such changes shall be made by the Board of Clinton County Commissioners and certified to the Zoning Manager, promptly after the resolution authorizing such change has been adopted. Other changes to the official Zoning District Map may only be made as authorized by this Resolution and such changes are approved by the Clinton County Rural Zoning Commission (RZC) and/or the Board of Clinton County Commissioners in consultation with the Clinton County Regional Planning Commission (CCRPC) and consequently certified.
- C. Authority of Official Zoning District Map.** Regardless of the existence of other copies of the official Zoning District Map which may from time to time be made or published, the official Zoning District Map, which shall be in the possession of the Zoning Manager and provided to the public during normal business hours, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in Clinton County, Ohio.
- D. Interpretation of Zoning Districts and Boundaries.** Where uncertainty exists as to the boundaries of zoning districts as shown on the official Zoning District Map, the following guidelines shall apply:
1. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad, or easement shall be construed as following such centerline.
  2. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such lot line.
  3. A boundary indicated as approximately following the corporate boundary line of the County or a Township, city or village shall be construed as following such boundary.
  4. A boundary indicated as following the centerline of a stream, river, lake or other body of water shall be construed as following such centerline.
  5. A boundary indicated as parallel to or an extension of a feature indicated in the paragraphs (A) through (D) above shall be so construed.

6. The scale of the map shall determine a distance not specifically indicated on the official Zoning District Map.
7. All questions concerning the exact location of the boundary line on any zoning district not clearly shown on the official Zoning District Map shall be determined by a Zoning Manager and shall be consistent with the intent and purpose of this Resolution. The determination of the Zoning Manager may be appealed through the Board of Zoning Appeals (BZA) in the procedure outlined in this Resolution.

## 2.04 Conformance Requirements

Except as regulated in Section [10.08](#), upon the adoption of this Resolution, no land, building, structure, or premises shall be used, and no building or structure or part thereof shall be altered, enlarged, erected, extended, moved, or reconstructed unless it conforms to the provisions of this Resolution and all other applicable local, county, and state regulations.

## 2.05 Zoning Districts Applicability and Purpose

### A. Agricultural Districts

1. **Applicability.** The agricultural zoning districts within this Resolution include the (A-1) Agriculture and Open Space Preservation, the (A-2) General Agriculture, and the (A-3) Agriculture-Residential Transition Districts.
2. **Purpose**
  - a. *(A-1) Agriculture and Open Space Preservation.* The purpose of this district is to maintain and enhance the rural character of the County and to retain the agricultural, forested, and natural landscape qualities of the County.
  - b. *(A-2) General Agriculture.* The purpose of this district is to provide areas for commercial agricultural uses, processing, and confined feeding operations
  - c. *(A-3) Agriculture-Residential Transition.* The purpose of this district is to maintain and enhance the rural character of the County and provide for a variety of residential living opportunities at rural densities.

### B. Residential Districts

1. **Applicability.** The residential zoning districts within this Resolution include the (R-R) Rural Residential and the (S-R) Suburban Residential Districts.
2. **Purpose**
  - a. *(R-R) Rural Residential.* The purpose of this district is to protect agricultural land and the rural character and yet provide for a variety of residential living opportunities at rural densities.

- b. *(S-R) Suburban Residential.* The purpose of this district is to provide a variety of residential living opportunities at medium to high densities around the City of Wilmington and certain primary growth areas where sanitary sewer and water service is available or planned to be available.

### C. Commercial Districts

- 1. **Applicability.** The commercial zoning districts within this Resolution include the (C-1) Town-Centered Commercial, the (C-2) General Commercial, and the (C-3) Highway Service Commercial Districts.

- 2. **Purpose**

- a. *(C-1) Town-Centered Commercial.* The purpose of this district is to provide local access to commerce and create a mixed-use small-town aesthetic and to provide a transition from rural to more urbanizing land uses in areas around existing incorporated areas and/or within unincorporated hamlets.
- b. *(C-2) General Commercial.* The purpose of this district is to provide higher density and general commercial uses similar to the development patterns in incorporated communities around the City of Wilmington and incorporated villages.
- c. *(C-3) Highway Service Commercial.* The purpose of this district is to provide medium to high density commercial uses with an orientation toward highway users in areas around the City of Wilmington, incorporated villages, and major intersections.

### D. Industrial Districts

- 1. **Applicability.** The industrial zoning districts within this Resolution include the (I-1) Limited Industrial and the (I-2) Industrial Districts.

- 2. **Purpose**

- a. *(I-1) Limited Industrial.* The purpose of this district is to provide medium to high density uses specifically involving non-noxious industrial development around existing developed areas.
- b. *(I-2) Industrial.* The purpose of this district is to provide medium to high density industrial and commercial uses similar to existing development that may require special review or community consideration to ensure health, safety, and welfare of the public.

## 2.06 A-1 Agriculture and Open Space Preservation District

**A. Purpose.** The purpose of this district is to maintain and enhance the rural character of the County and to retain the agricultural, forested, and natural landscape qualities of the County.

### B. A-1 Allowed Uses and Dimensional Regulations

**Table 3: A-1 Allowed Uses**

Permitted Uses	Conditional Uses	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Agriculture*</li> <li>• Agriculture Support Business</li> <li>• Agritourism*</li> <li>• Crop Production/Row Crop</li> <li>• Farm Market*</li> <li>• Grain Elevator</li> <li>• Nursery/Greenhouse</li> <li>• Pasturing</li> <li>• Raising of Livestock*</li> <li>• Stable, Commercial</li> <li>• Woodlots and Timber Harvesting</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Dwelling, Single-Family Detached</li> <li>• Residential Living Facility*</li> <li>• Residential Treatment Facility, Small*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Education Facility, Public/Private</li> <li>• Essential Services*</li> <li>• Governmental Building or Facility</li> <li>• Public Parks and Recreation</li> </ul>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Raising of Exotic Animals</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Housing for Seasonal Labor</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Campground and RV Park*</li> <li>• Event Center*</li> <li>• Funeral Home/Mortuary</li> <li>• Golf Courses and Country Clubs*</li> <li>• Veterinary Office/Clinic*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Cemetery*</li> <li>• Religious Facility/Place of Assembly*</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• Meat Processing</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Home Based Business, Class III*</li> <li>• Private Landing Fields*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Accessory Uses and Structures*</li> <li>• Day Care Home, Type A</li> <li>• Day Care Home, Type B</li> <li>• Fences and Walls*</li> <li>• Home Based Business, Class I*</li> <li>• Home Based Business, Class II*</li> <li>• Raising of Livestock*</li> <li>• Renewable Electricity Generation and Storage*</li> <li>• Swimming Pools*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>• Construction and Demolition Debris and Storage Area*</li> <li>• Construction Structure/Activities*</li> <li>• Roadside or Farm Produce Stand*</li> <li>• Seasonal Sales*</li> <li>• Temporary Dwelling*</li> </ul> <p><i>* Uses that have additional use-specific standards. See Article 3 to review those standards.</i></p>

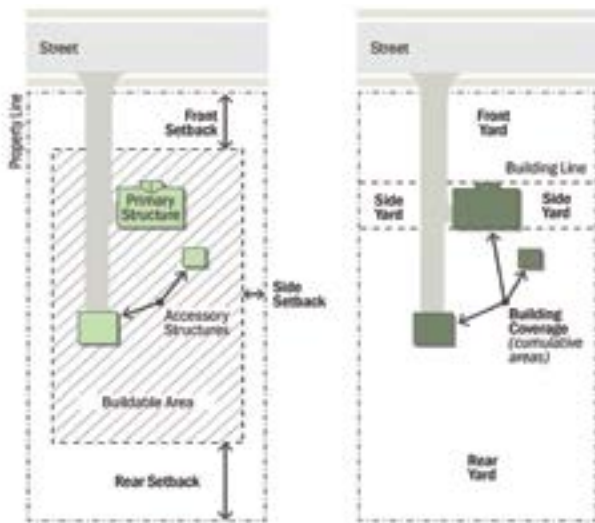
**Table 4: A-1 Dimensional Regulations**

Requirement	
Minimum Lot Area	20 acres
Minimum Lot Frontage <sup>1</sup>	400 feet
Minimum Front Yard Setback (from centerline of pavement)	105 feet
Minimum Front Yard Setback (from thoroughfare plan ROW)	70 feet
Minimum Side Yard Setback (primary structure)	30 feet
Minimum Side Yard Setback (accessory structure)	10 feet
Minimum Rear Yard Setback (primary structure)	30 feet
Minimum Rear Yard Setback (accessory structure)	10 feet
Maximum Height <sup>2</sup>	50 feet
Maximum Accessory Structure Height <sup>2</sup>	25 feet
Maximum Impervious Coverage <sup>2</sup>	10%
Minimum Habitable Area for Single-Family Dwelling	864 sq ft

*Terminology: ROW = road right-of-way*

<sup>1</sup> Lot frontage shall be located on a dedicated, improved street or highway or a private street that meets the County's standards.

<sup>2</sup> Agricultural buildings and uses are exempt from the height and impervious coverage regulations contained in this table.



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.07 A-2 General Agriculture District

**A. Purpose.** The purpose of this district is to provide areas for commercial agricultural uses, processing, and confined feeding operations.

### B. A-2 Allowed Uses and Dimensional Regulations

**Table 5: A-2 Allowed Uses**

Permitted Uses	Conditional Uses	Conditional Uses Continued			
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Agriculture*</li> <li>• Agriculture Support Business</li> <li>• Agritourism*</li> <li>• Crop Production/Row Crop</li> <li>• Farm Market*</li> <li>• Grain Elevator</li> <li>• Nursery/Greenhouse</li> <li>• Pasturing</li> <li>• Raising of Livestock*</li> <li>• Stable, Commercial</li> <li>• Woodlots and Timber Harvesting</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Dwelling, Single-Family Detached</li> <li>• Residential Living Facility*</li> <li>• Residential Treatment Facility, Small*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Education Facility, Public/Private</li> <li>• Essential Services*</li> <li>• Governmental Building or Facility</li> <li>• Public Parks and Recreation</li> </ul>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Raising of Exotic Animals</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Housing for Seasonal Labor</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Alcohol Production (Brewery/Cidery/Distillery/Winery), Large Scale*</li> <li>• Auction or Public Sale Facilities</li> <li>• Automobile Repair and Service, Major*</li> <li>• Bed and Breakfast Establishment*</li> <li>• Campground and RV Park*</li> <li>• Commercial Recreation (Indoor and Outdoor)*</li> <li>• Equipment and Commercial Vehicle Sales, Rental, and Services*</li> <li>• Event Center*</li> <li>• Funeral Home/Mortuary</li> <li>• Golf Courses and Country Clubs*</li> <li>• Inpatient Rehabilitation Facility*</li> <li>• Theater, Outdoor (Drive-In)</li> <li>• Veterinary Office/Clinic*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Cemetery*</li> <li>• Religious Facility/Place of Assembly*</li> </ul>	<p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• Meat Processing</li> <li>• Sawmill</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Home Based Business, Class III*</li> <li>• Private Landing Fields*</li> </ul> <tr> <th colspan="2" style="background-color: #c00000; color: white;">Accessory/Temporary Uses</th> <td> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Accessory Uses and Structures*</li> <li>• Day Care Home, Type A</li> <li>• Day Care Home, Type B</li> <li>• Fences and Walls*</li> <li>• Home Based Business, Class I*</li> <li>• Home Based Business, Class II*</li> <li>• Raising of Livestock*</li> <li>• Renewable Electricity Generation and Storage*</li> <li>• Swimming Pools*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>• Construction and Demolition Debris and Storage Area*</li> <li>• Construction Structure/Activities*</li> <li>• Roadside or Farm Produce Stand*</li> <li>• Seasonal Sales*</li> <li>• Temporary Dwelling*</li> </ul> <p><i>* Uses that have additional use-specific standards. See Article 3 to review those standards.</i></p> </td> </tr>	Accessory/Temporary Uses		<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Accessory Uses and Structures*</li> <li>• Day Care Home, Type A</li> <li>• Day Care Home, Type B</li> <li>• Fences and Walls*</li> <li>• Home Based Business, Class I*</li> <li>• Home Based Business, Class II*</li> <li>• Raising of Livestock*</li> <li>• Renewable Electricity Generation and Storage*</li> <li>• Swimming Pools*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>• Construction and Demolition Debris and Storage Area*</li> <li>• Construction Structure/Activities*</li> <li>• Roadside or Farm Produce Stand*</li> <li>• Seasonal Sales*</li> <li>• Temporary Dwelling*</li> </ul> <p><i>* Uses that have additional use-specific standards. See Article 3 to review those standards.</i></p>
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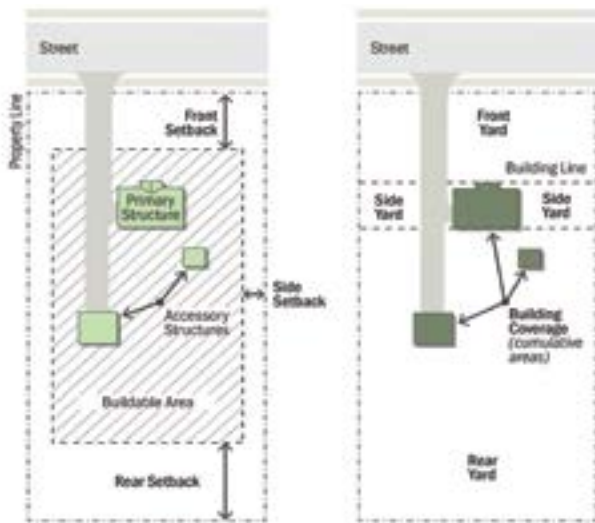
**Table 6: A-2 Dimensional Regulations**

Requirement	
Minimum Lot Area	10 acres
Minimum Lot Frontage <sup>1</sup>	150 feet
Minimum Front Yard Setback (from centerline of pavement)	105 feet
Minimum Front Yard Setback (from thoroughfare plan ROW)	70 feet
Minimum Side Yard Setback (primary structure)	30 feet
Minimum Side Yard Setback (accessory structure)	10 feet
Minimum Rear Yard Setback (primary structure)	30 feet
Minimum Rear Yard Setback (accessory structure)	10 feet
Maximum Height <sup>2</sup>	50 feet
Maximum Accessory Structure Height <sup>2</sup>	25 feet
Maximum Impervious Coverage <sup>2</sup>	40%
Minimum Habitable Area for Single-Family Dwelling	864 Sq Ft

*Terminology: ROW = road right-of-way*

<sup>1</sup> Lot frontage shall be located on a dedicated, improved street or highway or a private street that meets the County's standards.

<sup>2</sup> Agricultural buildings and uses are exempt from the height and impervious coverage regulations contained in this table.



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.08 A-3 Agriculture-Residential Transition District

**A. Purpose.** The purpose of this district is to maintain and enhance the rural character of the County and provide for a variety of residential living opportunities at rural densities.

### B. A-3 Allowed Uses and Dimensional Regulations

**Table 7: A-3 Allowed Uses**

Permitted Uses	Conditional Uses	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Agriculture*</li> <li>• Agriculture Support Business</li> <li>• Agritourism*</li> <li>• Crop Production/Row Crop</li> <li>• Farm Market*</li> <li>• Grain Elevator</li> <li>• Nursery/Greenhouse</li> <li>• Pasturing</li> <li>• Raising of Livestock*</li> <li>• Stable, Commercial</li> <li>• Woodlots and Timber Harvesting</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Dwelling, Single-Family Detached</li> <li>• Residential Living Facility*</li> <li>• Residential Treatment Facility, Small*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Education Facility, Public/Private</li> <li>• Essential Services*</li> <li>• Governmental Building or Facility</li> <li>• Public Parks and Recreation</li> </ul>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Raising of Exotic Animals</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Housing for the Elderly*</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Bed and Breakfast Establishment*</li> <li>• Campground and RV Park*</li> <li>• Commercial Recreation (Indoor and Outdoor)*</li> <li>• Day Care Facility*</li> <li>• Event Center*</li> <li>• Golf Courses and Country Clubs*</li> <li>• Inpatient Rehabilitation Facility*</li> <li>• Theater, Outdoor (Drive-In)</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Cemetery*</li> <li>• Community Swimming Pools and Private Swim Clubs</li> <li>• Education Facility, University/College/Trade School*</li> <li>• Religious Facility/Place of Assembly*</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Home Based Business, Class III*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Accessory Uses and Structures*</li> <li>• Day Care Home, Type A</li> <li>• Day Care Home, Type B</li> <li>• Fences and Walls*</li> <li>• Home Based Business, Class I*</li> <li>• Home Based Business, Class II*</li> <li>• Raising of Livestock*</li> <li>• Renewable Electricity Generation and Storage*</li> <li>• Swimming Pools*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>• Construction and Demolition Debris and Storage Area*</li> <li>• Construction Structure/Activities*</li> <li>• Garage Sales, Rummage Sales, and Similar Activities*</li> <li>• Roadside or Farm Produce Stand*</li> <li>• Seasonal Sales*</li> <li>• Temporary Dwelling*</li> </ul> <p style="color: red; font-style: italic;">* Uses that have additional use-specific standards. See <a href="#">Article 3</a> to review those standards.</p>

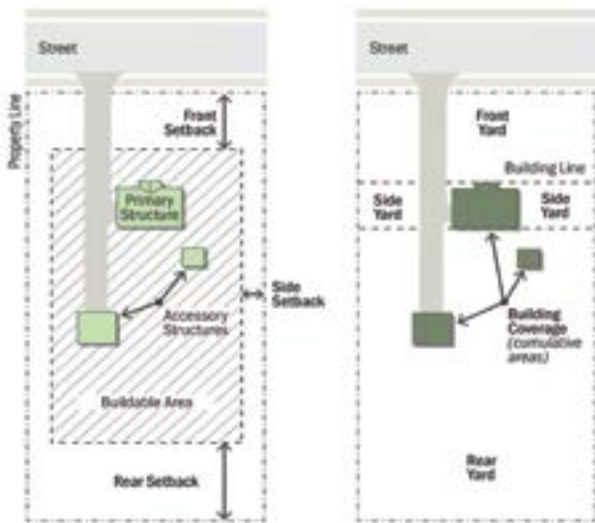
**Table 8: A-3 Dimensional Regulations**

Requirement	
Minimum Lot Area	2 acres
Minimum Lot Frontage <sup>1</sup>	150 feet
Minimum Front Yard Setback (from centerline of pavement)	105 feet
Minimum Front Yard Setback (from thoroughfare plan ROW)	70 feet
Minimum Side Yard Setback (primary structure)	30 feet
Minimum Side Yard Setback (accessory structure)	10 feet
Minimum Rear Yard Setback (primary structure)	30 feet
Minimum Rear Yard Setback (accessory structure)	10 feet
Maximum Height <sup>2</sup>	50 feet
Maximum Accessory Structure Height <sup>2</sup>	25 feet
Maximum Impervious Coverage <sup>2</sup>	30%
Minimum Habitable Area for Single-Family Dwelling	864 Sq Ft

*Terminology: ROW = road right-of-way*

<sup>1</sup> Lot frontage shall be located on a dedicated, improved street or highway or a private street that meets the County's standards.

<sup>2</sup> Agricultural buildings and uses are exempt from the height and impervious coverage regulations contained in this table.



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.09 R-R Rural Residential District

**A. Purpose.** The purpose of this district is to protect agricultural land and the rural character and yet provide for a variety of residential living opportunities at rural densities.

### B. R-R Allowed Uses and Dimensional Regulations

Permitted Uses	Conditional Uses	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Agriculture*</li> <li>• Agritourism*</li> <li>• Crop Production/Row Crop</li> <li>• Pasturing</li> <li>• Raising of Livestock*</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Dwelling, Single-Family Detached</li> <li>• Dwelling, Two-Family</li> <li>• Residential Living Facility*</li> <li>• Residential Treatment Facility, Small*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Education Facility, Public/Private</li> <li>• Essential Services*</li> <li>• Governmental Building or Facility</li> <li>• Public Parks and Recreation</li> </ul>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Stable, Commercial</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Housing for the Elderly*</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Bed and Breakfast Establishment*</li> <li>• Day Care Facility*</li> <li>• Golf Courses and Country Clubs*</li> <li>• Health and Fitness Club</li> <li>• Inpatient Rehabilitation Facility*</li> <li>• Model Home Office/Retail Sales</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Cemetery*</li> <li>• Community Swimming Pools and Private Swim Clubs</li> <li>• Religious Facility/Place of Assembly*</li> <li>• Telecommunication Towers*</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Home Based Business, Class II*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Accessory Uses and Structures*</li> <li>• Day Care Home, Type A</li> <li>• Day Care Home, Type B</li> <li>• Fences and Walls*</li> <li>• Home Based Business, Class I*</li> <li>• Raising of Livestock*</li> <li>• Renewable Electricity Generation and Storage*</li> <li>• Swimming Pools*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>• Construction and Demolition Debris and Storage Area*</li> <li>• Construction Structure/Activities*</li> <li>• Garage Sales, Rummage Sales, and Similar Activities*</li> <li>• Seasonal Sales*</li> <li>• Temporary Dwelling*</li> </ul> <p><i>* Uses that have additional use-specific standards. See Article 3 to review those standards.</i></p>

**Table 9: R-R Dimensional Regulations**

Requirement	
Minimum Lot Area	15,000 sq. ft. <sup>1</sup> 1 acre <sup>2</sup> 1.5 acres <sup>3</sup>
Minimum Lot Frontage <sup>4</sup>	50 feet <sup>1</sup> / 150 feet <sup>2,3</sup>
Minimum Front Yard Setback (from centerline of pavement)	105 feet
Minimum Front Yard Setback (from thoroughfare plan ROW)	70 feet
Minimum Side Yard Setback (primary structure)	30 feet
Minimum Side Yard Setback (accessory structure)	10 feet
Minimum Rear Yard Setback (primary structure)	30 feet
Minimum Rear Yard Setback (accessory structure)	10 feet
Maximum Height	50 feet
Maximum Accessory Structure Height	25 feet
Maximum Impervious Coverage	50%
Minimum Habitable Area for Single-Family Dwelling	864 sq ft

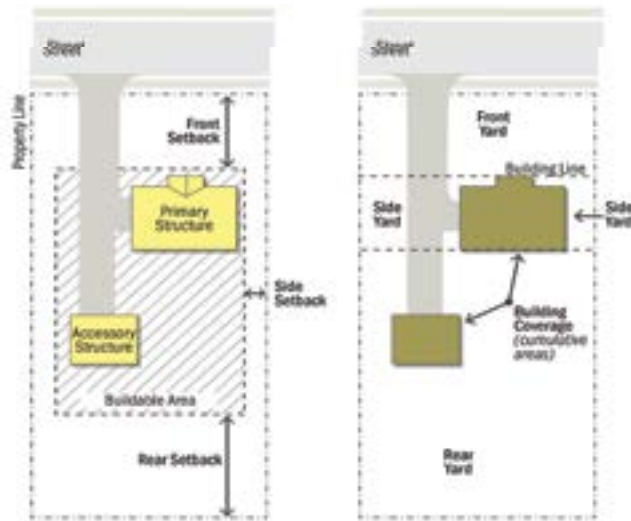
*Terminology: ROW = road right-of-way, sq. ft. = square feet*

<sup>1</sup> This standard shall apply to lots served with central or public sanitary sewer.

<sup>2</sup> This standard shall apply to lots served with public water only.

<sup>3</sup> This standard shall apply to lots served with on-site water and sewer (septic tank).

<sup>4</sup> Lot frontage shall be located on a dedicated, improved street or highway or a private street that meets the County's Standards



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.10 S-R Suburban Residential District

**A. Purpose.** The purpose of this district is to provide a variety of residential living opportunities at medium to high densities around the City of Wilmington and certain primary growth areas where sanitary sewer and water service is available or planned to be available.

### B. S-R Allowed Uses and Dimensional Regulations

Permitted Uses	Conditional Uses	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Agriculture*</li> <li>• Crop Production/Row Crop</li> <li>• Raising of Livestock*</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Dwelling, Single-Family Detached</li> <li>• Dwelling, Two-Family</li> <li>• Residential Living Facility*</li> <li>• Residential Treatment Facility, Small*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Education Facility, Public/Private</li> <li>• Essential Services*</li> <li>• Governmental Building or Facility</li> <li>• Public Parks and Recreation</li> </ul>	<p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• Dwelling, Multi-Family</li> <li>• Dwelling, Single-Family Attached</li> <li>• Housing for the Elderly*</li> <li>• Residential Treatment Facility, Large*</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Bed and Breakfast Establishment*</li> <li>• Club/Fraternal Organization</li> <li>• Day Care Facility*</li> <li>• Golf Courses and Country Clubs*</li> <li>• Health and Fitness Club</li> <li>• Model Home Office/Retail Sales</li> <li>• Professional Offices</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Cemetery*</li> <li>• Community Swimming Pools and Private Swim Clubs</li> <li>• Religious Facility/Place of Assembly*</li> <li>• Telecommunication Towers*</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Home Based Business, Class II*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Accessory Uses and Structures*</li> <li>• Day Care Home, Type A</li> <li>• Day Care Home, Type B</li> <li>• Fences and Walls*</li> <li>• Home Based Business, Class I*</li> <li>• Raising of Livestock*</li> <li>• Renewable Electricity Generation and Storage*</li> <li>• Swimming Pools*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>• Construction and Demolition Debris and Storage Area*</li> <li>• Construction Structure/Activities*</li> <li>• Garage Sales, Rummage Sales, and Similar Activities*</li> <li>• Seasonal Sales*</li> <li>• Temporary Dwelling*</li> </ul> <p><i>* Uses that have additional use-specific standards. See <a href="#">Article 3</a> to review those standards.</i></p>

**Table 10: S-R Dimensional Regulations**

Requirement	
Minimum Lot Area	10,000 sq. ft. <sup>1</sup> 1 acre <sup>2</sup> 1.5 acres <sup>3</sup>
Minimum Lot Frontage <sup>4</sup>	50 feet <sup>1</sup> /150 feet <sup>2,3</sup>
Minimum Front Yard Setback (from centerline of pavement)	70 feet
Minimum Front Yard Setback (from thoroughfare plan ROW)	50 feet
Minimum Side Yard Setback (primary structure)	10 feet
Minimum Side Yard Setback (accessory structure)	10 feet
Minimum Rear Yard Setback (primary structure)	10 feet
Minimum Rear Yard Setback (accessory structure)	10 feet
Maximum Height	50 feet
Maximum Accessory Structure Height	25 feet
Maximum Impervious Coverage	70%
Minimum Habitable Area for Single-Family Dwelling	864 sq ft

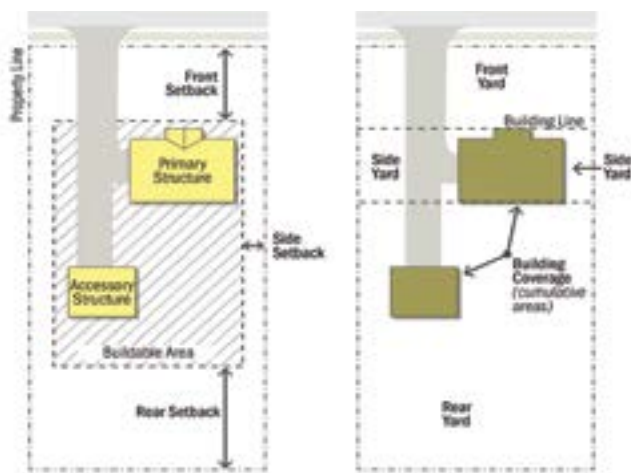
*Terminology: ROW = road right-of-way, sq. ft. = square feet*

<sup>1</sup> This standard shall apply to lots served with central or public sanitary sewer.

<sup>2</sup> This standard shall apply to lots served with public water only.

<sup>3</sup> This standard shall apply to lots served with on-site water and sewer (septic tank).

<sup>4</sup> Lot frontage shall be located on a dedicated, improved street or highway or a private street that meets the County's Standards



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.11 C-1 Town-Centered Commercial District

**A. Purpose.** The purpose of this district is to provide local access to commerce and create a mixed-use small-town aesthetic and to provide a transition from rural to more urbanizing land uses in areas around existing incorporated areas and/or within unincorporated hamlets.

### B. C-1 Allowed Uses and Dimensional Regulations

Permitted Uses	Conditional Uses	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>Crop Production/Row Crop</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>Dwelling, Single-Family Attached</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Alcohol Production (Brewery/ Cidery/Distillery/ Winery), Small Scale*</li> <li>Business Services*</li> <li>Financial Institutions</li> <li>Food and Beverage Services, excluding Drive-in or Drive-thru</li> <li>Health and Fitness Club</li> <li>Kennel*</li> <li>Medical Office/Clinic</li> <li>Personal Services</li> <li>Professional Offices</li> <li>Retail Establishment</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Essential Services*</li> <li>Governmental Building or Facility</li> <li>Public Parks and Recreation</li> <li>Religious Facility/Place of Assembly*</li> </ul>	<p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>Dwelling, Multi-Family</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Club/Fraternal Organization</li> <li>Commercial Recreation (Indoor and Outdoor)*</li> <li>Day Care Facility*</li> <li>Event Center*</li> <li>Mixed Use with Residential Use</li> <li>Veterinary Office/Clinic</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Educational Facility, University/ College/Trade School*</li> <li>Telecommunication Towers*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>Accessory Uses and Structures*</li> <li>Fences and Walls*</li> <li>Home Based Business, Class I*</li> <li>Renewable Electricity Generation and Storage*</li> <li>Swimming Pools*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>Construction and Demolition Debris and Storage Area*</li> <li>Construction Structure/Activities*</li> <li>Seasonal Sales*</li> <li>Temporary Dwelling*</li> <li>Temporary Events*</li> </ul> <p><i>* Uses that have additional use-specific standards. See <a href="#">Article 3</a> to review those standards.</i></p>

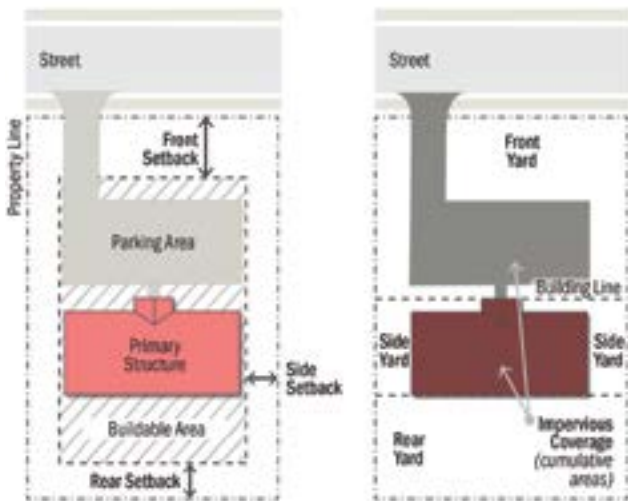
**Table 11: C-1 Dimensional Regulations**

Requirement	
Minimum Lot Area <sup>1</sup>	20,000 sq. ft.
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	10 feet
Minimum Side Yard Setback (primary structure)	50/30/0 feet <sup>2</sup>
Minimum Side Yard Setback (accessory structure)	50/30/0 feet <sup>2</sup>
Minimum Rear Yard Setback (primary structure)	10 feet
Minimum Rear Yard Setback (accessory structure)	10 feet
Maximum Height	70 feet
Maximum Accessory Structure Height	25 feet
Maximum Impervious Coverage	100%

*Terminology: sq. ft. = square feet*

<sup>1</sup> The minimum lot area will also include an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.

<sup>2</sup> The side yard setback shall be 50 feet for structures and 30 feet for paved areas when abutting single-family residential lots. For areas abutting non-residential lots, a zero-foot setback is permitted with the approval of the Office of the Clinton County Engineer.



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.12 C-2 General Commercial District

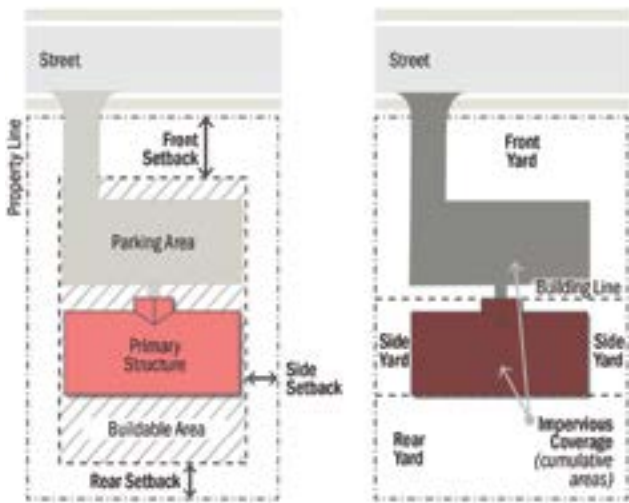
**A. Purpose.** The purpose of this district is to provide higher density and general commercial uses similar to the development patterns in incorporated communities around the City of Wilmington and incorporated villages.

### B. C-2 Allowed Uses and Dimensional Regulations

Permitted Uses	Conditional Uses	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>Crop Production/Row Crop</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Alcohol Production (Brewery/ Cidery/Distillery/ Winery), Small Scale*</li> <li>Business Services*</li> <li>Financial Institutions</li> <li>Food and Beverage Services, excluding Drive-in or Drive-thru</li> <li>Health and Fitness Club</li> <li>Kennel*</li> <li>Lumber and Home Improvement Sales*</li> <li>Medical Office/Clinic</li> <li>Personal Services</li> <li>Professional Offices</li> <li>Retail Establishment</li> <li>Theater, Indoor</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Essential Services*</li> <li>Governmental Building or Facility</li> <li>Public Parks and Recreation</li> <li>Religious Facility/Place of Assembly*</li> </ul>	<p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Auction or Public Sale Facilities</li> <li>Automobile and Truck Fueling/ Charging Station*</li> <li>Automobile Repair and Service, Major*</li> <li>Automobile Repair and Service, Minor*</li> <li>Club/Fraternal Organization</li> <li>Commercial Recreation (Indoor and Outdoor)*</li> <li>Convenience Store</li> <li>Day Care Facility*</li> <li>Event Center*</li> <li>Food and Beverage Services, Drive-in or Drive-thru</li> <li>Funeral Home/Mortuary</li> <li>Hospital</li> <li>Mixed Use with Residential Use</li> <li>Recreational Vehicle Storage</li> <li>Veterinary Office/Clinic*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Educational Facility, University/ College/Trade School*</li> <li>Telecommunication Towers*</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>Drive-in Facilities</li> <li>Drive-thru Facilities*</li> <li>Open-Air Business developed with a Permitted Use</li> <li>Warehouse/Indoor Storage*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>Accessory Uses and Structures*</li> <li>Fences and Walls*</li> <li>Renewable Electricity Generation and Storage*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>Construction and Demolition Debris and Storage Area*</li> <li>Construction Structure/Activities*</li> <li>Roadside or Farm Produce Stand*</li> <li>Seasonal Sales*</li> <li>Temporary Dwelling*</li> <li>Temporary Events*</li> </ul> <p><i>* Uses that have additional use-specific standards. See <a href="#">Article 3</a> to review those standards.</i></p>

**Table 12: C-2 Dimensional Regulations**

Requirement	
Minimum Lot Area <sup>1</sup>	20,000 sq. ft.
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback (primary structure)	50/20/20/0 feet <sup>2</sup>
Minimum Side Yard Setback (accessory structure)	50/20/20/0 feet <sup>2</sup>
Minimum Rear Yard Setback (primary structure)	20 feet
Minimum Rear Yard Setback (accessory structure)	20 feet
Maximum Height	70 feet
Maximum Accessory Structure Height	25 feet
Maximum Impervious Coverage	70%
<i>Terminology: sq. ft. = square feet</i>	
<p><sup>1</sup> The minimum lot area will also include an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.</p> <p><sup>2</sup> The side yard setback shall be 50 feet for structures and 20 feet for paved areas when abutting single-family residential lots. For areas abutting non-residential lots, the side yard setback shall be 20 feet for structures and 10 feet for paved areas.</p>	



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.13 C-3 Highway Service Commercial District

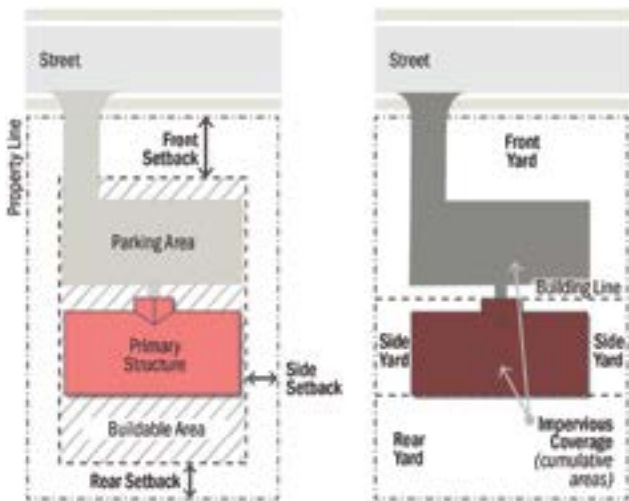
**A. Purpose.** The purpose of this district is to provide medium to high density commercial uses with an orientation toward highway users in areas around the City of Wilmington, incorporated villages, and major intersections.

### B. C-3 Allowed Uses and Dimensional Regulations

Permitted Uses	Conditional Uses	Conditional Uses Continued
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>Crop Production/Row Crop</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Alcohol Production (Brewery/Cidery/Distillery/ Winery), Small Scale*</li> <li>Automobile and Truck Fueling/Charging Station*</li> <li>Automobile Rental and Sales</li> <li>Business Services*</li> <li>Convenience Store</li> <li>Financial Institutions</li> <li>Food and Beverage Services, Drive-in or Drive-thru</li> <li>Food and Beverage Services, excluding Drive-in or Drive-thru</li> <li>Health and Fitness Club</li> <li>Kennel*</li> <li>Lumber and Home Improvement Sales*</li> <li>Medical Office/Clinic</li> <li>Mobile Home Sales and Service</li> <li>Personal Services</li> <li>Professional Offices</li> <li>Retail Establishment</li> <li>Theater, Indoor</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Essential Services*</li> <li>Governmental Building or Facility</li> <li>Public Parks and Recreation</li> </ul>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>Agricultural Support Business</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Auction or Public Sale Facilities</li> <li>Automobile Repair and Service, Major*</li> <li>Automobile Repair and Service, Minor*</li> <li>Automobile Washing Facility*</li> <li>Club/Fraternal Organization</li> <li>Commercial Recreation (Indoor and Outdoor)*</li> <li>Day Care Facility*</li> <li>Equipment and Commercial Vehicle Sales, Rental, and Services*</li> <li>Event Center*</li> <li>Funeral Home/Mortuary</li> <li>Hospital</li> <li>Mixed Use with Residential Use</li> <li>Motels and Hotels*</li> <li>Recreational Vehicle Storage</li> <li>Veterinary Office/Clinic*</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Educational Facility, University/College/Trade School*</li> <li>Telecommunication Towers*</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>Manufacturing, Artisan*</li> <li>Truck Terminal</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>Open-Air Business developed with a Permitted Use</li> <li>Warehouse/Indoor Storage*</li> </ul> <p><b>Accessory/Temporary Uses</b></p> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>Accessory Uses and Structures*</li> <li>Drive-in Facilities</li> <li>Drive-thru Facilities*</li> <li>Fences and Walls*</li> <li>Renewable Electricity Generation and Storage*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>Construction and Demolition Debris and Storage Area*</li> <li>Construction Structure/Activities*</li> <li>Roadside or Farm Produce Stand*</li> <li>Seasonal Sales*</li> <li>Temporary Dwelling*</li> <li>Temporary Events*</li> </ul> <p><i>* Uses that have additional use-specific standards. See <a href="#">Article 3</a> to review those standards.</i></p>

**Table 13: C-3 Dimensional Regulations**

Requirement	
Minimum Lot Area <sup>1</sup>	20,000 sq. ft.
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	Structures: 50 feet Paved Areas: 20 feet
Minimum Side Yard Setback (primary structure)	70/30/50/20 feet <sup>2</sup>
Minimum Side Yard Setback (accessory structure)	50/20/20/0 feet <sup>2</sup>
Minimum Rear Yard Setback (primary structure)	20 feet
Minimum Rear Yard Setback (accessory structure)	20 feet
Maximum Height	70 feet
Maximum Accessory Structure Height	25 feet
Maximum Impervious Coverage	70%
<i>Terminology: sq. ft. = square feet</i>	
<p><sup>1</sup> The minimum lot area will also include an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.</p> <p><sup>2</sup> The side yard setback shall be 70 feet for structures and 30 feet for paved areas when abutting single-family residential lots. For areas abutting non-residential lots, the side yard setback shall be 50 feet for structures and 20 feet for paved areas.</p>	



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.14 I-1 limited Industrial District

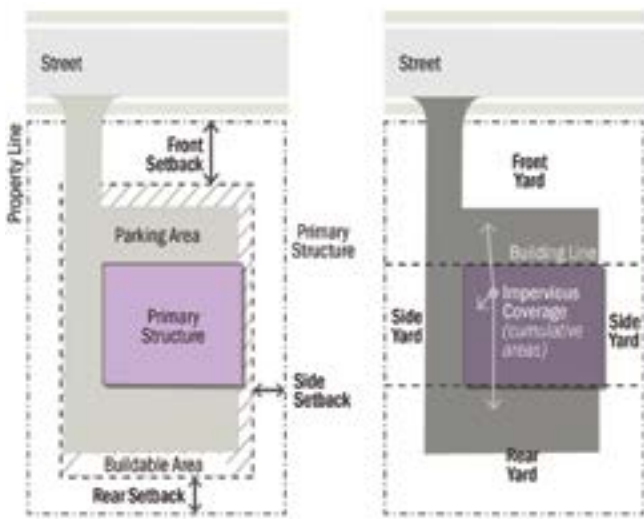
**A. Purpose.** The purpose of this district is to provide medium to high density uses specifically involving non-noxious industrial development around existing developed areas.

### B. I-1 Allowed Uses and Dimensional Regulations

Permitted Uses	Conditional Uses	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• Agricultural Support Business</li> <li>• Crop Production/Row Crop</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Alcohol Production (Brewery/ Cidery/Distillery/ Winery), Large Scale*</li> <li>• Alcohol Production (Brewery/ Cidery/Distillery/ Winery), Small Scale*</li> <li>• Automobile Repair and Service, Major*</li> <li>• Automobile Repair and Service, Minor*</li> <li>• Business Services</li> <li>• Equipment and Commercial Vehicle Sales, Rental, and Services*</li> <li>• Monument Sales and Yard</li> <li>• Professional Offices</li> <li>• Retail Establishment</li> <li>• Self-Storage Facility</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Essential Services*</li> <li>• Governmental Building or Facility</li> <li>• Public Parks and Recreation</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• Contractor Yard</li> <li>• Data Center</li> <li>• Laboratory/Research Facilities</li> <li>• Manufacturing, Artisan*</li> <li>• Manufacturing, Light*</li> <li>• Meat Processing</li> <li>• Truck Terminal</li> <li>• Wholesale Establishment</li> </ul>	<p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Automobile and Truck Fueling/ Charging Station*</li> <li>• Commercial Outdoor Storage*</li> <li>• Convenience Store</li> <li>• Lumber and Home Improvement Sales*</li> <li>• Recreational Vehicle Storage</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>• Telecommunication Towers*</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• Bulk Storage of Refined Petroleum Products</li> <li>• Composting Facility*</li> <li>• Dry Cleaning Plants</li> <li>• Junkyard*</li> <li>• Manufacturing, Heavy*</li> <li>• Recycling Center</li> <li>• Truck Washing Facility*</li> <li>• Warehousing, Fulfillment, and Distribution Center</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Warehouse/Indoor Storage*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>• Accessory Uses and Structures*</li> <li>• Fences and Walls*</li> <li>• Renewable Electricity Generation and Storage*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>• Construction and Demolition Debris and Storage Area*</li> <li>• Construction Structure/Activities*</li> <li>• Seasonal Sales*</li> <li>• Temporary Dwelling*</li> </ul> <p><i>* Uses that have additional use-specific standards. See <a href="#">Article 3</a> to review those standards.</i></p>

**Table 14: I-1 Dimensional Regulations**

Requirement	
Minimum Lot Area <sup>1</sup>	20,000 sq. ft.
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	Structures: 50 feet Paved Areas: 20 feet
Minimum Side Yard Setback (primary structure)	100/50/50/20 feet <sup>2</sup>
Minimum Side Yard Setback (accessory structure)	100/50/50/20 feet <sup>2</sup>
Minimum Rear Yard Setback (primary structure)	100/50/50/20 feet <sup>2</sup>
Minimum Rear Yard Setback (accessory structure)	100/50/50/20 feet <sup>2</sup>
Maximum Height	70 feet
Maximum Accessory Structure Height	25 feet
Maximum Impervious Coverage	70%
<i>Terminology: sq. ft. = square feet</i>	
<p><sup>1</sup> The minimum lot area will also include an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.</p> <p><sup>2</sup> The side/rear yard setback shall be 100 feet for structures and 50 feet for paved areas when abutting residential lots. For areas abutting non-residential lots, the side/rear yard setback shall be 50 feet for structures and 20 feet for paved areas.</p>	



*Dimensional standards illustration (left) and example development pattern (right)*

## 2.15 I-2 Industrial District

**A. Purpose.** The purpose of this district is to provide medium to high density industrial and commercial uses similar to existing development that may require special review or community consideration to ensure health, safety, and welfare of the public

### B. I-2 Allowed Uses and Dimensional Regulations

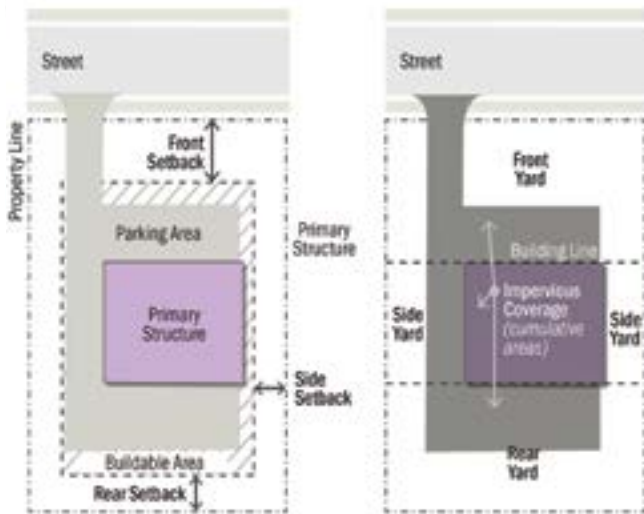
Permitted Uses	Permitted Uses Continued	Accessory/Temporary Uses
<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>Agricultural Support Business</li> <li>Crop Production/Row Crop</li> </ul> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Alcohol Production (Brewery/ Cidery/Distillery/ Winery), Large Scale*</li> <li>Alcohol Production (Brewery/ Cidery/Distillery/ Winery), Small Scale*</li> <li>Automobile and Truck Fueling/ Charging Station*</li> <li>Automobile Repair and Service, Major*</li> <li>Automobile Repair and Service, Minor*</li> <li>Business Services</li> <li>Equipment and Commercial Vehicle Sales, Rental, and Services*</li> <li>Monument Sales and Yard</li> <li>Professional Offices</li> <li>Self-Storage Facility</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Essential Services*</li> <li>Governmental Building or Facility</li> <li>Public Parks and Recreation</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>Contractor Yard</li> <li>Data Center</li> <li>Laboratory/Research Facilities</li> <li>Manufacturing, Light*</li> <li>Manufacturing, Heavy*</li> <li>Meat Processing</li> </ul>	<p><b>Industrial Uses Continued</b></p> <ul style="list-style-type: none"> <li>Sawmill</li> <li>Truck Terminal</li> <li>Truck Washing Facility*</li> <li>Warehousing, Fulfillment, and Distribution Center</li> <li>Wholesale Establishment</li> </ul> <p><b>Conditional Uses</b></p> <p><b>Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Commercial Outdoor Storage*</li> <li>Convenience Store</li> <li>Lumber and Home Improvement Sales*</li> <li>Recreational Vehicle Storage</li> <li>Retail Establishment</li> </ul> <p><b>Institutional/Public Uses</b></p> <ul style="list-style-type: none"> <li>Telecommunication Towers*</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>Bulk Storage of Refined Petroleum Products</li> <li>Composting Facility*</li> <li>Dry Cleaning Plants</li> <li>Junkyard*</li> <li>Landfill</li> <li>Manufacturing, Artisan*</li> <li>Recycling Center</li> <li>Warehousing, Fulfillment, and Distribution Center</li> </ul> <p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>Warehouse/Indoor Storage*</li> </ul>	<p><b>Accessory Uses</b></p> <ul style="list-style-type: none"> <li>Accessory Uses and Structures*</li> <li>Fences and Walls*</li> <li>Renewable Electricity Generation and Storage*</li> </ul> <p><b>Temporary Uses</b></p> <ul style="list-style-type: none"> <li>Construction and Demolition Debris and Storage Area*</li> <li>Construction Structure/Activities*</li> <li>Temporary Dwelling*</li> </ul> <p><i>* Uses that have additional use-specific standards. See Article 3 to review those standards.</i></p>

**Table 15: I-2 Dimensional Regulations**

Requirement	
Minimum Lot Area <sup>1</sup>	5 acres
Minimum Lot Frontage	500 feet
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback (primary structure)	500/200/100/50 feet <sup>2</sup>
Minimum Side Yard Setback (accessory structure)	500/200/100/50 feet <sup>2</sup>
Minimum Rear Yard Setback (primary structure)	500/200/100/50 feet <sup>2</sup>
Minimum Rear Yard Setback (accessory structure)	500/200/100/50 feet <sup>2</sup>
Maximum Height	70 feet
Maximum Accessory Structure Height	25 feet
Maximum Impervious Coverage	70%

<sup>1</sup> The minimum lot area will also include an area approved by the Clinton County Health Department for on-site water and sewage disposal systems (if required) and the required parking area as determined by this Resolution.

<sup>2</sup> The side/rear yard setback shall be 500 feet for structures and 200 feet for paved areas when abutting residential lots. For areas abutting non-residential lots, the side/rear yard setback shall be 100 feet for structures and 50 feet for paved areas.



*Dimensional standards illustration (left) and example development pattern (right)*

# ARTICLE 3

## USE PROVISIONS

### 3.01 Purpose

The purpose of this Article is to protect the property rights of all individuals in Clinton County by assuring the compatibility of uses and practices within districts through the classification, regulation, and restriction of the location of commercial, industrial, residential, recreational, and other land uses.

### 3.02 Use Provisions

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

- A. No building shall hereafter be erected, altered, or moved nor shall any building or premises hereafter be used for any purpose other than is permitted in the zoning district in which said building or premises is located.
  - 1. **Permitted Uses.** A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
  - 2. **Permitted Uses with Standards.** A "PS" in a cell indicates that a use is allowed by right in the respective zoning district if it meets the additional standards that are identified in the last column of "[Table 16: Use Table](#)". Permitted uses with standards are subject to all other applicable regulations of this Resolution.
  - 3. **Conditional Uses.** A "C" in a cell indicates that a use may be permitted if approved through the Conditional Use process as established in Section 10.07.E. Conditional Uses are subject to all other applicable regulations of this Resolution, including the Conditional Use review standards set forth in Section 10.07.E.2.c.

4. **Conditional Uses with Standards.** A "CS" in a cell indicates that a use may be permitted if approved through the Conditional Use process as established in Section 10.07.E and is subject to use-specific standards that are identified in the last column of "[Table 16: Use Table](#)". Conditional Uses are subject to all other applicable regulations of this Resolution, including the Conditional Use review standards set forth in Section 10.07.E.2.c.
5. **Prohibited Uses.** A blank cell in "[Table 16: Use Table](#)" indicates a use is prohibited in the respective zoning district. If a use is not listed in "[Table 16: Use Table](#)", then it shall also be consider prohibited, unless approved by the Zoning Manager through the similar use determination process as established in Section 3.04.A.
6. **Section Reference.** The section references contained in the "Section" column on the Table are references to additional standards and requirements within this Resolution that apply to the use listed in the respective row.

### 3.03 Use Table

The following table lists the uses that are permitted, permitted with standards, conditionally permitted, conditionally permitted with standards, and prohibited within the designated zoning districts of Clinton County.

**Table 16: Use Table**

Use	A-1	A-2	A-3	R-R	S-R	C-1	C-2	C-3	I-1	I-2	Ref
<i>P=Permitted Use, PS=Permitted Use with Standards, C= Conditional Use, CS= Conditional Use with Standards</i>											
<b>Agricultural Uses</b>											
Agriculture	PS	PS	PS	PS	PS						3.05.A
Agriculture Support Business	P	P	P					C	P	P	
Agritourism	PS	PS	PS	PS							3.05.B
Crop Production/Row Crops	P	P	P	P							
Farm Market	PS	PS	PS								3.05.C
Grain Elevator	P	P	P								
Nursery/Greenhouse	P	P	P								
Pasturing	P	P	P	P							
Raising of Exotic Animals	C	C	C								
Raising of Livestock	PS	PS	PS	PS	PS						3.05.D
Stable, Commercial	P	P	P	C							
Woodlots and Timber Harvesting	P	P	P								

**Table 16: Use Table**

Use	A-1	A-2	A-3	R-R	S-R	C-1	C-2	C-3	I-1	I-2	Ref
<b>Residential Uses</b>											
Dwelling, Multi-Family					C	C					
Dwelling, Single-Family Attached					C	P					
Dwelling, Single-Family Detached	P	P	P	P	P						
Dwelling, Two-Family				P	P						
Housing for Seasonal Labor	C	C									
Housing for the Elderly			CS	CS	CS						3.06.A
Residential Living Facility	PS	PS	PS	PS	PS						3.06.B
Residential Treatment Facility, Small	P	P	P	P	P						
Residential Treatment Facility, Large					CS						3.06.C
<b>Commercial Uses</b>											
Alcohol Production (Brewery/Cidery/Distillery/Winery), Large Scale		CS							PS	PS	3.07.A
Alcohol Production (Brewery/Cidery/Distillery/Winery), Small Scale						PS	PS	PS	PS	PS	3.07.A
Auction or Public Sale Facilities		C					C	C			
Automobile and Truck Fueling/Charging Station							CS	PS	CS	PS	3.07.B
Automobile Rental and Sales								PS			3.07.C
Automobile Repair and Service, Major		CS					CS	CS	PS	PS	3.07.D
Automobile Repair and Service, Minor		PS					CS	CS	PS	PS	3.07.D
Automobile Washing Facility								CS			3.07.E
Bed and Breakfast Establishment		CS	CS	CS	CS						3.07.F
Business Services						PS	PS	PS	PS	PS	3.07.G
Campground and RV Park	CS	CS	CS								3.07.H
Club/Fraternal Organization					C	C	C	C			
Commercial Outdoor Storage									C		
Commercial Recreation (Indoor and Outdoor)		CS	CS			CS	CS	CS			3.07.I 3.07.J
Convenience Store							C	P	C	C	

**Table 16: Use Table**

Use	A-1	A-2	A-3	R-R	S-R	C-1	C-2	C-3	I-1	I-2	Ref
<b>Commercial Uses Continued</b>											
Day Care Facility			CS	CS	CS	CS	CS	CS			3.07. <b>K</b>
Equipment and Commercial Vehicle Sales, Rental, and Services		CS						CS	PS	PS	3.07. <b>L</b>
Event Center	CS	CS	CS			CS	CS	CS			3.07. <b>M</b>
Financial Institutions						P	P	P			
Food and Beverage Services, Drive-in or Drive-thru							C	P			
Food and Beverage Services, excluding Drive-in or Drive-thru						P	P	P			
Funeral Home/Mortuary	C	C					C	C			
Golf Courses and Country Clubs	CS	CS	CS	CS	CS						3.07. <b>N</b>
Health and Fitness Club				C	C	P	P	P			
Hospital							C	C			
Inpatient Rehabilitation Facility		CS	CS	CS							3.07. <b>O</b>
Kennel						PS	PS	PS			3.07. <b>P</b>
Lumber and Home Improvement Sales							PS	PS	CS	CS	3.07. <b>Q</b>
Medical Office/Clinic						P	P	P			
Mixed Use with Residential Use						C	C	C			
Mobile Home Sales and Service								P			
Model Home Office/Retail Sales				C	C						
Monument Sales and Yard									P	P	
Motels and Hotels								CS			3.07. <b>R</b>
Personal Services						P	P	P			
Professional Offices					C	P	P	P	P	P	
Recreational Vehicle Storage							C	C	C	C	
Retail Establishment						P	P	P	P	C	
Self-Storage Facility								C	P	P	
Theater, Indoor							P	P			
Theater, Outdoor (Drive-In)		C	C								
Veterinary Office/Clinic	CS	CS				CS	CS	CS			3.07. <b>S</b>

**Table 16: Use Table**

Use	A-1	A-2	A-3	R-R	S-R	C-1	C-2	C-3	I-1	I-2	Ref
<b>Institutional/Public Uses</b>											
Cemetery	CS	CS	CS	CS	CS						3.08.A
Community Swimming Pools and Private Swim Clubs			C	C	C						
Education Facility, Public/Private	P	P	P	P	P						
Education Facility, University/College/Trade School			CS			CS	CS	CS			3.08.B
Essential Services	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.08.C
Governmental Building or Facility	P	P	P	P	P	P	P	P	P	P	
Public Parks and Recreation	P	P	P	P	P	P	P	P	P	P	
Religious Facility/Place of Assembly	CS	CS	CS	CS	CS	PS	PS	PS			3.08.D
Telecommunication Towers	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	3.08.E
<b>Industrial Uses</b>											
Bulk Storage of Refined Petroleum Products									C	C	
Composting Facility									CS	CS	3.09.A
Contractor Yard									P	P	
Data Center									P	P	
Dry Cleaning Plants									C	C	
Junkyard									CS	CS	3.09.B
Laboratory/Research Facilities									P	P	
Landfill										C	
Manufacturing, Artisan								CS	PS	CS	3.09.C
Manufacturing, Light									PS	PS	3.09.D
Manufacturing, Heavy									CS	PS	3.09.E
Meat Processing	C	C							P	P	
Recycling Center									C	C	
Sawmill		C								P	
Truck Terminal								C	P	P	
Truck Washing Facility									CS	PS	3.09.F
Warehousing, Fulfillment, and Distribution Center									C	P	
Wholesale Establishment									P	P	

**Table 16: Use Table**

Use	A-1	A-2	A-3	R-R	S-R	C-1	C-2	C-3	I-1	I-2	Ref
<b>Accessory Uses</b>											
Accessory Uses and Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.10. <a href="#">A</a>
Day Care Home, Type A	P	P	P	P	P						
Day Care Home, Type B	P	P	P	P	P						
Drive-In Facilities							C	P			
Drive-Thru Facilities							CS	PS			3.10. <a href="#">B</a>
Fences and Walls	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.10. <a href="#">C</a>
Home Based Business, Class I	PS	PS	PS	PS	PS	PS					3.10.D. <a href="#">1</a>
Home Based Business, Class II	PS	PS	PS	CS	CS						3.10.D. <a href="#">2</a>
Home Based Business, Class III	CS	CS	CS								3.10.D. <a href="#">3</a>
Open-Air Businesses developed with a Permitted Use							C	C			
Private Landing Fields	CS	CS									3.10. <a href="#">E</a>
Raising of Livestock	PS	PS	PS	PS	PS						3.05. <a href="#">D</a>
Renewable Electricity Generation and Storage	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.10. <a href="#">F</a>
Swimming Pools	PS	PS	PS	PS	PS						3.10. <a href="#">G</a>
Warehouse/Indoor Storage							CS	CS	CS	CS	3.10. <a href="#">H</a>
<b>Temporary Uses</b>											
Construction and Demolition Debris Storage Area	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.11. <a href="#">A</a>
Construction Structure/Activities	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.11. <a href="#">B</a>
Garage Sales, Rummage Sales, and Similar Activities			PS	PS	PS						3.11. <a href="#">C</a>
Roadside or Farm Produce Stand	PS	PS	PS			PS	PS	PS			3.11. <a href="#">D</a>
Seasonal Sales	PS	PS	PS	PS	PS	PS	PS	PS			3.11. <a href="#">E</a>
Temporary Dwelling	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.11. <a href="#">F</a>
Temporary Events						CS	CS	CS			3.11. <a href="#">G</a>
<b>Special Uses</b>											
Adult Regulated Uses										CS	3.12. <a href="#">A</a>

### 3.04 General Use Standards

#### A. Similar Use Determination

1. If a use is proposed that is not currently listed in "[Table 16: Use Table](#)", the Zoning Manager may review the use to determine the appropriate zoning district(s), if any, where the use may be permitted. The nature, operation, and function of the use shall be analyzed in the determination of the appropriate district(s).
2. The Zoning Manager may find that the proposed use is not compatible with existing zoning districts and does not permit the use under the current zoning regulations.
3. If such a finding is made, the property owner or agent may appeal the decision to the Board of Zoning Appeals for review and final decision.

**B. Storm Water Management, Drainage, and Lot Grading.** Refer to the Clinton County Subdivision Regulations and the Clinton County Water Management and Sediment Control Regulations.

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

- D. Water Supply and Sewerage Disposal.** No use, building or structure shall be conducted or constructed without the infrastructure to ensure that sufficient water supply and sewage disposal capacity is available to meet the needs of the particular users and to protect the environment and have sufficient fire protection. Where services exist and any future public sanitary sewer districts or areas, proposed structures must be served with public sanitary sewers.
- E. Radioactivity or Electrical Disturbances.** No activity shall emit dangerous radioactivity at any point, or an electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- F. Vibration.** No activity shall cause a vibration, which is discernible without instruments on any adjoining lot or property.
- G. Glare.** No commercial or industrial activity shall cause direct or reflected glare, which is visible from any street or property outside the commercial or industrial district. Wherever the placement of parking spaces in a non- residential district may cause headlight glare directly onto a public street, suitable plantings or screening may be required, except that such plantings or screenings may not interfere with visibility for traffic entering or exiting the site.
- H. Public Right-of-Way.** Nothing in this Resolution shall permit the placement of any structure or use in any public right-of-way except publicly owned uses or structures and mailboxes, which are of a breakaway type construction.
- I. Traffic Impact Studies.** Traffic impact analysis, statement, study or assessment may be required for any petition, zoning amendment, site plan, Conditional Use, or subdivision filed under the provisions of this Resolution deemed appropriate by the Clinton County Regional Planning Commission (CCRPC), the Office of the Clinton County Engineer or the Ohio Department of Transportation (ODOT). The type of study required shall be dependent upon the type of proposal and existing traffic conditions, secured and paid for by the applicant with approval of the relevant agencies listed above.
- J. One Lot - One Dwelling.** In all districts allowing single-family residential as a permitted use, only one principal building or structure shall be placed on a single lot of record.
- K. One Lot - One Zone.** All proposed, newly created lots subject to this Resolution shall have only one zoning district applicable to them. A proposed mixed use or mixed zoning district lot shall follow the Planned Unit Development (PUD) regulations of this Resolution.
- L. Private and Gated Developments.** All proposed residential subdivisions shall be constructed at the developer's expense to have dedicated public streets and public sidewalks or pedestrian access trails that allow full access to the public, unless developed as an approved Planned Unit Development (PUD) where private areas and streets of a proposed development are discouraged but may allowed in some circumstances.

**M. Street, Alley, and Railroad Rights-of-Way.** All streets, alleys, railroads, and rights-of-way, whether active or abandoned, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street, alley, railroad or right-of-way. Where the centerline of a street, alley, railroad or right-of-way serves as a district boundary, the zoning of such street, alley, railroad or right-of-way, unless otherwise specifically designated, shall be deemed to the same as that of the abutting property up to such centerline. No building or structure may be erected, constructed, or altered upon any right-of-way unless appurtenant to the right-of-way. The setback for any new structure: primary, accessory or temporary, shall be 10 feet from the right-of-way of any dedicated alley.

### 3.05 Agricultural Use Standards

**A. Agriculture.** Agriculture uses are subject to the following regulations:

- 1. Definition.** The term "agriculture", as used in this section, includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 2.** The use of any land for agricultural purposes or the construction or use of building or structure incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited on lots greater than five acres and no zoning certificate shall be required for any such building or structure.
- 3.** Any platted subdivision approved under section 711.05, 711.09. or 711.10 of the Ohio Revised Code (ORC), or in any area consisting of 15 or more lots approved under section 711.131 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road shall be regulated by the following provisions and any applicable use standards:
  - a.** Building or structures incident to the use of land for agricultural purposes on lots less than five acres must conform to setbacks, size, and height requirements for the underlying zone and any applicable use standards.
  - b.** Dairying and animal and poultry husbandry on lots less than five acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure,

or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the ORC. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 303.19 of the ORC.

**B. Agritourism.** Agritourism uses are subject to the following regulations:

1. Per ORC, a board of county commissioners, as provided in section 303.02 of the ORC, may regulate such factors pertaining to agritourism, as to size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety. All size and setbacks will be determined by the district which the property is located.
2. Agritourism uses in the R-R shall be a minimum of 10 acres.

**C. Farm Market.** Farm markets which derive at least 50 percent of their gross income from produce raised on the farms owned or operated by the market operator in a normal crop year are subject to the following regulations:

1. Farm markets shall comply with the setback requirements for the underlying zone in which they are located.
2. Farm markets that operate seasonally (four months or less per calendar year) are permitted to have a grassed parking area.
3. Farm markets that operate for more than four months per calendar year are required to have a permanent gravel or paved parking area and provide adequate ingress and egress as approved by the Clinton County Engineer.

**D. Raising of Livestock.** The raising of livestock on lots smaller than five acres are subject to the following regulations:

1. **Animal Units.** The following table contains the number of each type of animal that is considered an animal unit. Any animal not included in the table may be considered by the Zoning Manager based upon the impact of the animal. Lots less than five acres shall have a maximum of one animal unit per fenced acre.

**Table 17: Animal Units**

Animal Type and Number	Animal Units
1 head of cattle	1 animal unit
1 horse, mule, or donkey	1 animal unit
3 sheep	1 animal unit
2 swine	1 animal unit (maximum of three per parcel)
3 goats	1 animal unit
3 llamas	1 animal unit
3 alpacas	1 animal unit
2 ponies or burros	1 animal unit
20 chickens	1 animal unit
12 ducks	1 animal unit
8 turkeys	1 animal unit
8 geese	1 animal unit

**2. Sheltering Structures and Outdoor Areas.** All animals shall be kept in a sheltering structure or fenced outdoor area at all times and shall comply with the following regulations:

- a. Animal sheltering structures and outdoor areas shall be located in the side or rear yard of the property if accessory to a principal use.
- b. Animal sheltering structures and outdoor areas shall be located at least 50 feet from any property line.
- c. Animal sheltering structures shall be designed to minimize the effects of adverse weather, provide adequate ventilation and a clean and safe environment that promotes the health and welfare for the animal(s), and provide enough space for the animal(s) to stand, lie down, and turn around.

**3. Nuisance.** This use shall not create a nuisance, disturb the peace, or create unsanitary or unsafe conditions for either the animals or the owners/occupants of nearby properties. Doing so shall constitute a violation of this Resolution.

### 3.06 Residential Use Standards

**A. Housing for the Elderly.** Housing for the elderly is subject to the following regulations:

1. **Independent Living for the Elderly.** Dwelling types that are permitted include single-family detached, two-family, or multiple family units. The minimum size requirements for the purposes of calculating density shall be as follows:

**Table 18: Independent Living Dwelling Size Requirement**

Dwelling Unit Size	Site Area Per Unit
Efficiency/One Bedroom	2,000 square feet
Two Bedroom	4,000 square feet
Each additional bedroom	500 square feet

2. **Assisted Living for the Elderly.** Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in "[Table 18: Independent Living Dwelling Size Requirement](#)" shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be 200 square feet.
3. **Building Length.** Both independent and assisted living facilities shall be contained within a building which does not exceed 250 feet in total length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together.
4. **Building Setbacks.** Building setbacks shall comply with the following:
  - a. Perimeter setbacks shall be no less than 75 feet from the front property line and 50 feet from all other property lines.
  - b. Internal setbacks for single and two-family dwellings located on an individual lot shall be as follows:

**Table 19: Housing for the Elderly Setback Requirements**

Setback	Single and Two-Family Dwellings
Front	25 feet
Rear	35 feet
Least Side	8 feet
Total Side/Between Buildings	20 feet

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

**Table 20: Housing for the Elderly Setback Requirements**

Setback	Multiple Family	Single and Two Family
Internal Drives/Streets	25 feet	25 feet
Side/Side Orientation	30 feet	20 feet
Side/Front, Side/Rear	30 feet	35 feet
Front/Front, Front/Rear, Rear/Rear	50 feet	50 feet

- d. Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

**Table 21: Minimum Floor Area**

Dwelling Unit Type	Assisted Living Floor Area	Independent Living Floor Area
Efficiency	400 square feet	500 square feet
One Bedroom	550 square feet	650 square feet
Two Bedroom	700 square feet	800 square feet
Additional Bedroom	150 square feet per unit	150 square feet per unit

- 5. **Open Space/Recreation.** Open space and recreation shall be provided in accordance with the following requirements:

- a. Total open space shall be a minimum of 20 percent of the site.
- b. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relationship to the majority of dwelling units intended to be served.

- 6. **Accessory Uses.** Support uses may be permitted provided they are accessory to the principal use as an elderly residential facility. Such support may include congregate dining, health care, personal services, and social, recreational, and educational facilities and programs.

- B. **Residential Living Facility.** Residential living facilities are subject to the following regulations:

- 1. A residential living facility that houses up to five individuals at any one time does not require any additional standards than what applies to a single-family dwelling.
- 2. A residential living facility that houses six or more individuals shall be located at a minimum 500 feet from any other residential living facility.

- C. **Residential Treatment Facility, Large.** Large residential treatment facilities shall be located a minimum of 500 feet from any other residential treatment facility.

### 3.07 Commercial Use Standards

#### A. Alcohol Production Facilities (Winery/Brewery/Distillery/Cidery), Large and Small Scale.

Alcohol production facilities are subject to the following regulations:

1. Each use shall maintain all required licenses and manufacture and sell alcoholic beverages in accordance with the provisions of The Ohio Division of Liquor Control and all other appropriate state agencies.
2. Such establishments may include a taproom or tasting room for the public, which may or may not serve food.
3. All production shall be located completely within an enclosed building. Exterior storage structures associated with alcohol production shall be located in the side or rear yard of the property.
4. The water supply and sanitary sewer facilities serving the alcohol production facility shall conform to the minimum requirements as set forth by the Clinton County Health Department or Clinton County Sanitary Sewer District as appropriate.

#### B. Automobile and Truck Fueling/Charging Stations. Automobile fueling/charging stations are subject to the following regulations:

1. A portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.
2. The maximum width of all driveways at the right-of-way line shall be no more than 30 feet.
3. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than 90 degrees.
4. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
5. The distance between curb cuts shall be no less than that which is required by the Access Management Regulations for Clinton County.
6. Outdoor storage of trash shall be contained within a solid, sealed enclosure. The outdoor storage of car parts, wrecked cars, or similar materials is prohibited.
7. All structures on the property, including fuel pumps, shall be located at least 200 feet from any residential zoning district or use.
8. Accessory automobile or truck washing facilities and drive-thru lanes may be located in the side or rear yard of the property.

9. Fuel canopies, gas pumps, charging stations, air compressors, and similar equipment may be located in any yard of the property.
10. No vehicle repair or service work shall be conducted on site.
11. Fuel price displays shall be subject to the standards in **"Article 8"**.
12. The spaces at each pump may be counted toward the required number of parking spaces per **"Article 6"**.

**C. Automobile Rental and Sales.** Automobile rental and sales are subject to the following regulations:

1. No automobiles for sale shall be displayed within the required front yard setback.
2. Any outdoor sales or rental areas for automobiles shall be paved. Automobiles for sale or rent may not be parked or stored on a permeable surface.
3. There shall be no broadcast of continuous music or announcement over any loudspeaker or public address system.

**D. Automobile Repair and Service, Major and Minor.** Major and minor automobile repair and service uses are subject to the following regulations:

1. A portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.
2. The entire area used for vehicle service shall be paved.
3. Hydraulic hoist, service pits, lubricating, greasing, repair equipment, and operations shall be located within a completely enclosed structure.
4. The maximum width of all driveways at the right-of-way line shall be no more than 30 feet.
5. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than 90 degrees.
6. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
7. The distance between curb cuts shall be no less than that which is required by the Access Management Regulations for Clinton County.
8. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, sealed enclosure.

9. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of storage of not more than 60 days within a fenced area, and then only for the purpose of temporary storage pending transfer to an auto wrecking yard or junkyard. Such storage shall not be sold or advertised for sale on the premise.
10. All vehicles rendered inoperative shall be stored on either a paved or gravel surface. The storage of vehicles on a permeable surface is prohibited.
11. Sales of used cars and other motorized vehicles shall be prohibited.

**E. Automobile Washing Facility.** Automobile washing facilities shall be subject to the following regulations:

1. A portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.
2. The maximum width of all driveways at the right-of-way line shall be no more than 30 feet.
3. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than 90 degrees.
4. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
5. The distance between curb cuts shall be no less than that which is required by the Access Management Regulations for Clinton County.
6. Outdoor storage of trash shall be contained within a solid, sealed enclosure.
7. All car wash facilities shall be located at least 200 feet from any lot located in a residential district or subdivision.
8. Car wash facilities shall be located within an enclosed building, except for vacuuming equipment which may be located outside of a building in the side or rear yard.
9. Car wash facilities shall provide adequate stacking spaces per **"Table 27: Required Number of Stacking Spaces"**.

**F. Bed and Breakfast Establishment.** Bed and breakfasts are subject to the following regulations:

1. Each premises must be principally occupied and principally operated by its owner.
2. The proposed use shall not cause a nuisance to adjoining residents due to noise, odor, lighting, or traffic.

3. The total number of sleeping rooms is limited to five rooms in all agricultural and residential zoning districts. In commercial zoning districts, the maximum number of sleeping rooms shall not exceed 12. No bed and breakfast sleeping room shall be permitted that does not comply with the State of Ohio Construction Code.
  4. There shall be no separate cooking facilities used for a bed and breakfast stay.
  5. Bed and breakfast bedrooms shall be a minimum of one hundred and 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.
  6. The bed and breakfast shall not have room arrangements such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall or basement or cellar or to the exterior of the bed and breakfast unit.
  7. The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year
  8. One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms.
  9. Every rooming unit shall have immediate access to two or more approved means of egress, appropriately marked, leading to safe and open space at ground level.
  10. Signs are permitted in accordance with the provisions of this Resolution. However, no signs shall be internally illuminated and exterior signage shall be limited to a single sign not more than four square feet in size.
  11. One off-street parking space shall be provided in the interior side yard and/or rear yard area for each bed and breakfast bedroom as determined as part of the Conditional Use Permit.
- G. Business Services.** Business services which provide small scale fabrication or the repair of commercial machines, not including vehicles, shall only be permitted in the industrial districts.
- H. Campground/Recreational Vehicle Park.** Publicly or privately owned and operated campgrounds and camp buildings providing temporary living quarters for campers on a daily, weekly, or seasonal basis shall be subject to the following standards:
1. The minimum site area shall be 20 acres.
  2. The site shall have direct access to a public roadway.
  3. A minimum setback of 100 feet shall be established around the perimeter of the property for the purposes of buffering a private campground or recreational vehicle park in relation to adjacent

land currently zoned or used for residential purposes. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the Regional Planning Commission may require additional setback, landscaping, and or buffering according to **"Article 7"** of this Resolution.

4. Sites within the campground/recreational vehicle park are for temporary or seasonal occupancy only, limited to the time periods set forth below:
  - a. Recreational vehicles are limited to six months per calendar year;
  - b. Cabins are limited to six months per calendar year; and
  - c. Tents or other temporary structures are limited to 30 days per calendar year.
5. Manufactured homes shall not be permitted to be located within a campground except for use as an owner-occupied office/residence.
6. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the Clinton County Health Department and the State of Ohio governing such uses.
- I. **Commercial Recreation, Indoor.** Indoor commercial recreation uses, including but not limited to bowling alleys, ice or roller blade rinks, pool or billiard halls, indoor soccer fields, racket courts, indoor water parks, and athletic clubs shall be subject to the following regulations:
  1. The site shall be located on a collector or arterial roadway with a minimum of 150 feet of frontage.
  2. The minimum site area shall be one acre subject to Health Department approval.
  3. No building shall be located within 50 feet of a lot line of adjoining residentially zoned property.
  4. Whenever parking areas are adjacent to land in a residential district, a minimum of five-foot-high buffer shall be provided along the side of the parking area adjacent to the residential property.
  5. Any additional conditions a deemed reasonable and necessary by the Clinton County Board of Zoning Appeals.
- J. **Commercial Recreation, Outdoor.** Outdoor commercial recreation uses, including but not limited to archery, rifle ranges, miniature golf, animal racing, go-carts, automobile, or motorcycle tracks, off-road or mud bogging, amphitheatres, amusement and water parks, drive-in theaters, air gun or survival games, amusement parks, golf driving ranges, fairgrounds, batting cages, ski slopes, skateboard parks, and wedding venues shall be subject to the following regulations:

1. The site shall be located on or take principal access from a major thoroughfare or county roadway.
2. All points of entrance or exit shall be no closer than two 200 feet from the intersection of any two streets or highways except miniature golf and driving ranges, which shall be no less than 100 feet.
3. No drive shall be closer to another drive by less than 75 feet and the maximum number of drives shall be two.
4. Minimum site area shall be:
  - a. Two acres for batting cages, skateboard parks, and mini-golf and associated improvements.
  - b. 10 acres for: amphitheaters and amusement parks.
  - c. 20 acres for all other commercial recreational uses.
5. No building or spectator seating area shall be located within 100 feet of a lot line of an adjoining residential property.
6. A landscaped buffer strip of no less than 100 feet shall be provided along all residentially zoned property lines, except for golf driving ranges and mini-golf which shall have no less than a 50 foot buffer.
7. Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five feet buffer shall be provided along the side of the parking area adjacent to such land.
8. Racetracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring buffer of at least eight feet in height.
9. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Clinton County Board of Zoning Appeals.
10. Not more than 65 percent of the land area shall be covered by recreational uses.
11. Central loudspeakers/paging systems are prohibited within 100 feet of residentially zoned property. Such systems shall not be directed toward a residential area even in the area outside of the 100-foot setback.
12. Any additional conditions as deemed reasonable and necessary by the Clinton County Board of Zoning Appeals.

**K. Day Care Facility.** Day care facilities are subject to the following regulations:

1. A day care facility shall be located no closer than 1,500 feet to any of the following facilities:

- a. Another Day Care Facility or a Type A In-Home Day Care; or
- b. A Residential Living Facility or a Residential Treatment Facility.

2. The appropriate license and permits with the State of Ohio shall be maintained.

**L. Equipment and Commercial Vehicle Sales, Rental, and Services.** Equipment and commercial vehicle sales, rental, and services are subject to the following regulations:

- 1. No equipment, merchandise, or vehicles for sale or rent shall be displayed within the required front yard setback.
- 2. Any outdoor sales or rental areas for equipment, merchandise, or vehicles shall be paved. No equipment or vehicles shall be located on a permeable surface.
- 3. There shall be no broadcast of continuous music or announcement over any loudspeaker or public address system.
- 4. Outdoor storage areas shall be paved with a hard durable surface, be located in the rear yard of the property, and be screened on all sides with an opaque fence or wall that is six feet in height.
- 5. Hydraulic hoist, service pits, lubricating, greasing, washing, repair equipment, and operations shall be located within a completely enclosed structure.

**M. Event Center.** Event centers are subject to the following regulations:

**1. Access Standards**

- a. Access to an event center shall comply with county, state, and local fire safe standards as determined by the county and the serving fire agency.
- b. Direct access to a publicly maintained roadway is required.

**2. Dimensional Standards**

- a. An event center shall be located and is required to hold all outdoor activities associated with the event center a minimum of 200 feet from the side and rear property lines.
- b. Parking shall meet the required setbacks for the principal building on the site where it is located.

**3. Size and Frequency of Events.** As part of the Conditional Use approval, the Board of Zoning Appeals may place upon an event center a maximum number of events per year, a maximum number of guests, increased setback or buffering standards based on the event center's proximity to residential uses, or any other conditions the Board of Zoning Appeals deems necessary.

**N. Golf Courses and Country Clubs.** Golf courses and country clubs, including accessory uses such as clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities, restaurants, and caretaker residences shall be subject to the following regulations:

1. The minimum site area shall be 40 acres.
2. The location of structures, such as the club house and accessory buildings, and their operations shall be reviewed to ensure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than 100 feet from adjacent residentially zoned or used property except in an approved Planned Unit Development.
3. All storage, service, and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according to the requirements in "[Article 7](#)" of this Resolution.
4. All proposed outdoor lighting and sound systems shall not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently used for residential purposes.
5. If applicable, the caretaker's residence must meet the minimum requirements of the district in which the golf course is located.
6. Direct ingress and egress shall be from a public roadway.
7. The applicant shall provide a detailed site development plan showing tee areas, greens, and other improvements.

**O. Inpatient Rehabilitation Facility.** Inpatient rehabilitation facilities are subject to the following regulations:

1. The minimum lot size shall be based upon no less than 2,000 square feet per bed.
2. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than 1,500 square feet of open space. Such space shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for the accessory uses. The 1,500 square feet requirement is in addition to the building coverage area requirements.
3. No building shall be closer than 40 feet from a property line.
4. The lot location shall be such that at least one property line abuts a public roadway, more than one point of vehicle ingress and egress shall be provided directly from said thoroughfare.

5. An area of access for emergency vehicles shall be provided for each primary building entrance.

**P. Kennel.** Kennels are subject to the following regulations:

1. Kennels that include outdoor runs or are not within an enclosed building shall be set back at least 200 feet from each property line abutting a residential zoning district or institutional/public use, and at least 50 feet from any other property line.
2. Animals shall be housed indoors between the hours of 6:00 p.m. and 8:00 a.m.
3. Outdoor exercise areas shall only be used between the hours of 8:00 a.m. and 6:00 p.m.
4. Outdoor exercise areas, play yards, and storage areas shall not be visible from streets and/or adjoining properties. All outdoor areas shall be screened by a six-foot opaque wall or fence.
5. Rooms which contain animals shall be insulated, or otherwise soundproofed and vented so that animal noises are not audible anywhere beyond the lot.

**Q. Lumber and Home Improvement Sales.** Lumber and home improvement sales are subject to the following regulations:

1. All storage and operations shall be conducted within an enclosed structure on the site for lumber and home improvement sales in commercial districts.
2. Lumber and home improvement sales located in industrial districts are permitted to have an outdoor storage area as long as the area is paved with a hard durable surface, located in the rear yard of the property, and is screened on all sides with an opaque fence or wall that is six feet in height.

**R. Motels and Hotels.** Motels and hotels are subject to the following regulations:

1. A site shall contain no less than two acres of land and no less than 1,000 square feet of lot area shall be available per guest unit.
2. Each unit shall contain not less than 250 square feet of heated/air conditioned floor area per guest unit.
3. All buildings shall be set back no less than 50 feet from all perimeter parcel lines, while 100 feet is required when adjacent to a residential zoning district or land occupied for residential purposes.
4. Accessory uses may include, but are not limited to meeting rooms, ballrooms, restaurants, bars, recreational uses, and gift shops.

5. No existing motel or hotel shall be converted for use of cooking and/or kitchen facilities unless the owner first obtains a building permit, complies with all applicable fire prevention and building codes, and obtains a certificate of occupancy for each unit prior to renting said unit.
6. All parking areas greater than five spaces shall be set back from residentially zoned or occupied parcels by no less than 25 feet for the rear and side yards.
7. Ingress and egress shall be via a public street improved in such a fashion as to accommodate the trip ends anticipated by the land use.

**S. Veterinary Office/Clinic.** Veterinary offices/clinics are subject to the following regulations:

1. Any outdoor enclosure areas that are accessory to the veterinary office/clinic shall be set back a minimum of 100 feet from any residential district and a minimum of 50 feet from any structure in a commercial district.
2. Any outdoor enclosure areas that are accessory to the veterinary office/clinic shall be adequately buffered so as to not be visible from all rights-of-way and adjacent properties.
3. Outdoor enclosures shall not exceed 500 square feet.
4. Outdoor enclosures shall only be utilized between the hours of 7:00 a.m. to 8:00 p.m.

### 3.08 Institutional/Public Use Standards

**A. Cemetery.** Cemeteries are subject to the following regulations:

1. No building or grave site shall be located closer than 100 feet from any property lines. No building or grave site shall be located within the required building setback of the zone in which the cemetery is located.
2. The minimum area for a cemetery site shall be no less than five acres.
3. Except for administrative offices incidental to cemetery operations, no business or commercial uses shall be permitted on the cemetery site.
4. Direct ingress and egress shall be from a paved road. Drives shall be 15 feet wide and graded and drained so as to promote effective surface water runoff.
5. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.
6. Other than grave markers, only signs designating entrances, exits, traffic direction, and titles shall be permitted.

7. Adequate screening with trees, shrubs, hedges, or landscaping shall be provided parallel to property lines adjacent to abutting residential properties.

**B. Education Facility, University/College/Trade School.** Universities, colleges, and trade schools shall submit a campus plan if more than one building is being proposed.

**C. Essential Services.** Essential services shall be permitted as authorized and regulation by this Resolution and other regulations of Clinton County and the State of Ohio. The construction of buildings associated with essential services shall be subject to Site Plan review as required by Section 10.07. **"C. Site Plan"**.

**D. Religious Facility/Place of Assembly.** Religious facilities/places of assembly are subject to the following regulations:

1. Direct ingress and egress shall be from a paved road.
2. Religious facilities and existing lands purchased before the effective date of this Resolution and not meeting these requirements shall nevertheless be deemed to be conforming. Future expansion of any and all religious facilities shall be required to conform to all applicable regulations except for land-use requirements.

**E. Telecommunication Towers.** Telecommunication towers, as provided for in Section 303.211 of the Ohio Revised Code and subsequent amendments, are subject to the following regulations:

1. The tower and any stabilization structures or guide wires shall not be placed closer than 10 feet from a side or rear property line.
2. The tower shall not be placed closer than 150 feet from any existing residential dwelling.
3. The minimum lot size for which a tower is to be placed shall be two acres.
4. The tower shall be set back from any lot line a distance of 50 feet or the height of the tower, whichever is greater.
5. Security fencing shall be provided around the tower to prevent uncontrolled access to the tower site.
6. The tower shall be designed to aesthetically complement the surrounding community. Towers shall be painted in a non-contrasting color minimizing visibility unless otherwise required by the FCC or FAA.
7. Advertising shall not be permitted anywhere on the tower or site with the exception of identification signs and no trespassing signs, which are required.
8. The tower shall not be artificially lighted except to assure safety or as required by the FAA.

9. Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
10. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area and that no viable siting alternative exists. There shall be an explanation of why a tower at this proposed site is technically necessary.
11. Where the tower is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
12. A tower may be attached to a residential or non-residential building or a structure that is a permitted use in the district; including, but not limited to, a church, a governmental building or facility, agricultural building, and a building or structure owned by a utility, provided all conditions above are met and the tower does not exceed 20 feet above the existing building or structure to which the tower is attached.

### 3.09 Industrial Use Standards

**A. Composting Facilities.** Composting facilities are subject to the following regulations:

1. Any proposed composting facility shall be a Class I, Class II, Class III, or Class IV solid waste compositing facility as defined in this Resolution.
2. Class I, Class II, Class III, and Class IV solid waste compositing facilities shall obtain all permits and demonstrate compliance with the requirements of Chapter 3745-560 of the Ohio Administrative Code and all subsequent amendments.
3. All composting facilities shall be set back a minimum of 200 feet from any agricultural or residential district.

**B. Junkyard.** Junkyards are subject to the following regulations:

1. A Site Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a Conditional Use Permit. In reviewing this development plan, the Board of Zoning Appeals may seek the input of the Clinton County Engineer, the Clinton County Regional Planning Commission, or outside consultants.
2. A minimum area of 20 acres shall be required.
3. The junkyard shall be located not less than 200 feet from any residence or district in which residential uses are permitted and/or any publicly dedicated thoroughfare.

4. A landscaped strip/buffer of not less than 50 feet shall be provided within the 200-foot setback specified above. Such strip shall be planted and maintained with evergreen trees or similar vegetation of similar screening value.
5. The applicant shall submit evidence that applicable state and other local regulations have been met.

**C. Manufacturing, Artisan.** Artisan manufacturing is subject to the following regulations:

1. The retail sales of goods manufactured on-site shall be permitted as an accessory use.
2. All operations shall take place within the building.
3. Outdoor storage is not permitted.

**D. Manufacturing, Light.** Light manufacturing is subject to the following regulations:

1. Light manufacturing uses shall be set back a minimum of 100 feet from any agricultural or residential district.
2. Outdoor storage areas for light manufacturing uses shall be paved with a hard durable surface, be located in the rear yard of the property, and be screened on all sides with an opaque fence or wall that is six feet in height.

**E. Manufacturing, Heavy.** Heavy manufacturing is subject to the following regulations:

1. Heavy manufacturing uses shall be set back a minimum of 200 feet from any agricultural or residential district.
2. Outdoor storage areas for heavy manufacturing uses shall be paved with a hard durable surface, be located in the rear yard of the property, and be screened on all sides with an opaque fence or wall that is six feet in height.

**F. Truck Washing Facility.** Automobile washing facilities shall be subject to the following regulations:

1. A portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.
2. The maximum width of all driveways at the right-of-way line shall be no more than 30 feet.
3. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than 90 degrees.
4. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.

5. The distance between curb cuts shall be no less than that which is required by the Access Management Regulations for Clinton County.
6. Outdoor storage of trash shall be contained within a solid, sealed enclosure.
7. All truck washing facilities shall be located at least 200 feet from any lot located in a residential district or subdivision.
8. Truck washing facilities shall be located within an enclosed building, except for vacuuming equipment which may be located outside of a building in the side or rear yard.
9. Truck washing facilities shall provide adequate stacking spaces per **"Table 27: Required Number of Stacking Spaces"**.

### 3.10 Accessory Use Standards

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

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

**Table 22: Maximum Accessory Structure Area by Lot Size**

Parcel (Lot) Size	Maximum Total Accessory Ground Floor Area
Less than 0.50 acre	900 square feet
0.51 acre to one acre	1,200 square feet
1.01 acres to 4.99 acres	2,500 square feet
More than 5 acres	Not to exceed 7,500 square feet

6. The Zoning Manager may grant a modification of up to 25 percent of the maximum total accessory ground floor area.
7. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, unless otherwise permitted in this Resolution.

**B. Drive-Thru Facilities.** Accessory drive-thru facilities are subject to the following regulations:

1. The minimum distance from the drive-thru facility to the proposed right-of-way shall be 65 feet where no turns are required. The distance shall be measured from the drive-thru station farthest from the main building.
2. Where turns are required in the exit lane, the minimum distance from any drive-thru station to the beginning point of the turn shall be 34 feet. The minimum turning radius shall be 17 feet.
3. Alleys or driveways in residential areas adjacent to drive-thru facilities shall not be used for circulation of customer traffic.
4. Entrances and stacking lanes for drive-thru stations shall not cross or pass through off-street parking areas. Entrance and stacking lanes for drive-thru stations shall not cross or be crossed by pedestrian access-ways.
5. Each drive-thru shall be striped, marked, or otherwise distinctly delineated, and parking spaces cannot be situated so that vehicles must back into it.
6. The queuing lane shall not be the only entry or exit lane on the premises.
7. No vehicle entrance or exit shall be within 40 feet of a street intersection as measured from the intersection of the curb lines extended.
8. Any lighting used to illuminate the queuing lane shall be so arranged that all direct rays of such lighting are confined to the surface of the queuing lane.
9. Drive-thru lanes, windows, canopies, or other structures shall be located at the side or rear of the principal structure only.
10. Intercoms or other audio devices used in conjunction with a drive-thru facility shall not be audible beyond the property line of the lot containing the drive-thru facility.

**C. Fences and Walls.** Fences and walls are subject to the following regulations:

1. All fences shall be constructed with the finished side of the fence facing adjacent properties or public right-of-way. Fence posts shall not face adjacent properties or public right-of-way.
2. A fence or wall shall be contained within the lot lines of the applicable property and shall not encroach onto adjoining or abutting properties and/or rights-of-way.

3. No fence, wall, or lineal planting shall be installed to create a visual obstruction of the right-of-way.
4. Fences and walls shall be subject to the Traffic Vision Area (Clear Sight Triangle) requirements of Section 5.02.D. **"3. Traffic Vision Area (Clear Sight Triangle)"**.
5. Fences may not be made from trash, inoperable or junk vehicles, barrels, pallets, or any other material not designed to be used as fencing.

## 6. Lot Requirements

a. **Interior Lots.** Fences and walls on interior lots are subject to the following regulations:

- i. **Front Yards.** The maximum height of a fence or wall located in any front yard shall be four feet and contain a minimum of 40 percent transparency. Non-residential properties may be permitted to have a fence or wall in the front yard that is opaque and a maximum of six feet in height for the purpose of satisfying a screening requirement.
- ii. **Side and Rear Yards.** The maximum height of a fence or wall located in any side or rear yard shall be eight feet.

b. **Corner Lots and Through Lots.** Fences and walls on properties that have two or more side that are adjacent to a street or right-of-way shall be subject to the following regulations:

- i. For the purposes of these regulations, the frontage that is aligned with the primary entrance to the structure, as determined by the Zoning Manager, shall be considered the front yard. The other yard(s) that front a street or right-of-way, but do not include the primary entrance shall be considered secondary frontages.
- ii. For corner lots, fences located in the secondary front yard (between the secondary front property line and the side building line of the structure) may be up to eight feet in height and opaque if the fence is set back from the secondary property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the side building line, whichever is less.
- iii. For through lots, fences in the secondary front yard (between the secondary front property line and the rear building line of the structure) may be up to eight feet in height and opaque if the fence is set back from the secondary front property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the rear building line, whichever is less.
- iv. Fences located between the front property line and the primary entrance of the house are subject to the regulations in Subsection 3.10.C.6.a.i. Additionally, fences in

the secondary front yard that are located between secondary front property line and the halfway point between the property line and the building line are subject to the regulations in Subsection 3.10.C.6.b.iii.

- 7. Measurement.** Fences and walls shall be measured from the surface of the ground to the highest point of the fence or wall. If a fence is located on a hill or slope, the maximum height of the fence shall remain compliant with the maximum fence height permitted for its entire length. This can be done through the installation of a stepped fence or a contour fence.

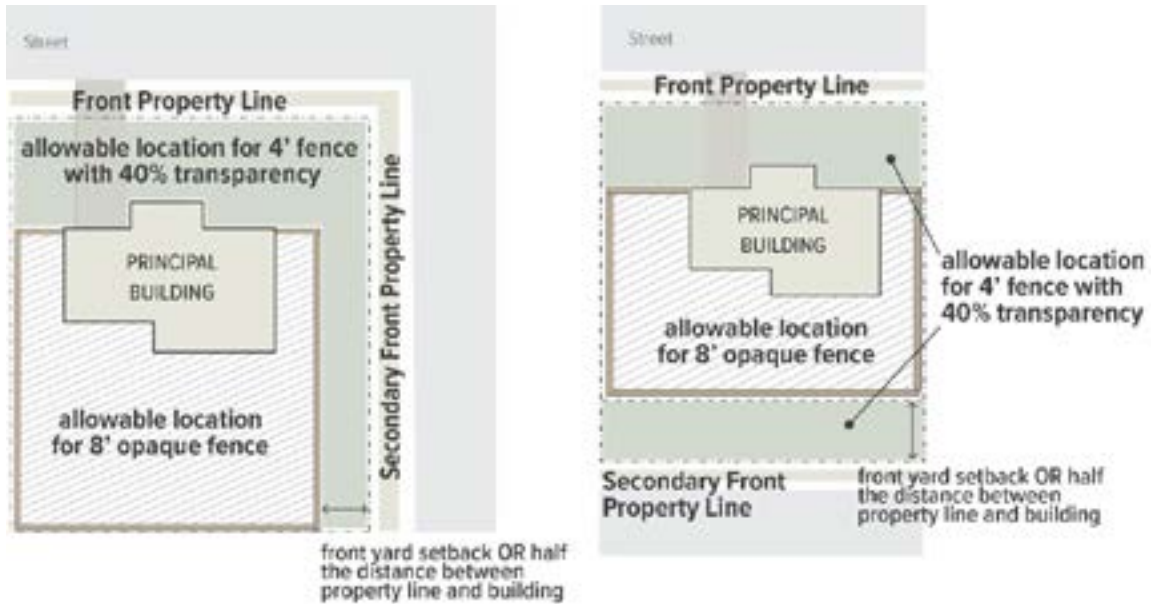


Illustration of allowable fence locations for corner lots (left) and through lots (right).

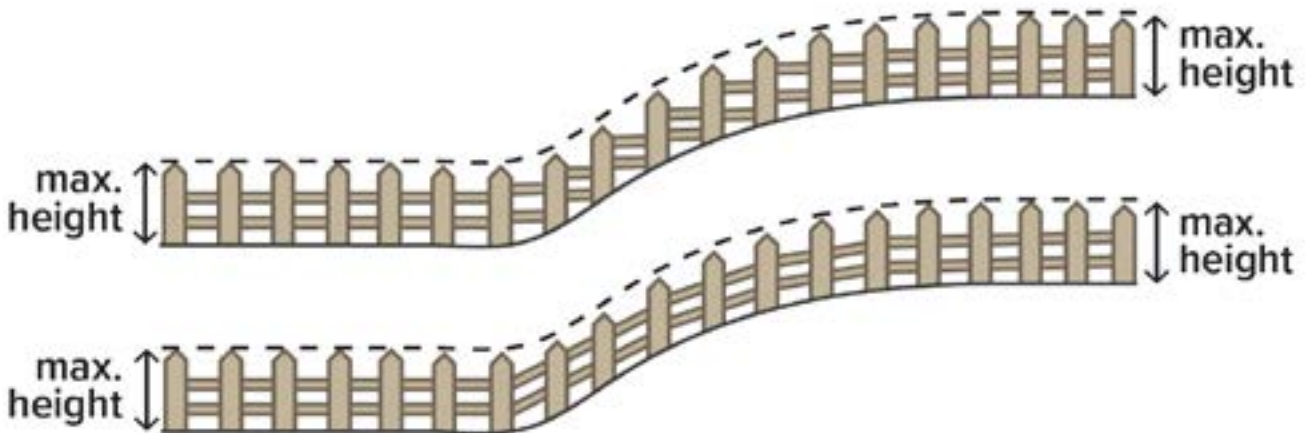


Illustration of a stepped fence or a contour line fence.

**8. Intersection Visibility.** In any district, no fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorist approaching a street intersection. Barriers or fences over eight feet tall and all retaining walls shall be designed and constructed in accordance with applicable building code requirements. On any corner lot in any district having front and side yards, no fences, wall screen, hedge, sign or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three feet and 10 feet in an area measuring 35 feet from the point of intersection of the street right-of-way lines and the tangent connecting the 35 foot extremities of the intersecting right-of-way lines.

**D. Home-Based Business.** Home-based businesses that are clearly incidental to the principal residential use are permitted in any agricultural, residential, or commercial district where residential uses are allowed. A home occupation permit is required for any revenue producing activity or business conducted in a principal or accessory residential structure and the following standards shall be used for issuance of a home occupation permit by the Zoning Manager:

- 1. Class I Home-Based Business.** Home based businesses meeting the criteria below are permitted within the County and are exempt from permitting.
  - a.** The primary use of the property shall be residential, with the operator of the home-based business residing in the principal dwelling.
  - b.** The operator of the home-based business shall not employ for the business anyone other than immediate family residing at the property.
  - c.** No more than 25 percent of the home's total square footage may be used for the home-based business.
  - d.** All home occupation activities shall be conducted indoors wholly within the primary dwelling. No outdoor storage and/or sale of materials, or any servicing or sales activities shall be allowed.
  - e.** No unrelated commodity shall be sold on the premises in connection with a home-based business.
  - f.** There are no clients or customers who come to the premises for the purpose of patronizing the home-based business.
  - g.** There shall be no structural additions, enlargements, or exterior alterations to accommodate the home-based business, or which change the residential appearance to a business appearance.
  - h.** A home-based business shall not add a separate entrance from outside the principal dwelling.

- i. No signage is permitted for the home-based business.
- j. A Class I Home-Based Business shall be considered a Class II Home-Based Business if the driveway classification is increased.

**2. Class II Home-Based Business.** Home-based businesses meeting the criteria below are permitted and require the issuance of a home occupation permit. Examples of such businesses include but are not limited to music instruction, homeschooling of persons not residing on the property, tax preparation, financial planning, consulting, insurance sales, sewing and tailoring, and small animal grooming.

- a. The primary use of the property shall be residential, with the operator of the home-based business residing in the principal dwelling.
- b. The operator of the home-based business may employ one person in addition to immediate family residing at the property.
- c. The home-based business shall utilize no more than 25 percent of the principal dwelling.
- d. There shall be no external evidence of the home-based business except for one non-illuminated wall sign not to exceed six square feet.
- e. No unrelated commodity shall be sold on the premises in connection with a home-based business.
- f. A Class II Home-Based Business shall be considered a Class III Home-Based Business if the driveway classification is increased.

**3. Class III Home-Based Business.** Home-based businesses meeting the criteria below are conditionally permitted and require the issuance of a home occupation permit and a Conditional Use Permit. Examples include contractors, catering, blacksmithing, cabinet making, and small wood product maker.

- a. The primary use of the property shall be residential, with the operator of the home-based business residing in the principal dwelling.
- b. The operator of the home-based business may employ up to three people in addition to immediate family residing at the property.
- c. The home-based business shall utilize no more than 25 percent of the principal dwelling.
- d. There shall be no external evidence of the home-based business except for one non-illuminated wall sign not to exceed six square feet.
- e. No unrelated commodity shall be sold on the premises in connection with a home-based business.

- f. Off-street parking spaces and circulation areas shall be provided to accommodate the anticipated number of customers and deliveries.

**E. Private Landing Field.** Private landing fields are subject to the following regulations:

1. The landing field shall be used by a maximum of two Federal Aviation Authority (FAA) regulated aircraft.
2. A Site Plan shall be submitted and approved by the Clinton County Regional Planning Commission (CCRPC) as part of the application for a Conditional Use Permit.

**F. Renewable Electricity Generation and Storage.** As an integral part of a more sustainable energy future, the accessory placement/siting of renewable electricity generation systems shall be subject to the following standards:

1. **Tier 1 renewable energy systems** shall be an accessory use or ancillary elements of an existing structure and shall comply with all applicable building safety and construction permit requirements.
2. **Tier 2 renewable energy systems** are accessory uses or structures in all districts. These energy systems shall comply with all provisions of the Zoning Resolution, including the setbacks and design requirements of the underlying zoning districts; and shall comply with all applicable building safety and construction permitting requirements.
3. Wind-based energy systems shall be located a minimum distance away from any primary structure, roadway, or front, side, or rear lot line of an adjoining property, not less than the height of the turbine or mill structure, including blades. All wind-based energy systems shall comply with all siting and installation guidelines of the regulatory agencies of the State of Ohio. In no case shall the height of such structure constitute a hazard to the safe landing and take-off of aircraft at an established airport.
4. Battery energy storage systems and devices capable of charging, discharging, and/or storing energy electrochemically shall be subject to the following regulation regarding site development.
  - a. Type I battery energy storage systems shall be ancillary elements of an existing renewable energy system and are permissible in all districts; and shall comply with all applicable building safety and construction permit requirements.
  - b. Type II battery energy storage systems are Conditional Uses in all districts, requiring approval of the Board of Zoning Appeals. Type II systems requiring a Conditional Use Permit should refer to Appendix A of the Clinton County Zoning Resolution for general guidance in drafting site design, installation, operation, and use requirements for Board of Zoning Appeals approval. These energy systems shall comply with all applicable building safety and construction permitting requirements.

## 5. Solar Energy Systems

- a. Large Solar Facilities, Small Solar Facilities, and any ground mounted solar energy system that does not meet the definition of a Tier 2 Solar Energy System shall be prohibited.
- b. The maximum height for a Tier 2 Solar Energy System shall be 15 feet from ground level.
- c. A Zoning Permit shall be required before construction is commenced on any Tier 2 Solar Energy System.
- d. Solar Energy Systems shall be maintained in good working order at all times. The owner of the property and the owner of the Solar Energy System shall, within thirty days of permanently ceasing operation of a Solar Energy System, provide written notice of abandonment to the Zoning Manager. An unused Solar Energy System shall stay no longer than three months following abandonment. All costs associated with the dismantling/ demolition of the Solar Energy System and associated equipment shall be undertaken by the property owner.

### G. Swimming Pools. Accessory swimming pools are subject to the following regulations:

1. No portion of the swimming pool or associated structures shall be permitted to encroach upon any recorded easement or rights-of-way.
2. Swimming pools shall be enclosed by a fence no less than four feet in height. For above-ground pools that are 48 inches or taller in height, no fence is required around the top of the pool.
3. Rear or side yard setbacks shall not be less than 10 feet between the pool outside wall and the side or rear property line, or less than 10 feet between pool wall and any building on the lot. Front yard setbacks shall be that required of the principal structure in the district where so located. The pool fence shall not be built within the required front yard. All swimming pools shall be located well away from any electric power lines.

### H. Warehouse/Indoor Storage. Accessory warehouse/indoor storage uses are permitted for retail businesses.

## 3.11 Temporary Use Standards

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

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

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

1. Any garage sale, rummage sale, or similar activity shall be allowed without a Building and Zoning/Land Use Permit for a period not to exceed a total of seven days within one calendar year. Such activities in operation for a period of time in excess of seven days shall require a Zoning/Land Use Permit from the Zoning Manager.
2. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
3. All such sales shall be conducted a minimum of 20 feet from the front lot line of the premises of such sale.
4. No signs advertising a garage sale or similar activity shall be placed upon public property. Four signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of said property and shall be removed within 24 hours of the conclusion of the garage sale or similar activity.

**D. Roadside or Farm Produce Stands.** Roadside or farm produce stands are subject to the following regulations:

1. Roadside produce stands shall be set back a minimum of 10 feet from the edge of the right-of-way and shall be accompanied by a minimum of three temporary off-street parking spaces.
2. The operator, if not the owner of the property, shall provide a written agreement stating the owner's permission for the proposed use of the property to Clinton County.

**E. Seasonal Sales.** Seasonal sales are subject to the following regulations:

1. Seasonal sales, which are sponsored by a governmental entity, are exempt from the requirement of this section.
2. The operator, if not the owner of the property, shall provide a written agreement stating the owner's permission for the proposed use of the property to Clinton County.

3. Any signage for seasonal sales shall comply with the zoning district in which it is located and **"Article 8"** of this Resolution.
4. A seasonal sale is limited to a maximum of 60 cumulative days per calendar year.

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

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

**G. Temporary Events.** Temporary events are subject to the following regulations:

1. Temporary events, which are sponsored by a governmental entity, are exempt from the requirements of this section.

2. The operator, if not the owner of the property, shall provide a written agreement stating the owner's permission for the proposed use of the property to Clinton County.
3. Carnivals, festivals, and other similar special events are permitted for a maximum of 30 days.
4. Any signage for special events longer than three days shall comply with the zoning district in which it is located and [Article 8](#) of this Resolution.
5. No activities shall take place in the public right-of-way.

### 3.12 Special Use Standards

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

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

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

1. **Adult Entertainment Facility.** Means any establishment which is involved in one or more of the following listed categories:
  - a. **Adult Book Store, Adult Novelty Store or Adult Video Store.** Means an establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, newspaper, pamphlet, poster, print, picture, figure, image, description, other periodicals, films,

phonograph records, tapes, discs and cassettes or other analog, magnetic or digital storage media which are distinguished by their emphasis on "specified sexual activities" as defined below.

- b. Adult Motion Picture.** Means a facility for the display of motion pictures, by means of any projection or playback device utilizing storage media, which is regularly used or utilizes 15 percent or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities", sexual excitement or nudity for observation by patrons therein.
- c. Adult Entertainment Business.** Means any establishment involved in the sale of services or products characterized by the exposure, description or presentation of "specified sexual activities" or sexual excitement, nudity or physical contact with live males or females, and which is characterized by lascivious or salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products within the scope of adult entertainment business include, but are not limited to photography, dancing, reading, massage, and similar conduct which utilize activities or areas as specified above for the purposes of sexual arousal or gratification or for commercial exploitation.
- d. Adult Arcade.** Means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, are used to show films, motion pictures, videos, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas to five or fewer persons.
- e. Adult Cabaret.** Means a nightclub, bar, restaurant bottle club, theatre or similar commercial establishment, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.
- f. Adult Motel.** Means a motel, hotel or similar commercial establishment which offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; offers a sleeping room for rent for a period of time less than 10 hours; or allows a tenant or occupant to sublet the sleeping room for a period of time less than 10 hours.

- g. Escort Service.** Means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease, or agrees to perform a sexual act.
  - h. Massage Parlor.** Means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or, where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. This definition shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi professional, or professional athlete or athletic team or school athletic program.
- 2. Specified Sexual Activities.** Means any of the following:
- a.** Human genitals or female breast in a state of sexual stimulation or arousal.
  - b.** Acts, real or simulated, of human masturbation, vaginal or anal intercourse, cunnilingus, fellatio, bestiality, the insertion of any part of the body or any instrument, apparatus, or any object into the vaginal or anal cavity, or sadomasochistic activity.
  - c.** Fondling or any touching of an erogenous zone including without limitation the thigh, genitals, pubic regions, buttocks, or female breasts for the purpose of sexual arousal or gratification or for commercial exploitation.
- 3. Sexual Excitement.** Means the condition of human male or female genitals when in a state of sexual excitement or arousal.
- 4. Fine Art Gallery.** Means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- 5. Nudity.** Means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or covered male genitals in a discernibly turgid state.
- 6. Visibly Displayed.** Means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

**B. Exceptions to Adult Regulated Uses.** Nothing in this section shall be construed to pertain to:

1. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning for a genuine scientific, educational, sociological, moral or artistic purpose.
2. A person appearing in a state of nudity for a modeling class operated by a proprietary school licensed by the State of Ohio, or, a public or private college, university or junior college.
3. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

**C. Location of Adult Regulated Uses.** Adult entertainment facilities shall be considered a Conditional Use only in the I-2 District, and shall be subject to the following conditions:

1. No adult entertainment facility or use as noted in this Section shall be established within 2,500 feet of any residence or district where residences are a permitted use.
2. No adult entertainment facility shall be established within a radius of 2,500 feet of any day care center, school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is intended for use by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 2,500 feet of any park or recreational facility intended for use by persons under 18 years of age.
4. No adult entertainment facility shall be established within a radius of 2,500 feet of any church, synagogue, or permanently established place of religious services.
5. No adult entertainment facility shall be established within a radius of 2,500 feet of any other adult entertainment facility.
6. No advertisements, displays or other promotional materials displaying specified sexual activities, sexual excitement or nudity shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
7. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner so as not to allow a view from any public or semi-public area, sidewalk or street of the display of specified sexual activities, sexual excitement or nudity.
8. No adult entertainment facility shall be established within a radius of 2,500 feet from any office or building owned, rented, leased or otherwise regularly used by a political subdivision or public institution, including any board, commission, agency, institution or authority of a political subdivision or local public institution.

9. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from any public or semi-public area.
10. No more than one sexually oriented business shall be established, operated, or maintained within the same building, structure, or portion thereof, as another sexually oriented business.

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# ARTICLE 4

## OVERLAY ZONES AND SPECIAL DISTRICTS

### 4.01 Planned Unit Development District

- A. Purpose.** A Planned Unit Development may be permitted in order to provide a means for a more desirable physical development pattern than would not be possible through the strict application of zoning and subdivision regulations. The Clinton County Regional Planning Commission will permit certain variety and flexibility in land development to encourage the developer to adjust design to irregular topography, economize in the construction of utilities, and create architectural variation as well as attractive and usable buildings and building sites.
- B. Authority.** In accordance with Section 303.12 of the Ohio Revised Code and all subsequent amendments, Clinton County is hereby authorized to approve or disapprove Planned Unit Development proposals.
- C. Types of Planned Unit Development Districts.** The following are the planned unit development districts which are available to property owners at their election.
- 1. Residential.** The purpose of the residential PUD is to allow for large residential developments with varied housing types and lot sizes to ensure that such developments have adequate facilities and services. Residential PUDs may also include non-residential uses that are intended to support the residential neighborhood such as parks, open space, neighborhood retail, personal services, and similar uses.
  - 2. Business.** The purpose of the business PUD is to encourage the development of appropriately located commercial centers and office parks and to ensure that these developments have adequate facilities and services.
  - 3. Industrial.** The purpose of the industrial PUD is to encourage the development of appropriately located industrial parks and uses and to ensure that these developments have adequate facilities and services.
  - 4. Mixed Use.** The purpose of the mixed use PUD is to encourage development that contains a mixture of uses, and which may include, but is not limited to a variety of housing types, convenient business services, recreational uses, and employment opportunities.
- D. Permitted Uses.** Planned Unit Developments may have any use or combination of uses permitted under the resolution establishing the PUD. Only those uses shown on the approved PUD plan shall be permitted; all other uses are prohibited.

- E. Minimum Development Area.** The gross area of the tract to be developed under the Planned Unit Development shall comprise not less than five acres, unless otherwise approved by the Clinton County Regional Planning Commission if it is determined that the request is necessary to accommodate unique geographical features, topography challenges, site conditions, infill projects, or other similar reason.
- F. Multiple Buildings and Uses on a Lot.** More than one building and more than one use is permitted on a lot within a PUD.
- G. Setbacks.** Peripheral and internal setbacks shall be defined on the PUD plan. Lot widths and required yards may be reduced to 80 percent of the requirements of these regulations.
- H. Open Space.** A minimum of 20 percent of the land developed shall be reserved for open space and similar uses such as an internal park network. The amount of open space reserved in the PUD shall either be held in corporate ownership by the owners of the project area, or for use of those who buy property, be held by an association of property owners within the development. The open space shall be usable and shall not be comprised of drainage areas, required setbacks, landscape islands within parking areas, road medians, unimproved retention or detention areas, and other similar features. The open space shall be comprised of walking trails, parks, natural areas, forested areas, sports courts, dog parks, ponds, and other similar features.
- I. Design and Development Standards**

  - 1. Residential PUDs**

    - a. Character.** New developments shall be complementary to the existing and intended character of the area in which they are located. This includes, but is not limited to, a development's size, scale, design, materials, mass, and location.
    - b. Anti-monotony.** Monotony of design throughout a residential development shall be avoided. Variation in detail, colors, materials, landscaping, and architectural elements shall be provided to establish visual interest.
    - c. Building Materials.** Building elevations that face a public road shall be comprised of a minimum of 50 percent brick, stone, cultured stone, architectural CMU block, glass, wood, fiber cement siding, and premium vinyl siding.
    - d. Architectural Design.** Building elevations that face a public road shall include a variety of architectural treatments, which shall include both vertical and horizontal features that break up walls including building or window projections, recesses, porches, entry designs, windows, and other similar features.

- e. **Garages.** Garages that are located on the front facade shall not project more than five feet past the main facade of the structure. Preferably, garages should be recessed into the structure or located on the side of the structure.
- f. **Pedestrian-Oriented Development.** PUDs shall include paved pedestrian paths within the development that connect the buildings, parking areas, and recreation/open space areas, as well as connect to the pedestrian network outside of the site, if available.

## 2. Commercial PUDs

- a. **Character.** New developments shall be complementary to the existing and intended character of the area in which they are located. This includes, but is not limited to, a development's size, scale, height, design, materials, mass, and location.
- b. **Building Materials.** Building elevations that face a public road shall be comprised of a minimum of 50 percent brick, stone, cultured stone, architectural CMU block, glass, wood, fiber cement siding, and architectural metal panels.
- c. **Architectural Design.** Building elevations that face a public road shall include a variety of architectural treatments, which shall include both vertical and horizontal features that break up walls including building or window projections, recesses, cornices, pilasters, parapets, contrasting horizontal or vertical bands, awnings, canopies, varying colors, or colonnades. Each building shall have a clearly defined primary facade with a prominent entrance that includes a variety of architectural treatments.
- d. **Location of Parking Areas**
  - i. Where feasible, parking areas shall be located to the side or rear of buildings.
  - ii. Developments with multiple buildings shall be designed with shared parking facilities to minimize the amount of parking throughout a site.
- e. **Pedestrian-Oriented Development.** PUDs shall include paved pedestrian paths within the development that connect the buildings, parking areas, and recreation/open space areas, as well as connect to the pedestrian network outside of the site, if available.

## 3. Industrial PUDs

- a. **Character.** New developments shall be complementary to the existing and intended character of the area in which they are located. This includes, but is not limited to, a development's size, scale, design, materials, mass, and location.
- b. **Building Materials.** Building elevations that face a public road shall be comprised of a minimum of 25 percent brick, stone, cultured stone, architectural CMU block, glass, wood, fiber cement siding, and architectural metal panels.

- c. **Architectural Design.** Building elevations that face a public road shall include a variety of architectural treatments, which shall include both vertical and horizontal features that break up walls including building or window projections, recesses, cornices, pilasters, parapets, contrasting horizontal or vertical bands, awnings, canopies, varying colors, or colonnades. Each building shall have a clearly defined primary facade with a prominent entrance that includes a variety of architectural treatments.
- d. **Loading and Service Areas.** All loading and service areas shall be located on a facade that does not face a public road and shall be screened from view from all roads and from all properties zoned or used for residential purposes.

#### 4. Mixed Use PUDs

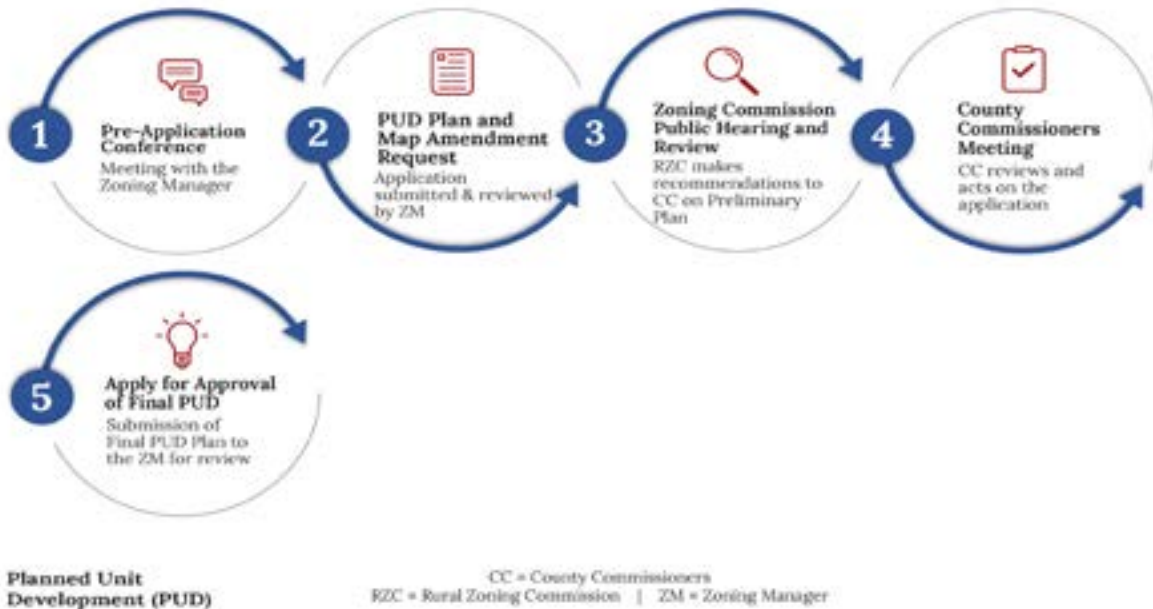
- a. **Character.** New developments shall be complementary to the existing and intended character of the area in which they are located. This includes, but is not limited to, a development's size, scale, design, materials, mass, and location.
- b. **Building Materials.** Building elevations that face a public road shall be comprised of a minimum of 50 percent brick, stone, cultured stone, architectural CMU block, glass, wood, fiber cement siding, and architectural metal panels.
- c. **Architectural Design**
  - i. Building elevations that face a public road shall include a variety of architectural treatments, which shall include both vertical and horizontal features that break up walls including building or window projections, recesses, cornices, pilasters, parapets, contrasting horizontal or vertical bands, awnings, canopies, varying colors, or colonnades.
  - ii. Each building shall have a clearly defined primary facade with a prominent entrance that includes a variety of architectural treatments.
  - iii. First floor elevations that face a public road shall maximize window openings as appropriate for the interior use. Reflective glass shall not be used.
- d. **Location of Parking Areas**
  - i. Where feasible, parking areas shall be located to the side or rear of buildings.
  - ii. Developments with multiple buildings shall be designed with shared parking facilities to minimize the amount of parking throughout a site.
- e. **Pedestrian-Oriented Development.** PUDs shall include paved pedestrian paths within the development that connect the buildings, parking areas, and recreation/open space areas, as well as connect to the pedestrian network outside of the site, if available.

**J. Adopted Plan Consistency.** In making its recommendation to the County Commissioners on a Planned Unit Development proposal, the Clinton County Regional Planning Commission shall evaluate the consistency of the proposal with the Comprehensive Plan and other adopted County plans and policies.

**K. Modifications.** The Rural Zoning Commission or County Commissioners may modify any development standard of this Resolution for a PUD, provided that the Rural Zoning Commission and/or County Commissioners find that such modification promotes the purposes of this Resolution and is consistent with the spirit and intent of this Resolution. The Rural Zoning Commission and County Commissioners shall make specific findings to support each permitted deviation from the Resolution standards. It shall be the responsibility of the applicant to provide justification for modification of any development standard. PUD modifications are not subject to Board of Zoning Appeals review.

**L. PUD Review and Approval Process**

**1. Process Flow Chart.** Applications for a Planned Unit Development (PUD) shall follow the specific procedure outlined in Section 4.01.L which is summarized in the flow chart below.



**2. Pre-Application Conference**

- a. Prior to preparing a preliminary plan, the applicant shall meet with the Zoning Manager and shall have the option to attend a Technical Coordinating Committee Meeting.
- b. The purpose or intent of the pre-application conference is to discuss, early and informally, the purpose and effect of these regulations and the criteria and standards contained therein;

to familiarize the subdivider with the County Comprehensive Plan, the Thoroughfare Plan; Erosion and Sedimentation Control, Drainage Plans, and other planning documents, fees, or filing of the plat with the Clinton County Regional Planning Commission.

- c. The applicant may combine the pre-application conference and the sketch plan steps.

### 3. Preliminary PUD Plan and Zoning Map Amendment Request

- a. The applicant shall apply for a Preliminary PUD Development Plan and Zoning Map Amendment to the Zoning Manager in accordance with the provisions of this Section.
- b. The Zoning Manager shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Rural Zoning Commission for review.
- c. The Rural Zoning Commission shall hold a public meeting and make a recommendation to the County Commissioners on the Preliminary PUD Plan and Zoning Map Amendment. The Rural Zoning Commission may recommend approval or disapproval of the rezoning request. The Rural Zoning Commission may impose conditions on the recommendation.
- d. Following the Rural Zoning Commission meeting, the County Commissioners shall hold a meeting and shall review and act on the application. The County Commissioners may impose conditions as part of the approval.
- e. Approval of the Preliminary PUD Plan and Zoning Map Amendment by the County Commissioners constitutes final approval of the Preliminary PUD Plan.

### 4. Final PUD Plan

- a. The applicant shall apply for a Final PUD Plan to the Zoning Manager in accordance with the provisions of this Section.
- b. The Zoning Manager shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Rural Zoning Commission for review.
- c. The Rural Zoning Commission shall hold a public meeting on the Final PUD Plan and shall act on the Final Plan based on the Plan's consistency with the Preliminary PUD Plan and the requirements for the Final PUD Plan. The Rural Zoning Commission may approve or disapprove the request, and the Rural Zoning Commission may impose conditions as part of the approval.
- d. If a subdivision plat is filed in conjunction with the Final PUD Plan, appropriate plans and details that are required as part of the Final PUD submittal may be included on the subdivision plat rather than on the PUD Plan. The detailed PUD Plan or subdivision plat

shall include such information and materials required by the Subdivision Regulations. The approval process of a subdivision plat shall be in accordance with its regular procedure established in the Subdivision Regulations.

- 5. PUD Plan Appeals.** Any decision of the Rural Zoning Commission to approve or deny a Final PUD Plan is a final decision that maybe appealed to the County Commissioner, provided that any refusal by the Rural Zoning Commission to approve a Final PUD Plan shall not limit the right of the petitioner to continue to seek approval, nor shall it impair the right of the petitioner to request an extension of time for approval if no appeal is filed.
- 6. Phasing.** The Rural Zoning Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the petitioner shall submit Final PUD Plans that correspond to the phases involved, and the phases shall be developed in the order approved by the Rural Zoning Commission. Such Final PUD Plans for phases, when approved, shall be treated in the same manner as the approved Final PUD Plan for an entire PUD.
- 7. Combined Preliminary and Final PUD Plans.** The owner or agent may request to combine the applications for Preliminary and Final PUD Plans. The Zoning Manager may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project. All requirements of both the Preliminary and Final Plans shall be met for a combined plan submittal. If approved by the Zoning Manager, the owner or agent shall submit the PUD Zoning Map Amendment with the Final PUD Plan and any additional information that is required for the Preliminary PUD Plan.
- 8. Modifications**
  - a. Major Modifications.** An owner or agent may submit a request to modify any approved Preliminary PUD or Final PUD to allow for a change in circumstances or conditions unforeseen at the time of the original approval. The process to approve a major modification to an approved PUD Plan is consistent with the Final PUD Plan approval process – a public hearing and decision by the Rural Zoning Commission. A major departure shall include any of the following:
    - i.** An alteration of the basic relationship of the proposed development to adjacent properties.
    - ii.** A change in the uses that are permitted.
    - iii.** An increase or decrease, as applicable, of more than 15 percent (this total is cumulative for all modifications to the PUD) of any of the following:
      - A.** The maximum density;
      - B.** The maximum floor area;

- C. The maximum building height;
  - D. A decrease in the amount of off-street parking to an amount not adequate for the use. In determining the amount of parking that is adequate, the amount required by this Resolution, the information available from the Institute of Traffic Engineers and empirical studies of the parking needs for the use;
  - E. A reduction in the approved yard or setbacks; or
  - F. An alteration to the ingress or egress in any way or the creation of a substantial change to on-site circulation, as determined by the appropriate engineering or highway department.
- b. A modification to any condition required by the County Commissioners.

### M. Submittal Requirements

1. **Preliminary PUD Plan and Zoning Map Amendment.** The owner or agent shall submit or incorporate the following materials with an application for a Preliminary PUD Plan and Zoning Map Amendment:
  - a. The Zoning Map Amendment application and materials per Section 10.07.A;
  - b. A written narrative describing the proposed development;
  - c. A vicinity map, north arrow, and scale bar;
  - d. A phasing plan and project timeline;
  - e. Proposed land uses and percentages for each, including the location for dedicated open space;
  - f. Intentions regarding water and sewer disposal;
  - g. The general location and size of all proposed buildings, parking areas, roads, and other site amenities.
  - h. Residential density, if applicable, based on the number of proposed lots per acre of development;
  - i. Surrounding land uses and zoning districts; and
  - j. Any additional information or materials requested by the Zoning Manager.

- 2. Final PUD Plan.** The owner or agent shall submit or incorporate the following materials with an application for a Final PUD Plan:
- a.** A subdivision application and materials as required in Article 300 of the Clinton County Subdivision Regulations;
  - b.** The proposed size, location, use, and arrangement of buildings, parking areas, entrance and exit driveways, and their relation to existing and propose streets, proposed landscaping and buffers, signage, and other significant features;
  - c.** Building elevations that indicate proposed height, architectural character, and materials;
  - d.** Design and location of all existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention areas, and yards;
  - e.** Existing and proposed utilities;
  - f.** Lighting, including fixture type, size, and a photometric plan;
  - g.** Trash facilities, including dumpster pad and enclosure details;
  - h.** Notion of any rights-of-way that need to be dedicated for the widening or extension of any major streets;
  - i.** A sign plan indicating locations, sizes, and designs for all proposed signs;
  - j.** Covenants and maintenance agreements for the property; and
  - k.** Any additional information or materials requested by the Zoning Manager.

**N. Expiration of a Planned Unit Development**

- 1. Preliminary PUD Plan Expiration.** The County Commissioners approval of the Preliminary PUD Plan shall be valid for one year after the date the County Commissioners adopt the PUD Resolution. Within this one-year period, the PUD shall receive approval of the Final PUD Plan for the first phase or the entire development. Should the proposed development not receive approval of the Final PUD Plan for at least one phase or the entire development within one year, the County Commissioners may initiate a rezoning of the property. The County Commissioners may extend the approval period, not to exceed five successive periods of no more than one year each. The approval of the Final PUD Plan for each phase of the Preliminary PUD Plan shall extend the approval length of the Preliminary PUD Plan for one year.
- 2. Final PUD Plan Expiration.** The Rural Zoning Commission approval of the Final PUD Plan shall expire if the plan is not recorded within 60 days after the approval date. The Rural Zoning Commission approval of a Final PUD Plan shall expire after a period of two years from the

approval of a Final PUD Plan unless the development in any phase has been substantially begun and pursued with due diligence. The Rural Zoning Commission may grant extensions of time not to exceed five successive periods of no more than one year each. If the Final PUD Plan expires as provided in this section, the Rural Zoning Commission may require the plan to be resubmitted for approval, and it shall conduct a secondary review as if the plan were a new filing. Alternatively, the Rural Zoning Commission may opt to initiate a rezoning of the property to a classification other than PUD.

## 4.02 Airport Overlay Zone

**A. Purpose.** It is the purpose of this section to regulate land uses in the areas surrounding the Wilmington Air Park Airport, formerly the Clinton County Air Force Base herein referred to as ILN and Clinton Field, owned by Clinton County referred to as I66, (together, the "Airports"), in order to minimize injury, loss of life, and hazards to the safety of persons or to the security of property within such zones, and to assist in the implementation of the Clinton County Comprehensive Plan. Accordingly, it is declared that:

1. The creation or establishment of non-compatible land uses which have the potential to reduce the size of the of the area available for taking off, maneuvering, and landing of aircraft, thus tending to impair or destroy the utility of the Airports, and the investment therein, is a public nuisance and an injury to the regions served by the ILN and I66;
2. Certain other land uses in the vicinity of the Airports also have the potential for being hazardous to normal aircraft operations or to increase the potential for personal and property damage in the event of an aircraft accident; therefore, it is necessary in the interest of the public health, public safety, and general welfare that non-compatible uses of land within the areas surrounding the Airports be prevented; and
3. The prevention of these non-compatible land uses should be accomplished, to the extend legally possible, by the exercise of the police power.

**B. Definitions.** The following definitions shall apply in the interpretation of this section:

1. **Airport.** Any area of land designated and set aside for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces, designated for the storage, repair, and operation of aircraft, and utilized or to be utilized for such purposes.
2. **Airport Hazard.** Any structure or object of natural growth or use of land within an Airport Hazard Area that obstructs the air space required for flight of aircraft in landing or taking off at the Airports or is otherwise hazardous to such air navigation.
3. **Airport Hazard Area.** Any area of land adjacent to the Airports which includes any of the following areas and surfaces:

**a. Runway Landing Areas.** The Runway Landing Areas, or "primary surfaces", are rectangular areas symmetrically about the runway centerline with an overall width of 1,000 feet for ILN and 500 feet for I66, and with their length extending to a line 200 feet beyond each end of the runways, which line is defined as the landing area end.

**b. Approach Surfaces**

- i.** The Approach Surface for each end of the instrument runways at ILN is the airspace above a plane sloping upward and outward from the end of the runway landing area to its outer boundary at the uniform rate of one foot in elevation for each 50 feet measured horizontally along the extended centerline of said runway. This plane shall increase in width at a uniform rate symmetrically about the extended runway centerline from 1,000 feet at its beginning to 4,000 feet at its outer boundary which, at 10,000 feet distance from the end of the runway landing area measured horizontally along the extended centerline of the runway, is 200 feet above the elevation at the end of the runway.
- ii.** The Approach Surface for each end of the instrument runway at I66 is the airspace above a plane sloping upward and outward from the end of the runway landing area to its outer boundary at the uniform rate of one foot in elevation for each 20 feet measured horizontally along the extended centerline of said runway. This plane shall increase in width at a uniform rate symmetrically about the extended runway centerline from 500 feet at its beginning to 3,500 feet at its outer boundary which, at 10,000 feet distance from the end of the runway landing area measured horizontally along the extended centerline of the runway, is 294 feet above the elevation at the end of the runway.

**c. Horizontal Surfaces**

- i.** The Horizontal Surface at ILN is the airspace above a horizontal plane 150 feet above the airport elevation established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway (a point 200 feet beyond the runway end) and connecting the adjacent arcs by drawing lines tangential to those arcs.
- ii.** The Horizontal Surface at I66 is the airspace above a horizontal plane 150 feet above the airport elevation established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway (a point 200 feet beyond the runway end) and connecting the adjacent arcs by drawing lines tangential to those arcs.

**d. Conical Surface**

- i.** The Conical Surface is the airspace above a conical surface extending upward and outward at a uniform rate of one foot in elevation for each 20 feet in horizontal distance starting at the periphery of the Horizontal Surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

- ii. This definition of "Airport Hazard Area" is to be construed in conformity with Title 14: Aeronautics and Space, of the Code of Federal Regulations, Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace. Furthermore, the definition of the "Airport Hazard Area" may be amended from time-to-time by the approved Airport Layout Plans (ALP) for the Airports.
- 4. **Airport Notice Area.** The space within a horizontal distance of 20,000 feet of the nearest point of the nearest runway of either the ILN or I66 and above a surface extending out from that nearest point, which surface rises at a slope of 100:1 horizontally, i.e., 100 feet horizontally for each one foot vertically.
- 5. **Blanket Approval.** Approval by the FAA, given to a local jurisdiction, to waive FAA approval requirements for buildings or structures located within the boundaries of specifically defined areas. The waiver of FAA approval shall only apply if a building or structure does not exceed a maximum height detailed in an FAA Blanket Approval Agreement for a specifically defined area. Transmitting devices and/or buildings or structures which exceed the maximum height shall not be included in a "Blanket Approval" and proof of FAA Approval must be provided before any building permit may be issued.
- 6. **FAA.** The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.
- 7. **FCC.** The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- 8. **Feed Lot.** An area of land for the fattening or finishing of animals, generally beef cattle, in which the stocking densities - the number of animals per unit of land at a particular time - exceed six 6 cattle per acre.
- 9. **Fish Processing.** A factory or other place where fish are prepared for canning, or other commercial uses.
- 10. **Landfill.** A place where waste material is disposed by the process of reclaiming areas of the ground.
- 11. **Person.** Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
- 12. **Political Subdivision.** Any municipal corporation, township, or county.
- 13. **Pond.** A small, natural, or man-made body of standing fresh water filling a surface depression, usually smaller than a lake, where the retention of water takes place.

- 14. Sewage Pond.** A shallow pond where sunlight, bacterial action, and oxygen work to purify wastewater.
- 15. Slaughter House.** A building or place where animals are butchered for food.
- 16. Sludge Disposal.** The collection and removal of the concentration of solids from sewage during wastewater treatment in conjunction with the use of a spread area.
- 17. Transfer Station.** Any site, location, tract of land, installation or building that is used or intended to be used primarily for the purpose of transferring solid waste that is generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of 50 cubic yards or less, nor any facility where legitimate recycling activities are conducted.
- 18. Water Fowl Production.** Any activity or plan which promotes and/or aides the reproduction or breeding of water fowl species.
- 19. Water Reservoir.** A multipurpose project which may generate hydro-electric power, controls floods, provides recreational benefits and supplies water.
- 20. Wildlife Sanctuary.** An area of land set aside for, among other purposes, providing a refuge for wildlife species, or a small area in private ownership for breeding purposes.
- C. Airport Zoning District.** The following Airport Zoning Districts (see Airport Overlay Zone Map) are hereby established and shall be governed by the accompanying regulations:
- 1. Airport Zoning District One (AZD-1)**
    - a.** AZD-1 encompasses the land on which ILN is situated. The boundary for the AZD-1 zone for ILN is set forth in yellow on the reference map.
    - b.** Permitted uses within AZD-1 include open space and airport-related uses.
  - 2. Airport Zoning District Two (AZD-2)**
    - a.** AZD-2 generally encompasses land that experiences direct overflights to and from ILN. The boundary for the AZD-2 zone for ILN is set forth in blue on the referenced map.
    - b.** Permitted uses within AZD-2 include open space, airport-related uses, agriculture, general commercial, industrial, and existing institutional and educational uses.
    - c.** Those uses specifically prohibited in AZD-2 include residential uses, nursing care facilities, hospitals, schools, libraries, landfills, transfer stations, sewage ponds, sludge disposal, feed lots, slaughter houses, waterfowl production, wildlife sanctuary, or fish processing.

Lakes or ponds intended to attract or harbor waterfowl are prohibited (see Federal Aviation Administration Advisory Circular (AC) 150/5200-33B Hazardous Wildlife Attractants On or Near Airports).

- d. All new primary buildings and alterations to existing residential buildings in AZD-2 shall be constructed so as to reduce noise by 30 dBA.

### 3. Airport Zoning District Three (AZD-3)

- a. AZD-3 generally encompasses land that would occasionally experience direct overflights to and from the ILN. The boundary for the AZD-3 zone for ILN is set forth in green on the referenced map.
- b. Permitted uses within AZD-3 include open space, agricultural, airport-related uses, general commercial, industrial, institutional, single-family residential, and those uses otherwise permitted by the applicable zoning under this Resolution, unless prohibited in this Section.
- c. Those uses specifically prohibited in AZD-3 include multi-family residential, libraries, landfills, transfer stations, sewage ponds, sludge disposal, feed lots, slaughter houses, waterfowl production, wildlife sanctuary, or fish processing. Lakes or ponds intended to attract or harbor waterfowl are prohibited (see Federal Aviation Administration Advisory Circular (AC) 150/5200-33B Hazardous Wildlife Attractants On or Near Airports).
- d. Any new single-family residential minor or major subdivision of lots occurring within AZD-3 shall include deed covenants and restrictions:
  - i. Notifying the occupants that they will reside within the Airport Zoning District of ILN;
  - ii. Acknowledging that they understand that they will be exposed to noise from aircraft;
  - iii. Notifying the residents that they are prohibited from using any equipment which can interfere with the communications or other electronics of the ILN;
  - iv. Waiving the occupants' right to oppose any continued use or growth of the ILN for its current purposes.
- e. Platted subdivisions shall include these covenants and restrictions on the final plat.
- f. All new primary buildings and alterations to existing residential buildings in AZD-3 shall be constructed so as to reduce noise by 25 dBA.
- g. Drawings for the construction of any new single-family dwelling in AZD-3 shall be submitted to the Clinton County Building and Zoning Department for review and certification that the proposed materials and construction techniques comply with the provisions of this AZD-3.

#### 4. Airport Zoning District Four (AZD-4)

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

- 6. Notwithstanding any other provision of this Section, no use may be made of and no installation may be placed on land within any Airport Hazard Area that will produce smoke, fumes, gases, or odors that would interfere with the safe use by aircraft of the Airports. Notwithstanding any other provisions of this section, no use may be made of, or an installation placed on, land within any airport zone for public or private rifle ranges, or private aircraft landing fields, which would interfere with the safe use by aircraft of the Airports.
- D. Prohibition of Airport Hazard.** No owner or occupant of real property shall construct or create, or permit to be constructed or created, an Airport Hazard.
- E. Certification of "No Hazard" Required.** The Zoning Manager may require any person who proposes to construct, erect, place or otherwise locate a structure that will be within the Airport Notice Area, as defined, to receive written certification from the Federal Aviation Administration (FAA) and the Ohio Department of Transportation, Division of Aviation (ODOT-DOA), that the proposed project does not constitute an Airport Hazard. Any affected airports shall be copied on the submittal to the FAA.
- F. Change of Use.** Any change of use of a site located in the Airport Overlay Zone shall require Conditional Use approval.

# ARTICLE 5

## DIMENSIONAL AND DESIGN STANDARDS

### 5.01 Purpose

- A.** The purpose of this Article is to establish dimensional and design standards for lots within Clinton County. Every new development and redevelopment shall adhere to the applicable regulations within this Article.

### 5.02 Measurement, Computation, and Exceptions

- A. Dimensional Standards.** The dimensional standards for each zoning district are located in [Article 2](#).
- B. Percentages and Fractions.** When a measurement results in a fractional number or percentage, any fraction or percentage of less than 0.5 shall be rounded down to the next lower whole number, and any fraction equal to more than 0.5 shall be rounded up to the next higher whole number.
- C. Structure Height.** The height of a structure is the vertical distance from the average finished grade of the structure to the:
1. Highest point of the roof surface for flat roofs;
  2. The deck line of mansard roofs; or
  3. The average height between the highest eaves and ridge for sloped roofs.



*Illustration of how to measure building height*

## D. Setbacks and Yards

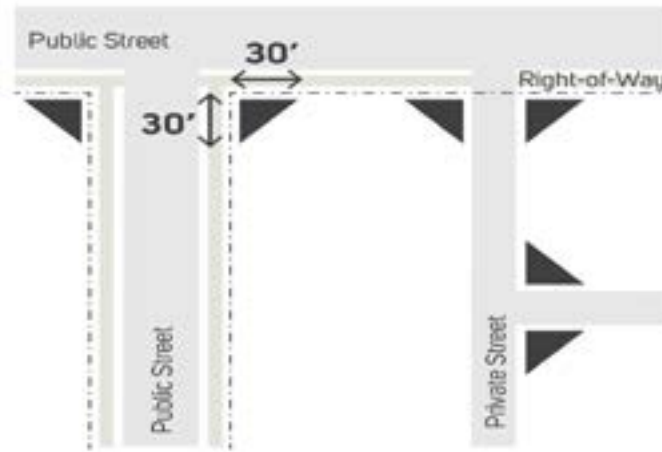
**1. Measurements.** Required front yard setbacks shall be measured from the road thoroughfare right-of-way line to the setback line except as otherwise provided in this Resolution. No exterior face of a structure may protrude into the required yard space except for the outer edge of roof overhangs or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

### 2. Setback Encroachments and Projections

- a.** Terraces, patios, and similar accessory structures not attached to a principal building or accessory structure may project into a required yard as provided herein, provided that such structures are unroofed and without walls or other continuous enclosure and are setback five feet from a side yard or rear yard property line. Such structures are not permitted in the required front yard setback. Such area may have open railing or fences not exceeding four feet in height and may have non-continuous windbreaks or visual screens not exceeding eight feet in height in a side or rear yard.
- b.** Enclosed and unenclosed roofed porches attached to a structure shall be considered an integral part of the building to which they are attached and shall be subject to all principal and accessory structure yard requirements to which the improvement is attached.
- c.** Fire escapes, outside stairways, and balconies that are attached to a structure may project into a required yard setback a maximum of 50 percent of the required side and rear yard established by the district in which it is located. Such structures are not, however, permitted in the required front yard setback, any recorded easements or rights-of-way.
- d.** Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard setback a maximum of 36 inches but not into any recorded easements or rights-of-way.

### 3. Traffic Vision Area (Clear Sight Triangle)

On any corner lot in any district front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three and 10 feet in an area measuring 30 feet extremities of the intersecting right-of-way lines.



*Illustration of the clear sight triangle*

### **E. Area and Placement Exemptions**

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

**F. Height Exemptions.** The following structures and appurtenances must comply with the setback, area, and placement regulations as noted but shall be exempted from the height regulations of this Resolution except where the height of such structure will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

1. Cupolas, spires, belfries, mechanical penthouses, chimneys, ventilators, skylights, water tanks, wind turbines, public utility transmission and distribution lines and related structures, radio, and television broadcasting and receiving antennae, commercial silos, grain handling equipment, grain storage bins, parapets, and other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
2. Telecommunication towers and/or facilities are exempt from height restrictions in A-1, A-2, and A-3 zones.

## 5.03 Lot Requirements

### A. General Lot Requirements

1. No lot area shall be reduced or diminished so that yard and setbacks and other open spaces shall not be smaller than specified, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.
2. No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Resolution shall be included as a part of a yard or other open space similarly required for another building.

### B. Interior Lots

1. The required minimum front yard setback shall be measured from the road thoroughfare right-of-way line.
2. The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied.
3. The rear yard of irregular lots shall be considered the property line that is a straight line from and is generally parallel to the front lot line. Irregular lots may have more than two side lot lines.
4. Setback requirements may be determined using average dimensions for lots in which:
  - a. The front property line and rear lot line are not parallel; or
  - b. The front property line and the side lot lines are not perpendicular.

**C. Corner Lots.** The required minimum front yard setback shall be required for each side of the lot that has frontage on intersecting streets.

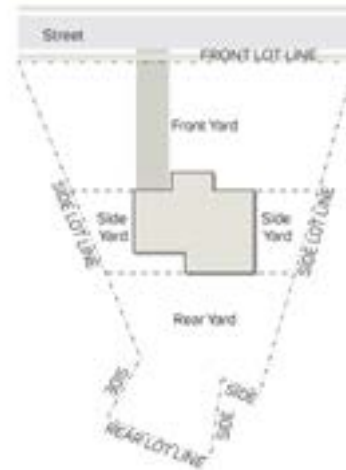
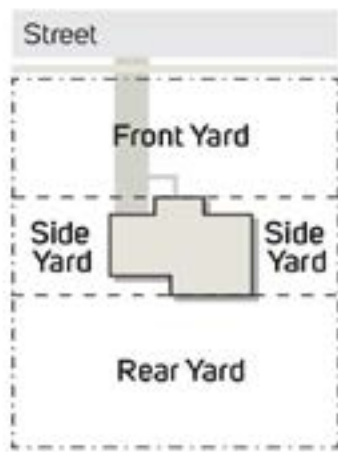
### D. Through Lots

1. The requirement minimum front yard setback shall be required for each side of the lot that has frontage on a street.
2. The remaining lot lines shall be considered side lot lines, and the side yard setback shall be applied to those lot lines.

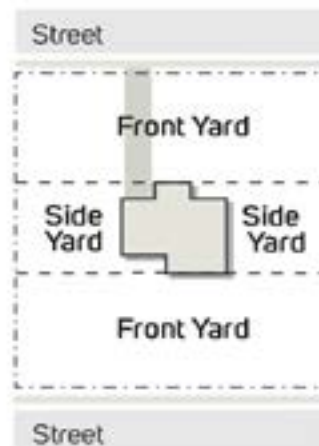
**E. Culs-de-sac or Curved Lots**

1. For a culs-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.
2. Where culs-de-sac result in irregularly shaped lots with non-parallel side lot lines, the minimum lot width must be met at the building setback line as measured along the lines and arcs of the setback front property line.

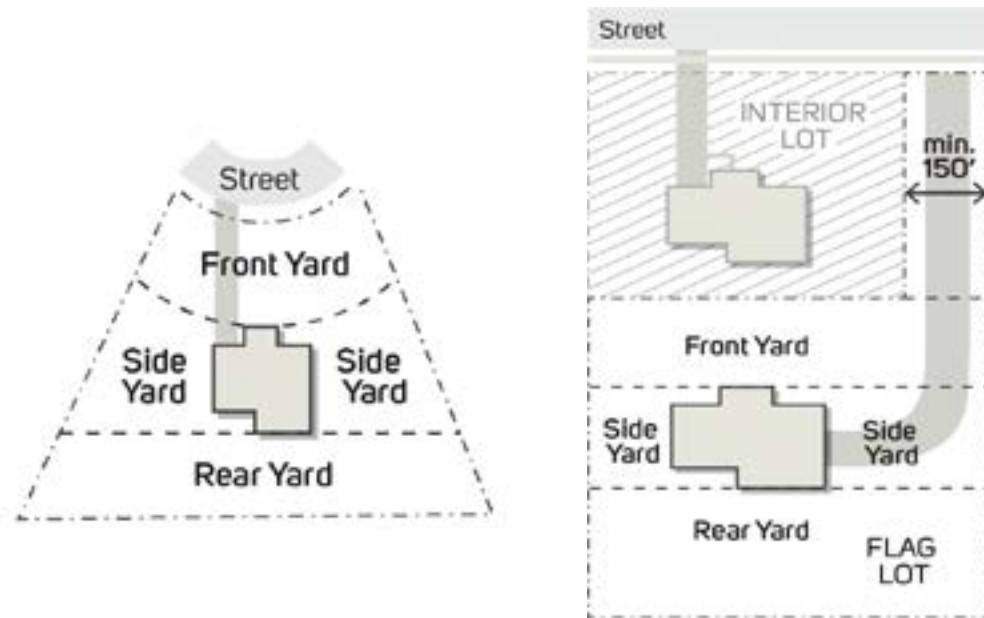
**F. Flag Lots.** A flag lot, also known as a panhandle lot, shall be two acres or more in addition to the area of the stem and have a minimum stem width of 150 feet.



*Illustration of an interior lot (left) and an irregular interior lot (right)*



*Illustration of a corner lot (left) and a through lot (right)*



*Illustration of a culs-de-sac lot (left) and a flag lot (right)*

## 5.04 Supplemental Regulations

### A. River and Stream Development Standards

- 1. Applicability.** All rivers and streams shown on the USGS Quadrangle Maps as a blue line shall be subject to these buffering requirements. Such stream locations may be field verified and modified as necessary by the Zoning Manager.
- 2. Purpose.** A strip of land adjacent to a stream or river retained in its natural vegetation or re-vegetated/re-forested with appropriate perennial vegetation to avoid erosion problems will reduce the velocity of overland water flow, trap sediment and eroded soil from cropland or land being developed and limit other pollutants from entering the waterway.
- 3. Effect Upon Bona Fide Farms.** While the Ohio Revised Code exempts farms or agricultural operations from local zoning regulations, nevertheless, the County encourages the use of best management practices in farming. A stream buffer is one of these practices and is therefore consistent with Ohio laws. Consultation with the Clinton County Soil and Water Conservation District will aid in determining best management practices for any particular farm or agricultural operation.
- 4. Development Standards.** The following text shall apply to all development, subdivision of land, or changing of conditions adjacent to a perennial stream.

- a.** A 50-foot stream buffer area shall be established on both sides of all perennial streams and watercourses indicated as a solid blue line on the USGS Quadrangle maps along with all designated floodways and flood-fringe areas as defined by the Federal Emergency Management Agency (FEMA) within Clinton County, Ohio. No development of any kind, including the placement of all structures and all soil-disturbing activities, shall occur within this buffer strip zone except as listed below.
- b.** As development occurs in any buffer area requiring a site plan or subdivision review, an enlarged stream buffer shall be made as follows:

  - i.** The size of a stream buffer shall be measured from the annual average stream banks perpendicularly for a distance of 50 feet plus four times the average percent of slope of area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. However, the maximum distance shall not exceed 120 feet from the edge of the stream.
  - ii.** Open space reserves in subdivisions or developments should be located to maximize the preservation of the riparian corridors.
- c.** All stream buffers shall be shown on all appropriate plans and plats for review by the Clinton County Regional Planning Commission (CCRPC), the Clinton County Building and Zoning Department, and/or the Board of Clinton County Commissioners.
- d.** Generally, stream buffer areas shall remain undisturbed. When agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill materials, or similar activities must occur, they shall conform to all State and Federal regulations.
- e.** Permitted activities/uses within the buffer areas include sewer easements, providing the activities strictly adhere to applicable State, Federal and local soil and erosion control regulations and guidelines. Permanent appropriate native perennial vegetation must be established as a necessary step in completing the construction of any sewer facilities. Sewer easements should be as close to perpendicular to the stream channel to minimize the impact on the stream buffer. Other overhead and/or underground utilities, roads, streets, bridges, or similar structures would be placed within existing public rights-of-way, if possible, but in any case, must cross the buffer as close to perpendicular as possible.
- f.** All disturbed areas within the buffer area shall be re-vegetated with permanent appropriate native perennial vegetation immediately after the disturbance. Including the re-forestation of forest areas with more mature growth as detailed in the approved replacement program as approved by the Clinton County Soil and Water Conservation District.

## B. Steep Slope Development Standards

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

### C. Groundwater Protection Standards

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

### D. Flood Damage Reduction Standards

- 1. Applicability.** The standards found in the Special Purpose Flood Damage Reduction Resolution shall apply to all areas of special flood hazard within the jurisdiction of Clinton County as identified in Section 1.6 of the Special Purpose Flood Damage Reduction Resolution, including any additional areas of special flood hazard annexed by Clinton County.

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# ARTICLE 6

## OFF-STREET PARKING AND LOADING

### 6.01 Purpose

The purpose of this Article is to establish minimum requirements for the amount and location of vehicle parking, loading, stacking, and circulation areas in order to promote the efficient use of land and prevent the congestion of public streets.

### 6.02 Applicability

All off-street parking, loading, stacking, and circulation areas shall be provided in conformance with the regulations of this Article consistent with the following:

- A. New Uses and Buildings.** The requirements of this Article shall apply to all buildings or uses constructed or established after the effective date of this Resolution.
- B. Existing Uses and Buildings**
  - 1. No use or building lawfully established prior to the effective date of this Resolution shall be required to provide and maintain the parking and loading requirements of this Resolution.
  - 2. Whenever an existing building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for more parking, the applicant shall provide a parking plan per Section [6.03](#) for the additional parking and loading facilities based on the increase in demand.

### 6.03 Parking Plan

A parking plan shall be submitted to the Clinton County Regional Planning Commission whenever four or more parking spaces are required for a given use. The plan shall be drawn to scale, and show the following:

- A. North arrow and scale bar;
- B. Name of applicant, owner, and preparer;
- C. Date the plans are submitted and revised;
- D. The boundaries of the property;
- E. The proposed number of parking spaces, including typical dimensions;

- F. Access drives and maneuverability aisles, including dimensions and locations;
- G. A lighting and photometric plan if the proposed property abuts a residential zoning district or use;
- H. The locations of any proposed fences or walls;
- I. The location of any proposed landscaping required by [Article 7](#); and
- J. Any additional information as requested by the Clinton County Regional Planning Commission.

## 6.04 Parking Requirements

- A. Location Requirements.** All off-street parking areas should be located on the same lot, or on the adjacent premises in the same zoning district as the use they are intended to serve, with the exception of the following:
  - 1. Uses in the Commercial Districts.** Off-street parking facilities shall be located on the premises or within 500 feet of the premises.
  - 2. Uses in the Industrial Districts.** Off-street parking facilities shall be located on the premises or within 800 feet of the premises.
  - 3. Public/Institutional Uses.** Off-street parking facilities shall be located on the premises or within 500 feet of the premises.
  - 4. Setbacks**
    - a.** Parking facilities shall be located no closer than 10 feet from the required right-of-way as identified on the thoroughfare plan.
    - b.** Parking facilities shall be located no closer than 10 feet from the side or rear property line.
    - c.** Parking facilities along all roadways classified as arterials by the Clinton County Comprehensive Plan, shall be set back a minimum of 70 feet from the centerline of the right-of-way or 30 feet from the edge of the right-of-way, whichever is greater.
- B. Determination of Required Parking Spaces.** In computing the number of parking spaces required by this Article, the following shall apply:
  - 1. Floor Area**
    - a.** Where floor area is designated as the standard for determining parking space requirements, floor area shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise.

- b. Floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those area where customers, patients, clients, salesmen, and the general public are denied access shall be excluded.
  - c. Floor area shall be measured from the exterior faces of the exterior walls.
  - d. When the building floor area is designated as the standard for determining parking space requirements and the required number is less than the minimum standard, at least one parking space shall be provided on premises.
2. **Fractional Space.** When units or measurement determining the number of required parking spaces result in a fractional space, the fractional space shall be increased to the next highest whole number.
  3. **Similar Use Determination.** If a use is not specifically mentioned, the off-street parking requirements for a listed use which is most similar to the use in question shall apply.

**Table 23: Required Number of Parking Spaces**

Principal Building or Use	Minimum Requirement
<b>Institutional/Public Uses</b>	
All Agricultural Uses	As determined by the Zoning Manager or Clinton County Regional Planning Commission (CCRPC), as applicable, in consultation with the Office of the Clinton County Engineer
<b>Residential Uses</b>	
Dwelling, Multi-Family	1 space per studio and one-bedroom unit, 2 spaces per dwelling for two-bedroom and larger units
Dwelling, Single-Family Attached	2 spaces per dwelling
Dwelling, Single-Family Detached	2 spaces per dwelling
Dwelling, Two-Family	2 spaces per dwelling
Housing for Seasonal Labor	2 spaces per dwelling
Housing for the Elderly	1 space per dwelling unit plus 1 space per employee on the largest shift
Residential Living Facility	1 space per every 2 beds plus 1 space per 100 square feet of assembly or common area
<b>Commercial Uses</b>	
Alcohol Production (Brewery/Cidery/ Distillery/Winery)	1 space per employee on the largest shift plus 1 space per 3 seats for any restaurant/taproom
Auction or Public Sale Facilities	1 space per 500 square feet of floor area plus 1 space per 2,000 square feet of outdoor area
Automobile and Truck Fueling/Charging Station	1 space per 400 square feet of floor area plus 1 space per employee on the largest shift
Automobile Rental and Sales	1 space per 500 square feet of floor area plus 1 space per 2,000 square feet of outdoor area
Automobile Repair and Service, Major	2.5 spaces for each service bay
Automobile Repair and Service, Minor	2.5 spaces for each service bay

**Table 23: Required Number of Parking Spaces**

Principal Building or Use	Minimum Requirement
<b>Commercial Uses Continued</b>	
Automobile Washing Facility	2 per washing lane
Bed and Breakfast Establishment	1 space per bedroom plus 2 spaces for the owner of the dwelling
Business Services	1 space per 250 square feet of floor area
Campground and RV Park	1 space per designated campsite plus 1 space per RV space
Club/Fraternal Organization	1 space per 400 square feet of floor area
Commercial Outdoor Storage	2 space per employee on the largest shift
Commercial Recreation, Indoor	1 space per 250 square feet of floor area
Commercial Recreation, Outdoor	As determined by the Zoning Manager or Clinton County Regional Planning Commission (CCRPC), as applicable, in consultation with the Office of the Clinton County Engineer
Convenience Store	1 space per 200 square feet of floor area
Day Care Facility	1 space per 5 children
Equipment and Commercial Vehicle Sales, Rental, and Services	1 space per 500 square feet of floor area plus 1 space per service bay
Event Center	1 space per every 3 guests plus 1 space per employee on the largest shift
Financial Institutions	1 space per 250 square feet of floor area
Food and Beverage Services, Drive-in or Drive-thru	1 space per 100 square feet of floor area
Food and Beverage Services, excluding Drive-in or Drive-thru	1 space per 100 square feet of floor area
Funeral Home/Mortuary	1 space per 25 square feet of floor area
Golf Courses and Country Clubs	1 space per every 2 members at membership limit plus 1 space per each employee on the largest shift
Health and Fitness Club	1 space per 200 square feet of floor area, pool area, and sports courts
Hospital	1 space per every 4 beds
Inpatient Rehabilitation Facility	1 space per every 4 beds, plus 1 space per employee on the largest shift
Kennel	1 space per 400 square feet of floor area
Lumber and Home Improvement Sales	1 space per 800 square feet of floor area
Medical, Clinic or Office	1 space per 200 square feet of floor area
Mixed Use with Residential Use	The parking regulations for the uses contained within the mixed use development shall be dictated by this table
Mobile Home Sales and Service	1 space per 500 square feet of floor area plus 1 space per 2,000 square feet of outdoor area
Model Home Office/Retail Sales	1 space per 500 square feet of floor area
Monument Sales and Yard	1 space per 800 square feet of floor area
Motels and Hotels	1 space per each bedroom
Outdoor Sales Lots and Displays	1 space per 500 square feet of floor area plus 1 space per 2,000 square feet of outdoor area
Personal Services	1 space per 200 square feet of floor area

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**Table 23: Required Number of Parking Spaces**

Principal Building or Use	Minimum Requirement
<b>Commercial Uses Continued</b>	
Professional Offices	1 space per 400 square feet of floor area
Recreational Vehicle Storage	2 space per employee on the largest shift
Retail Establishment	1 space per 400 square feet of floor area
Self-Storage Facility	2 spaces per employee on the largest shift
Theater, Indoor	1 space per every 5 seats or 100 square feet of floor area; whichever is greater
Theater, Outdoor (Drive-In)	1 space per vehicle at maximum occupancy plus 1 space per employee on the largest shift
Veterinary Office/Clinic	1 space per treatment room plus 1 space per employee on the largest shift
<b>Public/Institutional Uses</b>	
Cemetery	N/A
Community Swimming Pools and Private Swim Clubs	1 space per 75 square feet of water surface of pools
Education Facility, Public/Private and University/College/Trade School	1 space per every 2 faculty and staff members plus 1 space for each 10 students at the high school or college level
Essential Services	N/A
Governmental Building or Facility	1 space per 400 square feet of floor area
Public Parks and Recreation	As determined by the Zoning Manager or Clinton County Regional Planning Commission (CCRPC), as applicable, in consultation with the Office of the Clinton County Engineer
Recreational Uses associated with Conservation or Educational Use	As determined by the Zoning Manager or Clinton County Regional Planning Commission (CCRPC), as applicable, in consultation with the Office of the Clinton County Engineer
Religious Facility/Place of Assembly	1 space per every 5 seats or 100 square feet of floor space in the auditorium/sanctuary; whichever is greater
Telecommunication Towers	N/A
<b>Industrial Uses</b>	
All Industrial Uses (unless otherwise listed)	1 space per employee on the largest shift plus 1 space per 10 employees
Wholesale Establishment	1 space per 1,000 square feet of floor area

**C. Modification of Parking Requirements.** The number of parking spaces required in Table 24: Required Number of Parking Spaces may be modified according to the following provisions:

- 1. Providing More Parking Spaces than Required.** If a proposed parking facility exceeds 125 percent of the required parking spaces in **"Table 24: Required Number of Parking Spaces"**, the applicant shall be required to submit a parking study to the CCRPC demonstrating the need for the additional parking spaces.

2. **Providing Fewer Parking Spaces than Required.** The Zoning Manager or Board of Zoning Appeals may approve a reduction in the total number of required parking spaces if it is deemed appropriate based on the parking demand for the proposed use, the number of typical patrons or employees, the presence of shared parking, on-street parking, alternative transportation, or other similar reasons. As a condition of approval, the approving body may require that land on the subject property be reserved for a future parking area.
  - a. **Administrative Approvals.** The Zoning Manager may approve a reduction in the number of required parking spaces, up to 10 percent for the reasons listed above.
  - b. **Board of Zoning Appeals Approvals.** If an applicant requests a reduction of more than 10 percent of the required number of parking spaces, the request will be subject to the decision of the Board of Zoning Appeals.

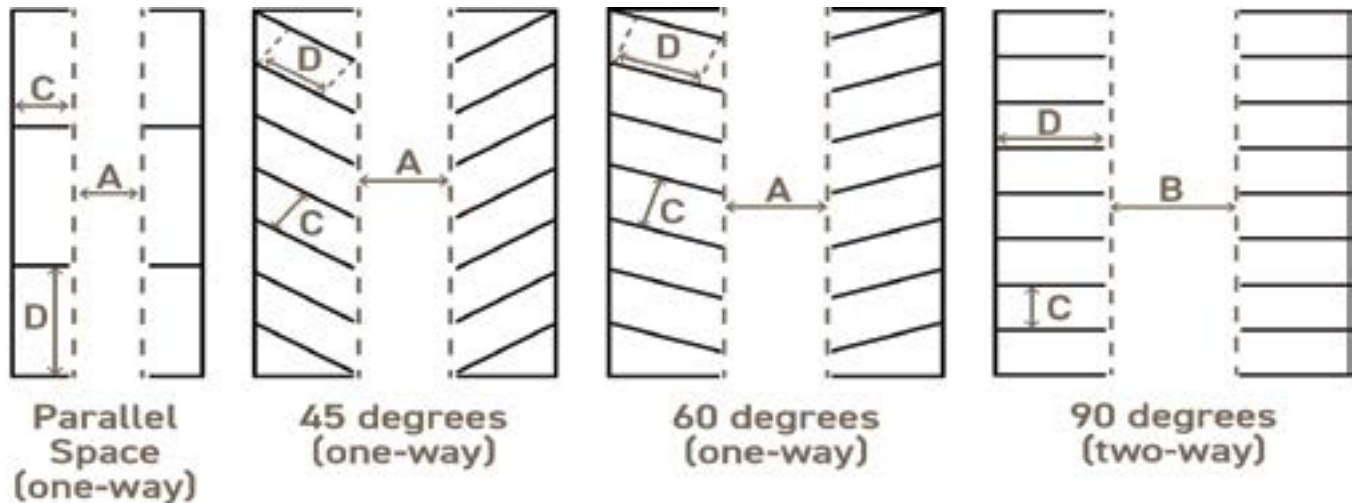
## 6.05 Parking Design Requirements

- A. **Parking Space and Aisle Size Requirements.** The layout of off-street parking facilities shall be in accordance with the following minimum standards:

**Table 24: Parking Space and Aisle Size Requirements**

Parking Orientation	One-Way Aisle Width (A)	Two-Way Aisle Width (B)	Space Width (C)	Length of Space (D)
Parallel Space	12 feet	20 feet	9 feet	24 feet
30 Degrees	12 feet	20 feet	9 feet	20 feet
45 Degrees	15 feet	20 feet	9 feet	20 feet
60 Degrees	18 feet	22 feet	9 feet	20 feet
90 Degrees	22 feet	24 feet	9 feet	20 feet

- B. **Applicability.** All off-street parking and loading areas shall be developed in accordance with the standards of this section unless stated otherwise.
  1. **Surfacing.** Off-street parking facilities of four or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface.
  2. **Markings.** Off-street parking facilities shall be designed and marked to have individual spaces marked, unobstructed, and accessible to an aisle or driveway to that any vehicle may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way.



*Illustration of Parking Space and Aisle Dimensions*

- 3. Driveways.** Clearly defined driveways shall be provided for off-street parking facilities subject to the following:
  - a. Except for parking spaces provided for single-family and two-family dwellings, driveways for off-street parking facilities containing four or more spaces shall be no less than 20 feet wide and so located as to secure the most appropriate development of the individual property.
  - b. Each entrance to and exit from an off-street parking facility shall be at least 25 feet from any adjacent residential district or use.
  - c. If entrances and exits are designated one-way, they should be marked as such.
- 4. Drainage.** Off-street parking facilities shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public right-of-way.
- 5. Landscaping.** Off-street parking facilities of four or more vehicles or facilities adjacent to a residential district or use shall conform to the landscaping and buffering regulations set forth in ["Article 7"](#).
- 6. Lighting.** Off-street parking facility lighting shall conform with the regulations set forth in [Article 9](#).
- 7. Vehicle Overhang.** Where sidewalks occur in off-street parking facilities, parked vehicles shall not overhang the sidewalk unless an additional one foot is provided to the sidewalk to accommodate such overhang.
- 8. Barrier Free/Accessible Parking Spaces.** Off-street parking facilities shall provide barrier free/accessible parking spaces as required in ["Table 26: Required Barrier Free/Accessible Parking Spaces"](#) and in compliance with the Americans with Disabilities Act (ADA) and all applicable state and federal requirements.

**Table 25: Required Barrier Free/Accessible Parking Spaces**

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

**C. Electric Vehicle Charging Stations.** Electric vehicle (EV) charging stations are subject to the following:

1. Level 1 and Level 2 EV charging stations are allowed as an accessory use to any permitted principal use in any district. Level 3 EV charging stations are allowed as an accessory use to any multi-family residential use or any non-residential use.
2. EV charging stations shall post information regarding amperage and voltage levels, time limits, cost, tow-away provisions, and contact information at the spaces.
3. Where permitted, EV charging stations may be located in any yard but shall be set back a minimum of 10 feet from any adjoining public right-of-way.
4. EV charging stations shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

**D. Bicycle Parking.** Bicycle parking facilities are subject to the following:

1. **Location.** Bicycle racks shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach. Bicycle racks intended for the sole use of employees of a property can be located inside of a building or near an employee entrance. Bicycle parking shall be located in designated areas, which minimize pedestrian vehicular conflicts. If located within a vehicle parking area, the bicycle parking should be clearly designated and located as close to a building entrance as possible. The bicycle racks and pads are considered accessory structures and must comply with all accessory structure setback requirements. Bicycle parking provided adjacent to a pedestrian walkway shall allow sufficient passage (at least six feet) for pedestrians. Such facilities shall not be located so as to impede pedestrian or automobile traffic flow or to cause damage to plant material from bicycle traffic.

- 2. **Design Criteria.** Bicyclists must be able to lock their bicycles to the rack with the rack supporting the bicycle in an upright position. A hard surface parking area is required with racks securely anchored to a supporting surface. The bicycle racks shall be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate the locking mechanism. Bicycle parking facilities shall be at least two feet in width and six feet in length, with additional back-out or maneuvering space of at least five feet.
- 3. **Shared Walkways.** Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be sufficiently wide to accommodate anticipated pedestrian and bicycle traffic volumes. A shared walkway shall have a minimum width of eight feet and shall comply with the American Association of State Highway and Transportation Officials guidelines.

## 6.06 Off-Street Stacking Spaces

- A. **Applicability.** All businesses, which provide drive-thru facilities for serving customers within their automobile, shall provide adequate off-street stacking spaces which are located on the same lot as the principal use, in addition to the number of required parking spaces per **"Table 24: Required Number of Parking Spaces"**. The required stacking spaces shall not extend into or be within the public right-of-way, access drives, pedestrian ways, or circulation areas. Stacking spaces shall meet the following requirements:

**Table 26: Required Number of Stacking Spaces**

Activity	Minimum Number of Required Stacking Spaces	Measured From
Automobile and truck fueling/charging station	2 per fuel pump	Pump island
Car wash, automatic	6	Entrance
Car wash, self-service	3	Entrance
Financial Institution	4	Teller, window, or ATM
Food and beverage services, drive-thru or pick-up window	6	Pick-up window
Other	As determined by the Clinton County Regional Planning Commission (CCRPC) in consultation with the Office of the Clinton County Engineer	
* Additional stacking spaces may be required at the discretion of the CCRPC		

- B. **Dimensions.** Each stacking space shall be no less than 20 feet in length and 12 feet in width.
- C. **Location.** Stacking spaces shall not cross or pass through off-street parking areas, pedestrian access ways, or be located in the required front or corner yard setback.

- D. Setbacks.** The minimum distance from any stacking space to any residential use or district shall be 40 feet. This distance shall be measured at the narrowest point between the property line of the residential property and either the principal structure, an off-street parking area, or stacking spaces, whichever is closer. The setback must be landscaped.
- E. Identification.** Clear identification and delineation between the drive-thru facility and parking area shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety.
- F. Bypass Lanes.** All drive-thru facilities which have a single stacking lane shall provide a bypass lane with a minimum width of 10 feet, which allows for other vehicles to pass those waiting to be served.
- G. Modifications.** The CCRPC may require additional stacking spaces beyond the enumerated requirement for uses that have extremely high-demand use periods that cause long waiting lines, such as fast-food restaurants or drive-thru coffee shops. In such cases, the CCRPC and Office of the Clinton County Engineer shall work with the applicant to ensure that the Site Plan can accommodate the anticipated intensity of demand.

## 6.07 Off-Street Loading Spaces

- A. Applicability.** On the same premises with every building or part thereof, erected, and occupied for manufacturing, storage, retail, hotel, hospital, or similar use involving the receipt or distribution by vehicles of materials and merchandise, shall provide and maintain adequate space for standing, loading, and unloading services in accordance with the following table.

**Table 27: Required Number of Loading Spaces**

Gross Floor Area of Principal Building	Number of Required Loading Spaces
0 to 1,999 square feet	None
2,000 to 19,999 square feet	1
20,000 to 99,999 square feet	1 space plus 1 space for every 20,000 square feet over 20,000 square feet
100,000 to 499,999 square feet	5 spaces plus 1 space for every 40,000 square feet over 100,000 square feet
Over 500,000 square feet	15 spaces plus 1 space for every 80,000 square feet over 500,000 square feet

- B. Dimensions.** Each loading space shall be no less than 70 feet in length and 14 feet in width and shall have a height clearance of 14 feet.
- C. Location.** Access to a loading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street.

- D. Design.** Loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets.
- E. Modifications.** The Board of Zoning Appeals may waive or modify the loading requirements if the applicant can justify that the required loading spaces are not required based on the proposed use of the building, or if based on the lot size and orientation they are not feasible, or other similar reason.

## 6.08 Maintenance

Off-street parking spaces, loading spaces, driveways, access roads, maneuvering areas, waiting areas, and parking and loading facilities shall be maintained in accordance with the following standards and specifications.

- A.** Parking lots, parking structures, and all internal and adjacent sidewalks shall be kept as free as practical from dust, paper, debris, and other loose particles. Snow and ice shall be removed promptly by the operator.
- B.** All signs, markers, or any other method used for the direction of traffic movement and location of parking spaces shall be kept in neat and legible condition.
- C.** The surface of the parking lot or structure as well as any landscaping shall be maintained in good condition.
- D.** It shall be the duty of the property owner to provide and maintain all parking, loading, or other vehicular use areas where these areas are required.

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# ARTICLE 7

## LANDSCAPING AND BUFFERING

### 7.01 Purpose

The purpose of this Article is to establish regulations to protect and promote the public interest and welfare by requiring landscaping and buffering between uses of different intensities, screening vehicle headlights from adjacent roads, and providing attractive views from public right-of-way and adjacent properties.

### 7.02 Applicability

All off-street parking, loading, stacking, and circulation areas shall be provided in conformance with the regulations of this Article consistent with the following:

- A. The landscaping and buffering requirements of this Article shall apply to all new property development, redevelopment, and substantial expansions of existing parking facilities, except for single-family dwellings (attached and detached), two-family dwellings, and agricultural uses.
- B. Parking lots and parking lot expansions of less than four spaces are exempt from the requirements of this Article.
- C. Substantial expansion of existing parking areas shall be defined as an addition of 10 or more off-street parking spaces. The landscaping regulations contained within this Article shall apply to the expansion area only. The existing site and parking area will not be required to meet the regulations contained herein.
- D. Parking lot areas and parking spaces that are enclosed within a parking garage shall not be subject to the landscaping regulations of this Article.
- E. If a landscaping plan falls into a specific overlay zone, there may be special considerations that apply. Specific overlay zones can be found in ["Article 4"](#).

### 7.03 General Landscaping Requirements

- A. Any landscaping requirement that results in a fractional number shall be rounded up to the next whole number.
- B. Each tree planted shall be no smaller than a two-inch diameter exactly via caliper.

## 7.04 Landscape Plan Required

Any development that required landscaping per Section [7.02](#) shall submit a landscape plan as part of the Site Plan application. Landscape plans shall be drawn to scale and include the following information:

- A. North arrow and scale bar;
- B. Name of applicant, owner, and preparer;
- C. Date the plans are submitted and revised;
- D. Existing and proposed improvements including buildings, structures, roads, parking areas, sidewalks, and other similar improvements;
- E. Existing plant material to be removed or retained;
- F. Property lines and easements;
- G. A table showing the following:
  - 1. The square footage of the internal parking and vehicular use area, the square footage of the landscape islands, and the number of parking spaces provided; and
  - 2. The number and types of landscaping materials with their planting height or size provided;
- H. The location of all proposed landscaping materials; and
- I. Any other information as requested by the Clinton County Regional Planning Commission.

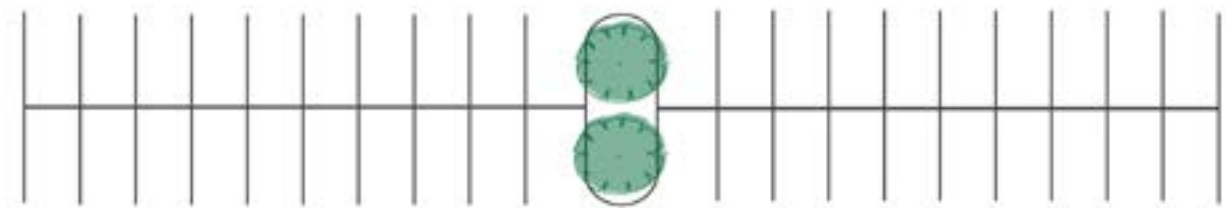
## 7.05 Parking Lot Landscaping

- A. **Perimeter Requirements.** When any off-street parking facility for any multi-family dwelling use, non-residential use, or mixed-use development is proposed to abut a public right-of-way, single-family, or two-family dwelling, a minimum buffer shall be provided that consists of the following:
  - 1. A minimum width of 40 feet shall be placed adjacent to the parking lot when abutting a single-family or two-family dwelling.
  - 2. A minimum width of 10 feet shall be placed adjacent to the parking lot when abutting a public right-of-way.
  - 3. One deciduous tree located every 40 feet (a minimum of one tree is required); and
  - 4. Shrubs planted every 10 lineal feet.

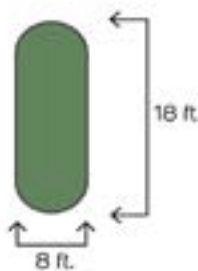
**B. Interior Requirements.** All parking areas greater than 10 spaces shall adhere to the following landscaping requirements:

1. All parking lots shall contain a landscaped area equal to five percent of the entire parking lot. Each area shall contain shrubs, flowers, trees, and/or grass.
2. Trees shall be provided at a rate of one tree per eight parking spaces.
3. Landscaped areas shall be distributed throughout the parking area. Rows of parking spaces shall be interrupted at a minimum every eight spaces by a planting island that is a minimum of eight feet wide and 20 feet in length.
4. In cases where landscaping requirements will interfere with the parking requirements of [Article 6](#), flexibility in the landscaping requirement and/or parking requirement may be permitted by the Board of Zoning Appeals.

Example based on a requirement of 1 tree per 20 parking spaces



Example of planting island placed at minimum once every 20 linear spaces



*Illustration of Tree and Planting Island Requirements*

## 7.06 Screening and Buffering Requirements

- A. **"Table 29: Buffering Requirements"** identifies the buffering requirements between land uses of varying intensities. The specific buffering requirements for each buffer type are included in **"Table 30: Buffering Requirements by Type"**.

**Table 28: Buffering Requirements**

Land Uses	Residential Single-Family or Two-Family	Residential Multi-Family	Commercial	Public/ Institutional	Industrial
Agricultural	None	None	None	None	None
Residential Single-Family or Two-Family	None	None	None	None	None
Residential					
Multi-Family	"C"	None	None	None	None
Commercial	"D"	"C"	"A"	"B"	"B"
Public/ Institutional	"A"	"A"	"A"	"A"	"B"
Industrial	"D"	"D"	"B"	"C"	"A"

**Table 29: Buffering Requirements by Type**

Buffer Type	Minimum Buffer Width	Minimum Plant Material
"A"	10 feet	1 deciduous or evergreen tree per every 40 lineal feet
"B"	20 feet	1 tree per every 25 lineal feet with a minimum of 40% evergreen trees
"C"	30 feet	1) 1 tree planted every 20 lineal feet with a minimum of 50% evergreen trees; or 2) A 6-foot wall or opaque fence plus 1 deciduous tree planted every 40 lineal feet
"D"	50 feet	1) A double row, staggered planting of minimum 6-foot tall evergreen trees planted every 15 lineal feet; or 2) A 40-foot wide, 6-foot tall earthen berm with deciduous trees planted every 40 feet.

### **7.07 Maintenance**

All landscaping shall be properly maintained. Dead plant materials shall be replaced in a timely manner (within 30 days), and landscaped areas shall be kept free of weeds and debris. Failure to maintain landscaping properly shall constitute a violation of this Resolution.

### **7.08 Modifications**

Modifications to the landscaping and buffering requirements can be approved by the Clinton County Regional Planning Commission as part of the Site Plan approval process when there a circumstance that makes a modification necessary based on a unique site constraint, shared facilities, utility concerns, or other similar circumstances. A modification request shall be submitted in writing and include justification for the modification that addresses how the plan still meets the intent of the requirements of this Article and how the request will not adversely affect or impact other properties in the vicinity. The Clinton County Regional Planning Commission may approve the modification if they deem it justified based on the written request.

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# ARTICLE 8

## SIGNAGE

### 8.01 Purpose

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

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

### 8.02 Applicability

This Article applies to all new and replacement signs in all zoning districts in Clinton County subject to Section [1.03](#).

### 8.03 General Sign Regulations

- A. Signs must be constructed in compliance with any applicable regulations of the County's Building Code.
- B. No sign shall be permitted as the principal use on a premises. Signs shall only be permitted as an accessory use. Billboard signs are exempt from this requirement per Section [8.12.C.4](#).

- C. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control devices, directional signs, and other signs as permitted by the legislative body or agency which owns the right-of-way.
- D. Removal of signs that are in violation of this Resolution is the responsibility of the legislative body or the agency that owns the right-of-way.
- E. Signs containing expressions, which are protected by the First Amendment of the United States Constitution, are permitted in all zoning districts. Under no circumstances will additional freestanding or building mounted signs be permitted because an establishment has opted to use the permitted sign as free speech.
- F. Signs that are externally illuminated, internally illuminated, backlit, or illuminated through downlighting shall meet the lighting requirements of [Article 9](#).

### 8.04 Signs Requiring Permits

All signs shall require a permit unless specifically exempted in this Article. No signs are permitted in the right-of-way.

### 8.05 Sign Permits

- A. **Application for a Permit.** An application for a permit to construct or replace a sign shall be made to the Clinton County Building and Zoning Department by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by their agent, or lessee.
- B. Sign permits issued on the basis of plans and an application approved by the County Building and Zoning Department authorizes only the design and construction set forth in such approved plans and applications, and not another design.
- C. The Building and Zoning Department shall not approve the plans or issue sign permits for any sign which does not conform to the provisions of this Resolution.
- D. The Building and Zoning Department shall maintain a record of all sign permits issued and said record shall be open to the public for inspection.
- E. If the sign described in the sign permit has not been constructed or installed within six months of the date of issuance thereof, said permit shall expire without further notice. The permit may be extended upon written request of the applicant prior to the date of expiration for a period not to exceed six months.
- F. Permit fees will be established by resolution with a copy of the current fee schedule available at the Building and Zoning Department.

## 8.06 Sign Development Plan

- A. Purpose.** Sign Development Plans (SDP) allow for the Rural Zoning Commission to review and approve sign plans for a particular use, property, or area where there may be special or unusual development problems or needs that are not met with the requirements of Section **8.10**.
- B. Submittal Requirements.** It is the intent of these regulations that the SDP shall indicate general information, sign design standards, and the area of applicability. The information submitted should be comprehensive enough to enable the Rural Zoning Commission to understand the existing site and design concept for the proposed SDP. The applicant shall submit an application, and any supplemental materials determined as necessary by the Building and Zoning Department.
- C. Review Process**
1. An application for SDP shall be submitted in accordance with the provisions of Section 8.05.**B** of these regulations.
  2. The Zoning Manager shall review the SDP shall make a recommendation to the Rural Zoning Commission for approval, approval with conditions, or denial of the SDP application.
  3. The Rural Zoning Commission shall review the SDP and the recommendation of the Zoning Manager, and render its decision based on the criteria of Section 8.06.**D** for approval, approval with conditions, or denial. A written record of the decision shall be provided.
- D. Review Criteria.** The Rural Zoning Commission shall render its feedback on an application for an SDP on each of the following criteria and the recommendation of the Zoning Manager.
1. The number, sizes, materials, and designs of the signs are properly related to the type and location of the use, the land area of the site, and the sizes, styles and locations of the buildings and other structures on the site.
  2. The number, sizes, materials, and designs of the signs effectively communicate the uses to motorists and/or pedestrians.
  3. The signs are consistent with the purposes of this Resolution, are appropriate to the development or the architectural character of the building in which the use is located and are compatible with existing adjacent uses.
  4. The signs are consistent with the purposes of Section **8.01**.
- E. Modifications.** The Zoning Manager may approve minor modifications to the approved SDP. Minor modifications include only changes that do not:
1. Increase the area of the signs by more than five percent;
  2. Alter the relationship of the signs to neighboring property; or

3. Change the locations of the signs in such a manner as to increase nonconformity with setback requirements, interfere with pedestrian or vehicular traffic, interrupt architectural details, or otherwise significantly deviate from the SDP approved by the Rural Zoning Commission.

## 8.07 Exempted Signs

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

- A. Informational signs that do not exceed two square feet.
- B. Nameplates containing only name and address not exceeding two square feet.
- C. Traffic control or other governmental signs such as, but not limited to, street signs, safety signs, danger signs, trespassing signs, traffic signs, memorial plaques and signs of historical interest, and informational or directional signs.
- D. Signs associated with an educational facility, provided the overall size of the sign is not larger than 100 square feet.
- E. House numbers.
- F. No hunting, no fishing, no trespassing signs.
- G. Agricultural test plot signs.
- H. Historical markers.
- I. Signs in the interior of a building or structure that are not designed or located so as to be typically visible from outside the building.
- J. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of their duty, such as directional signs, regulatory signs, and information signs.
- K. Names of buildings, dates of construction, monument citations, commemorative tablets, and similar signs when carved into stone, concrete, or similar materials or made of other permanent type construction and made an integral part of the structure and are less than nine square feet.
- L. Murals approved by the Clinton County Board of County Commissioners.
- M. Newspaper delivery boxes.
- N. Signs approved as part of a major subdivision or Sign Development Plan review process.

## 8.08 Prohibited Signs

The following types of permanent and temporary signs are prohibited within Clinton County:

- A. Any sign that is not expressly permitted in this Article.
- B. Roof signs.
- C. Bench signs.
- D. Obscene signs.
- E. Signs containing flashing, blinking, intermittent or moving lights, moving or revolving parts that may distract drivers. This provision is not intended to exclude those signs that give the time or temperature, provided no other animated messages are displayed.
- F. Signs affixed to trees, shrubs, or similar natural features, except signs denoting a site of historic significance.
- G. Signs that imitate or obscure traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of the words such as "Stop", "Look", "Danger", or any other words, phrases, symbols or characters, in such a fashion as to interfere with, mislead or confuse traffic. Traffic control signs permitted as part of the Site Plan approval shall be permitted.
- H. Signs that obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way window or door opening, or that prevent free access to the roof by firefighters.
- I. Signs, with the exception of signs for a political jurisdiction, that are placed on publicly owned property, a public right-of-way, or a proposed public right-of-way.
- J. Any sign or sign structure that:
  - 1. Is structurally unsafe.
  - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
  - 3. Is not kept in good repair.
  - 4. Is capable of causing electrical shocks to persons likely to come in contact with the sign.
  - 5. Abandoned signs.
- K. Any sign unlawfully installed, erected, or maintained.
- L. Portable signs unless otherwise provided for in this Resolution.

- M. Festoon signs, banners, pennants, ribbons, streamers, spinners, incandescent light bulbs, or other such temporary features which are hung or strung overhead and which are not an integral, physical part of the building or structure they are intended to serve.
- N. Snipe Signs.
- O. Any sign installed prior to the effective date of this Resolution without a permit, when the Resolution is in effect at the time of installation of the sign required such a permit.

### 8.09 Illegal Signs

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

### 8.10 Permitted Sign Regulations

- A. **Permitted Types of Permanent Signs.** "Table 31: Permitted Types of Permanent Signs for Each Use Category" identifies the types of permanent signs that are permitted for each use category. A "P" in the table indicates signs that are permitted and a blank space indicates signs that are prohibited.

**Table 30: Permitted Types of Permanent Signs for Each Use Category**

	Agricultural Uses	Residential, Single and Two-Family	Residential, Multi-Family	Public or Institutional Use	Commercial Uses	Industrial Uses
Awning or Canopy Sign				P	P	P
Directional or Informational Sign	P		P	P	P	P
Electronic Message Centers				P	P	P
Ground Mounted Sign	P			P	P	P
Menu Board Signs					P	
Neighborhood Identification Sign		P	P			
Projecting Sign					P	P
Wall Sign	P			P	P	P
Window Sign	P			P	P	P

**B. Awning or Canopy Signs.** Awning or canopy signs shall be permitted on any public or institutional, commercial, or industrial use. Canopy signs may be located on the fascia of the canopy or may be mounted to the top of the canopy as long as the canopy sign does not exceed the maximum height of the principal structure. Awning or canopy signs are subject to the following regulations:

**Table 31: Awning or Canopy Sign Regulations**

Regulation	Requirement
Quantity	No limit
Maximum Area	The area of all awning and/or canopy signs shall be included in the overall calculation of allowable wall signage.
Illumination	Awning signs: external illumination only
	Canopy signs: internal or external illumination



*Illustration of an awning sign (left) and a canopy sign (right)*

**C. Directional or Informational Signs.** Directional or informational signs shall be permitted on any agricultural, multi-family residential, public or institutional, commercial, or industrial use. Directional or informational signs shall contain no advertising and are subject to the following regulations:

**Table 32: Directional or Informational Sign Regulations**

Regulation	Requirement
Quantity	No limit
Maximum Area	The area of all awning and/or canopy signs shall be included in the overall calculation of allowable wall signage.
Illumination	Awning signs: external illumination only
	Canopy signs: internal or external illumination



*Illustration of a directional or informational sign (left) and an electronic message center (right)*

**D. Electronic Message Centers.** Electronic message centers shall be conditionally permitted on any public or institutional, commercial, or industrial use subject to the following regulations:

1. Electronic message centers shall be located a minimum of 250 feet from any agricultural or residential use.
2. Electronic message centers shall only be located on ground mounted signs and shall not exceed 50 percent of the size of the total sign area to ensure that the electronic component is subordinate to the principal sign face in size.
3. One electronic message center is permitted per parcel or development.
4. Each message on an electronic message center shall be displayed for no less than eight seconds before transitioning.
5. The use of streaming or full-motion video on any electronic message center is prohibited.
6. The lighting within an electronic message center shall not be permitted to strobe, flash on or off, change the intensity of the illumination, or illustrate movement.
7. Electronic message centers shall be equipped with automatic dimmer controls to produce a distinct illumination change from a higher illumination level to a lower illumination level between one-half hour before sunset (dusk) and one-half hour after sunrise (dawn).
8. Electronic message centers shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn. The applicant shall provide a certificate of maximum illumination before a sign permit application is approved.

- E. Ground Mounted Signs.** Ground mounted signs shall be permitted on any agricultural, public or institutional, commercial, and industrial use subject to the following regulations:
1. Ground mounted signs shall consist of stone, brick, cultured stone, brick composite, or other similar material, unless otherwise approved by the Zoning Manager.
  2. Ground mounted signs for multiple tenants shall only be permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings.
  3. Ground mounted signs that advertise multiple tenants shall have a coordinated appearance, and all individual tenants' panels shall be constructed out of the same materials.
  4. Ground mounted signs located in the C-3 Zoning District shall be permitted to have the following maximum area:
    - a. Single Tenant: two square feet for every one linear foot of building frontage, up to 200 square feet
    - b. Multi-Tenant: two square feet for every one linear foot of building frontage, up to 400 square feet.
  5. Manual changeable copy signs shall be permitted when incorporated into a permitted ground mounted sign.
  6. Landscaping shall be provided at the base of the ground mounted sign, subject to Section 8.14.A.

**Table 33: Ground Mounted Sign Regulations**

Regulation	Requirement
Quantity	1 per right-of-way frontage up to 2 signs
Maximum Area	Single Tenant: 2 square feet for every 1 linear foot of building frontage, up to 100 square feet
	Multi-Tenant: 2 square feet for every 1 linear foot of building frontage, up to 200 square feet
Maximum Height	Single Tenant: 8 feet
	Multi-Tenant: 15 feet
Minimum Setback	15 feet from all property lines and 5 feet from all entrance drives
Illumination	Agricultural Use: External illumination only
	Public or Institutional, Commercial, or Industrial Use: External or internal illumination



Illustration of a ground mounted sign (left) and a menu board sign (right)

**F. Menu Board Signs.** Menu board signs shall be permitted on any commercial property that includes an approved drive-thru lane. Menu board signs are subject to the following regulations:

**Table 34: Menu Board Sign Regulations**

Regulation	Requirement
Quantity	2 per drive-in or drive-thru restaurant
Maximum Area	48 square feet
Maximum Height	8 feet
Illumination	Internal or external illumination

**G. Neighborhood Identification Signs.** Neighborhood identification signs shall be permitted for each right-of-way frontage of a single-family subdivision, multi-family building development, or a mobile home park subject to the following regulations:

**Table 35: Neighborhood Identification Sign Regulations**

Regulation	Requirement
Quantity	2 per right-of-way frontage (1 sign is permitted on each side of the entrance drive)
Maximum Area	32 square feet
Maximum Height	4 feet
Minimum Setback	15 feet from all property lines
Illumination	External illumination only



*Illustration of a neighborhood identification sign (left) and a projecting sign (right)*

**H. Projecting Signs.** Projecting signs are permitted on any commercial or industrial uses subject to the following regulations:

**Table 36: Projecting Sign Regulations**

Regulation	Requirement
Quantity	1 per parcel
Maximum Projection	4 feet
Maximum Area	8 square feet
Required Clearance	8 feet above pedestrian ways
	15 feet above vehicular ways
Illumination	Internal or external illumination

**I. Wall Signs.** Wall signs are permitted on any agricultural, public or institutional, commercial, or industrial uses subject to the following regulations:

1. Wall signs shall be primarily constructed out of primarily channel cut letters or other high-quality sign construction types, as determined by the Zoning Manager. Logos and graphic elements may also be used in conjunction with the letters used.
2. Wall signs for multiple tenants shall only be permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings.
3. Manual changeable copy signs shall be permitted when incorporated into a permitted wall sign.
4. Wall signs shall not extend above the building wall vertically or obstruct any windows or doors of any building.
5. Class II and Class III Home-Based Businesses shall be permitted one non-illuminated wall sign not to exceed six square feet.

**Table 37: Wall Sign Regulations**

Regulation	Requirement
Quantity	Single Tenant: 1 per parcel Multi-Tenant: 1 per tenant
Maximum Area	25% of the building frontage or 250 square feet, whichever is less, for each building face that abuts a frontage
Illumination	Internal or external illumination



*Illustration of a wall sign (left) and a window sign (right)*

**J. Window Signs.** Window signs are permitted on any agricultural, public or institutional, commercial, or industrial uses subject to the following regulations:

**Table 38: Window Sign Regulations**

Regulation	Requirement
Quantity	No limit
Maximum Area	The cumulative maximum area of all window signs shall be included in the overall calculation of allowable wall signage. A maximum of 25% of each window may be covered by window signs. Political jurisdictions and educational facilities are exempted from this maximum area.
Illumination	Internal or external illumination

## 8.11 Temporary Sign Regulations

**A. Permitted Types of Temporary Signs.** ["Table 40: Permitted Types of Temporary Signs for Each Use Category"](#) identifies the types of permanent signs that are permitted for each use category. A "P" in the table indicates signs that are permitted and a blank space indicates signs that are prohibited.

**Table 39: Permitted Types of Temporary Signs for Each Use Category**

	Agricultural Uses	Residential, Single and Two-Family	Residential, Multi-Family	Public or Institutional Use	Commercial Uses	Industrial Uses
Temporary Banner Sign	P			P	P	P
Temporary Commercial Sign	P			P	P	P
Temporary Construction Sign	P	P	P	P	P	P
Temporary Non-Commercial Sign				P	P	P
Temporary Special Event Sign	P			P	P	
Temporary Residential Sign		P	P			

**B. Temporary Banner Sign.** Temporary banner signs are permitted on any agricultural, public or institutional, commercial, or industrial use subject to the following regulations:

1. Banners must be stretched taut, and secured against buildings, canopies, canopy supports, or sign supports.
2. Banners shall not obstruct pedestrian or vehicular views and shall not interfere with safe traffic flow.

**Table 40: Temporary Banner Sign Regulations**

Regulation	Requirement
Quantity	1 per parcel
Maximum Area	32 square feet
Maximum Timeframe	14 consecutive days
Illumination	Illumination is not permitted



*Illustration of a temporary banner sign (left) and a temporary banner sign (right)*

**C. Temporary Commercial Sign.** Temporary commercial signs are permitted on any agricultural, commercial, or industrial use subject to the following regulations:

**Table 41: Temporary Commercial Sign Regulations**

Regulation	Requirement
Quantity	1 per right-of-way frontage up to 2 signs
Maximum Area	32 square feet for the first sign and 20 square feet for the second sign
Maximum Height	12 feet
Maximum Timeframe	Sign(s) must be removed within 7 days after sale
Illumination	Illumination is not permitted

**D. Temporary Construction Sign.** Temporary construction signs are permitted on any use subject to the following regulations:

1. Temporary construction signs shall be confined to the site of construction, construction shed, or construction trailer and shall be removed within 14 days of issuance of the certificate of occupancy.
2. The maximum height of a temporary construction sign shall be 12 feet unless a greater size sign is required by State or Federal contract.

**Table 42: Temporary Construction Sign Regulations**

Regulation	Requirement
Quantity	1 per parcel
Maximum Area	32 square feet
Maximum Height	12 feet
Maximum Timeframe	Permitted during active construction
Illumination	Illumination is not permitted



*Illustration of a temporary construction sign (left) and a temporary non-commercial sign (right)*

**E. Temporary Non-Commercial Sign.** Temporary non-commercial signs are permitted on any public or institutional, commercial, or industrial use. Temporary non-commercial signs are subject to the following regulations:

**Table 43: Temporary Non-Commercial Sign Regulations**

Regulation	Requirement
Quantity	No limit
Maximum Area	12 square feet
Maximum Height	5 feet
Maximum Timeframe	None
Illumination	Illumination is not permitted

**F. Temporary Special Event Signs.** Temporary special event signs are permitted on any agricultural, public or institutional, or commercial use. Temporary special event signs are subject to the following regulations:

1. Temporary special event signs shall be approved by the Zoning Manager.
2. Temporary special event signs shall be located entirely on the premises where the special event is taking place and be set back no less than 20 feet from all property lines.
3. Temporary special event signs may be ground mounted or wall signs. Temporary special event wall signs shall be mounted flat to the wall and shall not project above the roof line.

**Table 44: Temporary Special Event Sign Regulations**

Regulation	Requirement
Quantity	No limit
Maximum Area	32 square feet
Maximum Height	6 feet
Maximum Timeframe	Sign(s) shall be removed within 7 days after the event
Illumination	Illumination is not permitted



*Illustration of a temporary special event sign (left) and a temporary residential sign (right)*

**G. Temporary Residential Sign.** Temporary residential signs are permitted on any single family, two-family, or multi-family residential use subject to the following regulations:

**Table 45: Temporary Residential Sign Regulations**

Regulation	Requirement
Quantity	1 per right-of-way frontage up to 2 signs
Maximum Area	6 square feet
Maximum Height	4 feet
Maximum Timeframe	Sign(s) must be removed within 7 days after sale
Illumination	Illumination is not permitted

## 8.12 Billboards (Off-Premise Commercial Signs)

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

**B. Where Permitted.** Billboards shall be a Conditional Use and shall be permitted only in the Agricultural, Commercial and Industrial districts, subject to the standards contained herein and the Highway Advertising Act of 1972, as amended.

### C. Spacing and Location

1. No billboard shall be located within 2,000 feet of another billboard abutting either side of a street or highway.
2. No billboard shall be located within 1,000 feet of a residential zone and/or existing residence.
3. No billboard shall be located closer than 75 feet from a public right-of-way and 10 feet or the height of the billboard (whichever is greater) from any boundary lines of the lot/premises on which the billboard is located.

4. No billboard shall be located on a parcel which contains another principal structure.
  5. Tandem and stacked billboards are not permitted.
- D. Height.** The height of a billboard shall not exceed 25 feet above the ground level provided however, that the permitted height may be increased to 40 feet by the Board of Zoning Appeals (BZA), if it can be shown that excessive grades, building interference, bridge obstruction, and similar traits exists on the site.
- E. Surface Area.** The surface display area of any side of the billboard shall not exceed 300 square feet.
- F. Illumination.** A billboard may be indirectly illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare, reflection or light rays cast onto any portion of a public right-of- way, the path of on-coming vehicles or any adjacent property or premise. Billboards or off-premise commercial signs shall not be internally illuminated or have blinking, flashing, intermittent, LED or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of writing or printing.
- G. Construction and Maintenance of Billboards or Off-Premise Signs**
1. No billboard shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
  2. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
  3. A billboard shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area.
  4. Not be hazardous or disturbing to existing or projected future use.

### 8.13 Measurement of Signs

- A. Ground Mounted Signs.** The area of a ground mounted sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all the elements of the matter displayed.
- B. Wall Signs.** The area of the letters, numbers, or emblems mounted or painted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of a rectangle or series of rectangles around the letters, numbers, or emblems, and determining the area. Wall signs that incorporate letter descenders, which extend below the baseline of a font (for example, lower case letters such as "j", "y", "p", and "q") shall not be included in the rectangle that is used to determine sign size as long as the letter descender is the only thing outside of the measurement rectangle.

### 8.14 Sign Landscaping Requirements

- A. Landscaping Requirements for Ground Mounted Signs.** All permanent ground mounted signs shall be required to have landscaping beneath and around the sign in accordance with the following regulations:
  - 1. The minimum landscaped area shall be equal to the area of the sign face.
  - 2. The landscaped area may include living plantings such as shrubs and grasses. The use of concrete, asphalt, or other paved surfaces inside the required landscaped area beneath the sign is prohibited.

### 8.15 Sign Lighting Requirements

- A.** Signs identified in this Article are permitted to be internally or externally illuminated unless otherwise provided for in this Article.
- B.** Signs that are externally illuminated shall employ illumination that is constant, stationary, and shielded. Illumination shall be directed only on the sign.
- C.** Sign illumination is subject to the lighting regulations in [Article 9](#).
- D.** Sign illumination shall not create a distraction for motorists or a hazard for traffic.
- E.** The intensity of illumination resulting from all internal and external sign lighting shall not exceed one-half foot candles at a height of five feet when measured at any point on a residential use or at any point on any public right-of-way.

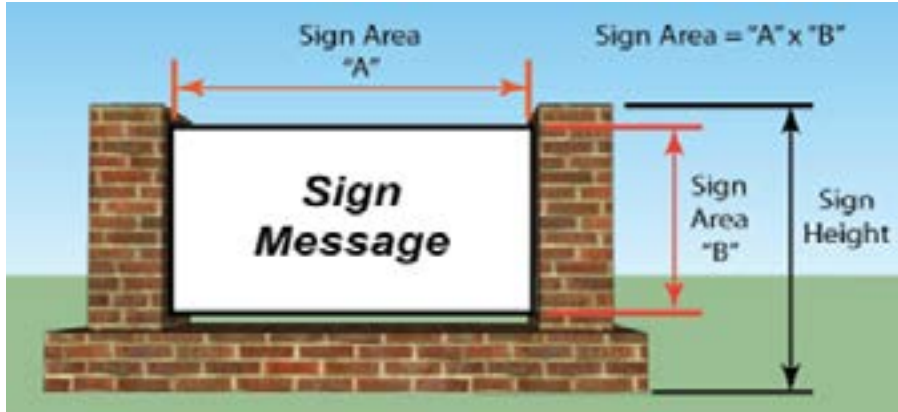


Illustration of signage area for a ground mounted sign



Illustration of letter descenders that are not counted toward wall sign area

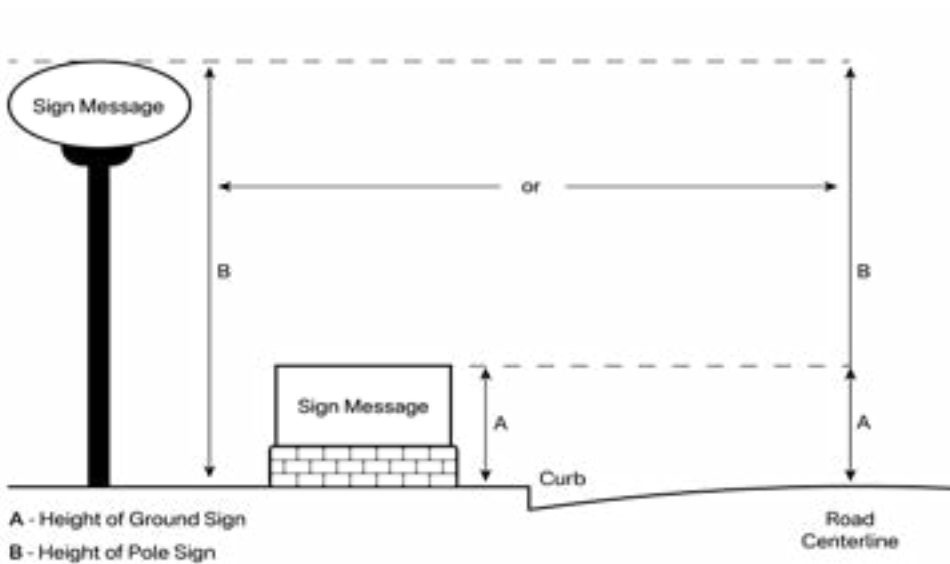


Illustration of ground mounted sign area calculation

## 8.16 Sign Bonuses

- A. One additional square foot of sign area for a ground mounted sign will be permitted for every additional foot that a ground mounted sign is set back beyond the minimum setback requirement up to a maximum of 50 square feet.
  - 1. An automatic sign area bonus of 10 percent will be permitted for ground mounted signs which are set back 200 or more feet from the edge of the right-of-way along all state highways in area where the speed limit is 55 or more miles per hour.
  - 2. Monument on-site signs placed in a landscape planter area containing 100 or more square feet of planted area shall, in all non-residential uses, be entitled to a 15 percent sign area bonus.

## 8.17 Safety

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

## 8.18 Nonconforming Signs

- A. All signs legally existing before the effective date of this Resolution may be continued, even though such sign may not conform with the provisions (excluding safety, maintenance, and repair) of this Resolution, provided such signs are property maintained and do not endanger the public health, safety, or general welfare.
- B. General maintenance shall be permitted on all nonconforming signs. The relocation or replacement of the sign, or any alteration in the size or structure of the sign, except toward compliance with this Resolution shall cause the sign to lose its status as legally nonconforming.

## 8.19 Sign Maintenance

- A. Signs shall be maintained in a safe and good condition at all times by the owner of the sign. Regular maintenance includes the repair and replacement of damaged or malfunctioning parts, repainting, cleaning, and other acts required to keep the sign in good condition.
- B. Property surrounding any ground mounted sign shall be maintained in a clean and sanitary condition and shall be free from weeds, rubbish, and flammable material.

# ARTICLE 9

## LIGHTING

### 9.01 Purpose

The purpose of this Article is to regulate the placement, orientation, and fixture types of outdoor lighting to control light trespass and glare on adjacent properties and public roadways, and to provide a sufficient level of illumination necessary for the adequate, safe, and efficient movement of vehicles and persons.

### 9.02 Applicability

This Article applies to all new and replacement outdoor lighting fixtures located on non-residential properties in Clinton County. Outdoor lighting fixtures placed in the public right-of-way by Clinton County are exempt from the regulations of this Article.

### 9.03 Exemptions

The following lighting scenarios are exempt from the regulations contained in this Article:

- A. All lighting required by the Federal Aviation Agency (FAA) or any other federal regulatory agency;
- B. All lighting for an agricultural building or use located in the A-1, A-2, and A-3 Districts;
- C. All temporary emergency lighting needed by police, fire, medical, or other emergency service vehicles, and public service vehicles. This includes vehicular lights which are exempt from the requirements of this Article, including flashing or blinking lights;
- D. Holiday lighting of a temporary nature; and
- E. Street and traffic lights.

### 9.04 Prohibited Lights

The following types of lights are prohibited in Clinton County:

- A. Any high-intensity or flashing light not associated with emergency services or public safety;
- B. Beacons and search lights;
- C. Laser source lights; and
- D. LED, neon tubing, or string lights that are being used as building accent lighting or window trimming.

## 9.05 Lighting Standards

**A. Lighting Plan.** A lighting plan is required for all new and replacement outdoor lighting fixtures located in the C-1, C-2, C-3, I-1, and I-2 Districts unless otherwise stated herein. The lighting plan shall be reviewed and approved by the Zoning Manager and shall provide the following information:

1. A photometric plan showing the proposed intensity levels of lighting that extends as far as any proposed lighting will reach or up to 30 feet into the adjacent properties, whichever is greater. The photometric plan shall include all existing and proposed lighting that is over 25 watts.
2. Details of all proposed lighting fixtures, indicating the manufacturer, model, and style of fixture;
3. The height of all proposed freestanding lighting fixtures and wall-mounted fixtures;
4. The locations of all site lighting, including wall-mounted, security, flood, parking lot lighting, and other lights that may be proposed; and
5. The minimum and maximum intensity or illumination for the site.

### **B. Lighting Fixture Height**

1. All freestanding lighting fixtures shall not exceed a maximum height of 30 feet above grade.
2. All lighting fixtures attached to an exterior of the structure shall not exceed the height of the structure.
3. All freestanding lights without cutoff fixtures (decorative) shall not exceed 18 feet.

### **C. Lighting Styles and Design**

1. All outdoor lighting (not including decorative fixtures) shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from adjacent properties. Such lighting shall be installed so the fixtures point down and away from any property line.
2. Wall-mounted lights shall be screened by the building's architectural features or contain a cutoff shield, to direct light onto the building and immediate vicinity and not into adjacent properties.
3. Flags, fountains, monuments, statues, or other similar objects, as determined by the Zoning Manager, may utilize upward lighting in the form of spotlights to illuminate the object of interest.



*Illustration of full cutoff (left) and non-cutoff (right) lighting fixtures*

**D. Illumination Levels.** Light originating on a site shall not exceed illumination levels beyond the property lines as established in the following table.

**Table 46: Illumination Levels**

When a non-residential land use is adjacent to a...	The maximum illumination level at the property line is...
Single-family or two-family dwelling	0.0 footcandles
Non-residential use	1.0 footcandles

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# ARTICLE 10

## ADMINISTRATION AND PROCEDURES

### 10.01 Purpose

The purpose of this Article is to identify the roles and responsibilities of the Board of County Commissioners, the Rural Zoning Commission, the Board of Zoning Appeals, the Clinton County Regional Planning Commission, and the duties of the Zoning Manager in the administration and regulatory processes of this Resolution

### 10.02 Administration

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

### 10.03 Relief from Personal Responsibility

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

## 10.04 Summary Table of Procedures

A. The following table summarizes the review and decision-making responsibilities of the entities that have roles in the various regulatory procedures.

**Table 47: Summary Table of Procedures**

Procedure	Section Reference	Regional Planning Commission	Zoning Manager	Rural Zoning Commission	Board of Zoning Appeals	County Commissioners
Zoning Map and Resolution Amendment	10.07. <a href="#">A</a>		Z	R		D
Preliminary Planned Unit development	10.07. <a href="#">B</a>		Z	R		D
Final Planned Unit Development	10.07. <a href="#">B</a>		Z	D		A
Site Plan	10.07. <a href="#">C</a>	R/D				
Variance	10.07. <a href="#">D</a>		Z		D	
Conditional Use	10.07. <a href="#">E</a>		Z		D	
Administrative Appeal	10.07. <a href="#">F</a>		Z		D	
Administrative Relief of Area Standards	10.07. <a href="#">G</a>		Z/D		A	
Zoning and Land Use Permit	10.07. <a href="#">H</a>		Z/D			

Z = Zoning Manager Review R = Review and Recommendation D = Final Decision A = Appeal

## 10.05 Review and Decision Making Bodies

### A. Zoning Manager

1. **Powers and Duties.** It shall be the responsibility of the Zoning Manager to enforce the provisions of this Resolution and in so doing shall perform such duties as prescribed by the Board of Clinton County Commissioners which shall include, but not limited to, the following:

- a. **Issue Zoning/Land Use Permits.** All applications for Zoning/Land Use Permits shall be submitted to the Zoning Manager who shall issue Zoning/Land Use Permits when all applicable provisions of this Resolution have been addressed.
- b. **File Applications.** The Zoning Manager shall maintain files of all applications for Zoning/Land Use Permits and shall maintain a record of all Zoning/Land Use Permits issued. Such files and records shall be open to public inspection during normal business hours.

- c. **Official Copies.** Maintain one official copy of an updated Clinton County Zoning Resolution and Clinton County Zoning District Map, as amended.
- d. **Inspections.** The Zoning Manager shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Resolution.
- e. **Approve Minor Modifications.** The Zoning Manager shall be granted to ability to approve minor modifications to a Site Plan or similar development requirements per Section 10.07.G.
- f. **Record of Complaints.** The Zoning Manager shall keep a record of every written complaint of a violation of any of the provisions of this Resolution, and of the actions taken consequent to each such complaint; such record shall be public record.
- g. **Report and Liaison/Advisor to the Boards.** The Zoning Manager shall report to the Board of Clinton County Commissioners periodically at intervals of not greater than one year, summarizing for the period since the last report of all amendments or supplements to the Resolution, complaints of violation, all appeals, Variances and exceptions granted by the Board of Zoning Appeals (BZA) and state action taken subsequent thereto. The Zoning Manager shall serve as the staff secretary or liaison with/advisor to the Clinton County Rural Zoning Commission (RZC) and the Board of Zoning Appeals (BZA) and offer guidance, based in part from information obtained from reliable sources, during their deliberation of issues and/or applications.
- h. **Orders.** The Zoning Manager shall order the discontinuance and removal of illegal uses, of land, buildings, and structures.
- i. **Other Action.** The Zoning Manager shall be authorized by this Resolution to ensure compliance with or prevent violations of these regulations.

## B. Clinton County Rural Zoning Commission (RZC)

1. **Establishment.** Pursuant to the Ohio Revised Code (ORC) Chapter 303, there is hereby established a Rural Zoning Commission (RZC) in and for Clinton County, Ohio. Such Commission shall consist of five residents of the zoned unincorporated area of the County of Clinton and be appointed by the Board of Clinton County Commissioners. The terms of members shall be such length and so arranged that the term of one member shall expire each year; however, each member shall serve until a successor is appointed. Vacancies shall be filled by resolution of the Board of Clinton County Commissioners.

- 2. Removal of Members.** Members of the Rural Zoning Commission may be removed for not attending meetings and shall be removed for non-performance of duty, misconduct in office or other cause by the Board of Clinton County Commissioners, upon written charges being filed with the Commissioners. A copy of the complaint shall be served by registered mail to the member at least 10 days prior to dismissal action, so as to give the member an opportunity to be heard and answer all charges or complaints.
- 3. Proceedings.** The Rural Zoning Commission shall establish Rules of Procedure that shall govern the conduct of the Commission.
- 4. Powers and Duties.** For the purposes of this Resolution, the Rural Zoning Commission shall have the following powers and duties:

  - a.** Initiate and/or review proposed amendments to this Resolution and make a written recommendation to the Board of Clinton County Commissioners for adoption.
  - b.** Hear and decide upon amendment to this Resolution.
  - c.** Set the boundaries of the official Clinton County Zoning District Map, in accordance with the provisions of this Resolution.
  - d.** Seek and consider the recommendation of the Clinton County Regional Planning Commission, the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton Soil and Water Conservation District and other experts as needed to carry out these duties and responsibilities.
  - e.** Review and act upon Site Plan applications as provided for in this Resolution.
- 5. Rules and Procedure.** The Rural Zoning Commission shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Commission shall choose its own chairman, and in their absence- a vice chairman, who may administer oaths and compel the attendance of witnesses.
- 6. Quorum.** Three members of the Rural Zoning Commission shall comprise a quorum for the purpose of conducting a meeting of the Rural Zoning Commission.
- 7. Meetings.** All meetings of the Rural Zoning Commission shall be open to the public in accordance with applicable laws.
- 8. Records.** Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Rural Zoning Commission including all evidence and data considered, and all findings of fact and conclusions drawn by the Rural Zoning Commission for every case together with the votes of the members and the final disposition of each case. Such minutes shall be available to the public during normal office hours.

- 9. Hearings.** The Rural Zoning Commission shall fix a reasonable time and date for a Public Hearing, not to exceed 30 days from the filing of any petition with the Zoning Manager, and give due notice to be delivered personally or by First Class Mail to the applicant/respective owners at the address(es) given in the application. Upon the hearing, any party may appear in person or by agent. The Rural Zoning Commission shall vote to recommend approval or denial on the requested zone change. Their recommendation will be forwarded to the Board of Clinton County Commissioners.

### C. Clinton County Board of Zoning Appeals (BZA)

- 1. Establishment.** A Board of Zoning Appeals (BZA) is hereby created in and for Clinton County, Ohio and shall have the authority as specified in Section 2.05 of this Resolution and Sections 303.13 to 303.15 of the Ohio Revised Code (ORC). The Board of Zoning Appeals shall consist of five members as appointed by the Board of Clinton County Commissioners. Every member shall be a resident of the zoned unincorporated territory of Clinton County, Ohio. The terms of members shall be such length and so arranged that the term of one member shall expire each year; however, each member shall serve until a successor is appointed. Vacancies shall be filled by resolution of the Board of Clinton County Commissioners.
- 2. Removal of Members.** Members of the Board of Zoning Appeals may be removed for not attending meetings or shall be removed for non-performance of duty, misconduct in office, or other cause by the Board of Clinton County Commissioners upon written charges being filed with the Commissioners. A copy of the complaint shall be served by registered mail to the member at least 10 days prior to dismissal action, so as to give the member an opportunity to be heard and answer all charges or complaints.
- 3. Proceedings.** The Board of Zoning Appeals shall adopt Rules of Proceedings that shall govern the conduct of the Board. Further, the Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules or policies as may be adopted.
- 4. Powers and Duties.** In exercising its duties, the Board of Zoning Appeals may as long as such action is in conformity with the terms of this Resolution, reverse or affirm wholly or partly, or modify the order, requirements, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Manager from whom the appeal is taken. The concurring vote of a majority of those members present shall be necessary to reverse any order, decision, or determination of the Zoning Manager, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following responsibilities:

- a. Hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Manager, in accordance with this Resolution.
  - b. Authorize such Variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to unique circumstances, a literal enforcement of this Resolution will result in unnecessary hardship or practical difficulty in accordance with guidelines of this Resolution.
  - c. Seek and consider the recommendation of the Clinton County Regional Planning Commission, the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton Soil and Water Conservation District and other experts as needed to carry out these duties and responsibilities.
  - d. Grant Conditional Uses as specified in the Official Schedule of District Regulations and such additional safeguards as will uphold the intent of this Resolution.
  - e. Authorize the substitution or extension of nonconforming uses, as specified in this Resolution.
  - f. Declare zoning permits void, in accordance with this Resolution.
  - g. Have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
- 5. Rules and Procedure.** The Board of Zoning Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall choose its own chairman, and in his/her absence, a vice chairman, who may administer oaths and compel the attendance of witnesses.
- 6. Quorum.** Three members of the Board of Zoning Appeals shall comprise a quorum for the purpose of conducting a meeting of the Board of Zoning Appeals.
- 7. Meetings.** All meetings of the Board of Zoning Appeals shall be open to the public in accordance with applicable laws.
- 8. Records.** Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Board of Zoning Appeals including all evidence and data considered, and all findings of fact and conclusions drawn by the Board of Zoning Appeals for every case together with the votes of the members and the final disposition of each case. Such minutes shall be available to the public during normal office hours.

- 9. Hearings.** The Board of Zoning Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed 30 days from the filing of any petition with the Zoning Manager, and give due notice to be delivered personally or by First Class Mail to the applicant/respective owners at the address(es) given in the application. Upon the hearing, any party may appear in person or by agent. Following the public hearing, the Board of Zoning Appeals shall approve, approve with conditions, or deny the application.

#### **D. Clinton County Regional Planning Commission (CCRPC)**

- 1. Powers and Duties.** The powers and duties of the Clinton County Regional Planning Commission (CCRPC) shall include:
- a.** Act as a consultant to the Board of Zoning Appeals and the Zoning Manager on matters of enforcement and administration of this Resolution.
  - b.** Review the Comprehensive Plan and draft changes, if deemed necessary for consideration at public hearing.
  - c.** Lead periodic review and recommend changes as needed to this Resolution.
  - d.** Review and take action on Site Plans as prescribed in Section 10.07.C of this Resolution.
  - e.** Review all proposed amendments and changes to this Resolution and associated Zoning District Map requested to the Rural Zoning Commission and provide a recommended course of action.
  - f.** Review and recommend actions on items to be considered by the Board of Zoning Appeals.
  - g.** Administer the Clinton County Subdivision Regulations.

#### **E. Board of Clinton County Commissioners**

- 1. Powers and Duties.** The powers and duties of the Board of Clinton County Commissioners include:
- a.** Appoint members to the Board of Zoning Appeals and the Rural Zoning Commission.
  - b.** Initiate and/or approve suggested amendments to this Resolution and/or the associated Zoning District Map.
  - c.** Override a written recommendation of the Rural Zoning Commission on a text or map amendment of this Resolution and/or the associated Zoning District Map, provided such action is passed by a majority vote in accordance with ORC 303.12(H).
  - d.** Appoint or otherwise support the proper administration of this Resolution through the oversight and support of the Zoning Manager and associated staff as needed.

- e. Establish a schedule of fees, charges, and expenses required for the administration of this Resolution.

**F. Office of the Clinton County Engineer**

**1. Powers and Duties.** The powers and duties of the Office of the Clinton County Engineer include:

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

**10.06 Common Review Requirements**

**A. Authority to File Applications.** Unless otherwise specified in this Resolution, development applications may be initiated by:

- 1. The owner(s) of the property that is the subject of the application or an authorized agent of the owner;
- 2. The owner's authorized agent; or
- 3. A representative of Clinton County, Ohio.

**B. Fees**

- 1. The Board of County Commissioners may establish and set forth by resolution a schedule of fees for the procedures listed in **"Table 48: Summary Table of Procedures"**.
- 2. Governmental entities are not required to pay any fee associated with an application to the County under this Resolution.

### C. Notification Requirements

#### 1. Mailed Notice

- a. After a public hearing has been scheduled, a written notice of the hearing shall be sent no less than 10 days prior to the date of the hearing to the property owners within 1,000 feet of the subject property.
- b. Notice shall be sent to the person or entity identified as the tax mailing recipient in the Clinton County Auditor’s records. Failure of receiving a notice shall not be grounds to invalidate a decision.

#### 2. Published Notice

- a. Notice of a public hearing shall be published in a newspaper of general circulation or website and social media no less than 10 days prior to the date on which the hearing is to be conducted.

## 10.07 Specific Procedures

### A. Zoning Map or Resolution Amendment

- 1. **Process Flow Chart.** Applications for a zoning map amendment and amendment to the text of this Resolution must follow the specific procedure outlined in Subsection 10.07.A.2, which is summarized in the flow chart below.



Zoning Map or Resolution Amendment

CC = County Commissioners | RZC = Rural Zoning Commission | ZM = Zoning Manager

**2. Approval Process.** The following is the approval process for a text or map amendment.

**a. Initiation of Amendment**

- i. Zoning map amendments and amendments to the text of this Resolution may be initiated in one of the following ways:
  - A. By motion of the Rural Zoning Commission;
  - B. By the passage of a resolution by the Board of County Commissioners; or
  - C. By the filing of an application by one or more of the owners or lessees of the property proposed to be changed or affected by the proposed amendment.

**b. Submit Completed Application**

- i. All applications for a zoning map amendment or amendment to the text of this Resolution shall be completed on a form provided by the County and include any and all additional information requested.
- ii. Upon receipt of the application, the Zoning Manager will determine whether the application is complete. If it is not complete, the applicant will be notified of the additional materials or information that are needed.
- iii. The Rural Zoning Commission shall fix a reasonable time and date for a Public Hearing, not to exceed 45 days from the filing of the completed application with the Zoning Manager.

**c. Rural Zoning Commission Public Hearing.** A public hearing will be held in accordance with the Rural Zoning Commission Rules of Procedures. Notice of such hearing shall be in accordance with Section 10.06.C of this Resolution.

**d. Rural Zoning Commission Review and Recommendation.** The Rural Zoning Commission shall make a finding supporting or denying the requested district change or text amendment application and forward a recommendation to the Board of County Commissioners within 60 days after the completed application has been filed with the Zoning Manager unless the applicant and the majority of the members of the Rural Zoning Commission agree upon an extension of time

**e. Board of County Commissioners Public Hearing.** Within 30 days from receipt of the recommendation of the Rural Zoning Commission, the Board of Clinton County Commissioners shall hold a public hearing. Notice of such hearing shall be in accordance with Section 10.06.C of this Resolution.

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

  - i.** Compatibility of the proposed amendment with the zoning and use of adjacent land, and the Comprehensive Plan.
  - ii.** The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage, and/or public infrastructure in the area.
  - iii.** The effect of the adoption of the proposed amendment upon the public health, safety, and general welfare of the residents of adjacent properties.
- g. Board of County Commissioners Decision.** Within 20 days after the public hearing required, the Board of Clinton County Commissioners shall either adopt or deny the recommendations of the Rural Zoning Commission, or it may adopt some modification thereof. In the event the Board of County Commissioners denies or modifies the recommendation of the Rural Zoning Commission, the majority vote in accordance with ORC 303.12(H) of the Board of Clinton County Commissioners is required.
- h. Board of County Commissioners Referendum.** Such amendment adopted by the Board of County Commissioners shall become effective 30 days after the date of adoption, unless within that 30 days there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the County or part thereof included in the zoning plan, equal to eight percent of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of County Commissioners to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

**B. Planned Unit Development.** The process for Planned Unit Developments is established in Section 4.01.L.

**C. Site Plan**

- 1. Intent and Purpose.** It is the purpose of this Section to require Site Plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns and the character of the future development of Clinton County, Ohio. The requirements contained in this Section are intended to reduce the hazards to life, property and the environment because of fire, flooding, soil erosion, poor surface water drainage,

inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors, and other hazards; and to promote and facilitate adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements and to promote the harmonious relationship of uses through proper design.

- 2. Authority for Site Plan Review.** The Clinton County Regional Planning Commission shall have the authority to review and approve the Preliminary and Final Site Plans as required in this Section. The approval of said Final Site Plan shall be forwarded to the Clinton County Rural Zoning Commission and follow the prescribed process for a Zoning Map Amendment pursuant to Subsection 10.07.A.2 of this Resolution.
- 3. Site Plan Review Required.** The construction, alteration, addition, expansion, change or conversion of all development other than a single- family residential use or agricultural/farm structures requires review subject to this Section and Resolution. No building shall be erected, moved, structurally altered, added to or have any change in use which would affect its approved off street parking, or other requirement, and no building or land shall be used nor any building, grading, or occupancy permit shall be issued except in accordance with a Final Site Plan approved under this Section.
- 4. Site Plan Review Coordination.** Prior to approving a Site Plan submitted under this Section, the Clinton County Regional Planning Commission shall have obtained the review and recommendation(s) from the Clinton County Technical Review Committee, including the office of the Clinton County Engineer, Clinton County Health Department, Clinton Soil and Water Conservation District, Clinton County Building and Zoning Department, the Clinton County Sanitary Engineer, and as necessary, the Ohio Department of Transportation, the Ohio Environmental Protection Agency, the townships trustees for the township in which the project is located, and other appropriate agencies deemed necessary.
- 5. Issuance of Zoning Permit.** The Zoning/Land Use Permit shall not be issued until a Final Site Plan has been approved and is in effect. Should approval of a Site Plan be denied, the applicant shall be given a written explanation detailing why the Site Plan was denied.
- 6. Preliminary Site Plan Application**
  - a.** Any person with a legal interest in a lot may apply for Preliminary Site Plan approval to the Clinton County Regional Planning Commission. All site plans shall be submitted no less than 15 business days prior to the date consideration is desired and must contain the following to be formally accepted:
    - i.** A completed application signed by the owner(s); if the owner(s) is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is one or more individual(s), each individual owner must sign the application.



the area included in the approved Preliminary Site Plan , successive Final Site Plans shall be filed at intervals no longer than two years from the date of approval of the previously approved Final Site Plan. If such period is exceeded, the Commission may declare the approved Preliminary Site Plan as not in compliance with the Zoning Resolution with respect to the remaining parts of the site and shall notify the Commission by placing the item on the next available meeting of the Commission. In such case, the Commission may require a new Preliminary Site Plan be submitted, or extend the expiration period if good cause can be shown for the delay(s).

## 10. Final Site Plan Application

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

**11. Standards for Review.** In reviewing the Final Site Plan the Clinton County Regional Planning Commission shall determine whether the plan meets the following specifications and standards:

- a. That the Final Site Plan conforms to the Preliminary Site Plan as approved.
- b. That all required information has been provided.
- c. That the proposed development as shown in the Site Plan conforms to all regulations of the Zoning Resolution for the district(s) for which it is located.
- d. That the applicant may legally apply for the Site Plan review.
- e. That the proposed development meets all established rules and regulations of the various review agencies.

- f. That the plan complies with all applicable zoning resolution and other regulations covering the proposal, including the Design Review Guidelines of this Section.
- g. That the plan, including all engineering drawings, meets specifications of the County and individual Township for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services.

**12. Final Site Plan Action by the CCRPC**

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

**13. Effect of Approval.** Approval of the Final Site Plan authorizes issuance of the Zoning/Land Use Permit and issuance of a building permit, provided all other requirements for a building permit have been satisfied. In the case of uses without buildings or structures, approval of a Final Site Plan authorizes issuance of a certificate of zoning compliance and issuance of a Zoning/Land Use Permit, provided all other requirements for such approval have been met.

**14. Expiration of Approval.** The approval of the Final Site Plan shall expire and be of no effect unless a building permit has been issued within 180 days of the approval of the Final Site Plan. Approval of a Final Site Plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved Final Site Plan.

**15. Combining Preliminary and Final Site Plans.** An applicant may, at the applicant's discretion and risk, with the advance approval of the Clinton County Regional Planning Commission staff, combine a preliminary and Final Site Plan in the application for approval. The Clinton County Regional Planning Commission shall have the authority to require submittal of a Preliminary Site Plan separate from a Final Site Plan, where in its opinion, the complexity and/or site conditions warrant. A Preliminary Site Plan and Final Site Plan shall not be combined for any development consisting of two or more phases.

## 16. Amendments to the Approved Site Plan

- a. Amendments to an approved preliminary or Final Site Plan may occur only under the following conditions:
  - i. An applicant or property owner who has been granted approval of a Site Plan shall notify the Zoning Manager of any minor proposed amendments to the approved site plan.
  - ii. The Zoning Manager may approve minor changes if the proposed revision does not alter the basic design, or any conditions of the plan. In considering such determination the Zoning Manager shall consult the Clinton County Regional Planning Commission and for the purposes of this section consider the following to be a minor change:
    - A. For residential buildings, the size of the structures may be reduced, provided that the overall density of units does not increase.
    - B. Square footage of the non-residential building may be decreased.
    - C. Change of building height, but in no case exceed height limits.
    - D. Movement of a building or buildings by not more than 25 feet provided required setbacks are addressed.
    - E. Designated "areas not to be disturbed" may be increased.
    - F. Plantings approved in the Final Site Plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one to one or greater basis.
    - G. Changes in floor plans, which do not alter the character of the use.
    - H. Slight modifications to sign placement or reduction of size.
    - I. Relocation of sidewalks and/or refuse storage stations.
    - J. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design, provided that all parking regulations are met.
    - K. Changes required or requested by the County Sheriff or the Fire Department for safety reasons, which do not affect the site lay out, shall be considered a minor change.
    - L. The proposed addition constitutes not more than five percent of the existing floor area.

- M.** The building modification or change of use does not require additional off-street parking.
- N.** The building or site modification does not encroach upon an existing parking lot.
- O.** The building or site modification is not adjacent to a district that permits a dwelling.
- P.** A minor building or site modification will not have a significant impact upon adjoining land uses.

**b.** Major Changes to a Preliminary or Final Site Plan shall be submitted to the Clinton County Regional Planning Commission for approval as a new application in accordance with this Resolution.

**17. Phasing of Development.** The applicant may divide the proposed development into two or more phases. In such case, the Preliminary Site Plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A Final Site Plan shall be submitted for review and approval for each phase.

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

- a.** Proposed development which could potentially harm nearby and surrounding area property values shall not be permitted.
- b.** The side and rear elevations of proposed buildings shall compliment the front elevation, especially where the side and rear elevations are viewed by the motoring public.
- c.** Building additions shall result in elevations which compliment the architectural design and building materials of the main structure.
- d.** Mechanical equipment, whether located at ground level, raised, or on a roof, shall be shielded and screened from public view, and, be designed in order to be perceived as being an integral part of a building.
- e.** Unless entirely screened from view, structures shall be oriented such that no loading area is directly visible from an adjacent residential district or from either an existing or future public right-of-way.
- f.** To the greatest extent possible, specimen trees and tree groves shall be preserved as well as integrated into the design of a development site.

- g. Parking lot and lighting layout and design shall be comprehensively reviewed to comply with the requirements of these Regulations. No streetscape shall be dominated by parking lots, whether located on the same, adjacent, or nearby property. Any proposed lighting must not cast glare upward or onto adjacent properties.
- h. Manufacturing and warehouse buildings, including self storage facilities and mini warehouses, shall contain an attractive facade on all building sides facing a public street or one or more residential structures, and, shall also include generous amounts of landscape materials, some of which must be trees.
- i. Large impervious surfaces, including structures or parking areas over 60,000 square feet in area should incorporate low impact development storm water management techniques including but not limited to: green roofs, rain gardens, or pervious parking surfaces to the greatest extent feasible.

**D. Variance**

- 1. **Process Flow Chart.** Applications for a Variance must follow the specific procedure outlined in Subsection 10.07.D.2, which is summarized in the flow chart below.
- 2. **Approval Process.** The following is the approval process for a Variance.
  - a. **Submit Completed Application**
    - i. The property owner or the owner's representative shall submit a Variance application to the Zoning Manager on a form provided by the County and include any and all information.



**Variance**

BZA = Board of Zoning Appeals | ZM = Zoning Manager



additional conditions, stipulations, and safeguards it finds necessary for the protection of nearby property and the public health, safety, morals, and general welfare of the community.

- iii. The Board of Zoning Appeals shall specify, in writing, any conditions on the approval of an application. The breach of any conditions shall automatically invalidate the Variance approval.
  - iv. No application for a Variance which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of changed conditions found to be valid by the Board of Zoning Appeals.
- e. Expiration of a Variance.** All Variances granted under the provisions of this Resolution shall become null and void if the occupation of or active use of said land, structures, or buildings permitted lapses for a period of over six months.

**E. Conditional Use**

- 1. **Process Flow Chart.** Applications for a Conditional Use must follow the specific procedure outlined in Subsection 10.07.E.2, which is summarized in the flow chart below.
- 2. **Approval Process.** The following is the approval process for a Conditional Use.
  - a. **Submit Completed Application**

- i. The property owner or the owner's representative shall submit a Variance application to the Zoning Manager on a form provided by the County and include any and all information.



**Conditional Use**

BZA = Board of Zoning Appeals | ZM = Zoning Manager



- iii. The Board of Zoning Appeals shall specify, in writing, any conditions on the approval of an application. The breach of any conditions shall automatically invalidate the Variance approval.
- iv. No application for a Variance which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of changed conditions found to be valid by the Board of Zoning Appeals.
- e. **Expiration of a Conditional Use.** All Conditional Use Permits granted under the provisions of this Resolution shall become null and void if the occupation of or active use of said land, structures or buildings permitted lapses for a period of time over six months and if the construction authorized by such has not commenced within six months of the granted permit.

## F. Administrative Appeal

1. **Process Flow Chart.** Applications for an administrative appeal must follow the specific procedure outlined in Subsection 10.07.F.2, which is summarized in the flow chart below.



### Administrative Appeals

BZA = Board of Zoning Appeals | ZM = Zoning Manager

2. **Approval Process.** The following is the approval process for an administrative appeal.

#### a. Submit Completed Application

- i. The appeal may be taken by any person aggrieved or by an officer, department, and board of the County, from which the appeal arises, of any order, requirement, decision or determination made by any administrative official charged with the enforcement of the Clinton County Zoning Resolution.
- ii. The appellant shall file a notice of appeal within 30 days after a decision with the Zoning Manager.

- iii. The Zoning Manager will determine whether the application is complete. If it is not complete, the applicant will be notified of the additional materials or information that are needed.
  - iv. Notice of the Board of Zoning Appeals hearing shall follow the requirements of Section 10.06.C.
  - v. The Board of Zoning Appeals shall fix a reasonable time and date for a public hearing, not to exceed 45 days from when the Zoning Manager deems the application complete.
- b. Board of Zoning Appeals Public Hearing.** A public hearing will be held in accordance with the Board of Zoning Appeals Rules of Procedures. Notice of such hearing shall be in accordance with Section 10.06.C of this Resolution.
- c. Board of Zoning Appeals Review.** The Board of Zoning Appeals shall review all information constituting the record upon which the action being appealed was made, as well as the appeal application and any other materials which should be considered.
- d. Board of Zoning Appeals Decision.** The BZA may, so long as such action is in conformity with this Resolution, may reverse, modify, or affirm, wholly or partly, the order, requirements, decision, or determination appealed from.
- e. Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the petition of appeal shall have been filed with the Zoning Manager, that by reason of facts stated in the appeal petition, a stay would, in his/her opinion, cause imminent peril to life and property.

#### G. Administrative Relief of Area Standards

- 1. Applicability.** The Zoning Manager shall be granted the ability to approve minor modifications to a Site Plan or similar development requirements up to 10 percent of the maximum or minimum requirements (rounded to the closest whole number) for the following standards:
- a. Front, side, or rear yard setbacks;
  - b. Height;
  - c. Lot coverage;
  - d. Parking space requirements;
  - e. Landscape material and buffering requirements;
  - f. Signage;

- g. Size requirements for buildings and structures; and
- h. Lot sizes and widths.

**2. Review Procedure.** The applicant shall submit written evidence of the practical difficulties the applicant has in meeting the zoning requirements. The Zoning Manager shall review the request, agree upon a decision, and submit a written decision to the applicant which notes the reason for the decision. If the request is denied, the applicant can still pursue a Variance from the Board of Zoning Appeals.

### H. Zoning and Land Use Permit

**1. Process Flow Chart.** Applications for a zoning and land use permit must follow the specific procedure outlined in Subsection 10.07.H.2, which is summarized in the flow chart below.



Zoning & Land Use Permits

ZM = Zoning Manager

**2. Approval Process.** The following is the approval process for a zoning and land use permit.

- a. **Submit Completed Application.** Excavation for building or structure shall not be commenced, the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken, or any land shall not be used, a previous use shall not be used, or an existing use of land shall not be expanded or changed until a Zoning/Land Use Permit has been obtained. A Zoning/Land Use Permit shall not be issued for those uses requiring the Site Plan approval process as outlined in Section 10.07.C, or Administrative Site Plan approval, until the Site Plan has been reviewed and approved, as provided for in this Resolution. A Zoning/Land Use Permit shall not be issued for those uses requiring Conditional Use approval as provided for in this Resolution, until a Conditional Use has been approved in compliance with this Resolution.
- b. An application for a zoning or land use permit shall be submitted to the Zoning Manager and include the following information:
  - i. In the case of a Zoning/Land Use Permit for a dwelling or other building intended for

human occupancy and having waste water plumbing, a written report from the Clinton County Health Department certifying in writing the approval of the private sanitary sewage disposal system or when public sanitary sewage service is available or required, a written notice of acceptance of hookup or a tap-in fee receipt from the Clinton County Sanitary Engineer or agency enforcing the sanitary sewer district regulations.

- ii. An application for a Zoning/Land Use Permit gives consent for the Zoning Manager, to enter and/or access property for proper inspection prior to issuing the permit.
- iii. When a new, expanding or rehabilitated driveway is intended, a receipt of application and approval for a driveway permit from the Office of the Clinton County Engineer, or the Ohio Department of Transportation shall be required.
- iv. All applications for a Zoning/Land Use Permit shall require an accurate map showing the following:
  - A. The location, shape, area, dimensions, legal description of the parcel, deed restrictions, location of easements, centerline of street and street right-of-way or easements.
  - B. The location, setback, dimensions, height of existing and/or proposed structures to be erected, altered, or moved on the parcel.
  - C. The existing and intended use of buildings and lot.
  - D. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
  - E. Any change in the contour of the parcel involved.
  - F. Identify surface water and waterways.
- v. Applicant must comply with the provisions and regulations of this Resolution, as well as meet the rules and regulations set forth by the Clinton County Soil and Water Conservation District, the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton County Sanitary Engineer, the Clinton County Regional Planning Commission, and any state or regional agency whose promulgated rules apply to the proposed building, structure or use. The applicant must also comply with the Clinton County Soil Erosion and Sedimentation Control Regulations, and all Township Regulations.

**3. Zoning Manager Review.** The Zoning Manager shall review the zoning or land use permit for compliance with the provisions and regulations of this Resolution, as well as meet the rules and regulations set forth by the Clinton County Soil and Water Conservation District, the office of the

Clinton County Engineer, the Clinton County Health Department, the Clinton County Sanitary Engineer, the Clinton County Regional Planning Commission, and any state or regional agency whose promulgated rules apply to the proposed building, structure or use, the Clinton County Soil Erosion and Sedimentation Control Regulations, and all Township Regulations. Applicant must comply with the provisions and regulations of this Resolution, as well as meet the rules and regulations set forth by the Clinton County Soil and Water Conservation District, the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton County Sanitary Engineer, the Clinton County Regional Planning Commission, and any state or regional agency whose promulgated rules apply to the proposed building, structure or use. The applicant must also comply with the Clinton County Soil Erosion and Sedimentation Control Regulations, and all Township Regulations.

4. **Zoning Manager Decision.** The Zoning Manager shall approve the zoning or land use permit if they determine that all applicable rules and regulations listed above in Subsection 10.07.H.3 have been met.
5. **Expiration of a Zoning or Land Use Permit.** Any permit issued shall become invalid if the authorized work is not materially commenced within two years after the date of approval of the application.
6. **Previous Approvals.** Nothing in the Resolution shall require changes in the plans, construction, or designated use of a building or structure for which a lawful building, electrical, plumbing and/or mechanical permit has been heretofore issued or otherwise lawfully authorized, and the construction and/or installation of which shall have been actively prosecuted within 90 days after the effective date of this Resolution; and the entire building or installation shall be completed as authorized within two years after the date of approval of the application.
7. **Administration of Zoning/Land Use Permits.** In cases where a building permit is required under the State of Ohio Construction Code, the application and issuance of a Zoning/Land Use Permit shall precede the application and issuance of a building permit.
8. **Submission to the Director of the Ohio Department of Transportation.** In accordance with ORC 5511.01, before any Zoning/Land Use Permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Manager shall file notice, by Certified and/or First Class Mail to the Director of the Department of Transportation. The Zoning Manager shall not issue a Zoning/Land Use Permit for 120 days from the date the notice is delivered to the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation or their assigns notifies the Zoning Manager that he shall proceed to acquire the land needed, then the Zoning Manager shall refuse to issue the Zoning/Land Use Permit. If the Director of the Ohio

Department of Transportation or their assigns notifies the Zoning Manager that acquisition at this time is not in the public interest, or if notification of action is not received, the Zoning Manager shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning/Land Use Permit.

## 10.08 Nonconforming Uses of Land and Structures

- A. Purpose and Intent.** Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in the Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, and any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other uses(s) or structure(s) prohibited elsewhere in the district without the approval of the Clinton County Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.
- B. Incompatibility of Nonconformities.** Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature that would be generally prohibited in the district in which such use is located.
- C. Avoidance of Undue Hardship.** To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Resolution or amendments and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent fashion. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.
- D. Substitution of Nonconforming Uses.** So long as no structural alterations are made, except as required by enforcement of other codes, any nonconforming use may, upon appeal to and

approval from the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulate conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

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

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

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

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

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

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

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

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

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

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. This section is not intended to override Section 10.08.G.

2. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of the adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
  3. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  4. If such nonconforming use of land and structure ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Resolution pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempted from this provision only so long as seasonal uses shall continue.
  5. Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.
  6. With the exception of nonconforming uses in the Commercial and Industrial districts, if no alterations are made, any nonconforming use of structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Resolution. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- I. Change in Nonconforming Uses in Commercial and Industrial Districts.** Irrespective of other requirements of this Resolution, in a commercial and industrial district, if no structural alterations are made, any nonconforming use of a structure and land, may be changed to another nonconforming use of the same or a more restricted classification.
- J. Change in Tenancy or Ownership.** As long as there is no change in the characteristics of the nonconforming use, a change of tenancy or ownership is allowed.
- K. District Change.** Whenever the boundaries of a district shall be changed as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary change.

- L. Hardship Cases.** Existing nonconforming buildings and structures may be structurally changed, altered, or enlarged with the approval of a Variance by the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief request would unreasonably restrict the use of the property or would restrict valuable benefits that the public currently derives from the property as uses in its nonconforming status; except that any approval for structural changes, alterations or enlargement may be granted only with a finding by the Board of Appeals that approval will not have an adverse effect on the surrounding property and that it will be the minimum necessary to relieve the hardship.
- M. Illegal Uses.** Uses of structures or land existing at the effective date of this Resolution or amendment that were established without approval of zoning compliance or without a valid building permit or those uses that cannot be proved conclusively as existing prior to the effective date of this amendment shall be declared illegal uses and are not entitled to the status and rights accorded legally established.

## 10.09 Enforcement, Violations, and Penalties

- A. Reporting Violations.** The Zoning Manager shall enforce the provisions of this Resolution. Violations of any provision of this Resolution are declared to be a nuisance per se. Any and all building and land use activities considered possible violations of the provisions of this Resolution shall be communicated to the Zoning Manager in writing. Violations or deficiencies from an approved Site Plan shall be considered a violation of this Resolution. Commencement of an investigation into a violation is based upon a complaint received in writing. A written complaint may or may not be signed. Violations reported to the Zoning Manager shall be subject to the enforcement procedures below.
- B. Inspection and Enforcement Procedure.** It shall be unlawful for any person to continue construction or commence operations of any kind that are in violation of the terms of this Resolution, and any violation shall be subject to the penalties herein prescribed.
  - 1. Inspection of Violation.** The Zoning Manager shall inspect each alleged violation of this Resolution within 10 business days of receipt of a written complaint.
  - 2. Correction Period, Requirements of Notice**
    - a.** Non-use violation has been confirmed by the Zoning Manager, notice of the violation shall be communicated, and if communication cannot be shall be made by Certified and/or First Class Mail addressed to the owner and/or occupant of the property where the violation exists and (if applicable) to the person(s) causing said violation. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant or person otherwise responsible is required to abate the violation within 30 calendar days of the receipt of the notice, or file the necessary appeal forms with the Clinton County Board of Zoning Appeals.

- b.** Use violation includes those violations involving commencement of use of land and/or structure without a Zoning/Land Use/Site Plan review permit and/or approvals from the appropriate board as prescribed necessary herein. Whenever a use violation has been confirmed by the Zoning Manager, notice of the violation shall be provided in writing, mailed by Certified and/or First Class Mail addressed to the owner and/or occupant of the property where the violation exists and, if applicable, to the person(s) causing said violation. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant or person otherwise responsible, is required to cease and desist the use violation and abate the violation within 30 calendar days. The applicant may file an appeal with the Clinton County Board of Zoning Appeals within 30 calendar days of the receipt of the notice.
- 3. Non-Compliance with Order.** A violation not corrected within the specified time shall be referred and filed immediately with the Prosecuting Attorney. Any person violating any of the provisions of this Resolution shall upon conviction thereof, be punishable by imprisonment in the County Jail for not more than 90 days, by a fine of not more than 100 Dollars per occurrence and the costs of prosecution, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate punishable offense/ occurrence. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Resolution. Violation of this Resolution is hereby declared a nuisance per se and conviction of the penal provision shall not preclude proceedings to abate such a nuisance.
- 4. Cumulative Rights and Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- 5.** The Zoning Manager may refuse to issue new zoning and land use permits to any person who has failed to correct previously documented violations or to any person representing a firm, which has failed to correct violations of this Resolution. A zoning permit may also be withheld if one or more on-site violations are identified.

# ARTICLE 11

## BLIGHTED PROPERTIES

### 11.01 Purpose

- A.** It is the purpose of this Resolution to enhance and improve enforcement against blighted areas and parcels as defined in Section 1.08 of the Ohio Revised Code. These regulations herein are not designed to be punitive in nature, but rather designed to provide for the health, safety, and general welfare of the public. The regulations included under this Article shall exclude all Agricultural Use activities, as defined in Section [12.03](#), which states:

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

### 11.02 Maintaining Junk, Weeds, or Rubbish Prohibited

- A.** No junk shall be openly stored or kept in the open. Junk for the purpose of this Resolution, is defined in Section [12.03](#), which states:

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

- B.** The following actions are prohibited, unless otherwise provided in Sections [11.01](#) and [12.03](#) as an Agricultural Use:
- 1.** No weeds shall be allowed to go uncut within any residential or commercial zones, when the same may be construed to be a danger to public health and safety by the Clinton County Health Department.

2. No person, business, or corporation shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance, or collection of any junk on his or her own premises or any premises under his or her control, or on the road, sidewalks, or alleys or in any other place within the County, except as expressly provided by law.
3. No person, business, or corporation shall store or permit to be stored, any junk vehicle upon any lot of land situated in the township or county where such use is not specifically permitted by the Zoning Code, unless the same is within a completely enclosed building, garage or the view from a public road is completely obstructed by a fence.
4. No junk vehicle shall be parked in any yard where it can be visible from any public road, alley, adjoining property unless concealed by a nontransparent fence.
5. No junk vehicles shall be parked so that any part of that vehicle extends into any alley, sidewalk, public road, or adjoining property

### 11.03 Structural Soundness and General Maintenance

- A. Any building, duplex, dwelling, dwelling unit, hotel, motel, restaurant, business related structure, or other structure as defined in Section [12.03](#), and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including being free from a state of collapse. Furthermore, any building, duplex, dwelling, dwelling unit, hotel, motel, restaurant, business related structure, or other structure shall be free from any defect which makes the use of the structure or premises a public nuisance as defined by O.R.C. 3767.41. For the purpose of this section the following terms are as follows:
1. Structurally sound means substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.
  2. Collapse means the instance of falling down or in or giving way.

### 11.04 Notice and Removal

Notice of the condition of the lot or premises in violation of this Article must be served on the owner, tenant, or other person in control of the property by ordinary mail, personal service, or posted in a conspicuous place on the building. The notice will provide that the lot or premises must be cleared or remedied within 30 days of such notice, and if not done by that time, the same can be done by the Township, County or the County's designee. The costs and expenses thereof shall be taxed against the premises. The total cost of the work done shall be certified to the County Auditor, to be assessed against the premises upon which the labor was performed and collected as other taxes are collected.

## 11.05 Securing Fire Insurance Proceeds

- A.** This section hereby implements ORC 3929.86 (C) and (D) for securing a certain portion of insurance policy proceeds to secure the cost of removing, repairing, or securing the building or fire damaged structures.
- B.** A Township and the County, through the County Auditor, is hereby authorized to utilize the procedure described in Ohio Revised Code (ORC) 3229.86 (C) and (D), whereby no insurance company doing business in the State of Ohio shall pay a claim to a named insured for fire damage to a structure located within the township or county where the amount recoverable for the fire loss to the structure under all policies exceeds \$5,000, unless there is compliance with the following procedures;
  - 1.** When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds 60 percent of the aggregate limit of liability on all fire damage policies covering the building or structure, the insurance company or companies in accordance with ORC 715.26 (F) shall transfer from the insurance proceeds to the County Auditor in the aggregate \$2,000 for each \$15,000 and each fraction of that amount, of a claim, or if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's sign estimate of the costs of removing, repairing, or securing the fire damaged building or structure, shall transfer from the insurance policy proceeds the amount specified in the estimate.
    - a.** Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the County shall be disbursed in accordance with the policy terms.
    - b.** The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or structure after the transfer and the County Auditor shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the County has not commenced to remove, repair, or secure the building or other structure.
  - 2.** Upon receipt of the proceeds by the County as authorized by this section, the County Auditor shall place the proceeds in a separate fund to-wit: Fire Insurance Fund to be used solely as security against the total cost of removing, repairing, or securing said fire damage structure incurred by the township or county pursuant to ORC 715.261:
    - a.** When transferring said funds pursuant to ORC 3929.86 (C), and the named insured or insureds, whereupon the Township or County shall contact the named insured or insureds, certify that the proceeds have been received by the County and notify them that the proceeds have been reviewed by the County and notify them that the following procedures will be followed.



- 2.** A parcel that has two or more of the following conditions that, collectively considered, adversely affect surrounding or community property values or entail land use relationships that cannot reasonably be corrected through existing zoning codes or other land use regulations:
  - a.** Dilapidation and deterioration;
  - b.** Age and obsolescence;
  - c.** Inadequate provision for ventilation, light, air, sanitation, or open spaces;
  - d.** Unsafe and unsanitary conditions;
  - e.** Hazards that endanger lives or properties by fire or other causes;
  - f.** Noncompliance with building, housing, or other codes;
  - g.** Nonworking or disconnected utilities;
  - h.** Is vacant or contains an abandoned structure;
  - i.** Excessive dwelling unit density;
  - j.** Is located in an area of defective or inadequate street layout;
  - k.** Overcrowding of buildings on the land;
  - l.** Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
  - m.** Vermin infestation;
  - n.** Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time;
  - o.** Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime;
  - p.** Ownership or multiple ownership of a single parcel when the owner, or a majority of the owners of a parcel in the case of multiple ownership, cannot be located.
- C.** When determining whether a property is a blighted parcel or whether an area is a blighted area or slum for the purposes of this section, no person shall consider whether there is a comparatively better use for any premises, property, structure, area, or portion of an area, or whether the property could generate more tax revenues if put to another use.
- D.** Notwithstanding any other provision of this section, absent any environmental or public health hazard that cannot be corrected under its current use or ownership, a property is not a blighted parcel because of any condition listed in Division (B) of this Section if the condition is consistent

with conditions that are normally incident to generally accepted agricultural practices and the land is used for agricultural purposes as defined in section 303.01 or 519.01 of the Revised Code, or the county auditor of the county in which the land is located has determined under section 5713.31 of the Revised Code that the land is "land devoted exclusively to agricultural use" as defined in section 5713.30 of the Revised Code.

- E.** A property under Division (D) of this Section is not a blighted parcel and shall not be included in a blighted area or slum.

# ARTICLE 12

## DEFINITIONS

### 12.01 Purpose

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

### 12.02 Rules for Applying to Text

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

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

## 12.03 Specific Definitions

### **A**

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

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

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

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

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

**Adult Regulated Uses.** Any use that is included among the definitions of Section 3.12.A.

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

**Agriculture Support Business.** A facility directed at meeting the needs of those engaged in local farming, such as the warehousing, sales, repair, and servicing of agricultural equipment, vehicles, feed, or supplies.

**Agritourism.** Agritourism means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity as defined in ORC 901.80 and all subsequent amendments.

**Alcohol Production (Winery/Brewery/ Distillery/Cidery), Large Scale.** A Winery, brewery, distillery, or cidery that produces 15,000 or more barrels per year and may distribute outside the region. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

**Alcohol Production (Winery/Brewery/ Distillery/Cidery), Small Scale.** A limited production winery, brewery, distillery, or cidery that produces less than 15,000 barrels per year and that typically produces specialty beers, spirits, wines, or ciders that are generally sold locally. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

**Altered.** Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joist, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type or occupancy. Also includes the words "reconstructed" and "alteration."

**Ambient Noise.** Background noise or noise that cannot be identified from any particular source.

**Applicant.** An individual submitting an application for approval or other related action under the authority and provisions of the Clinton County Zoning Resolution.

**Architectural Features.** Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**As Built Drawings (or As Constructed).** Final drawings or plans that are the result of modifications in the field.

**Association.** A legal entity operating under recorded land agreements or contracts through which each unit owner is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open spaces and other common areas and providing services needed for the development. An Association can take the form of homeowners' association, community association, condominium association, or other similar entity.

**Auction or Public Sale Facilities.** A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

**Automobile and Truck Fueling/Charging Station.** A place where gasoline or alternative fuel/power/energy is sold at retail to the public and deliveries are made directly into or onto motor vehicles and no other motor vehicle service is performed. The sale of gasoline or other motor vehicle fuel, alternative power/energy under this definition must be the primary use. Retail grocery and/or convenience store sales are permitted.

**Automobile Rental and Sales.** Any establishment, place of business, property or open area used for the display of new or used motor vehicles that are for sale, lease, or rent and in operable condition.

**Automobile Repair and Service, Major.** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting services.

**Automobile Repair and Service, Minor.** The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting, and upholstering service.

**Automobile Washing Facility.** A facility for washing, cleaning, drying, and waxing of passenger vehicles, motorcycles, and trucks of one ton rating or less. An automotive washing facility may be self-service or full service.

## **B**

**Basement.** That portion of a building that is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurements, except as provided in the definition of "story."

**Battery(ies).** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**Battery Energy Storage Management System.** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**Battery Energy Storage System.** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Type I or Type II Battery Energy Storage System as follows:

- A. Type I Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Type II Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**Bed and Breakfast Establishment.** A detached dwelling in which a maximum of six sleeping rooms are rented with or without meals for hire or pay, for the traveling or vacationing public.

**Bedroom.** The bedroom is a dwelling room used for or intended to be used in whole or in part for sleeping purposes, by human beings.

**Block.** The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**Board of Zoning Appeals (BZA).** The Clinton County Board of Zoning Appeals (BZA).

**Bond.** A form of insurance required of an individual or firm to secure the performance of an obligation; as in performance bond.

**Buffer.** A naturally vegetated area or vegetated area along the exterior boundaries of a development which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses, or to separate a natural feature from development.

**Building.** Temporary or permanent structure, or any part thereof, having a roof supported by columns or walls. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such structure shall be deemed a separate building.

**Buildable Area (Building Envelope).** The buildable area of the lot is the space remaining after the minimum setback and open space requirements of this Resolution have been addressed.

**Building Code.** The currently designated code or codes regulating building construction in Clinton County, Ohio.

**Building Frontage.** The portion of a building that principally faces public or private rights-of-way.

**Building Height.** The height of a building is the vertical distance from the average finished grade of the structure to the highest points of the roof surface for flat roofs, the deck line of a mansard roof, or the average height level between eaves and ridge for a gable, hip, or mansard roof.

**Building-Integrated Solar Energy System.** A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for on-site consumption.

**Building, Main or Principal.** A building in which a principal use of the lot on which it is located is conducted.

**Building Official.** The administrative official designated by the board of County Commissioners to enforce the Building Code and/or provision of this Resolution.

**Building Permits.** A building permit is the written authority issued by the Building Official permitting the construction, removal, alteration, or use of a building, fence, or sign in conformity with the provisions of this Resolution.

**Building Setback Line.** The line established by the minimum required setbacks forming the area within a lot in which a building may be located, unless otherwise provided for by this Resolution.

**Building Site.** A parcel of land under separate deed or description and having road frontage.

**Bulk Storage of Refined Petroleum Products.** An open-air facility containing above-ground or below-ground containers for the storage of refined petroleum products.

**Business Services.** Establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, financial institutions, insurance services, mailing and packaging, small scale fabrication and repair services, and employment services.

## C

**Campground and RV Park.** A lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of time.

**Canopy Structure.** Any overhead protective structure, which is either extended from a building or freestanding, including an awning.

**Cell.** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**Cemetery.** Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments.

**Clear Vision Area (Clear Sight Triangle).** The clear vision area (sight triangle) is a triangular-shaped area on corner lots. On any corner lot in any district front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three feet and 10 feet in an area measuring 30 feet extremities of the intersecting right-of-way lines.

**Club/Fraternal Organization.** Buildings or facilities owned and operated by a corporation, association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

**Commercial Message.** Any sign wording, logo or other representative that, directly or indirectly, names, advertises or sells or calls attention to a business, product, service, or other commercial activity.

**Commercial Use.** Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, ware, merchandise, or services.

**Commercial Outdoor Storage.** A lot or part thereof is for the commercial storage of vehicles and equipment which can be leased on an individual basis. Such facility is typically contained within a fenced, controlled access compound.

**Commercial Recreation (Indoor and Outdoor).** A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, such as an indoor or outdoor golf driving range.

**Commission or Planning Commission.** The Clinton County Regional Planning Commission (CCRPC).

**Commissioning.** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**Common Area.** Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowner's Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in- common.

**Community Swimming Pools and Private Swim Clubs.** A publicly or privately owned swimming pool operated for the general public or open to the public upon payment of a fee.

**Composting Facility.** A Class I, II, III, or IV solid waste composting facility as defined in this Article.

**Comprehensive Plan.** The Plan or any portion, thereof adopted by the Clinton County Regional Planning Commission (CCRPC) and the Board of Clinton County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. The Plan establishes development goals, objectives and policies for the County.

**Concept Plan.** A plan preparatory to the preparation of the Preliminary Site Plan to enable the developer/ subdivider to save considerable time and expense in reaching general agreement with the County Review Agencies as to form of the Plan and the objectives of these Regulations.

**Conservation Development.** A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single- family district regulations, allowing for the flexible grouping of housing in order to conserve open space and existing natural resources.

**Conservation Easement.** A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by Ohio Revised Code 5301.67 through 5301.70.

**Construction and Demolition Debris Storage Area.** A fenced area or dumpster that is temporary used to storage trash and construction/demolition debris.

**Construction Structure/Activity.** The temporary use of a mobile home, or similar structure, as a construction office and surrounding area for the storage for materials to be used during the development of a new subdivision, office building, shopping center, industrial complex, and so forth.

**Contractor Yard.** An establishment used for the outdoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials.

**Convenience Store.** Any retail establishment offering the sale of pre-packaged food products, household items, and other commonly associated goods and having a gross floor area of less than 5,000 square feet.

**Corridor.** The sections or segments of roadway including the right-of-way and lands on both sides of the roadway.

**County.** Clinton County, Ohio.

**Covenant.** A written promise or pledge.

**Critical Ecosystems.** An environmentally sensitive area subject to natural hazards or those landform features which in their natural state carry, hold or purify water and support unique, fragile or valuable natural resources such as fish, wildlife, and other organisms. These areas provide flood protection, shoreline and slope stability and aid in recharging valuable groundwater resources. These environmentally sensitive areas include natural resource areas, open space, landslide hazard areas, erosion hazards, flood hazard areas, steep hillsides or slopes, streams and wetlands and their adjacent buffers.

**Crop Production/Row Crops.** Commercial agricultural field and orchard uses including production of: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

**Cross Access.** A service drive providing vehicular access between two or more contiguous sites so the drive need not enter the public street system.

**Cultural Resources.** Resources and other physical features that are remnants or components of the community's culture.

## D

**Data Center.** An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations.

**Day Care Facility.** A place in which supervision, protection, and care is administered to a person or persons, but not including overnight lodging. Such uses may also include educational learning, such as preschool and kindergarten programs, as accessory uses.

**Day Care Home, Type A.** The permanent residence of the administrator in which child care or publicly funded child care is provided for seven to 12 children at one time or a permanent residence of the administrator in which child care is provided for four to 12 children at one time if four or more children at one time are under two years of age.

**Day Care Home, Type B.** A permanent residence of the provider which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time.

**Deed.** A legal document conveying ownership of real property.

**Density.** A unit of measure; the number of dwelling units per acre of land.

**Density, Gross.** The number of dwelling units per acre of total land to be developed or divided.

**Density, Net.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses (that is excluding rights-of-way, easements).

**Development.** Any man-made change to real estate or property, including buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling. Further, any utilization of open land that is appropriately zoned for a new use.

**Development Amenity.** One or more enhancements or features which are capable of increasing both the attractiveness and value of a development.

**Development Plan.** A proposal including drawings and maps prepared in accordance with the appropriate standards, illustrating the proposed design, layout and other features for the development and including all elements set forth in the Clinton County Subdivision Regulations and/or the Zoning Resolution.

**District.** A portion of the County within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provision of this Resolution.

**Drive-In Facilities.** A commercial activity where, prior to service, the patron customarily drives a motor vehicle onto the premises, parks the vehicle in a defined space, and turns off the engine. Thereafter, the patron customarily is served in the automobile by a carhop or other means, which eliminates the need for the customer to exit the vehicle.

**Drive-Thru Facilities.** A commercial facility where the patron customarily drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. Prior to service, the engine of the motor vehicle customarily remains in operation.

**Dry Cleaning Plants.** A building or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**Dwelling.** A dwelling is any building or portion of a building, which is designed for occupancy wholly as a home or residence of one family, either permanently or transiently. A travel trailer, motor home, automobile chassis, tent, or other portable building shall not be considered a dwelling.

**Dwelling, Multi-Family.** A building designed for occupancy by three or more households living in separate dwelling units, but not including motels or hotels.

**Dwelling, Single-Family Attached.** One-family dwelling units that are typically located on separate parcels and that share an unpierced common wall extending from ground to roof, such as townhomes.

**Dwelling, Single-Family Detached.** A building designed for occupancy by not more than one household.

**Dwelling, Temporary.** A cabin, trailer, motor home, mobile home, vehicle, or other temporary structure, whether of a fixed or movable nature utilized a temporary dwelling due to the destruction of the permanent dwelling of the owner.

**Dwelling, Two-Family.** A residential structure containing exactly two dwelling units that, when arranged side-by-side, are separated from each other by an unpierced common wall extending from ground to roof. The units may either be attached and consist of one or more stories or stacked vertically with one dwelling unit located on top of the other.

**Dwelling Unit.** A building or any portion of a building designed for occupancy as complete, independent living quarters for one or more persons, having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.

## **E**

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

**Education Facility, Public/Private.** A public or private educational facility which offers instruction in multiple areas of learning, and such accessory uses customarily associated therewith provided, however, that such accessory uses shall be secondary to the education, instruction, and learning. These institutions include pre-school, elementary, middle, intermediate, and high schools.

**Education Facility, University/College/Trade School.** A public or private educational facility which offers instruction for post-secondary education, and such accessory uses customarily associated therewith provided, however, that such accessory uses shall be secondary to the education, instruction, and learning. This type of facility may have multiple education buildings and can include housing for full-time attendees or faculty. Seminaries are included in this definition.

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

**Electric Vehicle (EV) Charging Station.** Equipment that connects to an electric vehicle (EV) to a source of electricity to recharge electric vehicles.

**Electric Vehicle (EV) Charging Station, Level 1.** A slow speed charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

**Electric Vehicle (EV) Charging Station, Level 2.** A medium speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240- volt Alternating Current (AC) circuit.

**Electric Vehicle (EV) Charging Station, Level 3.** A high-speed charging station that operates on a high-voltage circuit.

**Energy Code.** The Ohio Energy Code as currently in effect and as hereafter amended from time to time.

**Essential Services.** The phrase "essential services" means the erection, operation, construction, alteration, or maintenance by public utilities, or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins, and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate services by such public utilities or municipal departments or commission or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures for shelters of the above essential service equipment. Telecommunication towers are regulated by Section 3.08.E. Solar energy transmission and distribution systems shall not be considered "Essential Services."

**Equipment and Commercial Vehicle Sales, Rental, and Services.** An establishment primarily engaged in the sales, rental, or servicing of tools, trucks, construction equipment, and similar commercial equipment. Incidental storage, maintenance, and servicing of such equipment is included in this definition.

**Event Center.** An establishment which is rented by individuals or groups to accommodate public or private functions including, but not limited to, banquets, weddings, birthday parties, anniversaries, receptions, and other similar celebrations and may or may not have a liquor license or open-air facilities.

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

## F

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

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

**Financial Institutions.** Establishments engaged in deposit banking. Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

**Fire Code.** The Ohio Fire Code as currently in effect and as hereafter amended from time to time.

**Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol

of a government, political subdivision, or other entity.

**Flood Plain.** The relatively flat area or low lands adjoining the channel or watercourse or a body of water, which may be covered by floodwater when high amounts of precipitation are experienced. Determinants of flood plain are as follows:

- A. Contiguous areas paralleling major streams that constitute at their maximum edge the highest flood levels experience in a period of one hundred (100) years.
- B. Principal wetland area that are part of the stream flow system.
- C. Contiguous areas paralleling major streams that exhibit unstable soil conditions for development.

**Floodway.** The channel of any watercourse and those portion of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

**Floor Area.** The term "floor area" as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor area which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those area where customers, patients, clients, salesmen, and the general public are denied access. "Floor Area" shall be measured from the exterior faces of exterior walls.

**Floor Area Ratio (FAR).** The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by the dividing the total floor area by the total lot area, both being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.

**Floor, Ground.** That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

**Food and Beverage Services, Drive-In or Drive-Thru.** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption is designed to take place outside the confines of the building, often in a motor vehicle.

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

**Foot-Candle.** A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one foot away from one lit candle.

**Funeral Home/Mortuary.** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the deceased.

## G

**Garage Sales, Rummage Sales, and Similar Activities.** A temporary sale located on a residential property in which the owner or occupant of the residence sells their personal possessions.

**Gateway.** An entry point into a development which is improved with one or more development amenities, including walls, fences, lighting, landscaping, gatehouses, benches, gazebos, water, and identification signing.

**Generally Accepted Agricultural and Management Practices.** Those practices as defined by the Ohio Department of Agriculture. The Commission shall give due consideration to available written information from the Ohio State University Extension Service, the Natural Resources Conservation Service and other professional and industry organizations.

**Glare.** Light that is misdirected into the eye of potential observers or passes-by, potentially impairing their ability to see clearly and compromising public safety and welfare.

**Golf Courses and Country Clubs.** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

**Governmental Building or Facility.** A building or structure owned, operated, or occupied by a governmental agency to provide service to the public.

**Grain Elevator.** A building for buying, selling, storing, discharging, and sometimes processing grain.

**Greenbelt.** An open space feature which is intended to act primarily as a landscape buffer screen separating different land uses and/or densities from one another.

**Ground-Mounted Solar Energy System.** A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for on-site consumption. Any generated electricity that exceeds on-site consumption may be connected to the main electrical grid.

## H

**Health and Fitness Club.** A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**Heavy Equipment.** A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts having a gross weight of 2.5 tons or more.

**Heavy Equipment Sales and Storage.** An establishment for the sale and storage of heavy equipment as defined in this Resolution.

**Home Based Business, Class I.** A business that is clearly subordinate to a residential use and operated by occupants of the residence on the premises.

**Home Based Business, Class II.** A home-based business that requires a zoning compliance certificate. A class II business includes but is not limited to music instruction, homeschooling, tax preparation, financial planning, insurance sales, sewing and tailoring, and small animal grooming.

**Home Based Business, Class III.** A home-based business that requires a zoning compliance certificate and is located on a lot that is five acres in size or greater. A class III business includes but is not limited to contracting, catering, blacksmithing, cabinet making, and small wood product maker.

**Hospital.** A facility providing physical or mental health services to the public with inpatient or overnight accommodations, and medical or surgical care of the sick, injured, or disabled.

**Housing for Seasonal Labor.** Housing units that can only be occupied by seasonal laborers and their immediate family members. Each unit shall be self-contained with sanitation, shower, lavatory facilities, heating and electrical, and a kitchen. Housing shall be maintained to meet the current building codes.

**Housing for the Elderly, Assisted Living Facility.** A combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

**Housing for the Elderly, Independent Living Facility.** A residential complex containing single-family detached, single-family attached, or multi-family dwellings designed for and principally occupied by the elderly. Such facilities may include a congregate meal program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from Housing for the Elderly, Assisted Living Facility as defined.

**I** **Improvements.** Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control of drainage facilities, utility lines, landscaping, and other related matters normally associated with the development or raw land into building lots.

**Industrial Use.** The use of land, building or structure for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

**Inoperable or Abandoned Motor Vehicles.** Any wheeled vehicle, which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

**Inpatient Rehabilitation Facilities.** A building wherein for compensation, nursing care is provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or persons requiring further institutional care after being discharged from a hospital other than a mental hospital.

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

**Junkyard.** A lot and any accessory building where waste, used or secondhand materials including scrap iron, and other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale or exchange.

**K** **Kenel.** An establishment which is licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business.

**L** **Laboratory/Research Facilities.** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Lamp.** The component of the luminary that produces the actual light including luminous tube lighting.

**Land Disturbance.** Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

**Landfill.** A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or nontoxic waste material of any kind.

**Landscaping.** The following shall apply in the construction and application of this Resolution:

- A.** Berm: A man made mound of earth in excess of three feet in vertical height which is designed primarily to provide visual interest, screen undesirable uses, and reduce noise.
- B.** Buffer: A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- C.** Conflicting non-residential land use: Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- D.** Conflicting residential use: Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.
- E.** Opacity: The degree of being impervious to obscure light and sight.
- F.** Plant Material: A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, ballast, a reflector or mirror and a reflector or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

**Light Pollution.** Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties, or causes a detrimental effect on the environment.

**Light Trespass.** The shining of light produced by a luminary beyond the boundaries of the property on which it is located.

**Loading Space.** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

**Lot.** For the purposes of this Resolution, a lot is a parcel of land that is:

- A. A single lot of record;
- B. A portion of a lot of record; or
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**Lot Area.** The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

**Lot, Corner.** A lot abutting two or more streets at their intersection or upon two parts of the same street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

**Lot, Culs-de-Sac or Curved.** A lot with frontage along a curve street or culs-de-sac.

**Lot Depth.** The distance from the point (on the rear property line) furthest from the front property line, measured perpendicular to the front property line.

**Lot, Through.** A lot other than a corner lot having frontage on two or more or less parallel streets. In the case of a row of through double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

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

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

**Lot, Improvements of.** Any building, structure, place or other object or improvement of the land on which they are situated which constitutes a physical betterment of real property or any part of such betterment.

**Lot, Interior.** An interior lot is a lot other than a corner lot with only one lot lone fronting on a street.

**Lot Lines.** Any line dividing one lot from another or from a right-of-way, and thus constitutes the property lines bounding a lot.

**Lot, Minimum Usable Area of.** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street. The Clinton County Health Department may determine the minimum usable area for on-site facilities.

**Lot, Nonconforming.** A lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and frontage requirements of the zoning district in which the lot is located, or these Regulations.

**Lot of Record.** A lot of record, which is part of a subdivision recorded in the office of the Clinton County Recorder, or a lot of record or recorded parcel described by metes and bonds, the description of which has been so recorded.

**Lot Width.** The horizontal distance between side lot lines measured along the required building setback line. When the street is curved, the measurement shall be made on the arc, on a parallel to the curve of the street line.

**Lot, Zoning.** A single tract of land, locate within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the requirements of this Resolution in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one or more lots or record.

**Lumber and Home Improvement Sales.** An establishment selling various household goods, tools, and building materials, durable household goods, electronic equipment, household animal supplies, and plant nursery products. Outdoor storage is not permitted for lumber and home improvement sales.

**Luminary.** The complete lighting system including the lamp and light fixture.

**Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used.

## **M**

**Manufacturing, Artisan.** An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation; and which may include direct sales to consumers. This definition includes uses such as small-scale fabrication but is not limited to, manufacturing, and other industrial uses and processes such as welding and sculpting.

**Manufacturing, Light.** A use engaged in assembling, altering, converting, fabricating, finishing, processing, or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution, or dust and which is operating and storing products and materials in a completely enclosed structure.

**Manufacturing, Heavy.** The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent properties in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of "Manufacturing, Light". This use may include outdoor storage and activities.

**Marquee.** A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

**Meat Processing.** A building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed.

**Medical Office/Clinic.** A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

**Mixed Use with Residential Use.** A building, lot, or development that contains a mixture of uses including residential, commercial, and/or industrial uses. Such uses may be mixed within one building (either horizontally or vertically) or within an overall development. Mixed use buildings shall only include uses that are permitted in the zoning district where the building is located.

**Mobile Home Sales and Service.** An establishment in which mobile homes are staged for sale, stored, or serviced.

**Model Home Office/Retail Sales.** A dwelling temporarily used as a sales office for the residential development under construction for on-site sales.

**Monument Sales and Yard.** A retail establishment characterized by the sale and outdoor display or storage of stone monuments.

**Motels and Hotels.** Any building or group of buildings containing guest rooms designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the building or an accessory building, and that caters to the traveling public. The use may include associated administrative offices; the sale of food, beverages, and convenience items; and meeting rooms.

## N

**Natural Features.** An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.

**Nonconforming Building.** A building or portion thereof existing at the effective date of this Resolution, or amendments thereto, and which does not conform to the provision of the Resolution in the zoning district in which it is located.

**Nonconforming Lot.** A lot, created prior to the effective date of this Resolution, or amendments thereto, and which does not conform to the lot area requirements for the district in which it is located.

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

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

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

**Nursery/Greenhouse.** A business that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

## O

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

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

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

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

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

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

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

## **P**

**Parcel.** Any piece of land described by a current deed. Also see Lot of Record.

**Parking Space.** An area of definite length and width for the parking of one vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**Pasturing.** A livestock operation in which animals graze in a pasture.

**Permitted Use.** Any use allowed by right in a zoning district and subject to the restrictions or standards applicable to that district.

**Personal Services.** A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

**Perennial Stream.** A natural waterway that contains water throughout the year except in severe drought.

**Planned Unit Development (PUD).** A form of development usually characterized by the flexible application of zoning district regulations and unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, of approval by the Clinton County Regional Planning Commission (CCRPC) which then sets the performance standards of a proposed development applicable to this Resolution and one in which the County will have considerable involvement in determining the nature of the development.

**Plat.** The map, drawing, or chart on which the developer's development or subdivision is presented to the Planning Commission for approval, to the County Recorder's office for recording.

**Porch.** A covered but unenclosed projection having a minimum projection of eight feet from the main wall of a building and encompassing an area of 100 or more square feet.

**Principal Use.** The primary or most predominant use of a parcel. Storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**Private Landing Fields.** A landing field restricted to having only one runway made of man-made surface (asphalt, concrete, or a mixture of both) or a natural surface (grass or dirt) in connection with permitted uses of land and in accordance with Federal Aviation Regulations. Except for aircraft emergencies, said landing field is used privately by the owner and, on an infrequent and occasional basis, by invited guests.

**Professional Offices.** An office used by members of a recognized profession, including but not limited to architects, dentists, engineers, lawyers, physicians, and surgeons.

**Project Boundary or Development Boundary.** The boundary defining the tracts (s) of land that is included in a development project to meet the minimum required project area for a conservation or similar development. The term "project boundary" shall also mean "development boundary".

**Prosecutor.** The Prosecuting Attorney for Clinton County, Ohio.

**Public.** Open to common use, whether or not under public ownership.

**Public Improvement.** Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.

**Public Sanitary Sewer System.** A system, owned and operated by a municipality, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health.

**Public Parks and Recreation.** A facility or parcel of land that is operated by a public or non-profit entity for the purpose of recreational enjoyment that is partially or entirely situated outdoors.

## **R**

**Raising of Exotic Animals.** The raising of any animal classified as exotic under 9 CFR 352.1(k) which includes any reindeer, elk, deer, antelope, water buffalo, bison, buffalo, or yak.

**Raising of Livestock.** The raising of animals commonly associated with agriculture. These include but are not limited to cows, cattle, sheep, goats, hogs, horses, mules, llamas, and poultry.

**Reasonable Access.** A property owner's legal right, incident to property ownership, to access a public right-of-way. Reasonable access includes indirect access via frontage roads, service drives and shared driveways or partial access at a driveway where turning movements are restricted due to site and traffic conditions.

### **Recreational Vehicle.**

**A.** Means a vehicle which is:

- 1.** Built on a single chassis;
- 2.** 400 square feet or less when measured at the largest horizontal projections;
- 3.** Designed to be self-propelled or permanently towable by a light duty truck; and
- 4.** Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**B.** Recreational vehicles include, but are not limited to truck trailers, truck campers, pop-up campers, boats, jet skis, personal watercraft, snowmobiles, camping trailers, and self-propelled campers.

**Recreational Vehicle Storage.** A commercial establishment which, for a fee, provides locations for the indoor or outdoor storage of operable recreational vehicles.

**Recycling Center.** A building in which recyclable material is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

**Religious Facility/Place of Assembly.** An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

**Renewable Electricity Generation and Storage.** Renewable electricity generation and storage include accessory solar and wind-based energy generation and storage systems.

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

**Residential Living Facility.** A residential dwelling or facility that falls into one of the following categories:

- A.** Provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.
- B.** Provides accommodations, supervisions, and personal care services to any of the following:
  - 1.** One or two unrelated persons with mental illness;
  - 2.** One or two unrelated adults who are receiving payments under the residential state supplement program; or
  - 3.** Three to 16 unrelated adults.

**Residential Treatment Facility.** A residential dwelling or facility where persons are living together, with or without staff, as a single housekeeping unit providing care, supervision, or treatment to reduce dependence or maintain independence of opioid drugs. A "residential treatment facility" is subject to the protections of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, as they apply to citizens in drug addiction treatment programs, and by any similar legislation of the State of Ohio.

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

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

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

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

**Roadside or Farm Produce Stand.** A temporary structure not permanently affixed to the ground where a variety of agricultural products grown on the premises are displayed for sale purposes.

**Roof-Mounted Solar Energy Systems.** A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for on-site or off-site consumption.

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

## S

**Sanitary Sewer.** Artificial conduits to convey water and waster matter to a central treatment facility.

**Sawmill.** A building, structure or area where timber is cut, sawed, planed or distributed, either as finished lumber, or as an intermediary step and may include facilities for kiln drying or distribution on a wholesale or retail basis.

**Seasonal Sales.** The temporary sale of seasonal goods, which may include, but is not limited to, the sale of Christmas trees, pumpkins, and similar items.

**Self-Storage Facility.** A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facility is typically contained within a fenced, controlled access compound.

**Service Drive/Frontage Road.** A drive designed to provide shared access to specific access points along the arterial roadway to one or more developments within the corridor. A Service Road is generally parallel to the arterial road along either the front or rear of the site, but may be perpendicular or have another alignment. Service Roads may be in front of, or along the rear of, buildings within the overlay district.

**Setback.** The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines, the street right-of-way, pavement, stream, wetland or other delineated site feature.

**Setback, Front Yard.** A setback that is measured from the front lot line.

**Setback Line.** The line that is the required minimum distance from any lot line and that establishes the area within which the building or structure must be erected or placed.

**Setback, Rear Yard.** A setback that is measured from the rear lot line.

**Setback, Side Yard.** A setback that is measured from the side lot line.

**Sight Distance.** The length of roadway visible to the driver. Generally related to the distance or time (perception / reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

**Sign.** A name, identification, description, display, light, balloon, banner, flag, or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property.

**Sign, Abandoned.** A sign, which no longer identifies or advertises a bona fide business.

**Sign, Animated.** Any sign that uses movement or change of lighting to depict or capture a special effect or scene.

### **Sign, Area of**

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

1. The area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments, such as pole covers, framing, and decorative roofing. Provided that there is not written advertising copy on such embellishments.
2. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign of measurement if they do not bear advertising copy.

**B. Wall Signs.** The area shall be within a single, continuous perimeter composed of any straight-line geometric figure, which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

**Sign, Awning.** A sign that is printed or otherwise affixed to an awning that may be rolled or folded up against the wall to which it is attached.

**Sign, Banner.** A sign on a lightweight fabric, or similar non-rigid material that is attached by at least two corners of such sign, to a building or structure. Flags of any country, state, unit of local government, institution of higher learning, or similar institution are not considered to be banners.

**Sign, Bench.** Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.

**Sign, Billboard.** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

**Sign, Commercial.** A sign that directs attention to a business, profession, service, product, or activity sold or offered upon the premises where such sign is located.

**Sign, Canopy.** Any sign that is a part of or attached to awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**Sign, Construction.** A sign that is located on a lot that has active construction.

**Sign, Directional or Informational.** An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of the establishment by no advertising copy, for example, parking or exit and entrance signs.

**Sign, Double-Faced.** A sign with two faces.

**Sign, Electronic Message Center.** A sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. May also be known as a variable message sign or a LED sign.

**Sign, Face.** The surface of the sign which the message of the sign is exhibited.

**Sign, Flashing.** A sign, or graphic, which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

**Sign, Government.** A sign authorized by this municipality, another governmental agency, the State of Ohio, or the federal government. Such signs shall include street signs, safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and signs of historical interest, informational signs, and the like.

**Sign, Ground Mounted.** A sign supported by one or more uprights, posts, or bases, in or upon the ground and not attached to any part of a building.

**Sign, Height.** The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or surface grade beneath the sign, whichever is less.

**Sign, Informational.** A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

**Sign, Illegal.** A sign that does not meet the requirements of this Resolution and which has not received legal nonconforming status.

**Sign, Illuminated.** A sign illuminated in any manner by an artificial light source.

**Sign, Menu Board.** A sign that is intended to service patrons using a drive-through facility.

**Sign, Nameplate.** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**Sign, Neighborhood Identification.** A sign at the entrance of a residential neighborhood identifying the neighborhood.

**Sign, Non-Commercial.** A sign that does not contain information or advertising for any business or commodity for sale, and is of a political, religious, or ideological nature.

### **Sign, Nonconforming**

- A.** A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.
- B.** A sign, which does not conform, to the sign code requirements but for which a special permit has been issued.

**Sign, Obscene.** A sign that contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.

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

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

**Sign, Permanent.** A sign that is attached to the ground or to a building in such a manner that it is not intended to be frequently removed or replaced and is not a portable or temporary sign as defined in this Resolution.

**Sign, Portable.** A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one location to another. Portable signs include signs designed to be transported by means of wheels, signs converted to 'A' or 'T' frame, menu and sandwich board signs, balloons used as signs, and signs attached to or painted on persons or vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal daily operations of the business.

**Sign, Projecting.** A sign affixed to any part of a building or structure which extends beyond the building or structure by more than 12 inches.

**Sign, Residential.** A sign, temporary in nature, that is located on a residential property such as a real estate sign.

**Sign, Real Estate.** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

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

**Sign, Sandwich.** A temporary, portable sign consisting of two advertising boards laid back-to-back and at least partially supported by each other.

**Sign, Snipe.** A sign that is posted, tacked, nailed, pasted, glued, or otherwise attached to trees, utility poles or structures, street lights, fences, or any other object on public property or within the public right-of-way.

**Sign, Special Event.** A sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals, auctions, and other limited term events.

**Sign, Temporary.** A sign not constructed or intended for long-term use. A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

**Sign, Wall.** A sign attached parallel to and extending not more than four inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. A sign attached to, painted upon, placed against, or supported by the exterior surface of any building or structure.

**Sign, Window.** A sign applied, painted, or affixed to, or in the window of a building or structure and clearly visible from the street, alley, or parking area.

**Solar Energy Equipment.** Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

**Solar Facility, Large.** Electric generating structures or facilities that are capable of producing 50 megawatts or more of energy.

**Solar Facility, Small.** Electric generating structures or facilities that produce less than 50 megawatts of energy and do not meet the definition of a Tier 1 Solar Energy System or a Tier 2 Solar Energy System.

**Solar Energy System.** The components required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1 or Tier 2 Solar Energy System as follows.

**A.** Tier 1 Solar Energy Systems include the following:

1. Roof-Mounted Solar Energy Systems
2. Building-Integrated Solar Energy Systems

**B.** Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with a total surface area of all solar panels on the lot of up to 4,000 square feet.

**Solar Panel.** A photovoltaic device capable of or designed for collecting and converting solar energy into electricity.

**Solid Waste Composting Facility, Class I .** A facility where the owner or operator may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, food scraps, mixed solid waste, bulking agents, additives, and authorized alternative materials.

**Solid Waste Composting Facility, Class II.** A facility where the owner or operator may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, food scraps, bulking agents, additives, and authorized alternative materials.

**Solid Waste Composting Facility, Class III.** A facility where the owner or operator may accept yard waste, agricultural plant materials, dead animals, raw rendering material, animal waste, bulking agents, additives, and authorized alternative materials. The material placement area is limited to a maximum of 135,000 square feet.

**Solid Waste Composting Facility, Class IV.** A facility where the owner or operator may accept only yard waste, agricultural plant materials, bulking agents, additives limited to source-separated spent coffee and tea grounds, urea, and bacterial or fungal inoculum, and authorized alternative materials.

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

**Stable, Commercial.** A structure and/or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

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

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

**Story, Basement.** For the purposes of this Resolution, a basement shall be counted as a story if over 50 percent.

**Street.** See the Clinton County Subdivision Regulations.

**Structure.** Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on or below the ground. When a structure is divided into separate parts by an un-pierced wall, each part shall be deemed a separate structure. Among other things, structures shall include buildings, mobile homes, walls, fences, billboards, signs, and towers.

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

**Swimming Pools.** Any artificial basin of water constructed or erected for wading or swimming.

## T

**Telecommunication Towers.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative towers structures.

**Temporary Events.** An event or series of events scheduled in observance of a state, federal, or religious holiday, or conducting organized activities for historical, cultural, or a special theme held for a limited period of time.

**Theater, Indoor.** A building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

**Theater, Outdoor (Drive-In).** An open lot or part thereof, devoted primarily to showing motion pictures to patrons seated in vehicles.

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

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

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

**Truck Terminal.** An enclosed structure or structures used for the temporary storage of cargo or freight owned by others in the process of transferring the cargo or freight to another location by truck or other mode of transportation.

**Truck Washing Facility.** A facility for washing, cleaning, drying, and waxing of commercial fleet vehicles and trucks over one ton rating. A truck washing facility may be self-service or full service.

## U

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

**Use, Conditional.** A use which, because of special requirements or characteristics, may be allowed only after the Board of Zoning Appeals has granted approval by imposing such conditions as are determined necessary to mitigate undesirable land use impacts and help assure compatibility.

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

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

## V

**Variance.** A Variance is the relaxation of regulations of this Resolution with respect to a specific lot, granted by the Board of Appeals. The Variance shall not be contrary to the public interest and where, owing to condition peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship or practical difficulty.

**Veterinary Office/Clinic.** An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to all size animals. Such an establishment may include accessory boarding facilities, provided they are located inside the building.

## W

**Walkway.** A public way, four or more feet in width, for pedestrian use only, which may or may not be located within the street right-of-way.

**Warehouse/Indoor Storage.** An accessory use that provides for the indoor storage or warehousing of commercial or industrial goods either produced or sold on the property.

**Warehousing, Fulfillment, and Distribution Center.** The storage of raw materials, parts, or finished manufactured goods before their export or distribution. The facility is staffed and there is no customer-direct pick-up or access to these facilities. Such storage must be within a building.

**Watercourse.** Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.

**Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

**Wholesale Establishment.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Woodlots and Timber Harvesting.** A lot dedicated to the cutting and removal of trees from their growing site.

## Y

**Yard, Front.** A required front yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as hereinafter specified.

**Yard, Rear.** An open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the side lot line; an unoccupied from the ground upward except as herein specified.

**Yard, Required.** An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

**Yard, Side.** An open space extending from the front yard to the rear yard and of uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as otherwise specified.

## Z

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