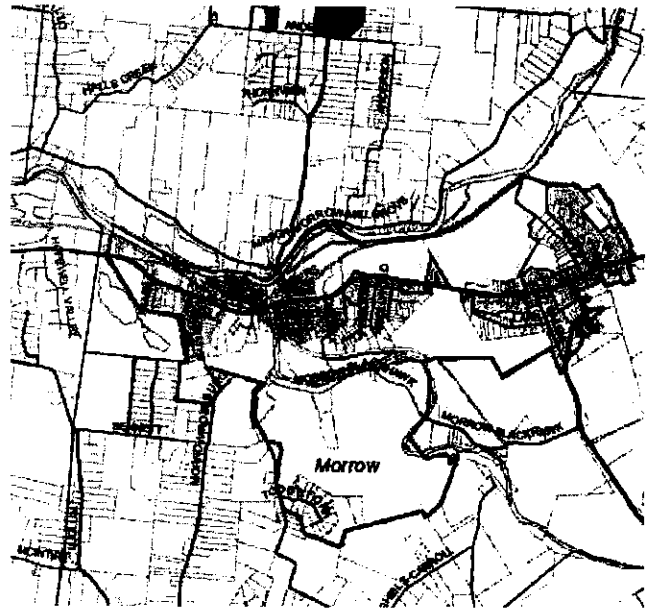


# SALEM TOWNSHIP

# ZONING CODE



Effective January 9, 2026



RESOLUTION 2025-09

INITIATION OF AMENDMENT TO SALEM TOWNSHIP ZONING RESOLUTION TEXT AND CERTIFICATION TO THE SALEM TOWNSHIP ZONING COMMISSION

Whereas, the Salem Township Rural Zoning Code was first adopted in November 1983, and has remained in full force and effect with various amendments, the last of which was a comprehensive amendment on March 22, 2022, and

Whereas, after putting the latest amendment to use for a couple of years the Salem Township Trustees engaged its Zoning Inspector Mike Yetter and the Warren County Planning Department to assist in identifying issues with the current code, provide solutions, and draft necessary amendments to the text of the Salem Township Rural Zoning Code,

Now therefore be it resolved, pursuant to Section 519.12 of the Ohio Revised Code, the Salem Township Board of Trustees, hereby initiates an amendment to the Salem Township Rural Zoning Code text, as attached below and fully incorporated herein, and

Be it further resolved, to hereby transmit and certify the attached text amendments to the Salem Township Zoning Commission which shall set a date for a public hearing, not less than 20 nor more than 40 days from this certification for its review and recommendation of either approval, denial, or approval with some modifications, a recommendation which shall be made within 30 days after the zoning commission hearing, and its recommendation then provided back to the Board of Township Trustees, and

Be it further resolved, to instruct the Salem Township Zoning Commission to within 5 days of this certification of this resolution to transmit a copy of it together with a copy of the attached text amendment to the Warren County Regional Planning Commission for it to conduct a public hearing to review, and make a recommendation of approval, denial, or approval with some modifications, which shall be submitted back to the Salem Township Zoning Commission.

Mrs. Ramsey moved for adoption of the foregoing resolution, being seconded by Mr. Blanton Upon call of the roll, the following vote resulted:

Mr. Blanton - yea Mr. Kilburn - yea Mrs. Ramsey - yea

Resolution adopted this 14th day of October 2025.

Executed by Board of Salem Township Trustees

Ralph Blanton 10/14/25 Susan Ramsey 10/14/25 R. Health Kilburn 10/14/25

CERTIFICATION

A true and accurate copy of this resolution to initiate a comprehensive text amendment to the Salem Township Zoning Code as attached hereto, is hereby certified to the Salem Township Zoning Commission by hand delivery on this 14th day of October 2025.

Susan Ramsey Board of Trustees, Vice President

## RESOLUTION 2025-13

### AMENDMENT TO THE SALEM TOWNSHIP RURAL ZONING CODE TEXT AND ZONING MAP PURSUANT TO SECTION 519.12 OF THE OHIO REVISED CODE

**Whereas**, the Salem Township Board of Trustees, pursuant to Section 519.12 of the Ohio Revised Code did initiate an amendment to the Salem Township Rural Zoning Code text by Resolution No. 2025-09, on October 14, 2025, and

**Whereas**, the Warren County Regional Planning Commission Executive Committee on November 20, 2025, did review the amendment to the Salem Township Rural Zoning Code text in a public hearing and recommended approval, and

**Whereas**, the Salem Township Zoning Commission on December 2, 2025, did review the comprehensive amendment to the Salem Township Rural Zoning Code text in a public hearing and did recommend approval, and

**Whereas**, the Salem Township Board of Trustees after receiving both abovementioned recommendations, did hold a public hearing on December 9, 2025, and have reviewed the recommendation of the Warren County Regional Planning Commission Executive Committee and the Warren County Zoning Commission, and any public comment.

**NOW THEREFORE BE IT RESOLVED**, to hereby adopt the recommendations of the Salem Township Zoning Commission, and to hereby approve the amendment to the Salem Township Rural Zoning Code text as attached hereto and fully incorporated herein, the same of which shall be made available to the public, and


**BE IT FURTHER RESOLVED**, the incorporated zoning text shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed, and otherwise, that each part of this petition comply with the requirements of Sections 519.12 and 3501.38 of the Ohio Revised Code.

Mrs. Ramsey moved for adoption of the foregoing resolution, being seconded by Mr. Blanton. Upon call of the roll, the following vote resulted:

Mrs. Ramsey - Yea  
Mr. Blanton - Yea  
Mr. Kilburn - Yea

Resolution adopted this 9th day of **December, 2025**.

Board of Salem Township Trustees

  
Vicky VonHolle, Fiscal Officer

# TABLE OF CONTENTS

---

ABBREVIATED TABLE OF CONTENTS.....	i
TABLE OF CONTENTS.....	ii - xii
ARTICLE 1 AUTHORITY, ADMINISTRATION & ENFORCEMENT.....	1
CHAPTER 1 TITLE, PURPOSE & APPLICABILITY.....	1
CHAPTER 2 ZONING ADMINISTRATION.....	5
CHAPTER 3 ZONING ENFORCEMENT.....	13
ARTICLE 2 ZONES & OVERLAY PROVISIONS.....	53
CHAPTER 1 ZONES & OVERLAYS, MAP & BOUNDARIES.....	53
CHAPTER 2 USE PROVISIONS AND DIMENSIONAL REQUIREMENTS.....	56
CHAPTER 3 ZONING DISTRICT STANDARDS.....	68
CHAPTER 4 OTHER USE SPECIFIC USE RELATED REGULATIONS.....	75
CHAPTER 5 PLANNED UNIT DEVELOPMENT OVERLAYS AND ZONES REGULATIONS.....	90
CHAPTER 6 PROTECTION OVERLAYS REGULATIONS.....	98
ARTICLE 3 ZONING SUPPLEMENTARY REGULATIONS.....	119
CHAPTER 1 GENERAL PROVISIONS, STANDARDS AND REQUIREMENTS.....	119
CHAPTER 2 USE SPECIFIC STANDARDS AND REQUIREMENTS.....	137
CHAPTER 3 PARKING AND LOADING STANDARDS AND REGULATIONS.....	193
CHAPTER 4 LANDSCAPING AND SCREENING STANDARDS AND REQUIREMENTS.....	210
CHAPTER 5 LIGHTING STANDARDS AND REQUIREMENTS.....	220
CHAPTER 6 SIGNAGE STANDARDS AND REQUIREMENTS.....	223
ARTICLE 4 LANGUAGE AND DEFINITIONS.....	237
CHAPTER 1 LANGUAGE AND DEFINITIONS.....	237



# TABLE OF CONTENTS

---

ABBREVIATED TABLE OF CONTENTS.....	i
TABLE OF CONTENTS.....	ii -xii
ARTICLE 1 AUTHORITY, ADMINISTRATION & ENFORCEMENT.....	1
CHAPTER 1 TITLE, PURPOSE & APPLICABILITY.....	<b>1</b>
Sec. 1.101 Title.....	<b>1</b>
Sec. 1.102 Purpose.....	1
Sec. 1.103 Applicability.....	<b>1</b>
1.103.1 Jurisdiction.....	<b>1</b>
1.103.2 Adoption and Effective Date.....	<b>1</b>
1.103.3 Interpretation.....	<b>1</b>
1.103.4 Required Conformance.....	<b>2</b>
1.103.5 Non-Conformities.....	<b>2</b>
1.103.6 Limitations and Exceptions.....	<b>2</b>
1.103.7 Severability.....	<b>4</b>
CHAPTER 2 ZONING ADMINISTRATION.....	<b>5</b>
Sec. 1.201 Zoning Officials, Responsibilities and Operations.....	5
Sec. 1.202 Summary Table of Review Bodies.....	5
Sec. 1.203 Board of Salem Township Trustees.....	6
1.203.1 Duties and Responsibilities.....	6
1.203.2 Operating Rules and Records.....	6
1.203.3 Action.....	6
Sec. 1.204 Zoning Commission.....	6
1.204.1 Duties and Responsibilities.....	6
1.204.2 Member Appointments, Terms and Removal.....	7
1.204.3 Organization and Operating Rules and Records.....	8
1.204.4 Recommendation.....	8
Sec. 1.205 Board of Zoning Appeals.....	8
1.205.1 Duties and Responsibilities.....	8



1.205.2	Member Appointments, Terms, and Removal .....	9
1.205.3	Organization, Operating Rules and Records .....	10
1.205.4	Quorum and Decisions .....	10
Sec. 1.206	Zoning Inspector .....	10
1.206.1	Duties and Responsibilities .....	10
CHAPTER 3	ZONING ENFORCEMENT .....	<b>13</b>
Sec. 1.301	Required Applications and Processing Procedures .....	13
Sec. 1.302	Zoning Permit Application .....	13
1.302.1	Applicability .....	13
1.302.2	Application Requirements .....	13
1.302.3	Processing .....	14
Sec. 1.303	Site Plan Review .....	15
1.303.1	Applicability .....	15
1.303.2	Exemptions .....	15
1.303.3	Application Requirements .....	16
1.303.4	Site Plan Requirements for Conditional Use .....	20
1.303.5	Site Plan Requirements for PUDs .....	20
1.303.6	The Review Process .....	20
1.303.7	Review Criteria .....	21
1.303.8	Post Site Plan Review Requirements .....	24
Sec. 1.304	Conditional Use Application .....	26
1.304.1	Purpose and Approval .....	26
1.304.2	Requirements .....	26
1.304.3	Process .....	26
1.304.4	Requirements Post Approval .....	28
1.304.5	Modification .....	28
1.304.6	Review Criteria .....	28
Sec. 1.305	Zoning Amendments .....	29
1.305.1	Who May Initiate .....	29
1.305.2	Application Requirements .....	30
1.305.3	Public Notification .....	30



1.305.4	Submittal .....	31
1.305.5	Review Process .....	32
1.305.6	Decision, Record, Delivery, Effective Date, Referendum, Appeal or Reconsideration .....	32
Sec. 1.306	Planned Unit Development Application .....	33
1.306.1	Initiation.....	33
1.306.2	Effect of PUD Designation .....	33
1.306.3	Review of Procedures.....	33
1.306.4	Application Requirements.....	35
1.306.5	Public Notification .....	36
1.306.6	Review Criteria.....	36
1.306.7	Post Approval Requirements.....	38
1.306.8	Modification to An Approved PUD .....	38
Sec. 1.307	Variance Application .....	41
1.307.1	Purpose.....	41
1.307.2	Appropriateness.....	41
1.307.3	Requirements.....	41
1.307.4	Processing.....	41
1.307.5	Public Notification.....	42
1.307.6	Review Criteria.....	42
1.307.7	Post Approval.....	42
Sec. 1.308	Non-Conforming Provisions .....	43
1.308.1	Purpose.....	43
1.308.2	Non-Conforming, Legal Uses.....	43
1.308.3	Non-Conforming, Legal Lots of Record .....	43
1.308.4	Non-Conforming, Legal Structure of Record .....	44
1.308.5	Procedure for Becoming Conforming.....	44
1.308.6	BZA Additional Authority.....	45
Sec. 1.309	Violations and Penalties .....	45
1.309.1	Enforcing Officer.....	45
1.309.2	Remedies .....	45
1.309.3	Notification .....	46



1.309.4	Penalties .....	47
Sec. 1.310	Administrative Appeals .....	47
1.310.1	Purpose.....	47
1.310.2	Submittal.....	47
1.310.3	Application Requirements and Submittal Fee.....	48
1.310.4	Processing.....	48
1.310.5	Decision, Determination, and Findings.....	48
1.310.6	Recourse to Unfavorable BZA Decision.....	49
Sec. 1.311	Administrative Interpretation.....	49
Sec. 1.312	Fee Required .....	50
Sec. 1.313	Reasonable Accommodation Request.....	50
1.313.1	Purpose.....	50
1.313.2	Applicability.....	50
1.313.3	Application Requirements.....	51
1.313.4	Review Authority and Procedure .....	51
1.313.5	Findings and Decision.....	51
1.313.6	Appeal of Determination .....	52
ARTICLE 2 ZONES & OVERLAY PROVISIONS.....		53
CHAPTER 1	ZONES & OVERLAYS, MAP & BOUNDARIES .....	<b>53</b>
Sec. 2.101	Establishment of Zoning Districts and Overlays .....	53
Sec. 2.102	Official Zoning Map .....	53
Sec. 2.103	Zoning District Boundaries.....	55
Sec. 2.104	Rules for Resolving District Boundary Line Location Uncertainty and Dispute.....	55
CHAPTER 2	USE PROVISIONS AND DIMENSIONAL REQUIREMENTS.....	<b>56</b>
Sec. 2.201	Use Groups in the Table of Permitted Uses by Zoning District .....	56
Sec. 2.202	Permitting Designations of Land Uses in Table .....	56
Sec. 2.203	Permitting Designation for a Use Not Listed .....	57
Sec. 2.204	Mixed-Use.....	57
Sec. 2.205	Table of Permitted Uses by Zoning District.....	58



CHAPTER 3	ZONING DISTRICT STANDARDS .....	<b>68</b>
Sec. 2.301	General Provisions .....	68
Sec. 2.302	Residential Zoning Standards .....	68
2.302.1	Residential Zones Development Standards Table .....	68
2.302.2	Conservation Design Option .....	69
Sec. 2.303	Industrial Zoning Standards.....	72
2.303.1	Principal Building Groups Permitted .....	72
2.303.2	Setback from Residential Property or District.....	72
2.303.3	Use and Performance Standards Required .....	72
2.303.4	Commercial and Industrial Zones Development Standards Table .....	72
Sec. 2.304	Base Density / Intensity Calculations .....	73
CHAPTER 4	OTHER USE SPECIFIC USE RELATED REGULATIONS.....	<b>75</b>
Sec. 2.401	Agricultural Zone Regulations .....	75
Sec. 2.402	Mixed-Use Residential Zone Regulations (MXU-R).....	77
2.402.1	Purpose.....	77
2.402.2	Permitted Uses .....	77
2.402.3	Use-Specific Standards.....	78
2.402.4	Development Standards.....	79
2.402.5	Design Standards and Guidelines .....	82
CHAPTER 5	PLANNED UNIT DEVELOPMENT OVERLAYS AND ZONES REGULATIONS.....	<b>90</b>
Sec. 2.501	Purpose.....	90
Sec. 2.502	Authority.....	90
Sec. 2.503	Applicability .....	90
Sec. 2.504	Approval .....	90
Sec. 2.505	Submittals Requirements.....	90
Sec. 2.506	Standards and Guidelines .....	91
2.506.1	Uses .....	91
2.506.2	Development Size .....	91
2.506.3	Open Space Standards .....	92
2.506.4	Guidelines for PUDs Beyond the USB .....	95
Sec. 2.507	Other Regulations .....	97



Sec. 2.508	Change of Ownership.....	97
Sec. 2.509	Classifications of Planned Unit Development.....	97
CHAPTER 6	PROTECTION OVERLAYS REGULATIONS.....	<b>98</b>
Sec. 2.601	Ground Water Protection Overlay (GP).....	98
2.601.1	Purpose.....	98
2.601.2	Applicability.....	98
2.601.3	Groundwater Protection Overlay Map.....	98
2.601.4	Establishment of Boundaries.....	100
2.601.5	Use.....	100
2.601.6	Standards and Requirements.....	102
Sec. 2.602	Stream Protection Guidelines .....	111
2.602.1	Purpose.....	111
2.602.2	Applicability.....	112
2.602.3	Stream-Side Setbacks Map.....	112
2.602.4	Exemptions .....	114
2.602.5	Establishment of Streamside Setback .....	114
2.602.6	SWCD Review.....	115
2.602.7	Acceptable Activities .....	115
2.602.8	Discouraged Activities .....	117
2.602.9	Inspections.....	118
ARTICLE 3 ZONING SUPPLEMENTARY REGULATIONS .....		119
CHAPTER 1	GENERAL PROVISIONS, STANDARDS AND REQUIREMENTS.....	<b>119</b>
Sec. 3.101	Agricultural Use Regulations in Subdivisions .....	119
Sec. 3.102	Accessory Uses, Buildings, and Structures Standards.....	120
3.102.1	Accessory Use .....	120
3.102.2	Residential Accessory Buildings.....	120
3.102.3	Non-Residential Accessory Structures .....	122
3.102.4	Commercial and Residential Vehicle Parking in Residential Districts .....	122
3.102.5	Drive-In or Drive-Thru Service Facilities .....	123
3.102.6	Fences, Walls, and Hedges in Residential Districts.....	124

3.102.7	Fences, Walls, and Hedges in Non-Residential Districts.....	125
3.102.8	Outdoor Trash Container Enclosure .....	125
3.102.9	Outdoor Private Accessory Recreation Facility .....	125
3.102.10	Satellite Dishes.....	126
3.102.11	Solar.....	126
3.102.12	Swimming Pool Requirements.....	130
3.102.13	Micro-Wind Turbine .....	130
Sec. 3.103	Development Standards.....	132
3.103.1	Clear Sight Distance Triangle .....	132
3.103.2	Lot Requirements .....	132
3.103.3	Height Regulation Exceptions .....	133
3.103.4	Yards Required Open.....	133
3.103.5	Site Access and Circulation.....	134
Sec. 3.104	Junk, Junk Vehicles, and Other Salvageable Items Restrictions.....	134
Sec. 3.105	Performance Standards.....	135
Sec. 3.106	Mobile Home Use .....	135
Sec. 3.107	Sewer Service Area Requirements .....	135
Sec. 3.108	Uses and Development Underlying Airport Space .....	135
Sec. 3.109	Adaptive Reuse of Historic Structures and Barns.....	135
CHAPTER 2	USE SPECIFIC STANDARDS AND REQUIREMENTS.....	<b>137</b>
Sec. 3.201	Overview.....	137
Sec. 3.202	Agricultural and Related Uses .....	137
3.202.1	Agricultural Support Services .....	137
3.202.2	Commercial Stables.....	137
3.202.3	Agritourism .....	138
3.202.4	Farm Markets and Produce Stands .....	138
3.202.5	Kennels (Non-Exempt Agricultural).....	139
3.202.6	Nurseries, Greenhouses, and Garden Centers (Non-Exempt Agricultural).....	139
3.202.7	Winery (Non-Exempt Agricultural) .....	139
Sec. 3.203	Residential Uses Standards and Requirements .....	140
3.203.1	Principle Building per Single or Two Families Residential Lot .....	140



3.203.2	Multiple-Family .....	140
3.203.3	Community-Based Residential Social Service Facilities .....	141
3.203.4	Home Uses .....	142
3.203.5	Secondary Dwelling Units.....	149
3.203.6	Boarding Houses .....	149
3.203.7	Vacation Rentals.....	150
Sec. 3.204	Temporary Use Standards and Requirements .....	152
3.204.1	Circuses, Fairs, Carnivals, Revivals, Rodeos .....	152
3.204.2	Construction-Related Activities .....	153
3.204.3	On-Demand Storage Containers.....	153
3.204.4	Yard/Garage, Estate Sales, and Private Auctions.....	153
3.204.5	Prohibited Temporary Uses.....	154
Sec. 3.205	Community and Essential Services .....	154
3.205.1	Auditorium, Museums, Performing Arts Centers, and Fine Arts Centers, Places of Worship.....	154
3.205.2	Cemeteries.....	155
3.205.3	Civic Clubs, Halls, and Lodges.....	155
3.205.4	Schools, Colleges, and Universities.....	155
3.205.5	Hospitals, Medical Centers, and Outpatient Clinics .....	155
3.205.6	Towers Other than Telecommunications Towers .....	156
3.205.7	Telecommunications Towers .....	157
Sec. 3.206	Commercial Businesses and Service Uses .....	164
3.206.1	Animal Hospital and Animal Clinic .....	165
3.206.2	Automobile Repair, Services, Sales, and Rentals.....	165
3.206.3	Automobile Fueling Station .....	167
3.206.4	Bars, Brewpubs, Billiards Parlors, Night Clubs, and Taverns .....	168
3.206.5	Bed and Breakfast .....	168
3.206.6	Funeral Parlors, Crematories, or Mortuaries .....	169
3.206.7	Hotels and Motels .....	169
3.206.8	Commercial Use Large-Scale Retail .....	170
3.206.9	Restaurants .....	170
3.206.10	Sexually Oriented Business.....	171

3.206.11	Conference Training Center .....	182
3.206.12	Day Camps, Campgrounds, and Retreats .....	182
3.206.13	Day Care Centers .....	182
3.206.14	Recreation Facility, Indoor .....	182
3.206.15	Recreation Facility, Outdoor .....	183
3.206.16	Wedding Facility and Event Center .....	184
3.206.17	Shooting Ranges .....	185
Sec. 3.207	Professional and Personal Service Uses .....	186
3.207.1	Recording Studio .....	186
3.207.2	Personal Services .....	186
3.207.3	Financial Institutions, with Drive-Thru Services .....	186
Sec. 3.208	Industrial, Manufacturing, Research, and Supply Services .....	186
3.208.1	Batching Plants .....	187
3.208.2	Industrial Services .....	187
3.208.3	Self-Storage Facility .....	188
3.208.4	Warehouse and Freight Movement .....	188
Sec. 3.209	Other Special Uses, Standards, and Requirements .....	188
3.209.1	Waste Composting .....	188
3.209.2	Mineral Extraction and Surface Mining .....	189
3.209.3	Wind Energy Conversion System (WECS) .....	190
CHAPTER 3	PARKING AND LOADING STANDARDS AND REGULATIONS .....	<b>193</b>
Sec. 3.301	Purpose .....	193
Sec. 3.302	Scope .....	193
Sec. 3.303	Sidewalks and Walkways Required .....	193
Sec. 3.304	Access Management .....	194
Sec. 3.305	Bicycle Parking .....	195
Sec. 3.306	Off-Street Parking Definitions and Standards .....	195
Sec. 3.307	Schedule of Required Parking by Use .....	196
Sec. 3.308	Location of Parking Area .....	198
Sec. 3.309	Administrative Waivers .....	199
Sec. 3.310	Shared Parking .....	200



Sec. 3.311	Design Requirements.....	202
Sec. 3.312	Vehicle Stacking Requirements .....	205
Sec. 3.313	Off-Street Loading Requirements.....	206
CHAPTER 4	LANDSCAPING AND SCREENING STANDARDS AND REQUIREMENTS .....	<b>210</b>
Sec. 3.401	Purpose.....	210
Sec. 3.402	Objectives .....	210
Sec. 3.403	Expansions and Alterations .....	210
Sec. 3.404	Landscaping and Materials.....	211
Sec. 3.405	Buffering and Screening Requirements .....	212
Sec. 3.406	Parking Requirements .....	216
Sec. 3.407	Other Requirements .....	218
Sec. 3.408	Maintenance.....	218
CHAPTER 5	LIGHTING STANDARDS AND REQUIREMENTS .....	<b>220</b>
Sec. 3.501	Purpose.....	220
Sec. 3.502	Scope .....	220
Sec. 3.503	Permits .....	220
Sec. 3.504	Application Requirements.....	220
Sec. 3.505	General Requirements .....	221
Sec. 3.506	Design Requirements .....	221
Sec. 3.507	Lighting for Outdoors Performance Areas and Recreation Facilities .....	222
Sec. 3.508	Search Lighting for Special Events or Attractions.....	222
Sec. 3.509	Neon Lighting for Building Ornamentations and Accentuations .....	222
Sec. 3.510	Exemptions .....	222
CHAPTER 6	SIGNAGE STANDARDS AND REQUIREMENTS .....	<b>223</b>
Sec. 3.601	Purpose.....	223
Sec. 3.602	Applicability.....	223
Sec. 3.603	State Permit .....	223
Sec. 3.604	Application Requirements.....	223
Sec. 3.605	Review Procedures .....	223
Sec. 3.606	Sign Types.....	224

Sec. 3.607	General Sign Standards .....	226
Sec. 3.608	Design Standards .....	227
Sec. 3.609	Sign Dimensional Computations .....	227
Sec. 3.610	Prohibited Signs .....	228
Sec. 3.611	Exempt Signs.....	229
Sec. 3.612	Signs Permitted in all Districts .....	230
Sec. 3.613	Non-Residential District Signs .....	231
Sec. 3.614	Residential District Signs .....	233
Sec. 3.615	Signs on Undeveloped Lots.....	233
Sec. 3.616	Comprehensive Sign Program .....	233
Sec. 3.617	Illumination Maintenance Standards.....	234
Sec. 3.618	Non-Conforming Signs .....	235
Sec. 3.619	Removal of Signs .....	236
ARTICLE 4 LANGUAGE AND DEFINITIONS.....		237
CHAPTER 1	LANGUAGE AND DEFINITIONS .....	<b>237</b>
Sec. 4.101	Construction of Language.....	237
Sec. 4.102	Terms Not Defined .....	237
Sec. 4.103	Definitions .....	237



# ARTICLE 1

## AUTHORITY, ADMINISTRATION & ENFORCEMENT

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### CHAPTER 1 TITLE, PURPOSE & APPLICABILITY

#### SEC. 1.101 TITLE

The Salem Township Zoning Resolution, consisting of this text document and the accompanying Official Zoning Map, as amended, shall be known as the "Salem Township Zoning Code", or "Zoning Code" to the same effect.

#### SEC. 1.102 PURPOSE

To promote public health, safety, public convenience, comfort, prosperity, and general welfare; to secure the most appropriate use of land; to facilitate adequate but economical provision of public improvements, all in accordance with the provisions of Section 519 of the Ohio Revised Code (ORC).

#### SEC. 1.103 APPLICABILITY

##### 1.103.1 Jurisdiction

The provisions of this Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Salem Township, Warren County, Ohio.

When a parcel of land is partially located within another jurisdiction, outside of unincorporated Salem Township, this Zoning Resolution shall only apply to that portion of the parcel that is within unincorporated Salem Township.

##### 1.103.2 Adoption and Effective Date

This resolution was adopted on December 9, 2025 and shall therefore be effective on January 9, 2026. Any amendments to this Zoning resolution shall be in full force and effect as provided in ORC Section 519.12.

##### 1.103.3 Interpretation

The specifications in this Resolution are held as minimum or maximum requirements, as applicable, with the intent to achieve the purposes stated in ORC Section 519.02, et seq., or as may be amended.

When the provisions of this Zoning Resolution are inconsistent with one another or with the provisions found in another adopted Resolution, the most restrictive provision shall govern as determined by the Salem Township Zoning Inspector.

Where this Zoning Resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or Resolutions, the provisions of this Zoning Resolution shall control provided it complies with the ORC.

#### **1.103.4 Required Conformance**

Unless otherwise provided herein, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building structure or land be used unless conforming with: the specified uses allowed in the zoning district in which located, the height limits and dimensional requirements established for the zoning district where located, and all other supplemental regulations herein specified applicable.

#### **1.103.5 Non-Conformities**

Any legal non-conformity that exists at the time of the enactment of this Zoning Resolution shall continue to be a legal non-conformity under this Resolution, as long as the situation that resulted in the non-conforming status under the previous Resolution continues to exist. Such non-conformities shall be subject to the provisions of Section 1.308 (Non-Conforming Provisions).

If a legal non-conformity that exists at the time of the enactment of this Zoning Resolution becomes conforming because of the adoption of this Resolution, then the situation will be considered conforming and shall no longer be subject to the non-conformities regulations of Section 1.308 (Non-Conforming Provisions).

#### **1.103.6 Limitations and Exceptions**

A) This Resolution shall have no power to prohibit the use of any land within the zoning jurisdiction for agriculture (as defined herein), or the construction or use of buildings or structures incident to the agricultural use of land on which such buildings or structures are located, and no Zoning Permit shall be required for any such building or structure, except that the following may be regulated in any platted subdivision approved under Sections 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of 15 or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:

- 1) Agriculture on lots of one (1) acre or less;
- 2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres: by building setback lines, height, and size;
- 3) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) 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 to the tax on manufactured and mobile homes under ORC Section 4503.06. After 35 percent of the lots are so developed,

dairying and animal and poultry husbandry shall be considered nonconforming use of such land, buildings, or structures pursuant to ORC Section 519.19;

- B) However, the above divisions (1), (2), and (3) confer no zoning power to regulate agriculture, such buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres, nor to prohibit any land for a farm market where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, but per ORC Section 519.02, zoning may regulate such factors pertaining to farm markets as size of the structure, size of the parking areas that may be required, building setback lines and egress or ingress, where such regulation is necessary to protect the public health and safety;
- C) Per ORC Section 519.211(A), this Resolution shall have no power with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business, except as specified in ORC Section 519.211 (B) or (C), respectively pertaining to the potential regulation of telecommunications towers and transportation service businesses, excepting transport of farm supplies and/or products;
- D) Per ORC Section 519.211(D), this Resolution shall have no power to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted;
- E) Per ORC Section 519.212, this Resolution shall have no power to prohibit or restrict the location of a permanently sited manufactured home (as defined herein) in any district or zone in which a single-family home is permitted, except that zoning authority is not limited with respect to the following:
  - 1) Requirements that a permanently site-manufactured home comply with all zoning requirements that are uniformly imposed on all single-family residences in the district or zone in which it is to be located, excepting requirements that specify a minimum roof pitch and that do not comply with the standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401; and,
  - 2) Prohibiting travel trailers, park trailers, and mobile homes (as defined herein) from location in any residential district or zone, as these terms are defined in 5 ORC Section 4501.01, and manufactured homes that do not qualify as permanently site-manufactured homes.

F) Per ORC Section 519.213, this Resolution, notwithstanding division (A) of ORC Section 519.211, shall have no power to govern the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, as defined in this Code same as ORC Section 519.213(A), whether publicly or privately owned, or the use of land for that purpose, more strict than the regulations prescribed in rules adopted under division (C)(2) of ORC Section 4906.20 pursuant to economically significant wind farm.

**1.103.7 Severability**

Should any article, chapter, section, paragraph, sentence, phrase, word, table, exhibit, or provision of this Resolution be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any of the remainder of the Zoning Code.

# ARTICLE 1

## CHAPTER 2 ZONING ADMINISTRATION

### SEC. 1.201 ZONING OFFICIALS, RESPONSIBILITIES AND OPERATIONS

Per Ohio Revised Code (ORC) Chapter 519, or as amended, the administration and enforcement of this Zoning Code is vested in the Board of Salem Township Trustees to be carried out by the duly-authorized representatives whom it appoints to do so. Accordingly, the Salem Township Zoning Inspector and their respective duties, responsibilities, operations, and actions are specified in the rest of this Chapter.

### SEC. 1.202 SUMMARY TABLE OF REVIEW BODIES

- A. Table 1.02 (Summary Table of Review Bodies) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Article 1. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.

TABLE 1.02: SUMMARY TABLE OF REVIEW BODIES						
H = HEARING (ADMINISTRATIVE) R = REVIEW AND/OR RECOMMENDATION			D = DECISION (RESPONSIBLE FOR FINAL DECISION) P = PRE-SUBMITTAL MEETING			
Procedure	Section	Board of Township Trustees	Zoning Commission	Board of Zoning Appeals (BZA)	Regional Planning Commission (WCRPC)	Zoning Inspector
Zoning Resolution Text or Map Amendment	1.304	H-D	H-R		R-R	P-R
Planned Unit Development – Stage 1	1.305	H-D	H-R		R-R	R
Planned Unit Development – Stage 2	1.305	H-D	R-R		R-R	P-R
Site Plan Review	1.303	H-D				P-R
Site Plan Review with Conditional Use	1.303			H-D		P-R
Conditional Use	1.306			H-D		P-R
Appeals	1.310			H-D		
Variance	1.307			H-D		P-R
Zoning Permit	1.302			H-D		R-D

- B. Even though not referenced in this article, other boards, commissions, government agencies, and nongovernment agencies may be asked by the zoning inspector, the Salem Township Zoning Commission, the Salem Township Board of Zoning Appeals, or the Salem Township Board of Township Trustees, to review some applications, including, but not limited to, map amendments (rezoning), text amendments, appeals, variances, conditional uses, and planned unit developments.

## **SEC. 1.203 BOARD OF SALEM TOWNSHIP TRUSTEES**

### **1.203.1 Duties and Responsibilities**

- A) Initiate proposed amendments to this Zoning Resolution;
- B) Review and decide on all proposed zoning text and map amendments to this Zoning Resolution;
- C) Review and decide on site plans;
- D) Review and decide on Stage 1 and Stage 2 applications as they relate to a proposed PUD District;
- E) Perform all other duties as specified in ORC Chapter 519 and as specified in this Zoning Resolution.

### **1.203.2 Operating Rules and Records**

All Township Trustees meetings regarding zoning matters shall be open to the public pursuant the Ohio Open Meetings Act. The Board of Township Trustees shall keep minutes of its meetings and record of its actions and decisions, which shall all be maintained as public record.

### **1.203.3 Action**

Formal action of the Board of Township Trustees shall be taken by resolution.

## **SEC. 1.204 ZONING COMMISSION**

The Board of Township Trustees, for the purpose and intent of this Zoning Resolution, hereby creates and establishes the Salem Township Zoning Commission, hereafter referred to as the TZC.

### **1.204.1 Duties and Responsibilities**

The TZC may organize and adopt the rules for it to operate in keeping with ORC Chapter 519, or as amended, and elect the Chair and Vice Chairpersons from its members as membership changes and/or upon call of the commission through a motion.

### 1.204.2 Member Appointments, Terms and Removal

- A) The TZC shall be composed of five (5) members who reside in the unincorporated area of Salem Township, to be appointed by the Board of Township Trustees.
- B) Members shall serve five (5) year terms with the term of one (1) member expiring each year.
- C) Each member shall serve until his or her successor is appointed and qualified. Members may be reappointed.
- D) Vacancies shall be filled by appointment by the Board of Township Trustees and shall be for the time remaining in the unexpired term.
- E) Members of the TZC shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges being filed with the Board, and after a public hearing has been held regarding such charges, a copy of charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
- F) The Board of Township Trustees may appoint up to two (2) alternate members to the TZC for a term of five (5) years each.
  - 1) An alternate member may take the place of an absent regular member at any meeting of the TZC. An alternate member shall not take the place of an absent regular member if such alternate has not been present to hear all testimony regarding the matter at hand;
  - 2) Whenever an alternate takes the place of an absent regular member in a matter that requires a vote, the alternate member shall take the place of the absent regular member for all meetings and hearings related to such issue;
  - 3) An alternate member shall meet the same appointment criteria as a regular member;
  - 4) When attending a meeting on behalf of an absent regular member, the alternate member may vote on any matter on which the absent member is authorized to vote.

### **1.204.3 Organization and Operating Rules, and Records**

- A) The TZC shall convene public meetings or hearings to:
  - 1) Initiate proposed amendments to this Zoning Resolution;
  - 2) Review all proposed zoning text and map amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees;
  - 3) Review and make recommendations to the Board of Township Trustees regarding PUD Stage 1 applications.
- B) Perform all other duties as specified for Township zoning commissions in ORC Chapter 519 and as specified in this Zoning Resolution.
- C) Meetings shall be held at the call of the Chair, Vice Chair, or acting Chair, and at such other times as the TZC may determine. The Chair, or, if absent, the Vice Chair or acting Chair as otherwise determined by the TZC, may call a TZC meeting to order.
- D) All meetings shall be open to the public, except as exempted by law.
- E) The TZC shall keep minutes of its proceedings showing sufficient facts and information to permit the public to understand and appreciate its actions, the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be filed in a timely manner in the Township offices.
- F) Any combination of three (3) regular or alternate members of the TZC shall constitute a quorum.

### **1.204.4 Recommendation**

The TZC shall act when a majority of a quorum concurs and every decision shall be accompanied by written findings specifying the reason for granting or denying the application or making its recommendation.

## **SEC. 1.205 BOARD OF ZONING APPEALS (BZA)**

The Board of Township Trustees, for the purpose and intent of this Zoning Resolution, hereby creates and establishes the Salem Township Board of Zoning Appeals, hereafter referred to as the BZA.

### **1.205.1 Duties and Responsibilities**

- A) The BZA shall convene public meetings or hearings to:
  - 1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the

enforcement of this Zoning Resolution;

- 2) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done;
  - 3) Approve or deny issuance of a zoning permit for a conditional use specified in this Code, in accordance with Sections 519.14 or 519.141 of the ORC, as applicable;
  - 4) Revoke any variance or conditional use granted for the extraction of minerals, if any approval condition thereof has been violated.
- B) In exercising the above-mentioned powers, the Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the administrative official from whom the appeal is taken.
- C) All other powers conferred upon the BZA in Section 519.14 of the ORC, or as authorized by the Board of Salem Township Trustees in compliance with state law.

#### **1.205.2 Member Appointments, Terms, and Removal**

- A) The BZA shall consist of five (5) members and two (2) alternates, to be appointed by the Board of Salem Township Trustees.
- B) Members shall be residents of the unincorporated area of Salem Township, Warren County, Ohio.
- C) Members shall serve five (5) year terms with the term of one (1) member expiring each year.
- D) Each member shall serve until their successor is appointed and qualified. Members may be reappointed.
- E) Vacancies shall be filled by appointment by the Board of Salem Township Trustees and shall be for the time remaining in the unexpired term.
- F) Members of the BZA shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Salem Township Trustees, upon written charges having been filed with the Board, and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving

the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

### **1.205.3 Organization, Operating Rules and Records**

The BZA shall adopt rules for its own governance pursuant to this Code and ORC Chapter 519, or as amended, and annually elect the Chair and Vice Chairpersons from its members. All BZA meetings are to be held at the call of the BZA Chair, with notification to members and the public. The Chair, Vice Chair, or acting Chair may call a meeting to order, administer oaths, and compel the attendance of witnesses. All BZA meetings are open to the public pursuant to the Ohio Open Meetings Act, unless exempted. The BZA shall keep minutes of its proceedings with sufficient facts and information to permit the public to understand and appreciate its actions indicating the vote of each member or if absent or failing to vote and keep record of its examinations, actions, and public input, which shall all be maintained and made available as a public record in the Zoning Department.

### **1.205.4 Quorum and Decisions**

- A) The BZA shall conduct a quasi-judicial hearing prior to rendering its decision on an application for an appeal, variance, or conditional use certificate, or revoking of an unauthorized variance or conditional use certificate.
- B) Any combination of three or more regular or alternate members of the BZA shall constitute a quorum.
- C) Action by the BZA requires a majority vote by a quorum. The BZA shall document its decisions in writing and shall include findings of relevant fact based on evidence, and statement of applications of relevant zoning code provisions and law.
- D) Upon closing a hearing, the BZA may deliberate its decision off the record in private (a quasi-judicial hearing is not a meeting and is not subject to the Open Meetings Act). Upon completing deliberations, the BZA shall deny, approve, or approve with conditions an application.

## **SEC. 1.206 ZONING INSPECTOR**

A Zoning Inspector, as appointed by the Salem Township Board of Trustees, along with any assistant(s) as deemed necessary, shall be responsible for administering and enforcing the Salem Township Zoning Code.

### **1.206.1 Duties and Responsibilities**

- A) Maintain the Zoning Code text and map, and the record of all amendments thereto.
- B) Provide information regarding the Zoning Code and all related matters so involving.
- C) Assist applicants for a zoning permit, site plan review, conditional use, variance, rezoning,

or other zoning matter by explaining how to complete required applicable forms and procedures.

- D) Review proposed subdivision plats and parcel splits submitted for approval to the Warren County Regional Planning Commission (RPC), or as otherwise submitted for recording not needing RPC approval, to determine compliance with the requirements of this Code.
- E) Review zoning permit applications, ensuring compliance with the requirements of this Code, as well as any additional applicable case-specific Resolution conditions, and accordingly, either approve or deny said permit and maintain record thereof.
- F) Determine, if the event arises, whether a proposed use not listed in this Code shall be a permitted or conditional use, in accordance with Section 2.203 (Permitting Designation for a Use Not Listed).
- G) Perform periodic inspections of zoning permit sites to confirm that requirements are being met.
- H) Investigate complaints of alleged zoning violations as specified in this Code.
- I) Process and maintain record of all zoning violations as specified in this Code. Issue written order via certified mail to the person(s) responsible for said zoning violation(s), to discontinue use of any land, building or structure, and/or to stop work and/or remove any building or structure, in whole or in part, that has been found in violation of any requirement(s) of this Zoning Code, informing them of their right to appeal the order should they might otherwise object or refuse to comply with said order.
- J) Maintain records of legal non-conforming uses, structures, and lots that existed before the effective date of this Zoning Code and update the record as necessary when applicable conditions or amendments of the zoning regulations eliminate the non-conforming status.
- K) Forward complete applications submitted in accordance with this Code for zoning cases requiring review and recommendation and/or action in determination of approval, denial or modification to the Warren County RPC, TZC, BZA, and/or Board of Township Trustees, as required by this Zoning Code.
- L) Schedule, provide information for, attend, and oversee TZC and BZA meetings and attend and provide information at meetings of the Board of Township Trustees involving zoning matters.
- M) Maintain public records regarding all zoning matters, inclusive of all information submitted and formal decisions made regarding each case.
- N) Make grammatical, numerical, and section reference corrections to the Salem Township Zoning Code without such changes being subject to the review process of Section 1.304

(Zoning Amendments) and provided that such changes do not alter the meaning of the Code.

- O) Perform other related duties as required to administer and enforce this Zoning Code.
- P) Approve or deny zoning permit requests for completion, restoration, reconstruction, in whole or in part, extension, or substitution of a nonconforming use or structure; and
- Q) Determine if the event arises, as specified in Section 2.103 (District Boundaries Location and Interpretation), the certain location of a zoning district boundary that is in question or dispute for purposes of regulation in accordance with this Code.

# ARTICLE 1

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## CHAPTER 3 ZONING ENFORCEMENT

### SEC. 1.301 REQUIRED APPLICATIONS AND PROCESSING PROCEDURES

This Chapter specifies the applications and procedures by which requirements of the Zoning Code are enforced or exempted, pursuant to and in accordance with ORC Chapter 519. Enforcement measures applied in the event of a violation are described, along with potential recourse or relief by variance or appeal from requirements of the Code.

### SEC. 1.302 ZONING PERMIT APPLICATION

#### 1.302.1 Applicability

A zoning permit is required for all proposed principal, accessory, and temporary use structures unless otherwise specified within this Code. An application for a zoning permit prepared in satisfaction with the requirements of Section 1.301.2 shall be submitted to and approved by the Zoning Inspector before the owner(s) of property or the agent(s) acting in their behalf commence any change in land use or places or begins to erect, construct, reconstruct, enlarge, or alter any building or other structure. Uses/development subject to Section 1.103.7 are exempt. Zoning Code compliance must be determined by the Zoning Inspector prior to issuance of a zoning permit.

#### 1.302.2 Application Requirements

The required zoning permit application form, fee, and accompanying information inclusive of a site plan must be submitted to the Zoning Inspector for evaluation. All site plans shall include the following information, unless the Zoning Inspector determines that certain information is not necessary to meet the intent of this Section:

- A) Name, address, phone number, and e-mail address of the applicant property owner and agent, if applicable or available;
- B) Date submitted to, and accepted complete, by the Zoning Inspector;
- C) The parcel identification number of the parcel(s), the zoning district, site address, and, if applicable, the name of the subdivision and the lot number(s);
- D) Accurate dimensions of the boundary lines (based on a recorded survey), legal description, and square footage or acreage of the site;
- E) The location of each existing and proposed structure, notation of the type, size (square footage area and outer wall footprint dimensions as applicable) of each structure, indication of the respective distances in feet from the outermost edges of each existing and proposed structure to property lines, and identification of structures to be removed;

- F) The total height of the proposed structure, and number of stories;
- G) Proposed residential structure(s) and number of dwelling unit(s) within each, total living space by floor (square footage), and the number and size of bedrooms in each dwelling unit;
- H) Written certification of an approved or anticipated sewage disposal system permit by the approving authority and a plan showing existing and proposed systems for sanitary sewer;
- I) Indication of the existing and/or proposed vehicle access, parking provisions, and traffic circulation;
- J) Provisions for landscaping, screening, signage, and lighting;
- K) Signature of the applicant attesting to the truth and correctness of all information provided on the application form, the accompanying site plan, and other documents submitted. The applicant's acknowledgement that:
  - 1) The zoning permit will expire in one (1) year following the date of approval; and,
  - 2) The permit may be revoked if the use and/or structure is not progressing; or
  - 3) Completed in a manner consistent with the information provided and approved.
- L) Other applicable information required by the Zoning Inspector to determine compliance of the permit request. This may include, but is not limited to, the location of drainage, public utility, common access, conservation easements, regulatory floodplain and stream protection areas, right-of-way or easement line(s), boundaries of waterways, and finished floor elevations; and,
- M) The permit application fee.

### **1.302.3 Processing**

Each application is consecutively numbered within the year in which it was accepted for processing and is maintained accordingly in a file as a matter of public record available at the Zoning Inspector's office. A signed and dated copy of the application that documents the decision by the Zoning Inspector shall be provided to the applicant. In the event the Zoning Inspector denies issuance, the reasons for the denial will be communicated to the applicant in writing.

After processing, permits required shall be issued through the building department which will assure compliance with all applicable provisions and requirements of the Code and conformance with the decision of other approving authorities.

## SEC. 1.303 SITE PLAN REVIEW APPLICATION

### 1.303.1 Applicability

- A) Review of a site plan by the Salem Township Board of Trustees is required for uses in certain districts where the symbol "S" is shown in the Table of Permitted Uses by Zoning District (Section 2.205), as well as during Stage 2 of a PUD process. In such cases as described, the Board of Trustees shall be considered the Approving Authority.
- B) Site Plan Review by the Board of Zoning Appeals (BZA) is required for all Conditional Uses in certain districts where the symbol "C" is shown in the Table of Permitted Uses by Zoning District (Section 2.205). In such cases as described, the BZA shall be considered the Approving Authority. Site Plan review hearings shall be conducted by the BZA subsequent to a hearing that results in a Conditional Use permit being granted.

### 1.303.2 Exemptions

Site Plan Review process is not required for the following:

- A) Uses exempt per the Table of Uses;
- B) Change in the ownership of any land or structure;
- C) Exterior or interior maintenance and repair of any existing use structure;
- D) Re-occupancy of any building or re-use of any structure with a previously permitted use;
- E) Construction, removal, or alteration of an agricultural structure for an exempt agricultural use. Structures in a regulatory floodplain must satisfy the Warren County Flood Damage Reduction Regulations;
- F) Construction, removal, or alterations of a single-family or two-family dwelling not located in a one-hundred (100) year floodplain or accessory structure containing not more than five hundred seventy-six (576) square feet which is located within the flood fringe;
- G) Interior alteration of a building used for an approved principal or accessory use;
- H) Exterior alteration of a building used for an approved principal or accessory use which does not expand the building footprint by more than twenty-five percent (25%) compared to the building footprint within the past five years;
- I) A change of occupancy within the same use category, provided no modification of the site is proposed or required by the standards of this Code – such as an increase in the number of required parking spaces or landscape buffering – and that such change maintains compliance with all applicable requirements of this Code;
- J) An additional building may be constructed without site plan review if that building:
  - 1) Will not expand the building footprint by more than ten percent (10%) compared to the building footprint within the past five (5) years;

- 2) Will not increase a parcel's acreage;
  - 3) Will not produce concerns regarding the environment or traffic;
  - 4) Has access from a public road; and
  - 5) Meets approval from the Zoning Inspector.
- K) Any use and/or structure which is solely approvable by the Zoning Inspector; and
- L) Land and structures, not including buildings, required in the provision of essential services defined in this Code, public utilities, and/or railroads.

### **1.303.3 Application Requirements**

The required application form, fee, and information to accompany the site plan must satisfy the following:

- A) Site Plan Drawing Format: The site plan shall be drawn to a scale specified appropriate by the Zoning Inspector. Information must be clear and legibly drawn.
- B) Number of Copies: Folded copies of the site plan are required, and the amount needed will be determined by the Zoning Inspector. The site plan must be drawn on sheets no greater than twenty-four (24) inches by thirty-six (36) inches.
- C) Site Plan Minimum Information: The minimum information, which must be provided on the site plan and/or in other documents submitted for site plan review follows:
  - 1) Name, address, phone number, and e-mail address of the applicant, site owner, and agent, if applicable. The name, identification number, and seal of the architect, landscape architect, engineer, or surveyor;
  - 2) A title block giving a name for the proposed development, and a legend, notes, and/or labels explaining the content shown on each drawing, and; a legal description, parcel identification number, and address of the property;
  - 3) Notation of the month and year submitted and a place for noting revision date(s);
  - 4) Written and graphic scale of the site plan drawing(s);
  - 5) Vicinity map drawn to scale with a north arrow;
  - 6) Legal and common description of the site boundary and the parcel(s) involved shown on the plan, detailing the bearing and dimension of each course of the boundary line;
  - 7) The acreage and/or square footage of the site;
  - 8) The zoning classification(s) of the site and of all abutting parcels;

- 9) A list of the owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing and two sets of mailing labels for each property owner;
  - 10) Location and dimensions of existing and proposed streets, driveways, and sidewalks/walkways within the site. Notation of the Warren County Thoroughfare Plan specified right-of-way, the pavement type, width, and construction design details depicted for each roadway;
  - 11) Schematic depiction of existing and proposed locations of gas, electric, phone, fiber-optic, and other telecommunication lines and terminal facilities, sanitary sewer lines or septic system components, water service lines, wells, fire hydrants and emergency connections, storm water drainage management components, and sewer lines;
  - 12) Location and dimensions of existing and proposed easements and notation of the percentage of the site occupied by the easements;
  - 13) Existing and proposed topography on and proximate to the site represented with elevation contour lines at intervals not exceeding:
    - a. One (1) foot for zero (0) to six (6) percent slopes;
    - b. Two (2) feet for six (6) to eighteen (18) percent slopes;
    - c. Five (5) feet for slopes over eighteen (18) percent.
  - 14) Location of existing surface water features, natural or man-made, including lakes, ponds, runoff control basins, marshes, wetlands, rivers, creeks, streams, or other drainage ways;
  - 15) A tree survey that includes information on all existing trees which have a 6" diameter at breast height (DBH) or larger. Information shall include the location, size, and condition of each tree. If the site is heavily wooded and large areas are to be protected, individual trees do not need to be surveyed. The survey shall indicate and distinguish areas based on the intended level of preservation, alteration, and/or disturbance;
  - 16) The types of soils found on the site and seasonal wind directions;
  - 17) All flood prone areas, using the one-hundred (100) year flood plain as a standard;
  - 18) Any additional information that may be deemed necessary for proper and complete review when a proposed development presents difficult or unusual problems.
- D) Development Specific Information: The following information, as determined applicable or necessary by the Zoning Inspector, must be provided:

- 1) Existing and proposed land development on and around the site;
- 2) Notation and depiction of any variance from this Code which has been secured;
- 3) A time schedule which indicates the anticipating starting and completion dates for construction. If the development is to be staged, indication shall be made as to how the staging is to proceed;
- 4) The location of each existing and proposed structure with notations of:
  - a. The type, number, and size;
  - b. The respective distances in feet from the boundary lines of the site;
  - c. The lowest foundation opening and first finished floor elevations of each building;
  - d. Existing structures or part(s) thereof that are to be altered or removed;
  - e. For residential proposals: a site summary indicating the number of dwelling unit(s) within each building, the number of bedrooms per unit, floor plans, floor area square feet, density computation, recreation facilities, and open spaces;
  - f. For non-residential proposals: the number of offices and number of employees; and
  - g. The number of floors, floor plans, floor area, total square footage, and exterior elevations.
- 5) The height of each proposed structure as measured in accordance with Section 3.103.4 (Height Measurement and Exceptions);
- 6) Off-street parking provisions: number, typical dimensions, number of handicapped spaces, widths and turning radii dimensions of all driveways, and pavement material;
- 7) Off-street loading/unloading provisions, showing the locations and noting the dimensions and square footage of each space;
- 8) The location of outdoor storage, waste disposal and/or trash containment area along with detailed screened and/or buffered plans for each;
- 9) The location of fences and walls, and cross-section diagram for proposed fences and walls;
- 10) Landscaping plan, with detail plantings for buffers and screening in accordance with requirements of this Code;

- 11) The location, type, size, height, and orientation of all buildings;
- 12) Documentation of site lighting, along with a photo-metric analysis;
- 13) Depiction and description of the location, type, number, and size of display faces, height, setback, and illumination, if any, of all existing and proposed signs.

E) Supplementary Information: Additional information may be required if deemed necessary by the Board of Township Trustees, BZA, or Zoning Inspector. Such additional information may include but is not limited to the requirement of a traffic impact study (TIS), market analysis, environmental assessment, condominium documents, and any study or report in evaluation of the proposed impact on public facilities and services. The following information may be required as determined applicable or necessary by the Zoning Inspector:

- 1) Front, side, and rear elevation drawings of structures drawn with sufficient details to evaluate visual appearance and function;
- 2) Written certification of the required sewage disposal permits having been issued or able to be issued by the applicable authority;
- 3) Certification by the Warren County Engineer or Ohio Department of Transportation (ODOT), and the Salem Township Fire Department, that the sight-distance, configuration, and number of existing and/or proposed street and/or driveway access intersections are acceptable;
- 4) Certification from the Warren County Building Department, Warren County Engineer's Office, and Federal Emergency Management Agency (FEMA) that proposed structure(s) and/or fill within one-hundred (100) year floodplain is compliant with the requirements of the Warren County Flood Damage Reduction Regulations;
- 5) Stormwater drainage quantity and quality management provisions to the approval of the Warren County Engineer's Office and the Warren County Soil and Water Conservation District;
- 6) Soil erosion and sedimentation control measures as required by the Warren County Soil and Water Conservation District. Control measures address pre- and post-development, soil type boundaries, pre-development land cover, clearing 26 limits, wooded areas proposed to remain or be cleared, and soil stockpiling and sediment trap basins;
- 7) Identification of local airport airspace and indication that the proposed development meets Federal Aviation Administration (FAA) and/or the Ohio Division of Aviation standards;
- 8) A statement documenting potential impacts to groundwater and air quality, and

other environmental impacts.

#### **1.303.4 Site Plan Requirements for Conditional Use**

The applicant shall submit the required application form and fee. The information to accompany the application for conditional use shall be the same as the information required for site plan review application as specified in Section 1.303.3 (Application Requirements).

#### **1.303.5 Site Plan Requirements for PUDs**

The applicant shall submit the required application form and fee. The information to accompany the application for a PUD Stage 2 shall be the same as the information required for site plan review as specified in Section 1.303.3 (Application Requirements).

#### **1.303.6 The Review Process**

##### **A) Step 1 - Consultation with Zoning Inspector**

- 1) Prior to submitting a conditional use application, the applicant or property owner shall first consult with the Zoning Inspector.
- 2) The purpose of this informal consultation is to:
  - a. Discuss applicable standards and technical issues pertinent to the proposal; and
  - b. Comment on whether the application is the necessary and appropriate process.

##### **B) Step 2 - Formal Submittal and Processing**

- 1) The applicant shall formally submit the required application to the Zoning Inspector.
- 2) The Zoning Inspector has the duty to determine whether such application is complete within ten (10) working days of receipt of the application.
- 3) If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the Township on the application until the deficiencies are corrected.
- 4) Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness. The Zoning Inspector shall then:
  - a. Notify by first class mail, at least ten (10) days before the date of the hearing, all property owners within five-hundred (500) feet from the parcel lines of each property that is the subject of the hearing. Notification shall be sent to the addresses of the owners appearing on the County Auditor's current tax

list. The failure of delivery of the written notice shall not delay or postpone any such hearing, and shall not invalidate any action taken at such hearing;

- b. Publish notification of the hearing at least ten (10) days prior to the hearing date using at least one of the following methods:
  - i. In a print or digital edition of a newspaper of general circulation in the Township; or
  - ii. On the official public notice website established under O.R.C. 125.182; or
  - iii. On the website **and** social media account of the Township
- c. Provide the application to applicable authorities/departments and allow fifteen (15) days for their review and comments; and
- d. Submit the Zoning Inspector's Staff Report to the Board of Zoning Appeals (BZA).

C) Step 3 - Review and Action

- 1) The BZA or Township Trustees shall hold a quasi-judicial hearing to hear sworn testimony and consider evidence regarding the proposed conditional use.
- 2) Upon closing the quasi-judicial hearing, the BZA or Township Trustees shall adopt a resolution to approve, approve with conditions, or deny the site plan application. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the BZA's decision is to the Court of Common Pleas.

**1.303.7 Review Criteria**

The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. Factors to be considered include the following additional criteria:

A) Adequacy of Information and Compliance with Zoning Code

- 1) The site plan contains the Zoning Code required information and is presented in an understandable manner that provides an accurate description of the proposed development, structure(s), site improvements, and impacts.
- 2) The site plan complies with all applicable requirements of the Zoning Code pertinent to the proposal.

B) Design Layout Sufficiency and Compatibility

The design components proposed and used are considered sufficient and compatible with respect to the following features:

- 1) Site topography;
- 2) Drainage;
- 3) Parcel configuration;
- 4) Adjacent properties;
- 5) Traffic operations;
- 6) Adjacent streets and driveways;
- 7) Pedestrian access; and
- 8) The type, size, and location of buildings.

C) Design Character, Operational Compatibility, and Coordination

- 1) The appearance and design character of the proposed development and all corresponding operational activities are considered compatible and coordinated with surrounding, existing, and planned developments.
- 2) The proposed structures must also be identified as either primary or secondary and must be coordinated to function with internal operations of the site.

D) Preservation of Significant Features

The plan preserves:

- 1) Architecturally, historically, and/or culturally significant buildings;
- 2) Wetland(s);
- 3) Floodplain(s);
- 4) Streams;
- 5) Aquifer recharge areas;
- 6) Soil(s) areas with severe limitations for use;
- 7) Steep slopes; and
- 8) Tree lines, hedgerows, wooded areas, and trees that are determined valuable to retain.

E) Pedestrian Access and Circulation

The site plan includes provisions of pedestrian circulation and access. Determination of adequacy is based on such provisions being designed to be safe, comfortable, compatible, connected, conflict-free, and compliant with applicable Americans with Disabilities Act (ADA) regulations.

F) Vehicular Access and Circulation Streets

Driveways, parking aisles, and other related elements designed for vehicle access and circulation demands are determined sufficient per evaluation by the Warren County Engineer's Office and Fire/EMS department. These elements are evaluated for safety and function.

G) Parking and Loading

Off-street parking and loading provisions are determined sufficient based upon the proposed number, size, location, and arrangement of parking spaces and provisions for 30 shared-parking and for compliance with Article III, Chapter 3 (Parking, Loading and Circulation Regulations).

H) Signage

Signage is evaluated for compliance with Article III, Chapter 6 (Signage Regulations).

I) Landscaping and Screening

Landscaping and screening are evaluated based on the design and effectiveness of landscaping/building material to screen and mitigate negative visual impacts and for compliance with Article III, Chapter 4 (Landscaping and Screening Regulations).

J) Exterior Lighting

Lighting is evaluated for compliance with Article III, Chapter 5 (Lighting Regulations).

K) Public Service Impact

The impacts to the following public services facilities and utilities are evaluated in terms of their capacity to accommodate the proposed development:

- 1) Water;
- 2) Sanitary sewer;
- 3) Natural gas;
- 4) Electricity;
- 5) Telephone and cable;
- 6) Roadways;
- 7) Police protection;
- 8) Fire and EMS protection;
- 9) Sidewalks and bikeways; and

10) Public schools.

L) Stormwater Drainage and Management Plan

The site plan is evaluated based on the quantity and quality of runoff, impact on upstream or downstream property, and a maintenance plan, to the approval of the Warren County Engineer and the Warren County Soil and Water Conservation District.

M) Soil Erosion and Sediment Control

Provisions for minimizing soil erosion during development and preventing sedimentation during and after development are determined acceptable by the Warren County Soil and Water Conservation District.

N) Emergency Access and Service Facilities and Public Safety

The plan provides for emergency access and service facilities (fire lanes, hydrants, and suppression supply connections) within the site as determined necessary per evaluation by the Salem Township Fire/EMS Department in conjunction with the Warren County Building Department. The proposed development does not pose a threat to public safety.

O) Building Design

Building design is found harmonious in character with the surrounding area with regard to scale, mass, and orientation.

P) Compliance with Public Health and Safety

The application must provide plan of procedures to mitigate nuisances to surrounding areas such as, but not limited to, odors, excess noise, and/or unsanitary operations. Any externalities must be within the realm of public health, safety, and wellness.

**1.303.8 Post Site Plan Review Requirements**

A) Permits or Approvals from Relevant Authorities

The applicant is responsible for obtaining all necessary permits or approvals from other approving authorities before issuance of the zoning permit.

B) Compliance with Approved Site Plan

The property owner is responsible for the improvement and maintenance of the site in accordance with the approved Site Plan and all conditions of approval. Failure to comply with the approved Site Plan and all conditions of approval may result in an enforcement action.

C) Expiration and Extension of Site Plan

If development has not commenced within two (2) years following the Site Plan approval, the approval shall become null and void, requiring re-application. The

applicant may only request an extension prior to the expiration date. A written request for an extension shall be submitted to the Zoning Inspector. The Approving Authority may grant up to twelve (12) months in extension of its initial approval of the plan and entertain subsequent extensions thereafter.

D) Modification of an Approved Site Plan

1) Minor Modifications

The following are considered minor modifications for approval by the Zoning Inspector:

- a. Changes made during development to improve safety, protect natural features, and/or accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
- b. Changes in landscaping species that are consistent with the standards of this Code and that do not reduce the total amount of landscaping or buffering required.
- c. Change in the boundary or arrangement of a structure that does not violate minimum zoning required setbacks nor affect locations of other components of the approved site plan requirements or conditions.
- d. Adjustments in the alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
- e. Reduction in signage or changes in lighting which will not affect off-site properties.

2) Major Modifications

- a. Any proposed change to a site plan that does not meet the minor modification qualification criteria specified above in Section 1.303.8(D) shall be considered a major modification.
- b. Approval by the Board of Township Trustees is required for any major modification(s) to a Site Plan where either the Board of Township Trustees or the BZA were the Approving Authority; unless one of the following is true, in which case approval is instead required by the BZA:
  - i. The proposed change necessitates action in determination on a request of variance from an applicable requirement of this Code or expansion of a non-conforming use or structure; or,

- ii. The original site plan had been approved as a permitted use prior to the effective date of this Zoning Code but is now identified as a conditional use under the regulations of this Zoning Code.

**SEC. 1.304 CONDITIONAL USE APPLICATION**

**1.304.1 Purpose and Approval**

- A) Conditional use is provided as a category and means of permitting certain uses listed in the Table of Principal Uses by Zoning District (Section 2.203) as potentially acceptable.
- B) Allowance of a conditional use is contingent on the Board of Zoning Appeals (BZA) approval.
- C) A conditional use may only be approved if the BZA finds that the proposal is in accordance with this Section and meets applicable use-specific requirements specified in Article III, Chapter 2 (Use Specific Standards and Requirements), or any additional conditions specified by the BZA.
- D) A conditional use application shall be accompanied by a site plan review application; the site plan review shall be consistent with the requirements of Section 1.304 (Site Plan Review). Site plan approval by the BZA shall be considered a separate decision item from conditional use approval. Conditional use approval shall be considered a prerequisite to site plan approval. Conditional use and site plan review applications pertaining to the same site may be reviewed consecutively by the BZA on the same published date and time.

**1.304.2 Requirements**

The applicant shall submit the required application form and fee. The application shall include the information required for site plan review as specified in Section 1.304.4 (Application Requirements).

**1.304.3 Process**

- A) Step 1 - Consultation with Zoning Inspector
  - 1) Prior to submitting a conditional use application, the applicant or property owner shall first consult with the Zoning Inspector.
  - 2) The purpose of this informal consultation is to:
    - a. Discuss applicable standards and technical issues pertinent to the proposal;
    - b. Determine if the conditional use process is the necessary and appropriate process.
- B) Step 2 - Formal Submittal and Processing
  - 1) The applicant shall formally submit the required application to the Zoning

Inspector.

- 2) The Zoning Inspector shall determine completeness of the application within ten (10) working days of receipt.
- 3) If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the Township on the application until the deficiencies are corrected.
- 4) Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness. The Zoning Inspector shall:
  - a. Notify all property owners within five hundred (500) feet from the property lines of the subject site. Notification by first class mail is required at least ten (10) days before the date of the hearing and shall be sent the addresses of the owners appearing on the County Auditor's current tax list. Failure of delivery of the written notice shall not delay or postpone any such hearing, and shall not invalidate any action taken at such hearing;
  - b. Publish notification of the hearing at least ten (10) days prior to the hearing date using at least one of the following methods:
    - i. in a print or digital edition of a newspaper of general circulation in the Township; or
    - ii. on the official public notice website established under O.R.C. 125.182; or
    - iii. on the website and social media account of the Township
  - c. Provide the application to applicable review authorities/departments and allow fifteen (15) days to receive comments before a staff report is sent to the Board of Zoning Appeals (BZA).

C) Step 3 - Review and Action

- 1) The BZA shall hold a quasi-judicial hearing to allow sworn testimony and consider evidence regarding the proposed conditional use.
- 2) Upon closing the quasi-judicial hearing, the BZA upon motion may deliberate in public or private and shall adopt a resolution to approve; or to approve with conditions; or deny the conditional use application. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the BZA's decision is to the Court of Common Pleas.

#### 1.304.4 Requirements Post Approval

- A) The applicant and/or property owner is responsible for obtaining all necessary permits and the property owner has the responsibility of developing; improving; operating; and maintaining the site, including the buildings, structures, and all elements in accordance with the approved conditions and restrictions.
- B) Modification of the approved Use(s) requires re-application to the BZA.
- C) Expiration and Extension of Use Approval: If the development and/or conditional use approved by the BZA has not commenced within two (2) years following the approval, the approval shall become null and void, requiring re-application. The applicant may only request an extension prior to the conditional use approval expiration date. A written request for extension shall be submitted to the Zoning Inspector. The BZA may grant up to twelve (12) months in extension of its initial approval and consider subsequent extensions thereafter.

#### 1.304.5 Modification

- A) **Minor Modification**: The following are considered minor modifications allowable for approval by the Zoning Inspector:
  - 1) Changes made during development to improve safety, protect natural features; accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout;
  - 2) Changes in landscaping that are consistent with the standards of this Code and that do not reduce the total amount of landscaping or buffering required by the BZA's decision;
  - 3) Adjustments in alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts; and,
  - 4) Reduction or changes in signage or lighting which will not affect off-site properties.
- B) **Major Modifications**: BZA approval is required for any proposed change that does not meet the minor modification requirements specified above.

#### 1.304.6 Review Criteria

In reviewing conditional uses, the BZA shall consider the anticipated impacts on the public health and safety, as well as public convenience, comfort, prosperity, or general welfare, as applicable. The factors to be considered and weighed by the BZA include but are not limited to the following, but no single factor controls in making a decision, nor must all the factors support the decision:

- A) The use complies with applicable requirements of the Warren County Rural Zoning Code, including Use Specific Standards;
- B) The use is consistent with the suggestions of the components of the Comprehensive Plan;
- C) The use will not be detrimental to surrounding properties;
- D) The use is necessary or desirable to provide a service;
- E) The use will not cause a burden to public services, facilities and utilities for water, sanitary sewer, natural gas, electricity, telephone and cable, roadways, police, fire and EMS protection, sidewalks, bikeways, and public schools;
- F) The use will be served adequately by essential public facilities such as highways, streets, police and fire protection, water and sewers, and schools;
- G) The use does not adversely impact traffic conditions in a manner that cannot be mitigated;
- H) The use will be designed to be harmonious in appearance with the existing or allowable uses of the surrounding area;
- I) The use will be operated, maintained, and will function in a manner that is appropriate with the intended character of the surrounding area;
- J) The use will not result in substantial destruction, loss or damage of significant natural, scenic or historic features; and,
- K) The reasonably anticipated detrimental effects of the use can be sufficiently mitigated by the proposal or by the imposition of conditions for approval.

**SEC. 1.305 ZONING AMENDMENTS**

Official Zoning Map or Zoning Code text amendments may be proposed at any time in accordance with the requirements and procedures specified in this Section and consistent with provisions of ORC Section 519.12.

**1.305.1 Who may Initiate**

Amendments or supplements to this Zoning Resolution may be initiated in one of the following ways:

- A) By adoption of a motion by the Salem Township Zoning Commission (TZC);
- B) By adoption of a resolution by the Salem Township Board of Trustees; or
- C) By filing an application with the TZC via the Zoning Inspector from one or more owner(s) or authorized representative(s) of property in the area proposed to be changed or affected by the amendment.

### **1.305.2 Application Requirements**

When an amendment is initiated in the manner as described in Section 1.304.1(C), a complete application form with the following information must be submitted to the Zoning Inspector:

- A) Name, address, and phone number of the owner(s) and authorized representative(s);
- B) Date submitted;
- C) Reason(s) for requesting the proposed text/map amendment;
- D) Signature of the applicant attesting to the truth and correctness of all information provided on the application form and documents submitted;
- E) The submittal fee;
- F) For text amendments: A written description of the proposed text amendment; and
- G) For map amendments:
  - 1) The parcel identification number of the parcel(s) for which the rezoning is requested;
  - 2) A list of owners of property within five hundred (500) feet from the parcel lines of the subject site and two sets of mailing labels;
  - 3) Legal description of the subject site;
  - 4) Total acreage;
  - 5) Indication of the current zoning district(s) and the requested zoning district(s);
  - 6) Description of the current and proposed use(s); and
  - 7) Statement of how the proposed amendment relates to the goals, objectives, and policies of the Salem Township Comprehensive Plan.

### **1.305.3 Public Notification**

Except for text and map amendments, affecting more than ten (10) parcels, the following notifications shall be required:

- A) The Zoning Inspector shall post a sign on the subject property advertising the administrative hearing and where to get additional information. The sign shall be posted at least ten (10) calendar days prior to the administrative hearing.
- B) Written notice of the hearing shall be mailed by the Approving Authority, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the public hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone

any such public hearing and shall not invalidate any action taken at such public hearing.

#### 1.305.4 Submittal

##### A) Step 1 - Consultation with Zoning Inspector

- 1) A pre-submittal consultation with the Zoning Inspector is required prior to submitting a formal application.
- 2) The intent of the consultation is to allow the applicant the opportunity to provide an overview of the proposal. The Zoning Inspector and/or other staff will outline plans, policies, and regulations affecting the proposal, identify issues, and discuss applicable zoning requirements and Comprehensive Plan recommendations. The Zoning Inspector will inform applicants of procedural requirements, checklist, timelines, and fees.
- 3) Discussions that occur during a pre-submittal consultation are not binding on the Township and do not constitute official assurances or representations by Salem Township or its officials regarding any aspects of the plan or application discussed.

##### B) Step 2 - Formal Submittal and Processing

Within five (5) days upon the adoption of a motion by the TZC, the certification of a resolution by the Board of Township Trustees to the TZC, or the filing of an application by property owners or lessees, the Zoning Inspector shall do the following:

- 1) Set the date for the public hearing by the TZC on the proposed amendment at not less than twenty (20) days nor more than forty (40) days from the initiation date of the amendment(s);
- 2) Publish notification of the hearing at least ten (10) days prior to the hearing date using at least one of the following methods:
  - a. in a print or digital edition of a newspaper of general circulation in the Township; or
  - b. on the official public notice website established under O.R.C. 125.182; or
  - c. on the website and social media account of the Township
- 3) Provide a copy of the application to the Regional Planning Commission (RPC); and
- 4) For map amendments affecting ten (10) or fewer parcels:
  - a. Post a sign, at the site, that states the public process and where to get additional information;
  - b. Notify all property owners within five hundred (500) feet from the property lines of the subject site. Notification by first class mail is required at least ten

(10) days before the date of the hearing and shall be sent the addresses of the owners appearing on the County Auditor's current tax list. Failure of delivery of the written notice SHALL NOT delay or postpone any such hearing, and shall not invalidate any action taken at such hearing.

#### **1.305.5 Review Process**

A) RPC Recommendation

The RPC shall deliver its report and recommendation to the TZC prior to conclusion of the TZC public hearing.

B) TZC Public Hearing and Recommendation

- 1) The TZC shall open a public hearing on the proposed amendment(s) at its meeting per the advertised date, place, and time specified in the mailed and published notice.
- 2) The TZC, within thirty (30) days after the hearing, shall recommend approval, denial, or the approval with modifications.
- 3) The TZC shall submit their recommendation in the form of a motion; and the recommendation of the RPC to the Board of Township Trustees.

C) Board of Township Trustees Public Hearing and Decision

- 1) Within thirty (30) days of receipt of the TZC's recommendation, the Salem Township Board of Trustees shall:
  - a. Set a date for and conduct a public hearing on the proposed amendment; and
  - b. Publish notification of the hearing at least ten (10) days prior to the hearing date using at least one of the following methods:
    - i. in a print or digital edition of a newspaper of general circulation in the Township; or
    - ii. on the official public notice website established under O.R.C. 125.182; or
    - iii. on the website **and** social media account of the Township
- 2) Upon close of the public hearing and within twenty (20) days thereafter, by at least a majority vote, the Board of Township Trustees shall either approve or deny the TZC's recommendation or approve with modifications.

#### **1.305.6 Decision Record, Delivery, Effective Date, Referendum, Appeal or Reconsideration**

Amendments adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption, unless within thirty (30) days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part of that

unincorporated area subject to this Zoning Resolution equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment Resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Sections 519.12 and 3501.38 of the ORC.

## **SEC. 1.306 PLANNED UNIT DEVELOPMENT APPLICATION**

### **1.306.1 Initiation**

Except as provided, proposals to place a PUD Overlay on a property may be initiated only at the election of the owner(s) or authorized representative(s) of the property owners.

### **1.306.2 Effect of PUD Designation**

No development shall occur in an approved PUD except in conformance with the approved Plan, and any applicable portions of the Salem Township Zoning Code. After the designation of the property as a PUD on the Zoning Map, any approval or disapproval of subsequent use or development of property in the PUD as being in compliance with regulations established as authorized by this Section of the Code or ORC Section 519.022 shall not be considered to be an amendment to the Code for the purpose of ORC Section 519.12 but may be appealed pursuant to Chapter 2506, et seq. of the ORC. Once approved, the PUD Overlay designation for the property will permanently remain on the Official Zoning Map, unless otherwise removed or modified, per the amendment process in Section 1.305 of this Code.

### **1.306.3 Review Procedures**

The PUD approval process consists of three (3) stages:

**PUD Stage 1:** PUD Stage 1 is a legislative process to rezone the property in accordance with the zoning amendment requirements and procedures specified in Section 1.304 including a recommendation of the Warren County Regional Planning Commission (RPC); a recommendation of the (TZC) after a public hearing; and, a legislative decision after a public hearing by the Township Trustees. Except as otherwise provided in Section 1.305.12(B), after designation of the site as a PUD on the Official Zoning Map, any subsequent applications for use or development of the site in the PUD, as being in compliance with the PUD regulations, shall not be considered an amendment under ORC 519.12.

#### **PUD Stage 2:**

**General Review Process:** PUD Stage 2 is an administrative process to obtain Preliminary Site Plan approval. Planned Unit Developments that received PUD Stage 1 approval, including those approved prior to the adoption of this code that have not received Stage 2 and Stage 3 approvals,

are subject to the current PUD Stage 2 process. The procedure by which the PUD Stage 2 Preliminary Site Plan shall be submitted and processed is as follows:

- A) Pre-Submittal Consultation;
- B) Submittal to and processing by RPC staff and RPC Executive Committee recommendation;
- C) Input from involved authorities, surrounding parcel owners and public; and
- D) Township Trustee Administrative Hearing: the Township Trustees shall on receipt of the RPC recommendation, mail written notice of the date, time, and place of an administrative hearing to be conducted by The Township Trustees by first class mail, at least ten days before the date of the administrative hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the administrative hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such administrative hearing and shall not invalidate any action taken at such administrative hearing.

**Time Limits & Extensions:**

- A) Except as provided in item (C), a recommendation from the RPC Executive Committee in the PUD Stage 2 process shall expire after a period of one (1) year if the PUD Stage 2 application has not progressed to the point where it is heard by the Township Trustees at an administrative hearing;
- B) Except as provided in item (C), PUD Stage 2 Preliminary Site Plan approval by the Township Trustees shall expire within two (2) years of the date of approval unless Stage 3 Final Site Plan approval has been granted by the RPC;
- C) An extension may be granted by the Township Trustees for a period not to exceed twelve (12) months provided that a request is submitted to the Zoning Inspector prior to the expiration date;
- D) Approval of PUD Stage 2 or 3 may lapse or be withdrawn upon failure of the applicant, as determined by the Township Trustees, to meet conditions of approval.

**PUD Stage 3:** Final site plan requires ministerial certification by the Zoning Administrator as follows:

- A) Three (3) copies of the Final Site Plan submitted to the Zoning Administrator;
- B) Zoning Administrator reviews, certifies the Final Site Plan complies with all PUD Stage 1 and PUD Stage 2 requirements, and files the plan;
- C) Applicant receives a certified copy; and,
- D) Upon certification, the zoning permit(s) required for the approved PUD use and/or development may be issued upon application to the Zoning Inspector.

#### 1.306.4 Application Requirements

- A) **PUD Stage 1:** The application requirements for a PUD Stage 1 include a rezoning application from the owner(s), development plan and submittal fee to the Zoning Inspector. A development plan shall be submitted for the entire parcel under single ownership (a parcel that is not split zoned) or for one or more lots, tracts, or parcels of land to be developed as a single entity. The application for New District PUDs & Overlay PUDs shall include the following information, in addition to the requirements of Section 2.505:
- 1) A legible map of the site, drawn at one inch (1") equals two hundred feet (200') or a different scale if specified by the Zoning Inspector, prepared by a registered architect, landscape architect, engineer, surveyor, or other professional planning consultant, which shows all existing property lines, easements, public road centerlines and rights-of-way, contour lines at suitable intervals, regulatory floodplain boundaries if involved, and generalized locations of public and private utilities;
  - 2) A map depicting existing and proposed land use areas and the percentage of the site within each land use category; the location, types, and density or intensity of proposed uses, common open space, and natural resource areas; Definitions of the land-use designations, including density ranges and product types;
  - 3) A table setting the maximum total dwelling units and non-residential square footage, and the minimum acreage for common open space, natural resource areas, public uses, and any other planned uses;
  - 4) A map illustrating the proposed layout locations and dimensions of vehicular and pedestrian access and circulations; and type size, number of stories, height and setbacks of buildings and other structures or facilities; parking, loading, trash disposal, lighting, signage and landscaping, impervious surface ratio and implementation phasing of such proposed improvements and alterations of the site;
  - 5) Enough information on land areas adjacent to the proposed PUD to show the relationships between the proposed development and adjacent areas, including land uses, zoning classifications, densities and intensities, circulation systems, public facilities, and flood plains, wetlands, and other natural resource areas;
  - 6) An inventory and map of cultural, historical, and/or environmental features along with narrative documenting preservation efforts;
  - 7) For Residential Use: The proposed type, size, and number of dwelling buildings, units and bedrooms in each shall be specified and include calculation of development net-density;
  - 8) For Non-Residential Use: Operational characteristics and impacts such as hours

of operation; visual, noise, odor, or other environmental impacts; and primary and ancillary activities typical or anticipated with each use;

9) A narrative documenting the availability of police, fire, other emergency services, schools, and public services. A community impact statement that addresses the impact to institutional, cultural, social, or environmental aspects of the immediate neighborhood and surrounding community, with the intent being to show that the proposed PUD will be beneficial and without unacceptable adverse impact on any such concern; and,

10) Proposed design guidelines and development standards.

B) **PUD Stage 2:** An application from the owner(s) shall be submitted to the RPC for review per the procedures specified in Section 1.304.2. Applications for PUD Stage 2 shall comply with the submittal requirements of Section 1.303.3 and shall include the submittal fee specified by the RPC.

C) **PUD Stage 3:** An application from the owner(s) shall be submitted to the Zoning Administrator requesting certification of the final site plan by the Zoning Administrator. The plan submitted shall contain and be accompanied by the information specified in Section 1.303.3, along with the submittal fee. Detailed plans for the landscaping, lighting and signage proposed shall also be provided.

#### **1.306.5 Public Notification**

The Zoning Inspector shall post a sign stating the public process and where to get additional information. Written notice of the hearing shall be mailed by the Approving Authority, by first class mail, at least ten days before the date of the public hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the public hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such public hearing and shall not invalidate any action taken at such public hearing.

#### **1.306.6 Review Criteria**

A) **PUD Stage 1:** In determining whether a PUD Stage 1 application filed pursuant to this Code shall be approved or recommended for approval, the TZC as applicable, and the Township Trustees shall consider the following review criteria, if applicable, but no single criteria controls, nor must all criteria support the decision:

- i. The proposed PUD would not be detrimental to public health, safety, and general welfare and in general results in a better development of uses permitted on the site than would otherwise be possible;
- ii. Whether modifications of the zoning or other regulations are warranted by the innovative design of the PUD Plan;
- iii. Consistency with adopted objectives and policies related to land use,

development, comprehensive plans, area plans, and other plans;

- iv. Compatibility with and adequate protection of surrounding property and the adequacy of the provisions for visual and acoustical privacy and the proposed use(s) will not develop hazards and/or nuisances, nor have negative impact on the environment and the public health and safety, or general public welfare;
- v. Provisions proposed for: vehicular access, parking, loading, and circulation; pedestrian access and circulation; essential services in the form of utilities or other facilities; and drainage runoff and soil erosion control are sufficient or proposed for improvement to support the proposed use(s);
- vi. The need for separation of vehicular, pedestrian, and/or bicycle traffic lanes; clear and safe internal traffic patterns; the provision of connections to adjacent properties; and traffic mitigation measures.
- vii. The necessity for active and passive recreational facilities (greenways, sidewalks, and other pedestrian/bicycle circulation networks).
- viii. Impact to public services and infrastructure, and whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;
- ix. Whether significant scenic or historic features, are adequately conserved;
- x. Preservation of open space, natural and cultural areas and whether the development includes an appropriate amount of, and appropriate access to, dedicated open space;
- xi. Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc; and,
- xii. The effectiveness of landscaping, buffers, and planting along public rights-of-way, open space/recreational areas, and the overall perimeter of the project.

B) **PUD Stage 2:** A PUD Stage 2 Preliminary Site Plan, for the area proposed to be developed, shall be developed in conformance with the approved PUD Stage 1 Development Plan and in accordance with the approved PUD Stage 1 standards. In addition to the Site Plan review criteria of Section 1.303.6 (B) through (P), the decision to approve a PUD Preliminary Site Plan shall be based on, but not limited to, the following:

- a. Compliance with all applicable regulations of the Zoning Code, the PUD Stage 1 zoning, the Warren County Subdivision Regulations, and conformity to the

- approved Concept Plan;
- b. Proposed public improvements are found acceptable by the approving authority and are bonded as deemed necessary;
  - c. All proposed private aspects and provisions for vehicular access, parking, loading, and circulation; pedestrian access and circulation; essential services in the form of utilities or other facilities; drainage runoff and soil erosion control; landscaping, lighting, signage, and open space; building or other structure size, type, location, use, operation, maintenance, and site impervious surface coverage; and any other items or considerations applicable to PUD site planning, development, and use are found sufficient per discretion of the Township Trustees;
  - d. The phasing of each individual section or sub-section of the PUD results in a functionally complete section; and,
  - e. Provisions are made to protect, preserve, and incorporate: any existing architecturally and/or historically and/or culturally significant buildings; wetland, floodplain, streams, aquifer recharge areas; soils areas with severe limitations for use; steep slopes; and tree lines, hedgerows, wooded areas, and trees that are determined valuable to retain.

#### **1.306.7 Post Approval Requirements**

- A) Permits or Approvals: The applicant is responsible for obtaining necessary permits or approvals from any other applicable authority before issuance of the zoning permit.
- B) Development & Maintenance: Per the approved Site Plan the property owner is responsible for the improvement and maintenance of the site in accordance with the approved Site Plan and all conditions of approval. Failure to comply with the approved Site Plan and all conditions of PUD approval may result in an enforcement action being brought in a court of competent jurisdiction.

#### **1.306.8 Modification to An Approved PUD**

- A) Minor Modifications: A modification of an approved PUD Stage 3 plan which does not deviate by more than ten percent (10%) from approved building setback requirements may be approved by the Zoning Inspector. A modification which exceeds this standard but otherwise substantially conforms to the approved PUD plan may be approved by the Zoning Inspector, subject to notice and the procedures of this Section. A proposed modification of the approved PUD Stage 3 Plan that is determined minor by the Zoning Inspector, per Section 1.305.8(D), is permissible for Zoning Inspector approval after completing the following procedures:
  - 1) Notice of intent to permit such modification is provided to the Township Trustees and applicable review agencies;

- 2) Publication of notice using at least one of the following methods:
    - a) In the print or digital edition of a newspaper of general circulation in the Township
    - b) On the official public notice website established under O.R.C. 125.182
    - c) On the website and social media account of the Township
  - 3) Posting of a sign on the site;
  - 4) After public notice, no written disagreement has been received within two weeks (14 days). Additional time may be required for comments from the applicable review agencies; and,
  - 5) If written disagreement is expressed, the modification requires Township Trustees approval processed as a PUD Stage 2 amendment.
- B) **PUD Stage 1 Modifications:** The Zoning Inspector may determine that a modification to an approved PUD shall be reviewed at PUD Stage 1 of the review process if the requested amendment:
- 1) Increases the maximum density or intensity as established at PUD Stage 1;
  - 2) Reduces the minimum open space or natural area as established at PUD Stage 1;
  - 3) Significantly alters a road pattern;
  - 4) Changes allowable uses;
  - 5) If the amendment changes any standards or policies specifically established during PUD Stage 1 of the PUD approval process including but not limited to, setback, height of structures, signage, or design standards.

Requested changes to these criteria require a resubmission for PUD Stage 1 approval and shall comply with the applicable process and requirements of Section 1.304 (Zoning Amendment Application).

- C) **PUD Stage 2 Revisions:** The Zoning Inspector may determine that a modification to a previously approved PUD is exempt from PUD Stage 1 review and shall be reviewed at the PUD Stage 2 level if the requested amendment:
- 1) Modifies any area of landscaping; buffers; open space, setbacks, structural or signage height, or parking spaces by no more than five percent (10%) provided it does not violate any specific standard established at PUD Stage 1;
  - 2) Increases the total number of lots approved at Stage 2 Site Plan Review, but remains in compliance with the number of lots and density approved at PUD Stage 1;
  - 3) An increased encroachment within the designated floodplain, wildlife habitat of an endangered or threatened species, any historic or archaeological resource, or

any area within a tree survey area as specified in Section 1.303.3 (B) (15) that increases the previously approved encroachment (PUD Stage 1) by less than twenty percent (20%), provided it does not violate any specific standard established at PUD Stage 1;

- 4) Results in significant adverse offsite impacts, including, but not limited to, traffic impacts, noise or light pollution, or stormwater runoff.

D) **PUD Stage 3 Revisions:** The Zoning Inspector may determine that a modification to a previously approved PUD Stage 2 Site Plan is exempt from PUD Stage 1 and PUD Stage 2 reviews but may be reviewed at Stage 3 Final Site Plan provided the following criteria are met:

- 1) The modification does not exceed any numerically specified requirement of the PUD Stage 2 approval which would result in greater than a ten percent (10%) increase of an approved maximum requirement established at PUD Stage 2 or the same allowance as a decrease of an approved minimum requirement established at PUD Stage 2;
- 2) The change is necessary because of a natural feature or other unanticipated site constraints of the subject property not foreseen by the applicant or the Township prior to the approval of the development plan;
- 3) The change made during development improves public safety or is made in order to comply with further requirements of other authorities;
- 4) The changes do not significantly affect surrounding property or the approved plan layout;
- 5) If an addition or expansion has been approved within the preceding twenty-four (24) month period, the combined additions will not add nonresidential floor area that exceeds twenty percent (20%) of existing gross floor area of the development plan;
- 6) Alter any element or design of the PUD Stage 2 Plan which would necessitate re-approval by another involved permitting authority, unless such authority would approve of the modification, once notified as specified in Section 1.305.10 and provided no objection would be raised by any other party of interest with regard to such approval;
- 7) Changes in landscaping species are consistent with the standards of this code and any standards established as part of PUD Stage 1 or PUD Stage 2; changes in landscape standards to not reduce the total amount of landscaping or buffering required as part of stage 1 and do not reduce the total amount of landscaping or buffering required at PUD Stage 2 by more than ten percent (10%);

- 8) Any changes in the boundary or arrangement of a structure does not violate minimum standards established as part of Stage 1 nor significantly affect locations of other components of the approved site plan requirements or conditions established at PUD Stage 2;
- 9) The amendment does not result in structures, vehicle circulation, pedestrian circulation, or parking areas being moved significantly in any direction provided said changes do not violate standards established at PUD Stage 1 or PUD Stage 2 and provided such changes are for purposes of improved safety or to eliminate conflict with other components in the site which will not have negative off-site impacts; and,
- 10) Changes in signage or lighting which will not affect off-site properties provided they violate no standards established at PUD Stage 1 or any numeric standards established at PUD Stage 2 by more than ten percent (10%).

## **SEC. 1.307 VARIANCE APPLICATION**

### **1.307.1 Purpose**

The variance process provides for an appeal to the Board of Zoning Appeals (BZA) by which a property owner may be granted relief or release from a dimensional and/or numeric requirement of this Zoning Code.

### **1.307.2 Appropriateness**

Applying for variance is inappropriate for any of the following:

- A) Use variances;
- B) Development within a PUD;
- C) Changes to the development density of a property; and,
- D) Before a zoning permit has been denied by the Zoning Inspector.

### **1.307.3 Requirements**

The required application form and information to accompany the request for a variance shall satisfy the requirements of Section 1.303.3 or as determined by the Zoning Inspector.

### **1.307.4 Processing**

The procedure by which a variance application shall be submitted, reviewed, and processed is as follows:

- A) Pre-submittal consultation with the Zoning Inspector;
- B) Formal submittal to, and processing by, the Zoning Inspector (as specified per Section 1.303.5 (B));

- C) Obtain comments from involved authorities;
- D) BZA conducts quasi-judicial hearing, deliberates (may deliberate in private, a quasi-judicial hearing is not a meeting and not subject to the Open Meetings Act), and issues a written decision;
- E) Record: Case files maintained by the Zoning Inspector shall contain all written information submitted, reference the location of audio recording of the proceedings, and include written meeting minutes and findings of fact. The case file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year;
- F) The written decision of the BZA is placed in the case file and provided to the applicant.

#### **1.307.5 Public Notification**

The Zoning Inspector shall:

- A) Post a sign on the subject property stating the public process and where to get additional information;
- B) Notify all property owners within five hundred (500) feet from the property lines of the subject site. Notification by first class mail is required at least ten (10) days before the date of the hearing and shall be sent the addresses of the owners appearing on the County Auditor's current tax list. Failure of delivery of the written notice SHALL NOT delay or postpone any such hearing and shall not invalidate any action taken at such hearing.

#### **1.307.6 Review Criteria**

The BZA shall document Findings of Fact based on the evidence presented. The criteria for granting a variance are as follows:

- A) That granting the variance will not be contrary to the public interest;
- B) Where, owing to special conditions, a literal enforcement of the zoning code will result in an unnecessary hardship;
- C) That the spirit of the zoning code will be observed if a variance is granted, and substantial justice will be done if a variance is granted.

#### **1.307.7 Post Approval**

- A) Permits or Approvals from Other Involved Authorities: The applicant is responsible for obtaining all necessary permits.
- B) Development and Maintenance Per the Approved Variance(s): It is the responsibility of the property owner to develop, improve, operate, and maintain the site, including the buildings, structures, and all elements in accordance with the approved conditions and restrictions.
- C) Modification of the Approved Variance: Modification of the approved variance(s) requires

re-application to the BZA.

## **SEC. 1.308 NON-CONFORMING PROVISIONS**

### **1.308.1 Purpose**

- A) The non-conforming provisions of this section permit the continuation of a lawful use, structure, or lot, which exists at the time of enacting the Zoning Code or as an amendment to the Code.
- B) Provisions in this Section, pursuant to ORC 519.19, permit such non-conformities to continue in accordance with certain conditions and restrictions. This Section applies to the following categories of non-conformities:
  - 1) Non-conforming uses of land and structures;
  - 2) Non-conforming lots of record;
  - 3) Non-conforming buildings/structures.

### **1.308.2 Non-Conforming, Legal/Grandfathered Uses**

A non-conforming use of record which would not be permitted by the most recent regulations shall be grandfathered, meaning, it shall be recognized to continue so long as the use remains otherwise lawful in accordance with the following: The non-conforming use shall not be enlarged, increased in intensity, or extended to occupy a greater area of land on a lot than was occupied on the date when the use became non-conforming;

- A) The non-conforming use may be extended throughout any part of the building(s) in which it existed on the date when the use became non-conforming but shall not be extended to occupy any more land outside of any such building(s) on the lot where located;
- B) No such non-conforming use shall be moved, in whole or in part, to any other portion or location of the lot or parcel than which was occupied by the use on the effective date of the regulation which made the use non-conforming, unless such would improve conformity with the current regulations;
- C) A non-conforming use shall not be permitted to resume if the building(s) or other structure(s) in which it existed become destroyed beyond fifty percent (50%) of the cost to replace such;
- D) The legal non-conforming status of a use is terminated upon abandonment or discontinuation of the use for more than two (2) years; and,
- E) No provision of this Code shall render a previously permitted single-family detached dwelling as a non-conforming use except for such use within a floodplain or environmentally sensitive area.

### **1.308.3 Non-Conforming, Legal/Grandfathered Lots of Record**

All lots of record or subdivisions with preliminary plat approval by the RPC prior to the effective

date of this Code (which approval has not lapsed by reason of inactivity as provided in the Warren County Subdivision Regulations) shall be considered conforming.

#### **1.308.4 Non-Conforming, Legal/Grandfathered Structure of Record**

A building or other structure of record, which predated the adoption or amendment of this Zoning Resolution and is not permitted, by reason of restrictions on type, area, bulk, height, setbacks, or other similar requirements. These structures may remain provided they remain lawful in accordance with the following:

- A) Any non-conforming structure may be enlarged, maintained, repaired, or altered provided no such enlargement, maintenance, repair or alteration SHALL NOT create an additional non-conformity or increase the degree of the existing non-conformity of all or any part of such structure or site, unless otherwise specified in this code;
- B) Shall not be moved, in whole or in part, unless for purpose of coming into complete compliance with the zoning requirements;
- C) If the structure becomes damaged or destroyed beyond fifty percent (50%) of the replacement cost, reconstruction shall comply with the current zoning requirements;
- D) Completion of construction and subsequent routine maintenance and repair is permitted; and,
- E) The principal use of a non-conforming building may be changed to any principal permitted use in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.

#### **1.308.5 Procedure for Becoming Conforming**

In many instances, minor non-conforming uses or buildings/structures are integral parts of the community's fabric. In these instances, the classification "non-conformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Section. Non-conformities may become conforming as follows:

- A) Types of Situations: The following are two types of situations whereby a nonconforming use, building, structure, or lot can become conforming:
  - 1) Correct the non-conforming situation. Note: Where a proposed change of use is different than the non-conforming use, and a conditional use permit is required, those procedures must be followed; and,
  - 2) Apply for conditional use permit as conforming. Under this process, where there is no change of use, the non-conforming situation may be mitigated and made conforming through application for and approval by, the BZA for a conditional use permit.
- B) Procedure: Owners of non-conforming uses, buildings, structures, or lots may apply for conditional use permitting to become conforming without changing the use or necessarily modifying the entire physical nature of the nonconformity. The conditional use permitting

application is reviewed by staff that then provides a recommendation to the BZA for a final decision. The BZA, at their discretion, may require an operation plan or additional studies and reports from the property owner as part of their consideration;

C) Review Criteria: In addition to the standards and criteria for Conditional Use review, the applicant shall meet the following requirements:

1) Demonstrate that the nonconformity, as conducted and managed, has minimal incompatibilities that have been integrated into the community's function. Factors to evaluate this criterion include the following:

- a. The area residents patronize or are employed at the use;
- b. Current management practices that eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts;
- c. The non-conformity's history of complaints against it; and,
- d. The non-conformity has been maintained in good condition or that the non-conformity represents a disincentive for such maintenance.

2) The BZA shall determine that the non-conformity is generally integrated into the community and has minimal adverse impacts. The BZA may require appropriate conditions and safeguards to assure that the non-conformity does not adversely affect orderly development and the value of nearby property, including, but not limited to: required improvement of, or modifications to existing improvements on the property; limitations on hours of operations; and limitations on the nature of operations.

D) The Effect: The granting of a conditional use approval eliminates the non-conformity. The conditional use approval shall be noted on the zoning map.

#### **1.308.6 BZA Additional Authority**

The BZA shall have the power to grant the substitution of a non-conforming use, existing at the time of enactment of this Code, by another non-conforming use, if the BZA determines that the substituted use would not be of greater intensity or density than the existing non-conforming use.

### **SEC. 1.309 VIOLATIONS AND PENALTIES**

#### **1.309.1 Enforcing Officer**

The Zoning Inspector is hereby designated as the enforcing officer of this code. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this code. The Zoning Inspector may be assisted by other personnel as the Board of Township Trustees may authorize.

#### **1.309.2 Remedies**

If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this code or any amendment or supplement thereto, the Zoning

Inspector, any person or any property owner damaged by or subject to damage by such violation in addition to remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alterations, enlargement, change, maintenance, or use.

Per ORC Section 519.23, no building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this resolution, any amendments or supplements thereto. Each day's continuation of violation may be deemed a separate offense.

ORC Section 519.24 provides that in case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto, the Board of Township Trustees, the Prosecuting Attorney, the Zoning Inspector, County Building Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, and elects to pursue such action at their own cost and expense, in addition to other remedies provided by law, may institute an action seeking injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, enlargement, change, maintenance, or use.

Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing zoning code violation.

### **1.309.3 Notification**

Notice of violation made in accordance with requirements of this Section shall be provided by the Zoning Inspector to the violator(s). The notice of violation shall include the following:

- A) The name(s) and address(es) of the violator(s);
- B) The parcel identification number and address of the parcel(s) where the violation exists;
- C) Description of the violation and citation of the zoning requirements being violated;
- D) Statement of the remedy and time period allowed; and,
- E) Statement of violator(s) right to appeal and potential consequences of noncompliance.

The required notice of violation shall be delivered by the Zoning Inspector in any of the following ways:

- A) By Certified Mail addressed to the violator(s) last known address, service shall be deemed complete when a Certified Mail receipt is received;
- B) By Certified Mail and ordinary U.S. mail with a Certificate of mailing simultaneously, addressed to the violator(s) last known address. Service shall be deemed complete when a Certified Mail receipt is received or ordinary U.S. first class mail is not returned after ten (10) days of mailing, or unclaimed or refused; or

- C) By personal delivery to the violator(s) or by leaving the notice at their usual place of residence; or
- D) By posting a copy of the notice in a conspicuous place on the premises of the violation. The notice shall be signed and dated by a witness and a copy retained in the Zoning Department's case file.

#### **1.309.4 Penalties**

Any person, firm, or corporation violating any regulation, provision, amendment, or supplement to this resolution, or failing to obey any lawful order issued pursuant to section 519.01 to 519.25 of the Ohio Revised Code, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 for each offense or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

If under ORC 519.24 an injunction, mandamus, abatement, or any other appropriate action or proceeding is granted to prevent, enjoin, abate, or remove an unlawful building location, erection, construction, enlargement, change, maintenance, use, or any land use, such court orders are enforceable contempt. If the accused is found guilty of contempt, the court may impose fines and imprisonment in jail in accordance with ORC 2705.05.

### **SEC. 1.310 ADMINISTRATIVE APPEALS**

#### **1.310.1 Purpose**

- A) Administrative appeal is provided pursuant to ORC Section 519.14(A), which specifies that a Board of Zoning Appeals (BZA) may hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of ORC Sections 519.01 to 519.25 or of any resolution adopted pursuant thereto.
- B) Per ORC Section 519.14, the BZA, in exercising this power, may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end has all powers of the Zoning Inspector from whom the appeal is taken.
- C) Decision by the BZA on such appeal is the final appealable administrative decision.

#### **1.310.2 Submittal**

An application for administrative appeal may be submitted to determine if the Zoning Inspector has wrongfully imposed a requirement or restriction in accordance with the Zoning Resolution

upon a property or use activity of the applicant.

### **1.310.3 Application Requirements and Fee**

The application shall include the owner/agent's name, address, e-mail address, and phone number, in addition to the following:

- A) Date submitted to the Zoning Inspector;
- B) The parcel identification number, site address, and if applicable, the name of the subdivision and other identifying references to accurately establish the location of the appeal site;
- C) A statement that documents the reasons for submitting an appeal;
- D) Signature of the applicant attesting to the truth and correctness of all information provided; and,
- E) The applicable fee.

### **1.310.4 Processing**

- A) Upon receipt of the appeal application, the Zoning Inspector shall submit a copy of the application to each member of the BZA along with written notification of the scheduled date, time, and place where the BZA shall hold its hearing on the appeal. The notification shall be published at least ten (10) days prior to the hearing using at least one of the following methods:
  - i. In a print or digital edition of a newspaper of general circulation in the Township; or
  - ii. On the official public notice website established under O.R.C. 125.182; or
  - iii. On the website **and** social media account of the Township
- B) The BZA shall consider and record all testimony received from persons during the hearing regarding the appeal. The BZA, upon closing the hearing concluding their deliberation, shall render its decision on the matter.
- C) The BZA shall have all the powers of the Zoning Inspector with respect to making its decision on the appeal. The concurring vote of the majority of the BZA members present at the hearing shall be necessary to uphold, reverse, or modify the appealed action of the Zoning Inspector. The BZA shall render a written decision on the appeal without unreasonable delay after the close of the hearing, and in all cases, not exceeding thirty (30) days thereafter.

### **1.310.5 Decision, Determination, and Findings**

The Zoning Inspector's order, requirement, decision, or determination appealed shall be upheld unless the BZA determines that the Zoning Inspector action was:

- A) Based on an erroneous or improper interpretation of the Zoning Resolution; or,
- B) Based on an erroneous finding of material fact; or,

- C) Unfounded, indefensible, or inappropriate use of discretion; or,
- D) Arbitrary or capricious and made without necessary basis on the Zoning Resolution.

### 1.310.6 Recourse to Unfavorable BZA Decision

The applicant may appeal to the Court of Common Pleas.

## SEC. 1.311 ADMINISTRATIVE INTERPRETATION

This section shall guide the Zoning Inspector in rendering an official interpretation.

### A) Types of Interpretations

- 1) Meaning or Application: When evaluating a section of this Code as to its meaning or application, administrative interpretations shall not lessen protections provided by this Zoning Code.
- 2) Unlisted Uses: When a use is not specifically listed in the Table of Uses by Zoning District (Section 2.203), it shall be understood that the use may be permitted or prohibited if the Zoning Inspector determines that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified in the use tables and, anticipating that new uses will evolve over time. This section establishes the Zoning Inspector's authority to compare a proposed use and evaluate its similarities, operation, impacts, or scale to those uses listed. Where a choice of uses exists, after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts. In determining "similarity" the Zoning Inspector shall make all of the following findings:
  - a. The characteristics of, and activities associated with, the proposed use are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the district;
  - b. The proposed use(s) will be consistent with the purpose of the zoning district; and,
  - c. The proposed use(s) shall consider the suggestions of the Comprehensive Plan and any approved area plan.

### B) Procedure

The Zoning Inspector shall:

- 1) Request the County Prosecutor's review and recommendation on the interpretation;
- 2) Consider the suggestions of the Comprehensive Plan and any approved area plan, this Code, the Zoning Map, and the recommendations of the County Prosecutor;
- 3) Provide a written determination that contains facts that support the determination. The Department shall maintain all such determinations on record

- and a written interpretation shall be mailed to the applicant and provided to the RPC within thirty (30) days of receipt of a complete request for an interpretation;
- 4) The Zoning Inspector shall maintain a record of all administrative interpretations rendered. This record shall be available for public inspection in the Zoning Inspector's office, upon reasonable request, during normal business hours; and,
  - 5) To ensure that the intent of this Code is being met, the Zoning Inspector shall report twice yearly to the Township Zoning Commission (TZC) on all administrative interpretations made. The TZC may request the Zoning Inspector and/or the Regional Planning Commission (RPC) to prepare text amendments to the Code.

#### **SEC. 1.312 FEE**

- A) Each application specified necessary in this Chapter for zoning enforcement is to be accompanied by the fee required when submitted to the Zoning Inspector for filing and processing.
- B) The dollar amount of the fee required for each application specified in this Chapter is as adopted by resolution from the Board of Township Trustees.
- C) The required fee for each application is available as public record upon inquiry to the Zoning Inspector.

#### **SEC. 1.313 REASONABLE ACCOMMODATION REQUEST**

##### **1.313.1 Purpose**

This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the State of Ohio Fair Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

##### **1.313.2 Applicability**

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment shall provide evidence of disability. This section is intended to apply to those persons who are defined as disabled under the Acts.

### **1.313.3 Application Requirements**

- A) Requests for reasonable accommodation should be submitted on an application form provided by the Building and Zoning Department, or in the form of a letter, to the Zoning Inspector and should contain the following information:
- 1) The applicant's name, address, and telephone number;
  - 2) Address of the property for which the request is being made;
  - 3) The current actual use of the property;
  - 4) The basis for the claim that the individual is considered disabled under the Acts;
  - 5) The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and,
  - 6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B) Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to; conditional use permit or site plan review, etc), then the applicant shall file the information required together for concurrent review with the application for discretionary approval.

### **1.313.4 Review Authority and Procedure**

Requests for reasonable accommodation shall be reviewed by the Zoning Inspector. The Zoning Inspector shall make a written determination within forty-five (45) days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 1.313.5 (Findings and Decision).

### **1.313.5 Findings and Decision**

- A) The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:
- 1) Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;
  - 2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
  - 3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the Township;
  - 4) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a county program or law, including but not limited to land use and zoning;
  - 5) Physical attributes of the property and structures; and,

- 6) Alternative reasonable accommodations which may provide an equivalent level of benefit.
- B) In granting a request for reasonable accommodation, the Zoning Inspector may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section 1.313.5 (A).

**1.313.6 Appeal of Determination**

A determination by the Zoning Inspector to grant or deny a request for reasonable accommodation may be appealed to the Board of Zoning Appeals in compliance with Section 1.310 (Administrative Appeals) of the Salem Township Zoning Code.



# ARTICLE 2 ZONES & OVERLAY PROVISIONS

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## CHAPTER 1 ZONES & OVERLAYS, MAP & BOUNDARIES

### SEC. 2.101 ESTABLISHMENT OF ZONING DISTRICTS AND OVERLAYS

To carry out the purposes and provisions of this Zoning Resolution, the following zoning districts (zones) and overlays to underlying zones are applied within Salem Township:

#### Residential Zones

R-1— Rural Residential

R-2— Suburban Residential

#### Mixed-Use Districts

MXU-R — Mixed-Use Residential Zone

#### Overlay Districts

GP— Groundwater Protection Overlay

PUD – Planned Unit Development Overlay

#### Other Use Specific Zones

A— Agricultural Zone

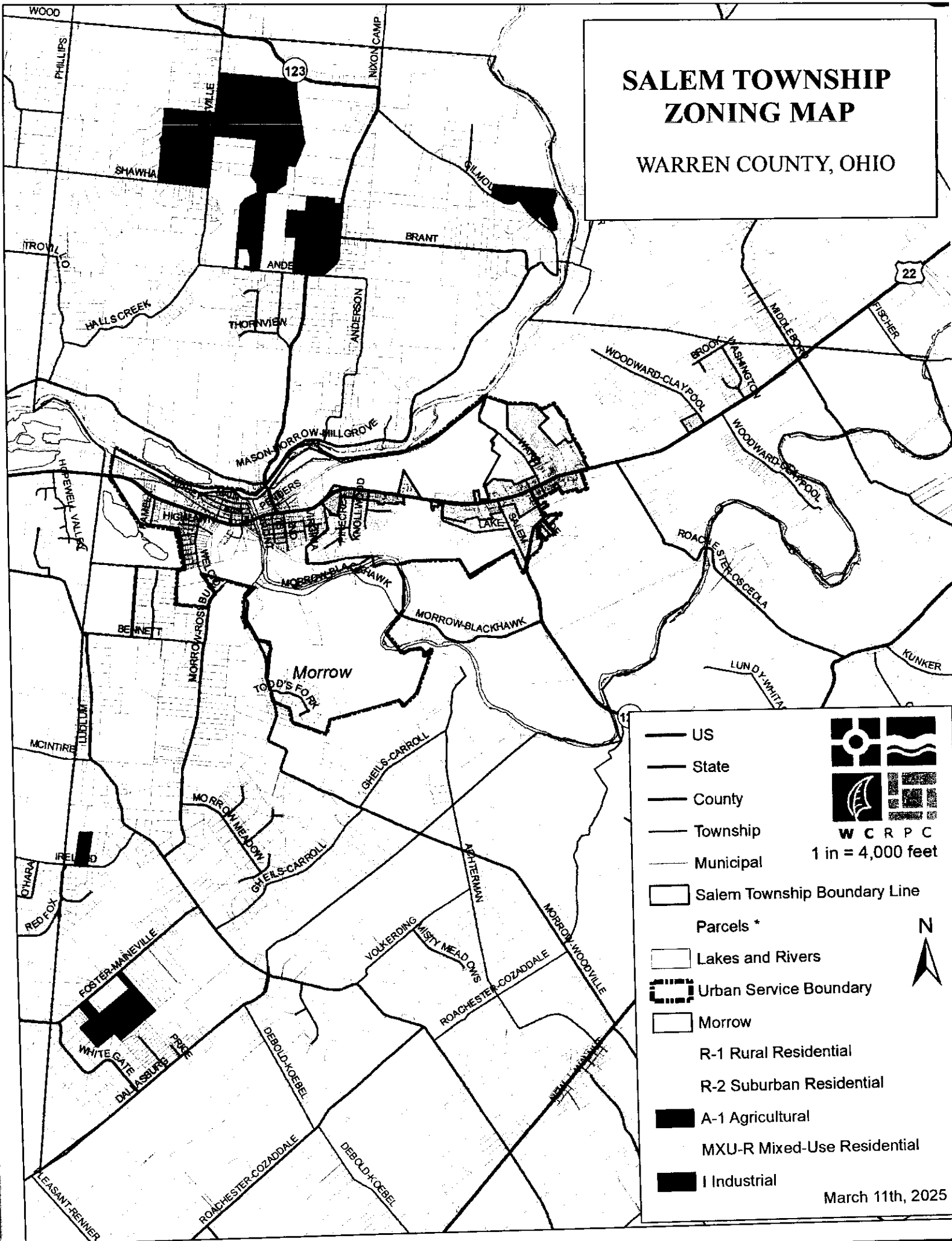
I — Industrial Zone

### SEC. 2.102 OFFICIAL ZONING MAP

The boundaries of the zoning districts and any overlays thereof are shown on the Official Zoning Map of Salem Township. The Official Zoning Map shall be identified by the adopting signatures of the Salem Township Board. The map, as amended, is hereby incorporated into, and made part of, this Resolution. The official zoning map is in the form of a single-page exhibit of the zoning jurisdiction area, maintained up to date by, and kept in, the office of the Zoning Inspector and it is the only officially recognized authoritative source in determination of the current zoning status of lands, buildings, and other structures for use within Salem Township (Map on next page).

# SALEM TOWNSHIP ZONING MAP

WARREN COUNTY, OHIO



	US	 <b>W C R P C</b> 1 in = 4,000 feet
	State	
	County	
	Township	
	Municipal	
	Salem Township Boundary Line	 <b>N</b>
	Parcels *	
	Lakes and Rivers	
	Urban Service Boundary	
	Morrow	
	R-1 Rural Residential	
	R-2 Suburban Residential	
	A-1 Agricultural	
	MXU-R Mixed-Use Residential	
	I Industrial	

March 11th, 2025

**SEC. 2.103 ZONING DISTRICT BOUNDARIES**

The boundaries of zoning districts shown on the Official Zoning Map, as established on land areas in the Salem Township zoning jurisdiction, mostly coincide with lot or tract property lines of land parcels or the centerline or right-of way line of streets, roads, or alleys or the corporate limit line of the township, based on the legal description of such lines, unless otherwise specified. In some instances, the boundary of a zone is established solely by its own legal description without coinciding with any other such underlying boundary.

**SEC. 2.104 RULES FOR RESOLVING DISTRICT BOUNDARY LINE LOCATION UNCERTAINTY AND DISPUTE**

In the event when uncertainty or question arises as to the location of where the boundary of a zoning district has been applied as shown on the Official Zoning Map, the Zoning Inspector shall determine where the boundary lies in accordance with the following rules for doing so. An involved or affected property owner in dispute of the zoning boundary, may appeal the determination to the Board of Zoning Appeals (BZA) per the provisions of Section 1.310 of this Code.

- A) Where zoning district boundaries are indicated as approximately following the center lines of streets or rights-of-way lines, such center lines or rights-of-way lines shall be construed to be such boundaries.
- B) Where zoning district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C) Where zoning district boundaries are so indicated that they are approximately parallel to the center lines of rights-of-way lines, such district boundaries shall be construed as being parallel to such right-of-way lines at such a distance as indicated on the Zoning Map.
- D) Where the boundary of a zoning district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E) Where the boundary of a zoning district follows a stream or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated, understanding that streams meander over time.
- F) Where the boundary of a zoning district follows a metes and bounds description approved as part of a rezoning of any territory, said metes and bounds description shall control over all of the foregoing.



# ARTICLE 2

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## CHAPTER 2 USE PROVISIONS AND DIMENSIONAL REQUIREMENTS

### SEC. 2.201 USE GROUPS IN THE TABLE OF USES BY ZONING DISTRICT

The uses of land in the following Section 2.205 Table of Uses by Zoning District have been organized, for ease of use and convenience, into use groups, based upon certain characteristics that the grouped uses may share. These use groups are described as follows:

**Agricultural & Related Uses:** These are primarily uses of or related to agriculture, as defined in this Code.

**Residential Uses:** These are uses primarily involving housing of various types and densities and associated uses typically found or provided in relation thereto.

**Accessory Uses & Structures:** These structures and uses are permitted subordinate and secondary in support of, or in relation to, a principal permitted or conditional use or structure.

**Temporary Uses:** These are uses that are generally of a temporary nature, including but not limited to garage sales, events sponsored by public or private organizations, and which may or may not involve the construction or occupation of new or existing buildings.

**Community Facilities' & Essential Services Uses:** Community Facilities are publicly or privately owned or operated uses, for profit and not-for-profit, that serve as focal or gathering points for members of the community. Essential Services are generally publicly owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population.

**Commercial Business & Service Uses:** These are generally privately owned or operated uses, or uses of a for-profit nature, that include personal service establishments, financial, executive, administrative, medical and professional offices, retail sales, food service, lodging, entertainment, repair services, workshops and studios, and similar associated uses.

**Industrial Manufacturing, Research & Supply/Services Uses:** These are uses of a manufacturing, research, warehousing, or wholesaling character, or that involve compounding, processing, packaging, assembly, storage, or treatment of products or materials, other than solid waste, but including mineral extraction and vehicle parts salvaging uses.

**Other Specific Uses:** These are uses involving the solid waste disposal, solid waste transition processing, mineral extraction and processing, and junk salvage yards.

### SEC. 2.202 PERMITTING DESIGNATIONS OF LAND USES IN TABLE

The following symbols are used in the permitting table of uses to designate whether or not a certain use listed is allowed in the various zoning districts of this Code, along with indication of whether subject to site plan approval or meeting PUD requirements:

<u>Symbol</u>	<u>Meaning</u>
P	Permitted Use by Zoning Inspector
C	Conditional Use subject to BZA approval or denial
S	A permitted use, subject to the Board of Township Trustees review of a Site Plan
(Shaded)	Prohibited Use
E	Exempt from zoning
Land Use:	The Land Use column of Table 2.205 Table of Uses by Zoning District includes principle permitted uses, accessory uses used in conjunction with a principle permitted use, and temporary uses.

**SEC. 2.203 PERMITTING DETERMINATION FOR A USE NOT LISTED**

- A) Permitting of a use not listed in the Table of Uses by Zoning District shall depend on the Board of Zoning Appeals (BZA) making a determination as to whether the use not listed shall be allowed as a permitted or conditional use or otherwise prohibited, based on being similar or not to one or more use that is listed. The BZA shall make this determination simultaneously with a decision on any application for which it has jurisdiction upon conducting a quasi-judicial hearing.
- B) The BZA or the Zoning Inspector may determine that the use is an accessory use, associated with the principle permitted use. Accessory uses and structures are permitted in any zoning district, unless qualified within the code, but only in connection with, incidental to, and on the same lot with a principle permitted use or structure which is permitted within such district. Table 2.205 which includes principle permitted uses authorizes other uses normally accessory, auxiliary, or incidental to the principle permitted use. The enumerated permitted accessory uses set forth in Table 2.205 provide examples of valid accessory uses for ease of administration but are not intended to exclude uses properly accompanying the principle permitted use.

**SEC. 2.204 MIXED-USE**

Refer to Section 2.403 for use allowances within the Mixed-Use Residential District.



**SEC. 2.205 TABLE OF USES BY ZONING DISTRICT**

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
<b>AGRICULTURAL &amp; RELATED USES</b>						
Adult Use Cannabis Cultivation Level I (ORC 3780)						N/A
Adult Use Cannabis Cultivation Level II (ORC 3780)						N/A
Adult Use Cannabis Cultivation Level III (ORC 3780)						N/A
Adult Use Cannabis Processing (ORC 3780)						N/A
Agriculture, as defined in ORC Section 519.01	E	E	E	E	E	3.101
Agriculture (non-exempt)	P	P	P	E	P	3.202
Agriculture Research Facility	C	C	C	P	P	3.202
Agricultural Support Services	C	C	C	P	P	3.202.1
Agritourism (non-exempt)	S	S	C	P	C	3.202.3
Commercial Stable (non-exempt)	C		C	C	C	3.202.2
Farm Market & Produce Stand	P	P	P	E	P	3.202.4
Kennel (non-exempt)	C	C	C	C	C	3.202.5
Nurseries & Greenhouses (non-exempt)	C	C	C	C	C	3.202.6
Stables -Private Only	P	P	C	E	C	3.201
Winery	E	E	E	E	E	3.202.7
<b>RESIDENTIAL USES</b>						
Single Family Dwellings	P	P	P	P		3.203.1
Two-family Dwellings		P	P			3.203.1
Multiple Family Dwellings			C			3.203.2
Boarding House			C			3.203.6
<b>COMMUNITY-BASED RESIDENTIAL SOCIAL SERVICE FACILITIES</b>						



Residential Care Facilities (ORC 3721)	P	P	P		3.203.3
Residential Care Facilities (ORC 5119.34 & 5123.19)	C	C	P		3.203.3
Family Day-Care Homes, -Type A (ORC 5104.01)	C	C	P	P	3.203.3
Family Day-Care Homes, -Type B (ORC 5104.01)	P	P	P	P	3.203.3

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
Foster Homes (ORC 5103.02)	P	P	P	P		3.203.3
Institutional Care Facilities	C	C	P			3.203.3
<b>HOME USES</b>						
Home Occupations Class 1	P	P	P	P		3.203.4
Home Occupations Class 2	C	C	P	P		3.203.4
Secondary Dwelling Unit (lots less than 5 acres)	C	C	P			3.203.5
Secondary Dwelling Unit (lots 5 acres or greater)	P	P	P	P		3.203.5
<b>ACCESSORY USES &amp; STRUCTURES</b>						
Detached Buildings or Other Structures	P	P	P	P	P	3.102
Drive Through			P		P	3.102.5
Private Garage or Parking Spaces	P	P	P	P	P	3.102
Accessory Small Solar Facility	P	P	P	P	P	3.102.11 (A)
Micro-Wind Turbine	P	P	P	P	P	3.102.13
Wind Energy Conversion Systems, Small Wind Farms	C	C	C	C	P	3.209.3
<b>TEMPORARY USES</b>						
<b>CONSTRUCTION RELATED ACTIVITIES</b>						
Buildings and Signs Incidental to Construction	P	P	P	P	P	3.204.2
On-Demand Storage Containers	P	P	P	P	P	3.204.2



Model Dwelling Sales Units	P	P	P			3.204.2
<b>EVENTS</b>						
Circuses, Fairs, Carnivals, Revivals, Rodeos & Similar Uses	C	C	C	C	C	3.204.1
Commercial Event Tent	P	P	P	C	C	3.204(G)
Yard/Garage Sales, Estate Sales, and Private Auctions	P	P	P	P	P	3.204.4

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
<b>VEHICLE PARKING</b>						
Commercial Vehicle Parking in Residential Districts	P	P	P	P		3.102.4(A)
Recreational Vehicle Parking for Habitation	P	P	P	P		3.102.4(B)(3)
Recreational Vehicle Parking in Residential Districts	P	P	P	P		3.102.4(B)
<b>RETAIL SERVICES</b>						
Outdoor Plant, Art, Craft Sales			P	C	C	3.204
<b>COMMUNITY FACILITIES, ESSENTIAL SERVICES, &amp; ENERGY PRODUCTION</b>						
<b>COMMUNITY FACILITIES</b>						
Auditoriums & Performing Arts			C		C	3.205.1
Bulletin Boards for Public, Charitable, or Religious Institutions	P	P	P			3.205.1
Churches, Sunday School & Other Places of Worship	P	P	P			3.205.1
Civic Clubs, Civic Halls & Civic Lodges	P	P	P			3.205.3
Libraries, Museums, & Fine Arts Centers			P			3.205.1
Publicly Owned or Operated Properties	P	P	P	C		3.206.14 and 3.206.15
Recreation Area, Private or Charitable	P	P	P	C		3.102.9, 3.206.14 and 3.206.15
<b>ESSENTIAL SERVICES</b>						
Campground			C	C		3.206.13
Career Center/ College Universities	P	P	P			3.205.4
Cemeteries	P	P	P	C		3.205.2

Correctional Facilities					C	3.205
Community Fire House	P	P	P		C	3.205
Fire & Police Station	C	C	S		C	3.205
Government Offices, including Post Offices	C	C	S		C	3.205
Health Care, Hospital, Clinic, Rehab Facility	C	C	C		C	3.205.5

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
Institutional Care, Substance Abuse Rehab Facility	C	C	C		C	3.203.3
Public Works/Road Maintenance Yards	C	C	C	S	S	3.205
Schools — Preschool, Elementary, Non-Elementary	P	P	P	S		3.205.4
Other Towers	P	P	P	P	P	3.205.6
Telecommunications Facility Small Cell Towers	P	P	C	C	P	3.205.7
Telecommunications Facility Towers	C	C	C	C	P	3.205.7
<b>PRINCIPAL SMALL SOLAR FACILITY and WIND FARM ENERGY PRODUCTION</b>						
Ground/Pole Mounted	P	P		P	P	3.102.11 (B)
Roof Mounted			P	P	P	3.102.11 (B)
Building Mounted / Other Structure Mounted/Integrated			P	P	P	3.102.11 (B)
Wind Energy Conversion System, Large Wind Farms	C	C	C	C	C	3.209.2(B)
<b>COMMERCIAL BUSINESS &amp; SERVICES USES</b>						
<b>AUTOMOTIVE REPAIR SERVICE, SALES AND RENTALS</b>						
Automobile Body Repair Shop			C		C	3.206.2
Automobile Fueling Station			C		C	3.206.3



Automobile General Repair		C	C	C	3.206.2
Automobile Oil Change, Lube, Light Service		P	C	C	3.206.2
Automobile Sales		C		C	3.206.2
Automobile Washing Facility		C		C	3.206.2
Truck Stop				C	3.206.2
<b>ENTERTAINMENT &amp; RECREATION</b>					
Bar, Brewpub, Cocktail Lounge, Night Club		S			3.206.4
Commercial Amusement, Indoor		C			3.206.14
Dinner Theatre		C			3.206
Golf Driving Range or Miniature Golf		C			3.206.15(D)
Health / Fitness Club, Gym or Spa		P			3.206
Racetracks		S	S	C	3.206.15(F)
Sexually Oriented Business		C			3.206.11
Shooting Range		C		C	3.206.17
Theaters and Drive-in Theaters		C			3.206.9

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
<b>LODGING</b>						
Bed and Breakfast	P	P	C	C		3.206.5
Hotels / Motels			C			3.206.7
<b>SERVICES</b>						
Animal Hospital or Veterinary Clinic			C			3.206.1
Barber and Beauty Shop			P			3.207.3
Commercial Service Provision			C		C	3.206
Conference — Training Center	C		C			3.206.11
Day Camp, Boarding Camp, Retreat Facility	C	C	P	C		3.206.12
Day Care Center	P	P	P			3.206.13

Funeral Parlor or Mortuary	P	C	C			3.206.6
Landscaping Service	S	S	S	C	C	3.206
Laundromat and Dry Cleaner			C		C	3.206
Moving Truck & Trailer Rental					C	3.206
Printing or Copying Shop			C		C	3.206
Recreational Facility — Indoor	C	C	C			3.206.15
Recreational Facility — Outdoor Active	C	C	P	C		3.206.16
Recreational Facility — Outdoor Passive	P	P	P	C		3.206.16
Self-Storage Facility					C	3.208.3
Tattoo & Body Piercing Parlor					C	3.207.3
Wedding Facility, Event Center	C			C		3.206.16
<b>RETAIL</b>						
Convenience Mart or Carry-Out Store			P		C	3.206

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
Farm Machinery and Small Engine Sales, Rentals & Repairs	S	S	S	C	C	3.206
Garden Center	P	C	C	C		3.206
Gunsmith & Firearms Dealer			P		C	3.206
Hardware, Home Improvement, Building Materials & Supplies Store			P		C	3.206
Large Scale Retail (Big Box) Stores			C			3.206
Adult Use Cannabis Dispensary						N/A
Retail Stores — General			P			3.206
Wholesale Business					C	3.206

Restaurant Full Service		P			3.206.9
Restaurant, Fast-Food		P			3.206.9
Rental/Leasing of Recreational Equipment, Sale of Bait		P	C		3.206
Retail -Small/Light Manufacturing		P		C	3.206
<b>PROFESSIONAL OFFICE</b>					
Administrative, Business, & Professional Offices		P			3.206
Banks and Financial Institutions		P			3.207.4
Office with Warehousing				C	3.208.4
Radio, TV, or Other Broadcast Studio		P			3.207
Recording Studio		P			3.207.2
<b>INDUSTRIAL MANUFACTURING, RESEARCH AND SUPPLY/ SERVICES USES</b>					
<b>MANUFACTURING</b>					
Acid, Chemicals, Inflammable Liquids or Gases Manufacturing & Storage				C	3.208
Animal Rendering Fertilizer or Glue Manufacturing			C	C	3.208

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
Bakery or Candy Making Facility			P	C	C	3.208
Building Trusses Manufacture or Wood Milling Facility					C	3.208
Ceramic, Glass or Similar Product Manufacture					C	3.208
Cosmetics Manufacture					C	3.208
Electrical Device or Component Manufacture or Assembly			P		C	3.208
Explosives or Flammable Components Manufacture or Storage					C	3.208

Heating/AC /Sheet Metal Manufacturing					C	3.208
Lumberyard & Building Materials					C	3.208
Manufacture of Plastic Compounds					C	3.208
Metal Casting, Cutting, Dyeing, Milling, Plating, Punching, Rolling, Stamping or Screw Making					C	3.208
Music Instrument Novelty or Toy Manufacture			P		C	3.208
Pharmaceuticals Manufacture					C	3.208
Plastic & Rubber Products Manufacture					C	3.208
Pre-Made Parts & Materials Processing or Assembly			P		C	3.208
Sheet Metal & Machine Shops					C	3.208
Signs, Lighting, Outdoor Advertising & Manufacturing			P		C	3.208
<b>FOOD PROCESSING</b>						
Creamery, Bottling, Ice Making or Cold Storage Plant			P	C	C	3.208
Food Production, Processing or Packaging Plant			P	C	C	3.208

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
Slaughterhouse and Stockyards				C	C	3.208
<b>INDUSTRIAL SERVICES</b>						
Batching Plant (Concrete or Asphalt)					C	3.208.1
Carpet Cleaning or Uniform Service Plant					C	3.208
Solid Waste Transfer, Materials Resource Recovery and/or Recycling					C	3.209
Class I Composting Facility					C	3.209



Class II Composting Facility				C	3.209
Class III** Composting Facility	P	P	P	C	3.209.6
Class IV** Composting Facility	P	P	P	C	3.209.6
Construction and Demolition Debris Disposal Facility				C	3.209
Container / POD Storage Facility				C	3.208
Crematory				C	3.206.6
Enameling, Lacquering, or Japanning				C	3.208
Energy Recycling Plant				C	3.208
Hazardous Waste Collection Site				C	3.208
Heating/ AC/ Building Exterior Trim & Roofing Repair, Supply or Service Shop				C	3.208
Incinerator for the Burning of Solid Wastes				C	3.208
Industrial Printer				C	3.208
Junk & Wrecked Vehicle Salvage Yard Facility				C	3.208
Laboratories — Experimental, Film, or Testing				C	3.208
Methane Recovery Facility associated with soil removal				C	3.208

Land Uses	Zoning Districts					Use Specific Standards
	R-1	R-2	MXU-R	A	I	
Mineral Extraction and Surface Mining	C	C	C	C	C	3.209.2
Motor Vehicle Impound Lot					C	3.208
Mover Storage Facility					C	3.208
Paint Mixing or Spraying Facility					C	3.208
Petroleum or Related Products Refining or Distributer Depot					C	3.208
Recycling and Salvage Center					C	3.208

Salvage Motor Vehicle Auction or Pool Facility	S	C	3.208
Sanitary Landfill		C	3.208
Sawmill and Planking Mill		C	3.208
Smelting or Reduction of Ores and Metallurgical Products		C	3.208
Solid Waste Disposal Facility		C	3.208
Truck Terminals and Distribution Facilities		C	3.208
Warehousing/ Depot		C	3.208
Welding Shop		C	3.208



# ARTICLE 2

## CHAPTER 3 ZONING DISTRICT STANDARDS

### SEC. 2.301 GENERAL PROVISIONS

The provisions of this Chapter shall apply to the uses, buildings, and structures, regulated by the requirements of the zone in which they are located along with other provisions, standards and requirements specified elsewhere as applicable in this Code. In addition to the below standards, provisions for Off-Street Parking and Loading (Article 3, Chapter 3), Landscaping and Screening (Article 3, Chapter 4), Lighting (Article 3, Chapter 5), and Signage (Article 3, Chapter 6) are outlined within separate chapters.

### SEC. 2.302 RESIDENTIAL ZONING STANDARDS

#### 2.302.1 Residential Zones Development Standards Table

Development Standards			Residential Zoning Districts	
			R-1	R-2
Maximum Density (units per acre)			0.5	2.0
Minimum *Yard (Feet)	Front		50	40
	Side		Total: 30 Minimum: 10	Total: 20 Minimum: 7
	Rear	< 3 Front yards	35	30
		3 Front Yard	20	20
Maximum Height (Feet)*			35	35
Minimum Lot Frontage (Feet)			135	100
Maximum Width to Depth Ratio			1:4	1:4
Minimum Lot Width(Feet, measured at the minimum front building setbackline) <sup>1</sup>	Single Family		135	100
	Two Family		NA	100
Minimum Cul-de-sac Lot Width (Feet, at every point <b>EXCEPT at the building line</b> )			60	
Minimum Lot Size	Single Family		2 Acres	18,000 Square Feet
	Two Family		NA	28,000 Square Feet per Building.
Minimum House Size (Sq. Ft. of living space per unit)	Single Family		1,200	1,200
	Two Family		NA	960

<sup>1</sup> **Lot Width:** The Minimum Lot Width and Maximum Width to Depth Ratio is applicable to all standard and curved frontage lots and shall be regulated by whichever value is greater. Lot Width is applied at the minimum front building setback line.

## 2.302.2 Conservation Design Option (CDO)

The Conservation Design Option is permitted in the R-1 zoning district and zoning districts outside the urban service area. Developments utilizing this option shall undergo the Major or Alternative Subdivision process. CDO is permitted in accordance with the following regulations:

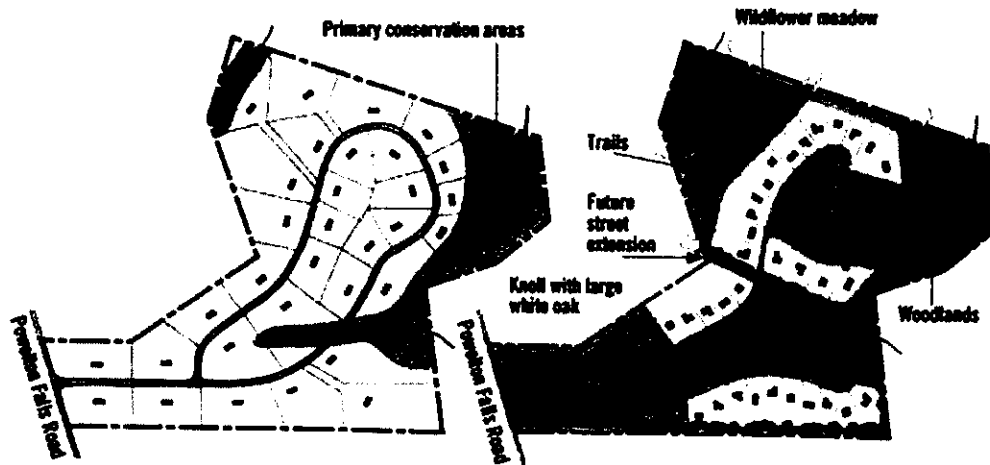


Figure 2.302.3-1 Example of a Standard Subdivision versus a CDO

A) Subject to the following subparagraphs, Conservation Design Option (CDO) need not meet the lot width requirements set forth in Section 2.302.1 (Minimum Frontage and Width) and 2.302.2 (Minimum Area Requirements).

B) Minimum Lot Size

A minimum of forty percent (40%) of the total project area shall be dedicated as open space.

C) Density

1) Base Density

- a. Determine gross tract acreage;
- b. Multiply by the zoning district density (Units Per Acre); calculate proportionally if the tract lies in two zoning districts; and,
- c. Multiply by 1.3 (density bonus).

2) Density Bonus Enhancements

Density enhancements beyond the base density determined above shall be awarded where the approval authority determines that the applicant meets the intent of the requirements below. Each enhancement percentage shall be based upon the number of dwelling units established in the base density. Multiple

enhancements are cumulative and shall be added to the base density. Appropriate easements, covenants, and/or deed restrictions shall be incorporated to protect the enhancements where deemed necessary. Dwelling units are rounded down to the nearest whole number.

a. Open Space

Ten percent (10%) enhancement shall be awarded where the percentage of open space exceeds forty-five percent (45%).

b. Agriculture Enhancement

A ten percent (10%) enhancement shall be awarded where the development provides for agricultural use by appropriate commitment. The affected lands must constitute a minimum of 10 acres. It is required only that the commitment is granted in a way that reasonably provides for agricultural use; whether the lands are actually placed in agricultural use does not affect the validity of this enhancement.

c. Natural Resources Enhancement

A five percent (5%) enhancement shall be awarded where significant environmental resources are protected, including specimen trees, other important vegetation, or important wildlife habitats.

D) Open Space

Open space and/or conservation easements shall be designed to protect the natural open areas on the property such as streams, farmlands, densely vegetated areas, or steep slopes, and preserved using any of the following applicable techniques or standards:

1) Ownership Alternatives

An individual, a group of individuals, a nonprofit organization, a homeowners' association, a public body, or a combination of these entities may hold fee simple title to the open space area. Any use of the open space areas shall be in conformance with the Development Plan.

2) Public Agency

A public agency involved in conservation or preservation may be designated as the holder of the conservation easement for the open space land if formally accepted by the public agency.

3) Legal Instrument for Permanent Protection

Open space shall be in place before building permits are issued. Dedicated open space shall be set aside in perpetuity by the developer through a conservation easement or a permanent restrictive covenant for conservation/preservation

purposes that is approved by the Board of Township Trustees. Such covenant or easement shall assure that the open space will be protected from all forms of development by being recorded and filed with the final development plan.

- a. Identified as an open space parcel or parcels on the final plat.
- b. Recorded as an open space/limited agricultural easement applied to a parcel or parcels on the final plat.
- c. Open space shall only be credited once, and it shall be associated with a single subdivision.

E) Open Space on Platted Lots

This section provides the rules by which open space is permitted to occur on a lot. The construction envelope is defined as a delineated area that identifies the location within which all grading, clearing, excavation, and development shall occur, including, but not limited to, septic systems, wells, dwellings, storage buildings, or other structures or improvements. Construction envelopes shall be identified on the record plat and may be changed through the amendment process. The following standards apply:

- 1) The construction envelope shall extend at least fifteen (15) feet from the foundation and five feet from any other area to be developed or disturbed to provide for machinery and earth movement.
  - 2) All eligible lots shall conserve the resource area in question, restricting the use of that land to passive open space uses and prohibiting fencing and the clearing, cutting, or disturbing of vegetation with the exception of invasive, dead, or diseased vegetation.
  - 3) All lot construction and clearing shall be confined to a construction envelope that includes buildings, decks or patios, driveways, lawns, pools, tennis courts, septic tanks, tile fields, and utility access.
  - 4) The construction envelope shall be designated on the subdivision plan.
  - 5) The areas outside of the construction envelope may be credited toward the open space.
- F) Buffer Standards for Conservation Design Option (CDO) Subdivisions: Along collector and/or arterial street networks, a buffer shall be required to separate CDO dwelling lot(s) from the road right-of-way in accordance with Article 3 Landscaping and Screening Requirements.
- G) The required lot area shall not include any road or street right-of-way as shown on the Warren County, Ohio Official Thoroughfare Plan, and shall also be exclusive of easements and or setbacks for streams, wetlands, floodways, high-pressure gas pipelines, railroads, and high-tension power lines.

- H) No minimum frontage is required, except for panhandle lots that shall meet the requirements of Section 3.103.2(C) and lots fronting on a cul-de-sac that require a minimum frontage of twenty-five (25) feet, and a minimum width of seventy-five (75) feet at the minimum building setback line. Lots within the Conservation Option are exempt from the Maximum Lot Depth to Width Ratio requirements of Section 2.302.1 (Residential Zone Development Standards Table).
- I) Acceptable open space uses shall be identified prior to final plat approval. The allowable uses shall be listed and recorded with the final plat. In general, open space uses are limited to recreational, natural resource preservation, and agricultural uses.
- J) An amendment of open space uses is subject to an amendment of the subdivision plat. All property owners of the development shall be notified and shall consent to the proposed changes.

**SEC. 2.303 INDUSTRIAL ZONE STANDARDS**

**2.303.1 Principal Building Groups Permitted:**

Industrial or commercially zoned lots may contain multiple principal buildings and may include multiple permitted uses within each building.

**2.303.2 Setback from Residential Property or District:**

All structures and buildings permitted in the business or industrial zoning districts shall be setback a minimum of two hundred (200) feet from any residential property or district, or one hundred (100) if buffered and screened as specified in Article 3 Chapter 4 or unless otherwise required.

**2.303.3 Use and Performance Standards Required:**

All uses and structures permitted in industrial zoning district shall comply with the use and performance standards set forth in Article 3, Chapter 2 (Use Standards).

**2.303.4 Industrial Zone Development Standards Table:**

Development Standard		Industrial District
Maximum Floor Area Ratio*		0.27
Minimum Yard (Feet)*	Front	50
	Side	50
	Rear	50
Minimum Lot Area (Sq. Ft.)		130680 (3 acres)
Maximum Height (feet)*		60
Maximum Impervious Surface Ratio*		0.63

\* Floor Area shall mean the sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures. FAR is the sum of the area of all floors of buildings or structures compared to the total area of the site.



\* Setbacks: All structures or buildings shall be setback the minimum as stated, except as stipulated in Section 2.303.3 (Setback From Residential Property Or District).

\* Maximum Height: The maximum height of any structure or building is subject to input from the applicable fire/EMS jurisdictions as to emergency response capabilities.

\* Impervious Surface Coverage shall mean that portion of a lot that is, unless otherwise specified, covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways. Impervious surface coverage shall be calculated by measuring, in a horizontal plane, the outer limits of all impervious surfaces on a lot and comparing the total square footage thereof with the total lot area exclusive of protected resource areas. For the purpose of determining impervious surface coverage, areas designed to allow the infiltration of stormwater such as grass pavers, pervious pavement, specially designed graveled areas, and other such innovative methods, shall not be included.

## **SEC. 2.304 BASE DENSITY/INTENSITY CALCULATIONS**

The base density, intensity, and minimum buildable lot area for non-conservation option development shall be determined by the following steps:

### **For Major Subdivisions and Non-Residential Subdivisions**

- A) Determine gross tract acreage.
- B) Subtract the acreage of any rights-of-way purposes for roads, existing utilities, and Thoroughfare Plan Right of Way.
- C) Subtract the acreage of areas within the following areas at the specified percentage:
  - 1) Floodway one hundred percent (100%); (one hundred percent (100%) of the floodway shall be preserved or undeveloped.);
  - 2) Flood Fringe fifty percent (50%); (Fifty percent (50%) of the flood fringe shall be preserved or undeveloped.);
  - 3) Wetlands and Ponds one hundred percent (100%); and,
  - 4) Slopes of twenty-five percent (25%) or greater: Seventy percent (70%). Slope Percent = (Amount of Rise/Amount of Run) X 100.
- D) For Residential Development: Multiply by the zoning district density; calculate proportionally if the tract lies in two zoning districts or for mixed use developments; or
- E) For Non-Residential Development: Multiply by the zoning district floor area ratio (FAR).

### **For Minor Residential Subdivisions**

- A) Determine gross tract acreage.
- B) Subtract the acreage of any right of way purposes for roads and the Thoroughfare Plan Right of Way.

- C) Multiply by the zoning district density: calculate proportionally if the tract lies in two zoning districts or for mixed use developments.
- D) Designate a Minimum Buildable Lot Area of fifty percent (50%) of the lot. The buildable lot area shall be sufficient to accommodate the construction of buildings, sewage treatment systems and accessory structures, while still providing for the required setbacks. The following shall not be included in calculating the buildable area: floodways; wetlands; existing utility easements.

# ARTICLE 2

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## CHAPTER 4 OTHER USE SPECIFIC RELATED REGULATIONS

### SEC. 2.401 AGRICULTURAL ZONE REGULATIONS

#### 2.401.1 Purpose

The purpose of the Agricultural zone is to protect the township's agricultural production resources, operations, and heritage. This district is voluntary, meaning it is only in place if the property owner applies for the change in zoning to the property. The minimum requirement for a property to be zoned agricultural is to have at least ten (10) acres of vacant land and be used primarily for agricultural use. However, programs such as the Clean Ohio Local Agricultural Easement Purchase Program (LAEPP) may have additional or more strict requirements to be able to apply for their program. Being zoned as Agricultural does not guarantee participation in LAEPP nor does it guarantee CAUV status. Additionally, the Agricultural Zoning District is separate from Agricultural Security Areas (Ohio Revised Code Section 931.02) and Agricultural Districts which are State programs.

Within the District, any agricultural practice as determined by the Ohio Revised Code including, but not limited to: practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a public nuisance.

#### 2.401.2 Allowable Uses

##### A) Permitted Uses

- 1) Agricultural Uses
- 2) Roadside Stands
- 3) Single-family Residences
- 4) Farm worker Residences

##### B) Permitted Accessory Uses

- 1) Home Occupations – Class 1
- 2) Family adult care
- 3) Family childcare

##### C) Conditional Uses

- 1) Telecommunications facilities
- 2) Commercial Stables

- 3) Campgrounds
- 4) Fire stations and public buildings
- 5) Home Occupations – Class 2
- 6) Kennels
- 7) Public and private schools, nursery schools and institutions of higher education
- 8) Churches – small

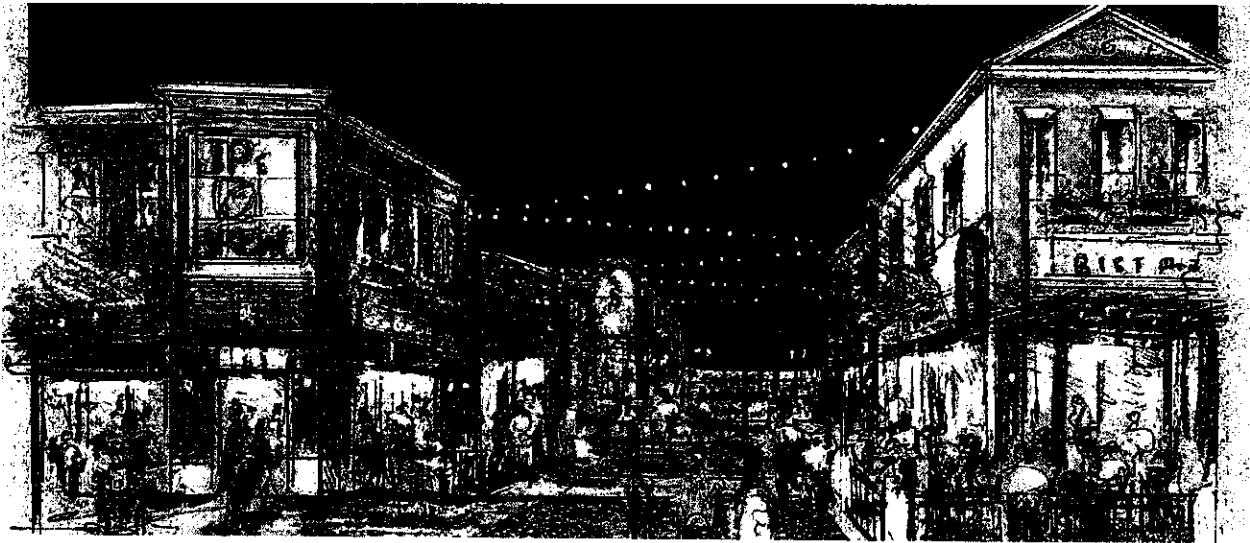
**2.401.3 Maximum Density**

One dwelling per forty-one (41) acres and there shall be no more than one residence on any lot.

**2.401.4 Yard and Height Requirements for Non-Agricultural Development**

- A) Minimum front yard setback shall be seventy-five (75) feet.
- B) Minimum side yard setbacks shall be thirty (30) feet.
- C) Minimum rear setback shall be seventy-five (75) feet.
- D) Maximum building height shall be thirty-five (35) feet.
- E) Maximum lot coverage shall be five percent (5%) of the lot area.

**SEC. 2.402 MIXED-USE RESIDENTIAL ZONE REGULATIONS**



**2.402.1 Purpose**

The regulations set forth in this Section, or set forth in the Zoning Code, are the zoning regulations for the Mixed-Use Residential Zone. The MXU-R zoning district is applied to, but not limited to, areas located along portions of US 22 and 3 that are appropriate for a complementary mix of commercial, light industrial, and residential activities.

The intent and purpose of the Mixed-Use Residential (MXU-R) district is to provide quality development through unified planning and the establishment of innovative and high-quality site, landscape, and architectural design standards, while encouraging efficient land use. The MXU-R zoning district provides for the development of mixed-use structures that vertically integrate residential dwelling units with office, restaurant, retail, and similar non-residential uses and mixed-use sites that allow free-standing residential and commercial structures.

**2.402.2 Permitted Uses**

In addition to the uses allowed in Section 2.205 Table of Uses by Zoning District, the following residential and industrial uses are allowed as indicated:

Live/Work Units	A structure that is specifically built (or altered) to accommodate retail or office commercial uses on the ground. Floors above the ground level may be occupied by one or more residential units.
Apartment Houses	Homes that have been reconfigured as apartments or small apartments designed to look like large, single-family units. This multi-family housing type is in the form of apartments of three to four units.

Townhouses	Dwelling units that are situated side by side generally having 2 or more floors and attached to other similar units via common walls.
Patio, Atrium and Lot Line	<b>Patio and Atrium:</b> Dwelling units that share a common wall. <b>Lot Line:</b> Dwelling units that are constructed along a single property line.
Upper Story Residential	A dwelling unit within a mixed-use structure that is situated above retail/commercial or other non-residential uses.
Retail Small Scale/Light Manufacturing	An accessory and associated light manufacturing use conducted in conjunction with the primary retail use. The manufacturing use is conducted within the building that the retail use is carried out, and the manufactured products are displayed and are available for sale on site.

Table 2.402-1 Land Uses Definitions Table

### 2.402.3 Use-Specific Standards

- A) Single Family Residential: Dwellings shall have a minimum area of twelve hundred (1,200) square feet of living space by outside dimensions, exclusive of unfinished spaces, such as porches, garages, and cellars.
- B) Multi-Family Residential: Dwellings shall have a minimum area of nine hundred and sixty (960) square feet of living space by outside dimensions, exclusive of unfinished spaces, such as porches, garages, and cellars.
- C) Live/Work Units: Live/work units shall be residential in character and are limited to five thousand (5,000) square feet.
- D) Retail Small Scale/Light Manufacturing: As defined, is permitted subject to compliance with the following:
  - 1) Allowed when done in conjunction with a permitted retail or service use which is in the storefront location;
  - 2) Floor area devoted to Industry-Small Scale is limited to fifty percent (50%) of the gross floor area of any individual establishment; and,
  - 3) The operations shall be fully enclosed within a building.

- 4) Outdoor storage, loading/unloading areas shall be completely screened from the public right-of-way and from any adjoining residential properties. Fencing or evergreen vegetative screening are both acceptable means of screening.

B) Commercial Business & Service Uses:

- 1) Commercial Business and service uses within the MXU-R shall provide access from an arterial or collector road. Access from a local road is permitted if the access point is not more than five hundred (500) feet, or one lot away from an arterial or collector road.
  - a. Maximum Size:
    - i. Ten thousand (10,000) square feet in gross floor area in any single building for structures entirely located less than 200 linear feet from an arterial or collector road;
    - ii. Five thousand (5,000) square feet in gross floor area in any single building for structures entirely located less than 200 linear feet from an arterial or collector road.

**2.402.4 Development Standards**

The following development standards are applicable to development within the MXU-R zoning district. These standards apply along with other development standards (e.g. landscaping, signs, parking) are listed in other sections of this Zoning Code. Where site development standards listed herein are in conflict with the site development standards in other chapters of this Code, this chapter prevails as it applies to the mixed-use residential zoning district. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations. Residential Developments that do not qualify as a mixed-use residential development (meet the design and development standards) shall be regulated under the R-2 zoning district standards and density.

- A) The maximum size for individual "Commercial Business & Service Uses" in the MXU-R Zoning District is five thousand (5,000) square feet in gross floor area in any single building.

DEVELOPMENT STANDARDS TABLE A			
		Single Family	Duplex & Apartment Houses
Density <sup>1 &amp; 2</sup> (Units per acre)	Free Standing Residential Structures	4	4.2
	Upper Story Residential	Unlimited by the density standards	
Maximum Floor Area Ratio		0.3	0.2
Maximum Impervious Surface Ratio <sup>5</sup>		0.70	0.57
Maximum Height <sup>4</sup> (feet)*	Residential and Commercial Structures	35	35
Mixed Use Development Minimum Open Space <sup>6</sup>	Free Standing Residential Component	10	12
	Non-Residential Component	6	6

DEVELOPMENT STANDARDS TABLE B				
Minimum Yard <sup>3</sup> (feet)*	Front	US 22 & SR3		30
		Street Setback		20
	Side	Non-Residential Structure	Adjacent to off-site residential use or undeveloped site	35
			Adjacent to off-site non-residential use	0
		Residential Structure		15
	Rear	Non-Residential Structure	Adjacent to off-site residential use or undeveloped site	50
			Adjacent to off-site non-residential use	15
		Residential Structure		30

B) Use Parking Reductions:

- 1) Parking reductions from the standards of Section 3.307 may be permitted during Site Plan Review and shall take into consideration the following factors:
  - a. The combination of land uses that result in varying peak parking demands;
  - b. Proximity to off-site parking.

C) Building Scale Transition:

Transition using a variety of scale, pattern, and textures of building and landscaping elements is encouraged to create a more visually interesting and compatible project.

- 1) If a development is larger or smaller than its adjacent physical context, the design should provide transitional, scaled elements at the perimeter to integrate it with its surroundings.
- 2) The proposed building orientation should complement the orientation of surrounding buildings and should relate to other buildings on the same site in regard to pedestrian circulation. The proposed building should also compliment the scale of those buildings located on adjacent properties and, where desirable, serve as an orderly transition to a different scale.
- 3) Buildings should be designed and located to complement and preserve existing natural landforms, trees, shrubs, and other natural vegetation, where appropriate.
- 4) Buildings should be articulated to create transitional scaled elements that relate to existing buildings.

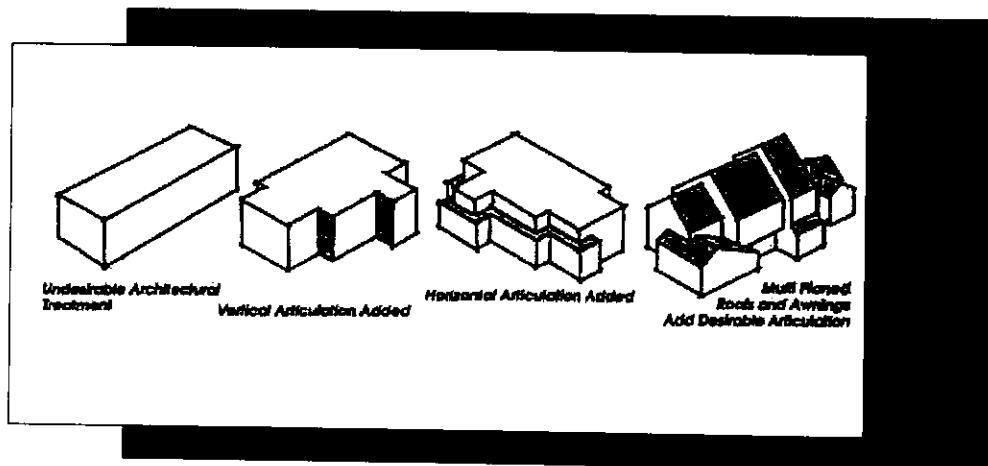


Figure 2.402-1

## 2.402.5 Design Standards and Guidelines

### A) Site Design Standards:

A mixed-use residential development shall be designed to achieve the following:

- 1) Preliminary site plans shall indicate the ultimate development of the site, even where final development will be phased;
- 2) The design shall provide for internal and architectural compatibility between the different uses and structures;
- 3) Potential noise, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be mitigated to allow a compatible mix of residential and non-residential uses on the same site and adjacent properties;
- 4) The development design, including the arrangement of buildings and placement of site amenities, shall create a pedestrian-friendly development;
- 5) Landscape areas should be combined to form plazas, open spaces, and other focal points within the development (See figure 2.402-2);



Figure 2.402-2

- 6) Commercial loading areas shall be located as far as possible from residential units and shall be screened from view from the residential portion of the project to the extent feasible;
- 7) The development design shall utilize the opportunities and reflect the constraints created by floodplains, slopes, soils, vegetation, stream side setbacks, and other physical features;
- 8) Open storm drainage and retention areas visible to the public shall be incorporated into the design of the development as an attractive amenity or focal point (Figure 2.402-3); and,

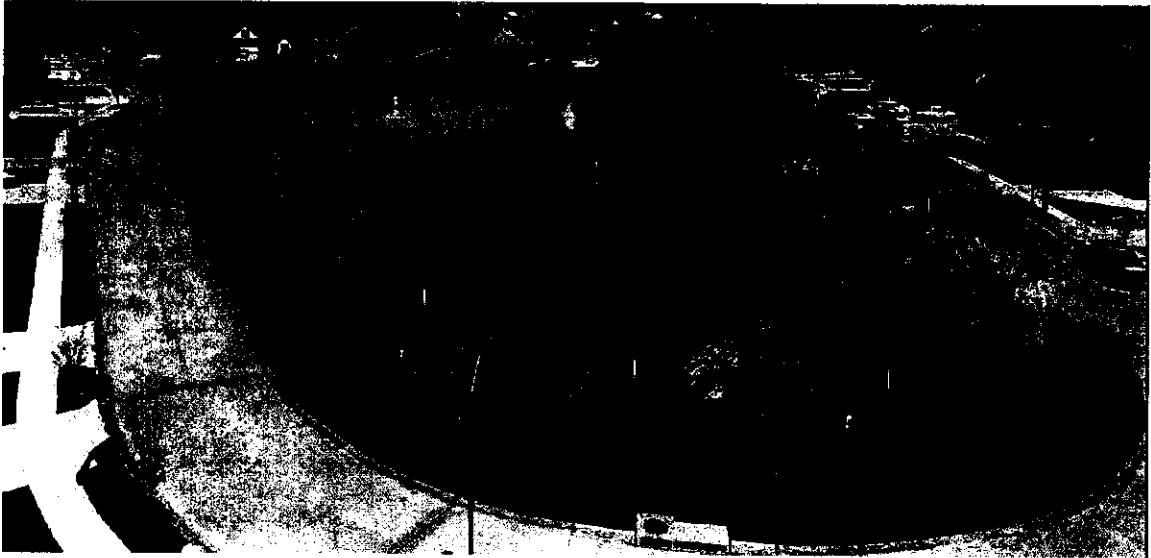


Figure 2.402-3

- 9) The circulation, utility, and storm drainage systems shall be designed and constructed so that when the site is fully developed the resulting systems are coordinated and effective.

**B) Non-Residential & Mixed-Use Building Design:**

The intent of this subsection is to encourage pedestrian-scale and compatible development through creative and innovative building and architectural design.

- 1) Predominant exterior building materials should consist of building materials that include, but are not limited to, brick, sandstone, glass, metal, and/or other native stone and tinted/textured concrete masonry.
- 2) Buildings should not include long uninterrupted walls or roof planes (See Figure 2.402-4).

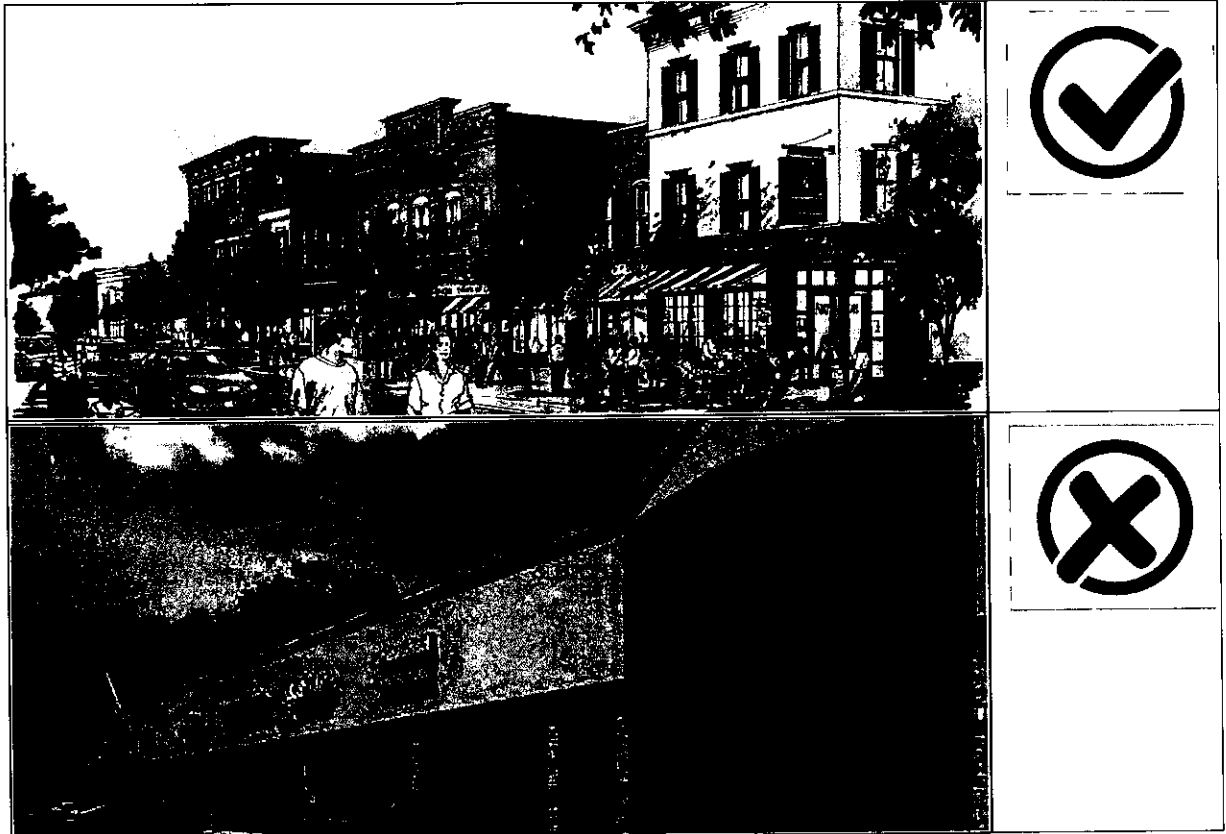


Figure 2.402-4

- 3) Buildings with frontages greater than fifty (50) linear feet shall vary the building line and/or create offsetting walls, awnings, arcades, modulated wall textures, climbing landscaping materials, and other features that visually reduce the scale of the wall.
- 4) The back of buildings, loading docks, overhead doors, and other service entries are prohibited on street-facing facades.
- 5) Facades must have a defined top that should be formed by a pitched roof or cornice, depending on the chosen style.

- 6) Multi-tenant buildings and shopping centers should have a comprehensive sign program. Provisions should be made for coordination of sign dimensions, materials, textures, colors, illumination, and method and location of mounting. These signs should be delineated in a uniform and consistent manner (see Figure 2.402-5 below as well as Section 3.616).



Figure 2.402-5 Multi-tenant Comprehensive Sign Program

- 7) If the roof is pitched, the pitch shall be 4:12 or greater.
- 8) Building entrances should be well-defined, using architectural elements appropriate to the chosen style. The entrance's location, orientation, proportion, and door style must also reflect the chosen style (see Figure 2.402-6 to the right).

C) Building Orientation:

- 1) Single-building developments shall be oriented so that the primary façade treatment faces the street from which the building derives its street address. For lots that face two streets, the primary façade shall face

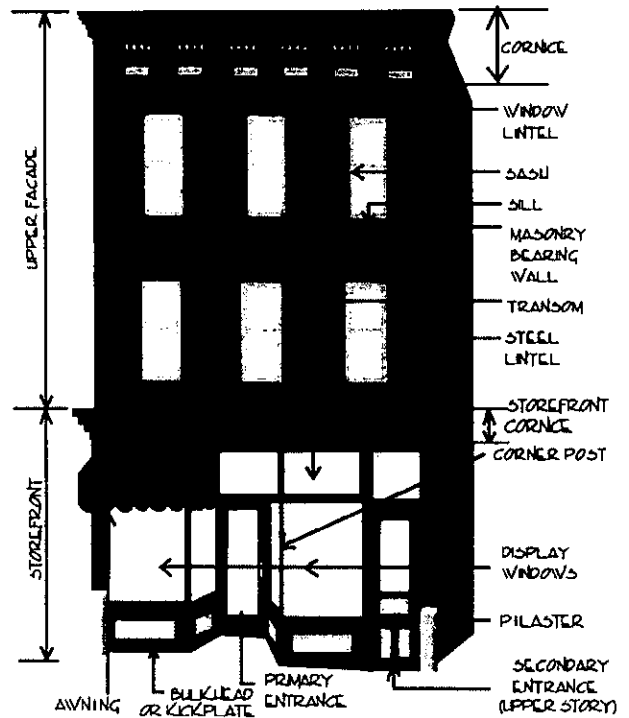
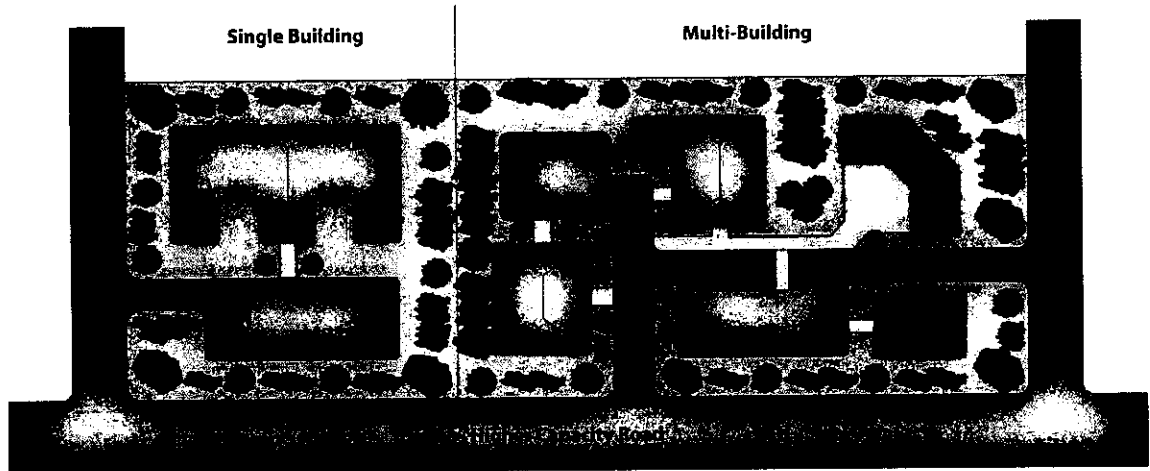


Figure 2.402-6 Architectural Elements

the street with the higher vehicle capacity (see Figure 2.402-7);

- 2) Larger multi-building developments should be configured in a manner that breaks the site into a series of smaller “blocks” defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes (see Figure 2.402-7);



*Figure 2.402-7 Single Building Versus Multi-Building Developments*

- 3) Doors and other entrances may be on any side of the building and do not have to be located on the primary façade.
  - a. Windows and doors, including the number, location, proportion, and style of framing and lights, shall also be appropriate to the chosen style of architecture;
  - b. Building transparency shall be provided in the following amounts:
    - i. Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of forty percent (40%) of the length of the front façade, of each tenant space, to windows or transparent entrances;
    - ii. Buildings or tenant spaces that occupy forty thousand (40,000) square feet or more of gross floor area should dedicate a minimum of twenty-five percent (25%) of the length of the front façade to windows or transparent entrances;
    - iii. Outparcel structures should dedicate a minimum of thirty-five percent (35%) of the length of the front façade to windows or transparent entrances;

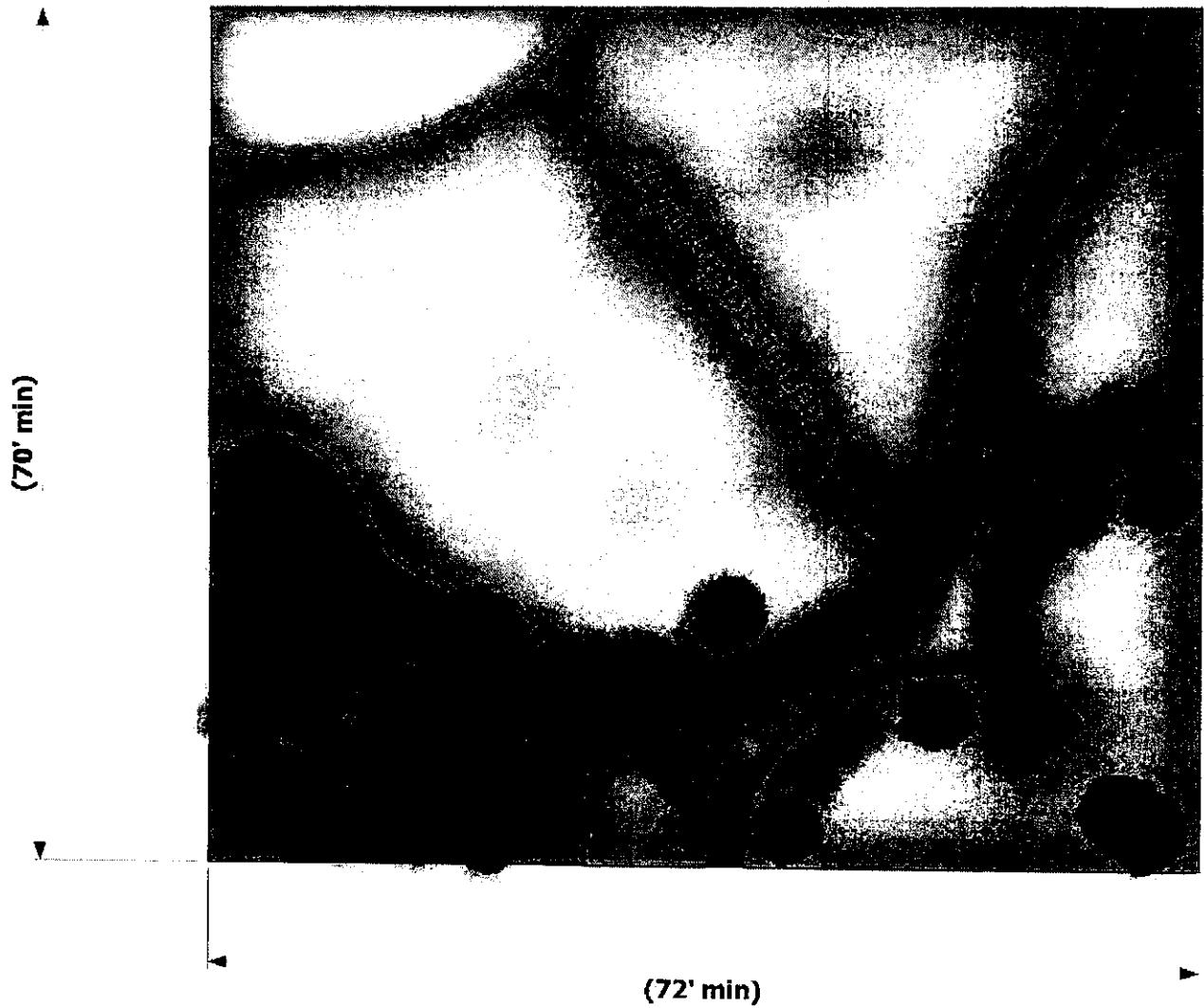


Figure 2.402-8

# ARTICLE 2

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## CHAPTER 5 PLANNED UNIT DEVELOPMENT OVERLAYS AND ZONES REGULATIONS

### **SEC. 2.501 PURPOSE**

The purpose of the Planned Unit Development (“PUD”) process is to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, ensure orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to the Township. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as-of-right by the current district regulations. Planned Unit Development (PUD) is a means of zoning afforded to Townships by ORC Sections 519.022 and 519.023 which, as established in this Code, may be applied in the form of a PUD Overlay.

### **SEC. 2.502 AUTHORITY**

The Board Township Trustees may approve a rezoning request and development plan for a PUD in accordance with the procedures and standards specified in this Article and other regulations applicable to the district in which the subject property is located.

### **SEC. 2.503 APPLICABILITY**

This section applies to development on one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose but is not limited to density or intensity transfers, density or intensity increases, mixing of land uses, changes in lot size, bulk, lot coverage, parking, required open space, or other standards of this Code otherwise applicable to the area in which the project is located. A PUD approved prior to the effective date of this Code shall continue in accordance with the approved plans and the zoning code in effect at the time of approval. Modifications, amendments, and expansion of existing PUDs shall be processed in accordance with this Code.

### **SEC. 2.504 APPROVAL**

This code allows for the approval of an Overlay PUD. Overlay Planned Unit Developments require a map amendment and are subject to the Stage 1 application, review, and approval process specified in Section 1.305. The Overlay PUD regulations are intended to permit property to be used in a manner or intensity not permitted “As of Right” by the underlying district regulations. The Overlay PUD rezoning shall be concurrent with the approval of a PUD development plan required by the PUD Stage 1 process. The Overlay PUD designation shall be noted as a PUD on the Official Zoning Map. The Overlay PUD is allowed, established, and regulated in accordance with Section 519.022 (A) of the Ohio Revised Code.

### **SEC. 2.505 SUBMITTALS REQUIREMENTS**

In addition to the submittal requirements of Section 1.305.4, each PUD adopted pursuant to this Chapter shall include the following minimum provisions:

- A) A statement of consistency with the comprehensive plan and area plans;
- B) Definitions, as appropriate, for such words or terms contained in the PUD resolution; Where this Code defines words or terms, the PUD plan should incorporate those definitions, either directly or by reference; and
- C) A narrative documenting deviation from the zoning ordinance.

**SEC. 2.506 STANDARDS and GUIDELINES**

The standards of this section apply to Overlay PUDs. An Overlay PUD can be created that overlays any of the zoning districts provided for in this zoning code. An approved PUD shall be referenced using both the base zoning district and PUD.

**2.506.1 Uses:**

- A) **Allowable Uses:** The permitted use(s) within a PUD shall be determined at the time the zoning district and development plan is approved (PUD Stage 1). Development within the PUD shall be limited to the uses allowed within the base zoning district and those uses specifically requested as part of the application and approved by the Township Trustees. The PUD process provides for the authorization of uses that do not correspond with or are not expressly permitted by the base zoning district. Uses prohibited within the base zoning district may be added as allowable uses at PUD Stage 1 upon the request of the applicant. Upon the establishment of the PUD, the addition of new uses shall follow the PUD Stage 1 process.
- B) **Use Permission:** The use permission of allowable uses within an approved PUD shall be those of the underlying zoning district as indicated in the Table of Uses by Zoning District unless a deviation from the approval process is clearly stated in the PUD. Added uses that are allowed within the PUD but do not correspond with or are not identified in the base zoning district shall state the use permission.

**2.506.2 Development Size**

- A) **Minimum Development Size**
  - 1) PUDs beyond the Urban Service Boundary: Minimum development size of ten (10) acres.
  - 2) PUDs within the Urban Service Boundary: None.
- B) **Waiver from Development Size Requirements:** The development size requirements may be waived at Stage 1 if the Township Trustees finds:
  - 1) That an unusual physical or topographic feature of importance to the area, such as wetlands, exists on the site or in the surrounding area that will contribute to and be protected by the PUD; or,



- 2) That the property or the surrounding area has an historic character of importance to the community that will be protected by the PUD; or,
- 3) That the proposed PUD is adjacent to an approved PUD that has been completed and will contribute to the amenities and values of the neighboring PUD; or,
- 4) That the PUD is in an area that is being redeveloped and will advance redevelopment or comprehensive plan policies.

**2.506.3 Open Space Standards**

A) Required Open Space: Table 2.506-1

Development Type	Required Open Space
Residential within the Urban Service Boundary	20%
Residential beyond the Urban Service Boundary	30%
Mixed-Use Residential	10%
Non-Residential	10%

B) Open Space Resource Protection Factor: Table 2.506-2

(Blank spaces below for work sheet calculation)

Resource(s)	Resource Protection Factor	Resource Area Size (If a resource overlaps the resource protection area, it is calculated using the highest resource protection factor)	Resource Protection Area (Resource Protection Factor multiplied by the Resource Area)
Floodplains & Stream Setback Areas (land within the 100-year floodplain)	0.8		
Wetlands	1.0		
Wildlife Habitat (endangered or threatened species)	0.7		
Historic & Archeological	1.0		

The buildable area equals the total site area minus the total Resource Protection Areas. The resource protection area shall be designated as Primary Open space.  
Beyond the Urban Service Boundary: If the primary open space area makes up less than the required open space, the remainder to the required open space shall be made up of secondary open space.

C) **Unqualified Areas:** Land area that is commonly owned or devoted to the following shall not be included as meeting the common/open space requirement:

- 1) Parking areas;
- 2) Required setbacks between buildings, parking areas, and project boundaries, and between buildings and public or private streets unless the required setback is contiguous to, and part of, a larger area of open space;
- 3) Private yards within subdivided lots, except in accordance with Section 2.302.3(F);
- 4) A minimum of fifteen (15) feet between buildings and open space; and,
- 5) Any land dedicated to a sewage disposal system except in accordance with approval from the Township Trustees.

D) **Open Space Design:**

- 1) Common Open Space: The location of common open space shall be planned as much as possible as a contiguous area located for the maximum benefit of the residents, preserving, and where possible, enhancing natural features. Buildings, structures, and improvements permitted in the common open space must be appropriate to the uses authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition;
- 2) Open space may either be centrally located, located to preserve natural features and woodlands, located to buffer adjacent farmland, or located to connect open spaces throughout the development;
- 3) Allow a minimum of fifty (50) feet from the edge of any lake or wetland. Trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities are permitted within this space;
- 4) Whenever possible, open space areas shall be interconnected within the PUD and on abutting parcels by open space corridors, at a minimum of ten (10) feet in width. Open space corridors may be credited towards the total open space required; and,
- 5) Open space areas shall have a minimum area of five thousand (5,000) square feet and a minimum width of seventy (70) feet.

E) **Open Space on Platted Lots:** This section provides the rules by which primary open space is permitted to occur on a lot. Only large lots that may accommodate a construction envelope equal to one (1) acre shall be eligible for this provision. The construction envelope is defined as a delineated area that identifies the location within which all grading, clearing, excavation and development shall occur, including but not limited to septic systems, wells, dwellings, storage buildings, or other structures or improvements. Construction envelopes shall be identified on the record plat and may be changed through the PUD amendment process as provided in Section 1.305. The following standards apply:

- 1) The construction envelope shall extend at least fifteen (15) feet from the foundation and five (5) feet from any other area to be developed or disturbed to provide for machinery and earth movement;
- 2) All eligible lots shall conserve the resource area in question, restricting the use of that land to open space uses and prohibiting fencing and the clearing, cutting, or disturbing of vegetation;
- 3) All lot construction and clearing shall be confined to a construction envelope that includes buildings, decks or patios, driveways, lawns, pools, tennis courts, septic tanks, tile fields, and utility access;
- 4) The construction envelope shall be designated on the subdivision plan; and,
- 5) The areas outside of the construction envelope may be credited towards the required open/common open space.

F) **Ownership:**

- 1) **Ownership Alternatives:** An individual, a group of individuals, a nonprofit organization, a homeowners' association, a public body, or a combination of these entities may hold fee simple title to the open space area. Any use of the open space areas shall be in conformance with the Development Plan.
- 2) **Public Agency:** A public agency involved in conservation or preservation may be designated as the holder of the conservation easement for the open space land.
- 3) **Legal Instrument for Permanent Protection:** Open space shall be in place before building permits are issued. Dedicated open space shall be set aside in perpetuity by the developer through a conservation easement or a permanent restrictive covenant for conservation/preservation purposes that is found acceptable to the Salem Township Trustees. Such covenant or easement shall assure that the open space will be protected from all forms of development by being recorded and filed with the final development plan.

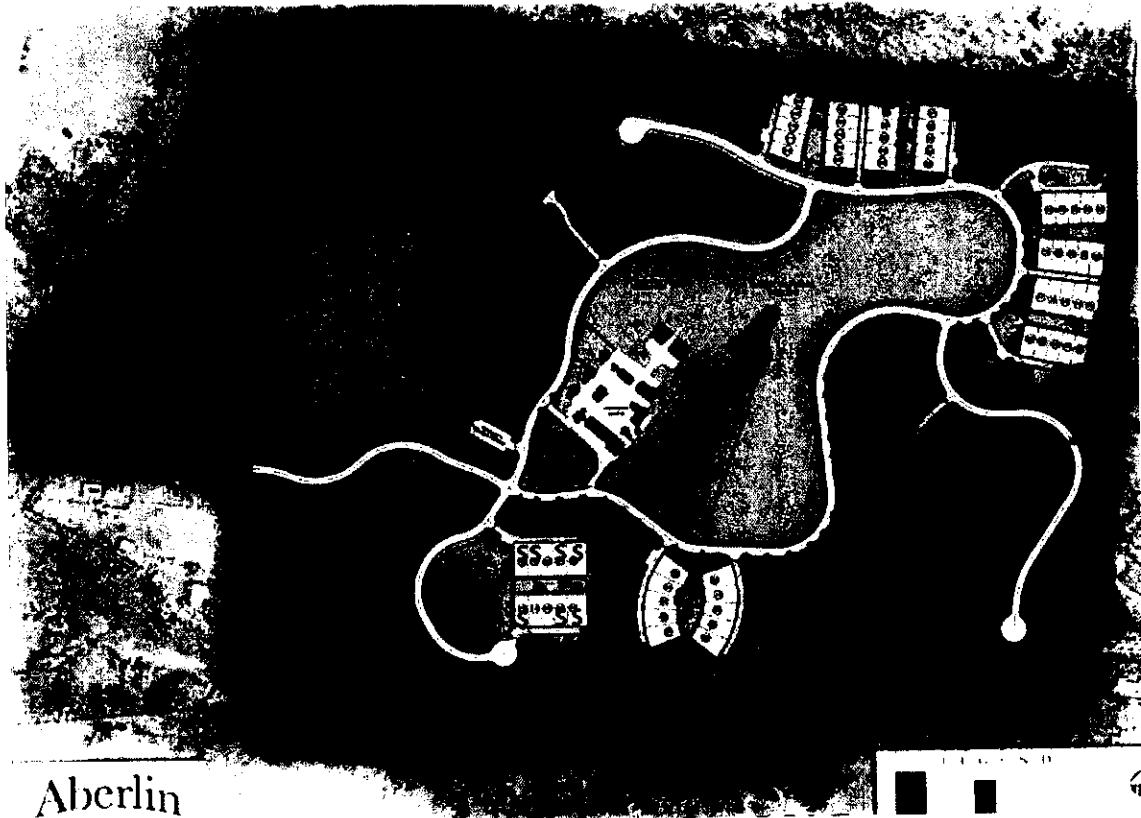
**G) Provision and Maintenance:**

- 1) The development plan shall:
  - i. Identify the uses and development permitted in the open/common open space; and,
  - ii. Include a schedule that shall coordinate the preservation of open space and the provision of common open space with the construction of the PUD, considering the location of the open/common open space and any phases in the construction of the PUD.
- 2) Further subdivision of open space land or its use for purposes other than recreation, conservation, or agricultural purposes shall be strictly prohibited.
- 3) The owners or easement holder of open space shall maintain the open space and any buildings, recreational facilities, detention and retention basins, sidewalks, or private streets upon it.

**2.506.4 Guidelines for PUDs Beyond the USB**

PUDs beyond the Urban Service Boundary should be designed to preserve agricultural, or environmental, or open space resources or the rural character or to achieve the following:

- A) To preserve in perpetuity unique or sensitive natural resources such as, but not limited to, groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat;
- B) To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- C) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- D) To create contiguous farm preservation areas within, and adjacent to, the development site;
- E) To protect the rural character and scenic views;
- F) To protect prime agricultural land and retain farming as an economic activity;
- G) Development Standards:
  - 1) Housing should be clustered, while the remaining area is preserved for agriculture or open space (see Figure 2.506-1);



**Aberlin**  
SPRINGS  
Figure 2.506-1

- 2) Site planning should provide protection of the development from potentially adverse surrounding influences, such as active agricultural operations;
- 3) The orientation and clustering of the residential development should be toward internal streets and pedestrian systems and away from adjacent arterial or collector streets;
- 4) The development plan should include means to mitigate any potential impact of the development. Mitigation measures may include, but are not limited to, berms, larger setbacks, or additional screening;
- 5) The development plan should include measures to protect and enhance prime agricultural lands, open water bodies, wetlands, and sensitive habitats;
- 6) Any use or combination of uses allowed in the underlying zoning district may be included. The uses permitted must be specifically defined and approved as a part of the development plan;
- 7) Strong consideration will be given to locating residential housing on the least productive agricultural land and in such a manner as to have little impact on any environmental or open space resource area and should be clustered in such a manner to make efficient use of land resources and infrastructure;

- 8) Strong consideration will be given to the compatibility of the development with any surrounding agricultural operations, and the preservation of significant upland vegetation habitats and wetland areas; and,
- 9) A visual buffer located within the boundary of the residential portions of the planned unit should be established along property boundaries with adjacent rural residential uses to assure that the planned unit is compatible to abutting low density development through appropriate screening and/or setbacks. The width of the visual buffer should be at least equal to the underlying zone setbacks for rear, front, or side yards, whichever is appropriate. The visual buffer should be consistent with the landscaping standards in Article 3.

#### **SEC. 2.507 OTHER REGULATIONS**

Unless modified by the Township Trustees, all PUDs shall comply with the standards and policies of the Ground Water Protection Overlay, Streamside Setbacks, the Warren County Thoroughfare Plan, and the Warren County Subdivision Regulations. All PUD applicant(s) shall consult with the Warren County Soil and Water Conservation District regarding the guidelines of the Streamside Setbacks.

#### **SEC. 2.508 CHANGE OF OWNERSHIP**

A PUD may be subdivided or re-subdivided and may be sold or leased in whole or in part. The final development plan shall control the development of any part of a PUD that is subdivided, sold, or leased. No development may be undertaken in any part of a PUD that is subdivided, sold, or leased that will violate the final development plan for the entire PUD unless the final development plan is amended by the Township Trustees for part or all of the PUD. An amendment to the final development plan shall require seventy five percent (75%) of all property owners within the entire PUD to sign as co-applicants for such amendment.

#### **SEC. 2.509 CLASSIFICATIONS OF PLANNED UNIT DEVELOPMENT**

To identify the nature of planned unit developments on the Official Zoning Map, the PUD shall be classified by the base zoning and the acronym for a Planned Unit Development (Base Zoning and PUD).

# ARTICLE 2

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## CHAPTER 6 PROTECTION OVERLAYS REGULATIONS

### SEC. 2.601 GROUNDWATER PROTECTION OVERLAY (GP)

#### 2.601.1 Purpose

The purpose of these regulations is to safeguard the public health, safety, and general welfare in Salem Township and to provide for the protection and availability of the existing and future potable groundwater supply. Furthermore, it is intended that the protected public water supply, wells within designated sole source aquifer boundaries, and associated time-of-travel boundaries be protected from contamination, both by preventing increased risk and by reducing existing risk to the public water supply.

#### 2.601.2 Applicability

These regulations apply to the GP Groundwater Protection Overlay Area, which consists of Area 1 for Aquifer Protection and Area 2 for Wellhead Protection.

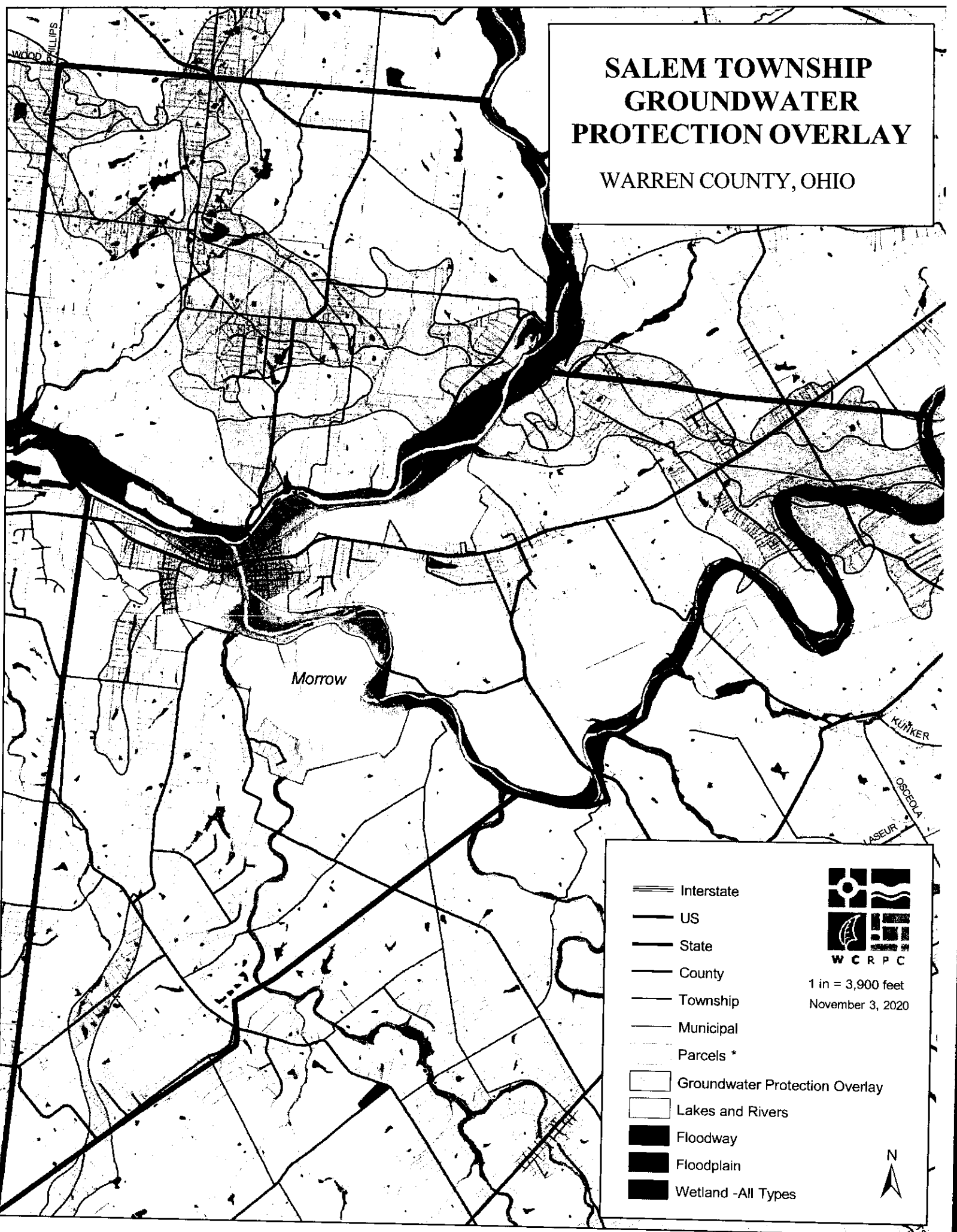
- A) It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of this Zoning Code to make a determination of the applicability of these regulations in pertinence to their property and/or business. Failure to do so shall not excuse any violations of these regulations.
- B) Nothing contained in these regulations shall be construed as to interfere with any existing or future unlawful requirements that may be, or heretofore were, imposed by any other public body authorized to enact sanitary, health, or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of these regulations.
- C) These regulations are applied, in addition to the regulations of the underlying zoning district, and in addition to other overlays. If these regulations impose a greater restriction than the underlying zoning district or other overlay regulations, these regulations shall control.

#### 2.601.3 Groundwater Protection Overlay Map

The Groundwater Protection Overlay Map on the following page is made up of information taken from Warren County GIS, Soil and Water Conservation District (SWCD), and FEMA.

# SALEM TOWNSHIP GROUNDWATER PROTECTION OVERLAY

WARREN COUNTY, OHIO



- Interstate
- US
- State
- County
- Township
- Municipal
- Parcels \*

- Groundwater Protection Overlay
- Lakes and Rivers
- Floodway
- Floodplain
- Wetland -All Types



1 in = 3,900 feet  
November 3, 2020



#### **2.601.4 Establishment of Boundary**

The Groundwater Protection Overlay Area is identified as the area within the Sole Source Aquifer of the Great Miami and Little Miami Buried Valley Aquifer System and identified on the Groundwater Protection Overlay Map. The Groundwater Protection Overlay consist of Area 1- Aquifer Protection Areas and Area 2 -Wellhead Protection Area.

#### **2.601.5 Use**

##### **A) Area 1, Aquifer Protection Prohibited Uses**

The principal, conditional, and accessory permitted uses within the Area 1, Aquifer Protection Overlay shall be those of the underlying zoning district with the exception of the following prohibited uses:

- 1) Landfills comprised of construction/demolition debris, municipal waste, industrial waste, hazardous waste, fly ash, foundry sand, or other non-approved matter, junkyards, dry wells, and newly sited sanitary landfills;
- 2) Septage spraying and sludge spreading, without prior approval from the Ohio Environmental Protection Agency (OEPA) and monitoring by the Warren County Combined Health District (WCCHD);
- 3) Salt storage; and
- 4) Any use deemed unacceptable as to actual or potential threat of contaminating groundwater, as determined by the OEPA or Salem Township.

##### **B) Area 2, Wellhead Protection Prohibited Uses**

The principal, conditional, and accessory permitted uses within Area 2, Wellhead Protection shall be those of the underlying zoning district with the exception of the following prohibited uses:

- 1) Landfills comprised of construction/demolition debris, residential waste, industrial waste, hazardous waste, fly ash, foundry sand, or other non-approved matter, junkyards, dry wells, and newly sited sanitary landfills;
- 2) Septage spraying and sludge spreading, without prior approval from the Ohio Environmental Protection Agency (OEPA) and monitoring by the Warren County Combined Health District (WCCHD);
- 3) Disposal of hazardous waste;
- 4) Storage of road salt or other deicing chemicals and the dumping of snow containing deicing chemicals;
- 5) The outside storage of herbicides, pesticides, fertilizers, or fungicides;
- 6) Dry cleaning and commercial laundry establishments;

- 7) Industrial uses which discharge processed water onsite;
- 8) Chemical bacteriological laboratories;
- 9) Metal polishing, finishing, and plating establishments, which includes auto body repair establishments;
- 10) Commercial printing, photocopying and photographic processing establishments;
- 11) Motor vehicle service and repair shops, junkyards, motor vehicle junkyards, motor vehicle salvage operations, car washes as well as any similar use, which might potentially affect ground water quality. Motor vehicle service and repair establishments include auto body repair and painting, quick lube stations, any establishment which performs mechanical repairs such as transmission, drive train, engine, brakes, or mufflers. These restrictions also apply to commercial/industrial equipment, earth moving equipment, tractors, motorcycles, and airplanes;
- 12) Trucking and bus terminals;
- 13) Machine shops or foundries;
- 14) Leather tanning and finishing;
- 15) Electrical component manufacturing or assembly;
- 16) New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind;
- 17) Storage of liquid petroleum products of any kind in excess of fifteen (15) gallons except for storage in a free-standing container within a building, or fuel for heating of that building (fuel tanks of parked vehicles are not included in this subsection);
- 18) Storage of petroleum and/or any other regulated substances in underground storage tanks;
- 19) Salt storage; and,
- 20) Any use deemed unacceptable as to actual or potential threat of contaminating groundwater, as determined by the OEPA or Salem Township.

C) Mineral Extraction

When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining and/or or processing of sand, gravel and/or limestone from the earth shall remain as conditional uses in the Groundwater Protection Overlay subject to BZA approval.

D) Non-Conforming Uses

A use, property, or business in operation at the time the Groundwater Protection Overlay was adopted that exceeds the quantities set forth in this Section (Groundwater Protection Standards and Requirements) is a non-conforming use and is allowed to remain; however, no expansion involving Regulated Substances, or any modification resulting in an increased amount of Regulated Substances on the property is permitted without approval in accordance with these zoning regulations. A use, property, or business must comply with all other applicable regulations of the Groundwater Protection Overlay. If a non-conforming use land, building, or structure is discontinued for two (2) years or more, further use shall be in full conformity with the standards and procedures.

**2.601.6 Standards and Requirements**

A) Development Standards: The following standards shall be in addition to the standards and requirements of the underlying zoning district. If a conflict exists between these standards and the standards of the underlying zoning district, these standards shall control.

1) Groundwater Recharge

Steps should be taken to minimize impervious surfaces and pavement, prevent mass grading, and reduce parking lot sizing. Conservation design techniques, such as clustering and narrower street widths, should be utilized.

**Residential Development:** For residential development, eighty (80) percent of the pre-development infiltration volume should be maintained.

**Non-Residential Development:** For nonresidential development, seventy (70) percent of the pre-development infiltration volume should be maintained.

2) Density

For the portion of a development site within the Groundwater Protection Overlay, the maximum density shall be calculated at one unit per five (5) acres.

3) Impervious Surface Ratio

For the portion of a development site within the Groundwater Protection Overlay, the impervious surface ratio shall not exceed 0.50.

B) Application Requirements:

The following are additional application requirements for uses which will utilize Regulated Substances in a manner not excluded under Section 2.602.6(C) (2) (Limited Exclusions):

1) Additional Site Plan Contents

- a. The location(s) where Regulated Substances will be handled and stored, and/or contained, in the event of a spill or leak.

- b. The location or type of security systems to be installed.
  - c. Detailed plans of all accidental spill or discharge containment measures.
- 2) Description of Regulated Substances Operations
- a. Description of operations, activities, and processes to be conducted at the site, emphasizing those involving Regulated Substances.
  - b. A list of Regulated Substances and expected quantities.
- 3) Regulated Substances Management Plan: The Regulated Substances Management Plan shall specify methods to achieve compliance with Section 2.602.6 (C) (Groundwater Protection Standards).
- 4) Groundwater Monitoring Plan: The Groundwater Monitoring Plan shall be prepared by a Qualified Ground Water Professional (hired by the applicant) and include the following to demonstrate compliance with Section 2.602.6 (D) (Groundwater Monitoring Requirements):
- a. The location of both baseline and continuous monitoring wells, as well as specifications for such wells (including construction details);
  - b. Sampling and analysis procedures;
  - c. Schedules for well installation, sampling and reporting; and,
  - d. Method(s) by which the laboratory results will be statistically analyzed for increases.
- 5) Emergency Response Plan
- The Emergency Response Plan shall specify procedures and responsibilities in the event of any accidental or unauthorized release of a Regulated Substance.

C) Groundwater Protection Standards:

1) Quantity Limits

**General:** The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed fifty-five (55) gallons or four hundred forty (440) pounds, whichever is less at any time.

**Exception:** A limited exclusion is authorized for the following types of Regulated Substances and quantities. These uses may not exceed one hundred (100) gallons or eight hundred (800) pounds, whichever is less, in any twelve (12) month period. Medical and research laboratory substances in containers not to exceed five (5) gallons or forty (40) pounds of each substance.

- a. Cleaning agents, sodium hypochlorite as used for swimming pools, medicines, and cosmetics packaged for personal or household use.

- b. On-site storage of agricultural chemicals to be used for routine on-site agricultural operations, provided such substances are stored in standard approved packaging and such chemicals are applied to cropland under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States Environmental Protection Agency (EPA) or the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from other locations. This provision does not exempt such agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting and underground storage tank protection requirements of the Wellhead Protection area.
- c. Transportation of regulated substances through the Wellhead Protection area provided that the transporting vehicle is in compliance with applicable federal, state, and local laws and regulations, and provided that the Regulated Substance is fueling the transporting vehicle or the transporting vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed twenty-four (24) hours.
- d. Regulated Substances that are within containers such as gas tanks, radiators, transmissions, brake lines, and other similar containers that are an integral part of an operable motor vehicle or boat and used specifically and solely for the operation of the vehicle in which the substances are contained. Except as provided in Section 2.602.6(C(3(ii)), the tanker portion of a tractor trailer shall not be included in this exclusion.
- e. Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained, provided such Regulated Substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating the surface and/or groundwater.
- f. Refrigerants contained in equipment used for on-site air cooling or contained in household appliances.
- g. Cosmetics as defined by Section 321(l)(1) of Title 21 of the United States Code provided these products are prepackaged for personal or household use by the general public. The manufacture, extraction, warehousing, or repackaging of these products shall not be excluded.
- h. Housing fuels used solely for building heat provided such heating fuel is stored in standard approved tanks.

- i. Animal maintenance and medicinal substances packaged for residential or agricultural purposes.

2) Underground Storage Tanks

**Exiting Tanks:** All underground storage tanks shall be in accordance with the rules adopted by the State of Ohio Bureau of Underground Storage Tank Regulations (BUSTR).

**New Tanks:** New underground storage tanks and/or replacement of existing underground tanks are not permitted.

3) Containment Systems

Drums and other types of containers holding Regulated Substances and wastes of such substances shall be stored within secondary containment designed to capture one hundred ten (110) percent of a release from a primary containment unit. Existing containment systems and procedures shall not be removed, nor shall their ability to contain spills be compromised, so long as Regulated Substances are stored, transferred, or used within the containment areas. Improvements and/or additions to containment systems may be performed so long as the ability to contain a spill is not compromised. Temporary approved containment systems may be required during maintenance and/or improvement activities.

4) Septic Systems

**Residential:** All household sewage treatment shall be permitted by WCCHD and maintained by the owner in accordance with state and WCCHD regulations.

**Commercial:** Commercial septic systems are governed by the Ohio EPA if they produce over 1,000 gallons of wastewater per day. All commercial septic systems shall be maintained in accordance with state law. Systems that do not create over 1,000 gallons per day and meet the definition of a Small Flow On-Site Sewage Treatment System will be under the regulatory authority of the WCCHD.

5) Disposal of Sewage Sludge Waste (Biosolids)

Disposal of septic waste is governed by the U.S. Code of Federal Regulations (40 CFR) Part 503. Disposal of such waste is prohibited.

6) Wastewater Treatment Facilities

Disposal of bio solids from waste-water treatment facilities is prohibited.

7) Application of Agricultural Chemicals

Agricultural chemicals shall be applied in accordance with Best Management Practices and/or label directions.

D) Groundwater Monitoring Requirements:

The following monitoring provisions may apply to new operations, modification of any existing operation, and/or any change of occupancy of all non-residential uses requiring a building permit, zoning permit, and/or site plan approval within the Groundwater Protection Overlay that store or handle Regulated Substances.

1) Exemptions from Requirements

Application of agricultural chemicals, etc., as outlined in Section 2.602.6(E) (2) (Application of Agricultural Chemicals), and the existing storage facilities for such applications on land used for agricultural purposes shall be exempted from groundwater monitoring requirements, except as provide below.

2) Applicability

The following criteria shall be used to determine if a monitoring system is necessary:

- a. The nature of the proposed operation;
- b. The amount and potential risk of the Regulated Substances to be utilized;
- c. The existence and location of current monitoring systems;
- d. The characteristics of the aquifer in the vicinity of the site; and,
- e. The proximity to a protected public water supply.

3) Baseline Monitoring

Baseline groundwater monitoring shall be conducted by a Qualified Ground Water Professional for a period of not less than three (3) months prior to the date of commencing the proposed use. The requirements for baseline groundwater monitoring includes the following:

- a. Prior to baseline monitoring, a site groundwater monitoring plan shall be prepared in accordance with Section 2.602.6 (B) (Application Requirements);
- b. Wells for such monitoring shall be of sufficient number, design, and location as to determine prevailing hydrogeologic conditions and baseline groundwater quality. The number, design, and location of said wells shall be approved by the designated regulatory authority prior to installation;
- c. Sampling parameters or constituents for baseline monitoring shall be determined by the applicant and approved by Salem Township, the designated regulatory authority and/or OEPA as applicable. The applicant shall provide data indicating the depth to normal groundwater table and the direction of groundwater movement; and,

- d. Baseline monitoring wells shall be sampled at least quarterly twice (i.e., 2 times in 6 months) by the applicant or applicant's representative, with results forwarded to the WCCHD, Zoning Inspector, and the Salem Township within seventy-five (75) days of collection event.

4) Ongoing Monitoring

Following baseline monitoring, a program of ongoing monitoring is required. Wells installed for baseline monitoring shall be used for the ongoing monitoring program, along with supplemental monitoring wells installed as directed by the designated regulatory authority based on review of the baseline monitoring results and based on the existing and proposed facility operations at the site. Monitoring wells shall be sampled at least quarterly as specified by the designated regulatory authority and a report provided to Salem Township. Parameters for ongoing monitoring shall be approved by the designated regulatory authority, with consultation by qualified water quality professionals as necessary.

- a. Supplemental monitoring wells shall be installed at selected locations downgradient of specific sources (existing or proposed) of Regulated Substances such as storage tanks, loading areas, etc.
- b. Results of continuing monitoring shall be statistically analyzed in accordance with the U.S. Environmental Protection Agency "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance" and forwarded to the Salem Township Zoning Inspector and the designated regulatory authority within seventy-five (75) days of sample collection.
- c. When results of ongoing monitoring indicate the presence of sampling parameters or constituents not present in baseline monitoring results, or statistical increases in the level(s) of such parameters, the applicant or applicant representative shall report said findings to the Salem Township Zoning Inspector, WCCHD, and the Ohio EPA. The applicant/owners/officials in charge of the facility or facilities in question shall then determine the origin of the parameters/constituents and develop plans for addressing the situation.

E) Spills, Leaks or Discharges:

1) Notification

Any person with direct knowledge of a spill, leak, or discharge of a Regulated Substance within the Groundwater Protection Overlay shall, if such spill, leak, or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remedied, give notice to the local Fire Department (911) and the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty (30) minutes of occurrence. The notification shall include at minimum, the location of the incident, name and telephone number of the person reporting the incident, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations as required by law. When it is impractical for a person to give such notice within the first thirty (30) minutes, notice shall be given as soon as it becomes practical to do so, but not to exceed two (2) hours.

The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc., used in routine agricultural operations, applied under Best Management Practices shall not be considered a spill, leak, or discharge subject to the reporting provisions of this Section.

2) Liability and Required Documentation

Any entity or person who spills, leaks, or discharges said substance(s) shall be liable for any expense, loss, or damages incurred by Salem Township or the public water supply operator in response to such an incident, in addition to the amount thereof under State and Federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks, or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

F) Clean Closure Requirements:

1) Removal of Regulated Substances

Except in the case of a seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of ninety (90) consecutive days shall remove all Regulated Substances from the property, other than those used exclusively for heating, cooling, and providing electrical lighting for the premises, within ninety (90) days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall notify the Zoning Inspector in writing of the date of cessation of operation or the property becomes unoccupied, no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and new address.

2) Abandonment of Wells

Abandonment of wells shall be in accordance with state law.

G) Regulated Substance Reporting:

1) Reporting

Owners and operators with applicable types and quantities of Regulated Substances shall, upon request of the Zoning Inspector, provide Material Safety Data Sheets (MSDS) and inventory information on those Regulated Substances and evidence and/or documentation of the applicable Best Management Practices (BMP) being used to manage them. Information including, but not limited to, types, quantities, containment, and location of Regulated Substances may be required either in writing or verbal form at the discretion of the Zoning Inspector.

2) Falsifying of Information

No person shall make any false statement, representation, or certification in any report or any other document filed or required to be maintained pursuant to this Resolution.

3) Retention of Records

Any reports or records compiled or submitted pursuant to this subsection shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

4) Guidance

Forms and guidance for Regulated Substance reporting may be obtained from the Zoning Inspector.

H) Enforcement:

1) Enforcement Provisions

The Zoning Inspector or his/her designee shall administer, implement, and enforce the provisions of this Section. When considering the exercise of any of the following authorities or actions, the Zoning Inspector shall consult with the appropriate administrative official of any potentially affected community water supply system.

Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future.

2) Notice of Violation

Any person found in violation of any provisions of this Section or any other requirement, rule or regulation issued under the authority of this Section will be served with a written notice stating the nature of the violation, and an order to cease such activity and abate or mitigate the contamination, providing reasonable time for compliance.

3) Public Water Supply Protection Authority

If any activity or use of a Regulated Substance is deemed by the Salem Township Zoning Inspector to pose a real and present danger of contaminating surface and/or groundwater that would normally enter the public water supply, the Zoning Inspector is hereby authorized to:

- a. Notify the Public Water Purveyor;
- b. Cause cessation of said activity or use of the Regulated Substance;
- c. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
- d. Cause the provision of pollution control and/or abatement activities.

4) Emergency Enforcement

In recognition of the sensitive nature of the aquifer, additional and/or emergency enforcement may be necessary. In the event an activity or use poses an imminent and severe danger of contamination to the surface and/or groundwater, the Zoning Inspector may seek immediate enforcement. In addition, the Zoning Inspector will notify the appropriate administrative official of any action taken.

5) Inspections

Subject to applicable provisions of law, the Zoning Inspector or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Zoning Resolution to ensure that activities are in accordance with the provisions of this Section. If the owner or tenant does not consent to the entry of the Zoning Inspector for the above stated purposes, the Zoning Inspector may apply to a court of proper jurisdiction for an appropriate order or other authority to enter said property.

I) Liability:

Any entity or person who spills, leaks, or discharges contaminates shall be liable for any expense, loss, or damages, including cleanup, incurred by Salem Township or any other affected party.

J) Penalties for Violations:

A violation of the provisions of this Section shall constitute a violation of this Resolution subject to the provisions of Section 1.309 (Violations and Penalties).

**SEC. 2.602 STREAM PROTECTION GUIDELINES**

**2.602.1 Purpose**

It is hereby determined that the network of streams within Salem Township contributes to the health, safety, and general welfare of the residents of Salem Township and the surrounding area. The purpose of these guidelines is to protect residents and business owners of Salem Township from potential property loss and damage that can be caused by flooding, erosion, sedimentation, and other impacts of streams by providing reasonable controls on structures and land uses within specified streamside setback areas. This is to ensure an adequate setback from where the stream is estimated to meander over time. Doing so also has the added benefit of protecting and preserving the water quality within streams of Salem Township, by serving to:

- A) Reduce damage to property and structures due to flooding by ensuring there is unobstructed area along the streams to provide for unimpeded base flow as well as to absorb and accommodate the velocity of peak flows;

- B) Reduce the negative impacts of streams on properties and structures by safeguarding the natural stabilization characteristics along streams to minimize stream bank erosion and the downstream transport of sediments eroded from stream banks;
- C) Protect the health of persons who encounter surface waters by reducing pollutants in streams during periods of high flows by filtering, settling, and removing pollutants in stream-side areas before runoff flows into streams;
- D) Minimize damage to property and structures because of stream erosion by providing the area necessary for natural meandering and lateral movement of stream channels;
- E) Protect the health of persons who encounter surface waters by reducing aquatic nuisance species and maintaining diverse, connected stream-side vegetation which serves to maintain high water quality;
- F) Provide high-quality stream habitats with shade and food in support of the wide array of wildlife dependent on maintaining diverse and connected stream-side vegetation; and,
- G) Minimize encroachment of stream channels and, by so doing, reduce the need for costly solutions to encroachment impacts, such as dams and riprap; protect structures, reduce property damage and threats to the health and safety of watershed residents, users, and occupants; and by also maintaining the natural environment, scenic beauty, and rural character of Salem Township, the quality of life of residents, and corresponding property values.

#### **2.602.2 Applicability**

These guidelines are voluntary and are not required, however, Groundwater Protection Overlay (GP), EPA, or FEMA regulations may still apply to certain areas that may be also within the floodway or floodplain. If a development chooses to follow these guidelines, they will apply to the following:

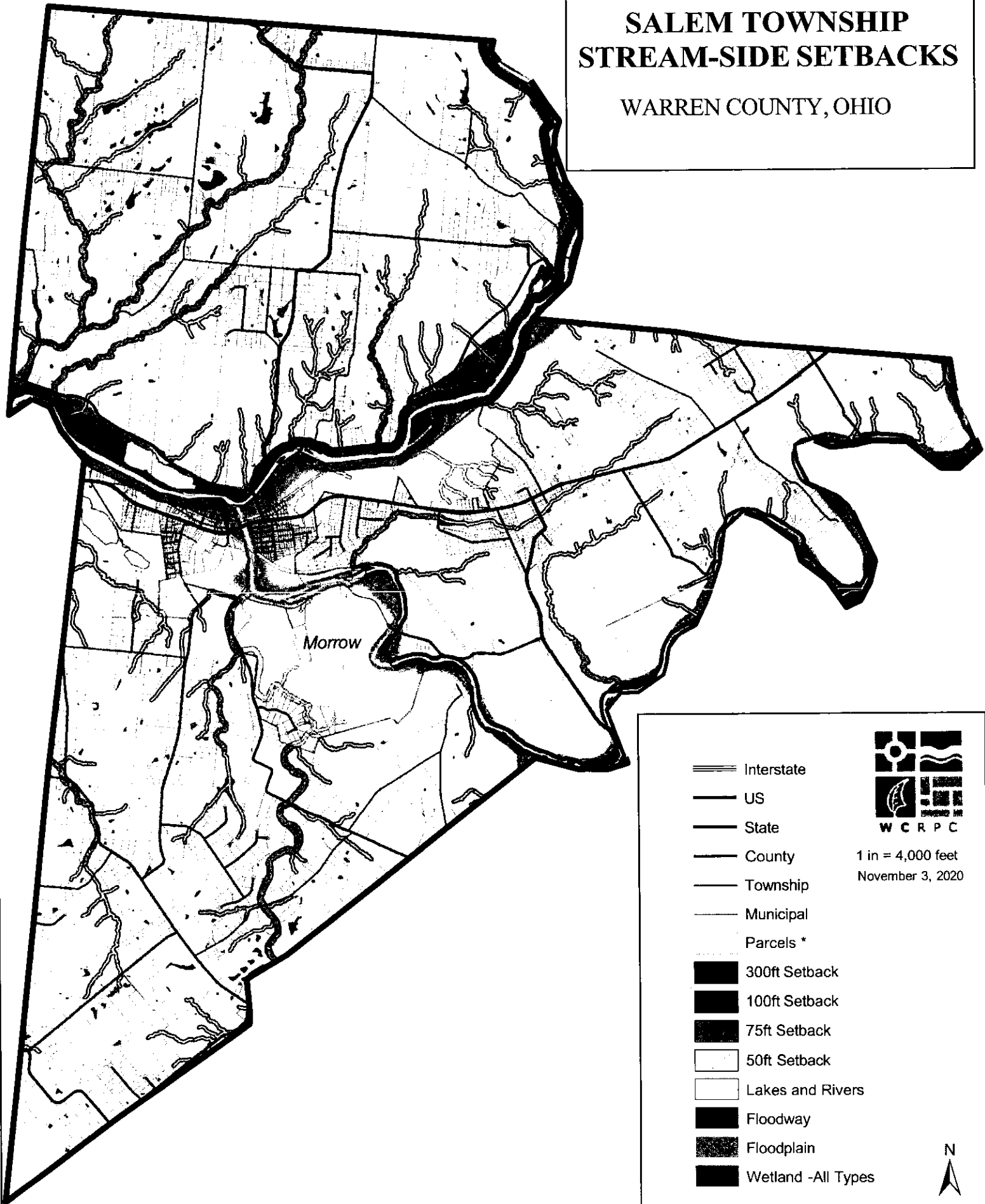
- A) **Subdivisions:** Minor Subdivisions, Preliminary Plans, Final Plats, Alternative Plats, building or zoning permit approvals, where determined applicable;
- B) These guidelines apply to all non-agricultural buildings, structures, uses, and related soil disturbing activities on a lot containing a stream, unless otherwise exempted or determined inapplicable in accordance with this Section; and,
- C) These guidelines are in addition to the regulations of the underlying zoning district and other overlays districts.

#### **2.602.3 Stream-Side Setbacks Map**

The Stream-Side Setbacks Map on the following page was put together with information from the Warren County GIS, SWCD, FEMA, and the National Wetlands Inventory.

# SALEM TOWNSHIP STREAM-SIDE SETBACKS

WARREN COUNTY, OHIO



Morrow

- Interstate
- US
- State
- County
- Township
- Municipal
- Parcels \*

- 300ft Setback
- 100ft Setback
- 75ft Setback
- 50ft Setback

- Lakes and Rivers
- Floodway
- Floodplain
- Wetland -All Types



1 in = 4,000 feet  
November 3, 2020



**2.602.4 Exemptions**

A) Structures and Uses:

No building or other structure should be permitted within the stream setback area on a lot created on or after the effective date of these regulations, except as follows:

- 1) Accessory decks and accessing stair steps proposed to extend over and into a stream setback area via support on poles or any other accessory pole structure that are to be located in the stream setback area, provided the natural vegetation of the stream setback area under such deck(s) and stairs will continue to remain and the support poles are not within a regulatory floodway;
- 2) Any building, structure, parking area, or use activity permitted by the zone in which located that is found acceptable by the Warren County SWCD as to area and/or extent of encroachment into the stream setback area on a lot that is not floodway.

B) Other Exemptions:

Grassy swales, roadside ditches, drainage ditches for property subdivision approval, tile drainage systems, stream culverts, and State permitted surface mining.

**2.602.5 Establishment of Stream Setback**

Streams for which a setback is suggested per this Section are those which meet the definition of "stream" in Section 4.103 (Definitions) and as identified on the Salem Township Stream Protection Overlay Map.

Stream Setbacks:

Widths of stream setbacks are established by the Warren County Soil and Water Conservation District's Stream Setback criteria. The table below simplifies that criteria into specific streams within Salem Township which may be identified on the Stream Setback Map. Setbacks listed shall be measured from the high-water mark of the stream: *Table 2.602-1 Stream Setbacks*

<b>Watershed(s) / Drainage Area(s)</b>	<b>Minimum Setback from Stream</b>
Small Riverine	50 feet
Large Riverine	75 feet
Todd's Fork	100 feet
Little Miami River	300 feet

**Note 1:** Where the 100-year floodway is wider than the minimum setback specified for the stream, the stream setback should be extended to include the outer edge of the 100-year floodway. The one hundred (100) year floodway is as defined by the Federal Emergency Management Agency (FEMA).



**Note 2:** Any building in the non-floodway portion of the one hundred (100) year floodplain that is beyond the stream setback should be done such that there is no net loss of storage in the one hundred (100) year floodplain. The one hundred (100) year floodplain is as defined by FEMA.

**Wetlands:** Where wetlands protected under federal or state law are identified partly on or within the stream setback area, the stream setback line should be extended to include the full extent of the wetland, plus the following additional setback from it:

*Table 2.602-2 Wetland Setbacks*

<b>Wetland Category</b>	<b>Minimum Setback Extension</b>
1 (Low Quality)	0 feet
2 (Good Quality)	30 feet
3 (Highest Quality)	50 feet

*Reference: Ohio Rapid Assessment Method (OEPA) – Please note that wetlands should be delineated by a qualified professional per guidelines of the US Army Corps of Engineers and OEPA and the most recent Ohio Rapid Assessment Method for evaluation.*

### **2.602.6 SWCD Review**

- A) The applicant for subdivision, building and/or zoning permit approval should delineate the stream setback line, including any modifications or expansions suggested per this Section, applicable to the stream(s) on the site. The SWCD will verify the delineation and evaluate what is proposed, as to adherence with recommendations of this Section. From this review, the SWCD may suggest further study or revision to provide for accurate delineation and depiction. The properly depicted delineation of the stream setback line should be shown on the record plan of the parcel(s) approved by the Warren County Regional Planning Commission and on zoning site plans.
  
- B) Prior to any earth-disturbing activity permitted on a lot where the stream setback is involved, the line of that setback area shall be clearly delineated on the lot, by the permit applicant or lot owner, with construction fencing or other suitable material and maintained on the lot until the soil disturbing activities, including construction of any structures, are concluded. When construction has been completed on individual lots, the fencing may be removed. In any case, the delineated area should be maintained in an undisturbed state unless otherwise permitted by this Section. The onsite review cannot be done until this necessary delineation takes place.

### **2.602.7 Acceptable Activities**

Except as otherwise provided by these guidelines, the stream setback area should be preserved in its natural state.

- A) The following uses are acceptable within the stream setback without need of SWCD review. Open space uses that are passive in character are allowed in the stream setback area including, but not limited to, those listed in this subsection:

- 1) Recreational Activities: Public or private recreational use facilities and activities, as permitted by federal, state, and local laws such as hiking, nonmotorized bicycling, ATV paths, horseback riding, fishing, hunting, picnicking, and similar uses, and associated structures including boardwalks, pathways constructed of pervious materials, picnic tables, docks, decks, and wildlife viewing areas;
- 2) Removal of Trees: Individual trees may be removed if they are in danger of falling and causing damage to structures or blockage of the stream flow. Additionally, damaged or diseased trees may be removed to preserve the forest from pest infestation, disease infestation, or fire threat. Trees may also be removed as indicated in an approved Forest Stewardship Plan as required by the Ohio Forest Tax Law program or the Current Agricultural Use Value (CAUV) program;
- 3) Revegetation and/or Reforestation: The revegetation and/or reforestation of the stream setback area shall be allowed. Information pertaining to species of shrubs and vines recommended for stabilizing flood-prone areas along streams may be obtained from the Warren County Soil and Water Conservation District;
- 4) County Engineer Access: The Warren County Engineer maintains the right of access to all streams within Warren County for purposes outlined in the Ohio Revised Code Chapters 6131, 6133, 6135, and 6137.

B) The following activities within the stream setback area are suggested for SWCD review:

- 1) Stream Bank Stabilization/Erosion Control Measures: Best Management Practices (BMP) for stream bank stabilization or erosion control measures are acceptable, if such practices are permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices are recommended for review of a Stormwater Pollution Prevention Plan (SPPP) by the Warren County SWCD;
- 2) Stream Crossings: Stream crossings are acceptable in accordance with the following:
  - a) In reviewing plans for stream crossings, the Township may confer with the Warren County Soil and Water Conservation District, the Ohio Department of Natural Resources, Division of Natural Areas, the Ohio Environmental Protection Agency, or other technical experts as necessary;
  - b) Limited crossings of a stream setback area by vehicles, storm sewers, sewer/water lines, and public utility lines will be per approval of local, county, and state governing agencies and in conjunction with the regular subdivision review process; and,

- c) Road and driveway crossings are acceptable if installed in compliance with regulatory floodplain regulations, if applicable.
- 3) Stormwater retention or detention facilities are acceptable in accordance with following:
  - a) Stormwater quality treatment that is consistent with current state standards is incorporated into the basin;
  - b) The stormwater quality treatment basin is located at least fifty (50) feet from the ordinary high-water mark of the stream and will not cause any net loss of one hundred (100) year flood storage.
- 4) Placement of drilled wells for water supply upon approval of a Storm Water Pollution Prevention Plan (SWPPP) by the Warren County Soil and Water Conservation District and permitting by the Warren County Combined Health District and/or Ohio EPA, as applicable;
- 5) On-site sewage treatment system as permitted by the Warren County Combined Health District or OEPA, as applicable;
- 6) Modification or relocation of the stream channel is acceptable provided the applicant has received a 404 Permit from the U.S. Army Corps of Engineers and 401 Certification from the Ohio EPA;
- 7) Driveways and pathways necessary to provide for on-site access and circulation;
- 8) Required drainage outlets;
- 9) State permitted management program foresting; and,
- 10) Zoning exempt agricultural use facilities and activities.

**2.602.8 Discouraged Activities**

The following activities are discouraged within the stream setback area:

- A) Construction: There should be no structures of any kind, except as otherwise permitted by these guidelines, on any lot created on or after the effective date of these guidelines;
- B) Mining, Drilling, Dredging, Filling, or Dumping: Non-State permitted surface mining, drilling other than for water, filling, dredging of soils, dumping of spoils or any other material, natural or man-made, should be discouraged, unless found acceptable by the SWCD in accordance with these guidelines;

- C) Elimination of Natural Vegetation and Modification: The natural vegetation within the stream setback area should not be modified, other than as subsequently specified herein. Modification of the natural vegetation should be limited to conservation maintenance specified in accordance with the Warren County Subdivision Regulations or as necessary: to control noxious weeds (as cited in Ohio Revised Code Section 5579.04); to replace or remove plantings consistent with these regulations; for implementation of an approved Forest Stewardship Plan as required for participation in the Ohio Forest Tax Law program or Current Agricultural Use Value (CAUV) program; for such disturbance or displacement allowed by these regulations; and for passive enjoyment, access, and maintenance of landscaping or lawns; existing at the time of the effective date of these regulations. Nothing in this Section shall be construed as requiring a property owner to plant or do anything else regarding vegetation in the stream setback area on their property other than to allow for the natural succession of plants;
- D) Parking Lots: Parking lots or other man-made impervious cover, unless otherwise found acceptable by the SWCD in accordance with these guidelines;
- E) New Surface and/or Subsurface Sewer Disposal Treatment Area: The stream setback area should not be used for the disposal or treatment of sewage except as follows:
  - 1) An undeveloped parcel that received subdivision, site plan and/or zoning permit approval prior to the effective date of these guidelines;
  - 2) A parcel on which the Warren County Combined Health District (WCCHD) has determined there is no other alternative area available for the required on-site wastewater treatment system;
  - 3) An existing on-site wastewater treatment system, in place, prior to the effective date of these guidelines, provided the system was approved and permitted by the WCCHD and/or the Ohio Environmental Protection Agency (OEPA); and,
  - 4) Construction of man-made wetlands for on-site wastewater treatment.

### **2.602.9 Inspections**

Prior to zoning permit issuance, the Zoning Inspector shall encourage the applicant to contact the SWCD to schedule an inspection. Inspections are conducted in accordance with the following:

- A) The SWCD inspection should be at least three (3) working days prior to beginning the construction, land development, or soil-disturbing activity permitted on the lot;
- B) The SWCD, with authorization by the lot owner, may enter onto the affected lot as necessary to confirm compliance with these guidelines.

# ARTICLE 3 ZONING SUPPLEMENTARY REGULATIONS

## CHAPTER 1 GENERAL PROVISIONS, STANDARDS AND REQUIREMENTS

### SEC. 3.101 AGRICULTURAL USE REGULATIONS IN SUBDIVISIONS

ORC Section 519.21 exempts certain agricultural practices from local zoning authority as specified in Section 1.103.7. For the purposes of this Section, animal husbandry includes the raising or caring for any kind of animal, inclusive of pets.

- A) The use shall not create a nuisance, disturb the peace, and result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and animals shall be contained on the site;
- B) Agricultural structures shall comply with applicable requirements of Section 3.102;
- C) No such structure shall be located in the front yard, nor in an area required for on-site sewage treatment, a well isolation radius or any easement for drainage or utilities;
- D) Agricultural use structures shall not exceed eighteen (18) feet in height;
- E) On a lot that is three (3) acres or less, agricultural use may consist of the growing of crops, fruits, vegetables, flowers, and plants and only animal husbandry for not more than three (3) dogs and cats. If they are housed in an accessory structure, it shall be at least fifty (50) feet from a non-farm property line;
- F) On a lot that is greater than three (3) acres, but not more than five (5) acres, the agricultural use shall comply with the following:
  - 1) The number of animals shall not exceed 1 animal unit per fenced acre;
  - 2) The number of birds shall not exceed 1 animal unit per acre;
  - 3) The accessory structure that houses an animal unit or the confinement areas for a swine and bird units shall be setback at least eight five (85) feet from a non-farm use;
  - 4) All bird and animal units shall be confined; and,
  - 5) One rooster is allowed per parcel.

# OF ANIMALS EQUAL TO 1 ANIMAL UNIT (AU)
1 head of cattle
1 horse, mule, or donkey
3 sheep
2 swine (Maximum 5 swine per parcel)
3 goats
3 llamas
3 alpacas
2 ponies or burros (Mini animals are treated as ½ an animal unit)
20 chickens (Maximum 60 chickens per parcel)
12 ducks
8 turkeys
8 geese

Figure 3.101-1: Animal Units

Animals not described in Section 3.101 (F) may be considered by the Zoning Inspector based upon the impact of the animal. The keeping of any species not listed as a domestic animal requires the Zoning Inspector approval. Calculations of the acreage required are rounded up to whole numbers.



**SEC. 3.102 ACCESSORY USES, BUILDINGS AND STRUCTURE STANDARDS**

**3.102.1 Accessory Use**

Accessory Uses must:

- A) Be customarily associated with and incidental, subordinate and secondary to a legally established principal permitted use and be in accordance with all requirements of this Code; and,
- B) Be operated on the same lot as the principle use, unless otherwise provided.

**3.102.2 Residential Accessory Buildings**

Accessory uses, including garages, shall be permitted as an accessory use to principal uses in any residential district in accordance with the following requirements:

- A) The number of detached accessory buildings per lot, building height, and setbacks shall be permitted as follows:

Table 3.102-1

Lot Size	Number of Accessory Structures Greater than 200 Sq. Ft.	Total Accessory Structures	Building Height (Feet)	Setback (Feet)
Less than or equal to 1 acre	2	3	20	10
Greater than 1 acre but less than 2 acres	3	4	20	
Greater than 2 acres but less than 5 acres	4	4	25	The base setback for accessory structures (10 feet) increases by 2 feet for every foot of height above 20 feet.
Greater than 5 acres	Unlimited		District Height	

- B) Accessory buildings require a permit in compliance with Section 1.301. In addition to the requirements of that Section, the zoning permit application shall include the following:
  - 1) A plot plan of the lot, premises, or parcel that illustrates the location of the proposed accessory building and all other buildings and structures on the property; and,
  - 2) The approved or future site of the wastewater disposal system, if applicable.
- C) Special Height Exceptions:
  - 1) Where unusual, problematic, or special lot circumstances warrant flexibility, a waiver to the standard height requirements for accessory buildings and



structures on parcels of two acres or greater is allowed by the Zoning Inspector upon consideration of the following factors:

- a. Elevation of the parcel;
  - b. Adequate screening from the public right-of way;
  - c. The beneficial effect of existing terrain and vegetation;
  - d. Uses of contiguous parcels;
  - e. The impact on the privacy of adjacent sites;
  - f. The aesthetics and compatibility of the accessory structure; and,
  - g. The height in relationship to the height and location of the primary building.
- 2) The Zoning Inspector's determination per subsection (1) above may be appealed in accordance with the Administrative Appeal process pursuant to Section 1.310.2.
- D) Accessory buildings less than one-hundred fifty (150) feet away from the right of way shall be located in the rear or side yard.
- E) An accessory structure is not permitted on a lot less than three (3) acres, prior to the establishment of a principal use structure, unless the following requirements have been met:
- 1) A building permit has been issued and the footer approved for the principal use structure;
  - 2) The location of an accessory building is found acceptable in relation to the future principal structure; and,
  - 3) The location of the accessory building does not interfere with the central sanitary sewer or the on-site wastewater disposal system as determined by the approving authority.
- F) An accessory structure is permitted on lots greater than three (3) acres and less than five (5) acres prior to the establishment of the principal structure if the use is for storage of equipment, materials, supplies, and vehicles which are necessary for maintaining the property, and complies with the following requirements:
- 1) One (1) accessory building with a maximum size twelve hundred (1200) square feet shall be permitted until the establishment of the principle structure shall occur;
  - 2) Minimum building setback is one hundred and fifty (150) feet from the right-of-way or required front yard setback for panhandle lots; and,
  - 3) The location of the accessory building does not interfere with the central sanitary sewer or the on-site wastewater disposal system as determined by the approving authority.
- G) All accessory buildings shall meet the following setback requirements:
- 1) Accessory buildings shall be set back a minimum of ten (10) feet from rear and side property lines; and,
  - 2) Accessory buildings shall be set back a minimum of ten (10) feet from a principal building.
- H) In platted subdivisions, any accessory building used for containing animals shall also be subject to the requirements specified in Section 3.101.

- I) Accessory buildings must be anchored per the building code or if less than two hundred (200) square feet then must be anchored on all four (4) corners with screw-type or post-in concrete-type of anchor.
- J) A transportation vehicle without wheels shall not be used as an accessory structure.

**3.102.3 Non-Residential Accessory Structures**

- A) An accessory structure is not permitted prior to the establishment of a principal use structure, unless the following requirements have been met:
  - 1) A building permit has been issued and the footer approved for the principal use structure;
  - 2) The location of an accessory building is found acceptable in relation to the future principal structure; and,
  - 3) The location of the accessory building does not interfere with the sanitary sewer or the on-site wastewater disposal system as determined by the appropriate authority.
- B) The total area of accessory buildings shall be included in the floor area ratio allowance for the site.
- C) Detached accessory buildings shall meet the minimum setbacks required by the zoning district.
- D) Accessory buildings must be anchored per the building code or if less than two hundred (200) square feet, then must be anchored on all four (4) corners with screw-type or post-in concrete-type of anchor.

**3.102.4 Commercial and Recreational Vehicle Parking in Residential Areas**

Parking of commercial and recreational vehicles are limited to the side and rear yards in all residential districts. Such vehicles shall be located on a dust free driveway typical of the neighborhood and, shall comply with the requirements of Section 3.104. Commercial and Recreational Vehicles are subject to the following:

**A) Commercial Vehicles:**

- 1) One (1) commercial vehicle not exceeding eight (8) tons (sixteen thousand/16,000 pounds) gross vehicle weight may be parked in an unenclosed area.
- 2) One (1) additional vehicle may be parked if placed in an enclosed building operated by a resident of the property and located on a site greater than five (5) acres.
- 3) One (1) commercial vehicle connected to a trailer not exceeding eight (8) tons (sixteen thousand/16,000 pounds) gross combined vehicle weight may be parked in any unenclosed area.

**B) Recreational Vehicles:**

- 1) Recreational vehicles for the purpose of storage on a lot with a primary residential structure and not for purpose of habitation are subject to the following:
  - a. Permitted in all residential districts;

- b. A maximum of two (2) recreational vehicles are permitted in the rear and side yards. Any additional recreational vehicles must be stored in an enclosed building. Lots of five (5) acres or more are exempt from this standard provided the vehicles are not visible from the public right-of-way;
- 2) Recreational vehicles for the purpose of habitation are subject to the following:
  - a. The use is prohibited in all residential districts, except for the purpose of providing temporary visits for a period lasting not more than seven (7) days and exceeding two (2) times in twelve (12) months; and,
  - b. May be used in accordance with Section 3.204.2(B) (1-3) Construction Related Activities.
- 3) Parking or storage of recreational vehicles, boats, utility trailers or similar items is prohibited within the front yard, except for loading and unloading which does not exceed forty-eight (48) hours.

**3.102.5 Drive-In or Drive-Thru Service Facilities**

A drive-in or drive-through service facility shall satisfy the following requirements:

**A) Development and Operation Requirements:**

- 1) Vehicle stacking requirements specified in Section 3.312 and sufficient stacking shall be provided to prevent obstruction of any street, sidewalk or sight-distance;
- 2) Ingress and egress shall only be permitted from an internal private driveway serving the principal use of the site;
- 3) All access driveway intersection(s) of public streets shall only be permitted to the allowance, design and construction specifications of the Warren County Engineer or the Ohio Department of Transportation (ODOT), as applicable;
- 4) The location shall not impair or obstruct provision of emergency services of the site, as determined to the satisfaction of the Fire/EMS Department; and
- 5) The turning radius of any curve in a driveway lane shall be sufficient to require only forward movement, i.e., no backing up to get through any curve in the drive-through lane.

**B) Facility Support Requirements:**

- 1) **Signage:** Signage shall comply with requirements specified in Article 3, Chapter 6, except for the following menu board and clearance sign provisions:
  - a. May have two-way audio communication broadcasting;
  - b. Limited to forty-eight (48) square feet;
  - c. Shall not exceed eight (8) feet in height with the exception of clearance signs and they may be determined by the height and width of the structure or opening to be protected; and,
  - d. Shall not be visible or audible from any off-site residential use or district.



- 2) **Buffer:** A buffer shall be provided to prevent visual, noise and light impact, in addition to requirements specified in Article 3, Chapter 4.
- 3) **Clearance Signage:** The height and width of vehicles the facility can accommodate shall be posted.

### 3.102.6 Fences, Walls, and Hedges in Residential Districts

#### A) **General Location Requirements:**

- 1) All fences shall be located entirely on the private construction site and are prohibited within the road right-of-way;
- 2) No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property; and,
- 3) No fence shall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property— fences shall meet the clear sight-distance requirement of Section 3.103.1.

#### B) **Height:**

- 1) Maximum Height — Front Yard and Street Yard: four (4) feet.
- 2) Maximum Height — Rear and Side Yard: Six (6) feet but may follow grade.

C) **Prohibited Fence Materials:** The use of metal panels, corrugated metal, razor wire, or fences which carry electric current, except for agricultural uses.

D) **Nonconforming Fences:** Future additions or improvements shall conform to this Code.

E) **Permits:** A zoning permit is not required.

F) **Fence Maintenance:** Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. Failure to comply with written notice from the Zoning Inspector ordering completion of such repairs shall be deemed a violation of this Code.

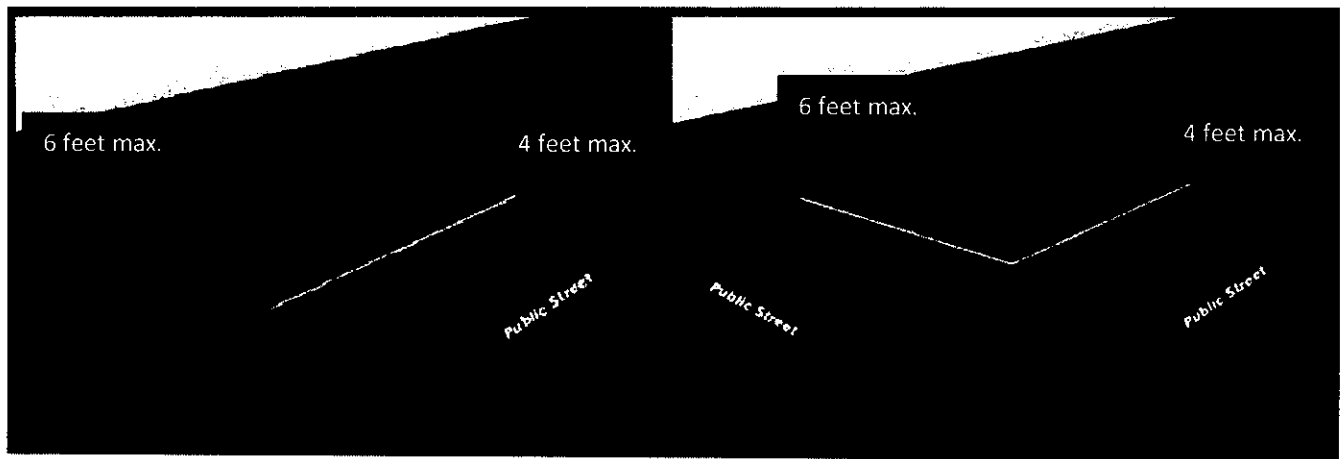


Figure 3.102-1 Maximum Fence Height

### 3.102.7 Fences, Walls, and Hedges in Non-Residential Districts

- A) In addition to this Section, non-residential fences, walls, and hedges shall comply with Section 3.102.6 and Article 3, Chapter 4, Landscaping and Screening Standards and Requirements.
- B) **Height:**
  - 1) Fences shall not exceed eight (8) feet in height in required yards.
  - 2) **Industrial Yards:** Barbed wire may be used on top of fencing, however, it must be a minimum of eight (8) feet from the finished grade and may not exceed one (1) foot provided further that the barbed wire shall be installed on supports that extend toward the interior of the site or straight up.

### 3.102.8 Outdoor Trash Container Enclosure

Trash and/or recycling container areas on nonresidential and multi-family residential use sites shall be enclosed on at least three (3) sides by a solid wall, solid fence, or solid evergreen vegetation that is at least six (6) feet in height.

### 3.102.9 Outdoor Private Accessory Recreation Facility

Outdoor recreation facilities, including swimming pools, game courts, and play structures, are subject to the following:

- A) The facility shall be located in the rear and/or side yard and shall be set back twenty (20) feet from any adjacent property line;
- B) The use does not create a nuisance, disturb the peace, or result in a health or safety violation as reported to, or acted upon by, an enforcement authority;
- C) The use does not interfere with the operation of an on-site sewage treatment system or drinking well, as determined by the Warren County Combined Health District; and,
- D) Swimming pools shall comply with the requirements of Section 3.102.12.

### 3.102.10 Satellite Dish

Satellite dishes shall be permitted as an accessory use in all residential zoning districts subject to the following requirements:

- A) **Location:** Satellite dishes are permitted within the side or rear yard;
- B) **Setbacks:** Ground-mounted satellite dishes shall comply with all required district setback standards;
- C) **Height and Size:**
  - 1) Satellite dishes shall not exceed twelve (12) feet in diameter;
  - 2) The peak of a ground mounted satellite dish shall not exceed fifteen (15) feet above the finished grade; and,
  - 3) The maximum height of any wall or roof-mounted satellite dish shall not exceed the roof height by four (4) feet and its diameter shall not exceed three (3) feet.
- D) **Maintenance:** The satellite dish apparatus shall be properly maintained to prevent both unsightly and unsafe conditions. A nonfunctioning satellite dish shall be removed within three months of becoming nonfunctional;
- E) **Permits:** A ground-mounted satellite dish greater than eighteen (18) inches requires a zoning permit unless otherwise exempted by the Zoning Inspector.

### 3.102.11 Solar

#### A. Accessory Small Solar Facility

Pursuant to Section 4906.13(B) of the Ohio Revised Code, solar facilities that constitute major utility facilities as defined by Section 4906.01(B) and 4906.01(G) are regulated under the jurisdiction of the Ohio Power Siting Board are excluded from the following zoning regulations. Accessory Small Solar Facilities occur where there is a principal use of the site. Accessory Small Solar Facilities shall be regulated as follows:

- A) Solar energy equipment shall meet setback and height requirements for the district;
- B) Ground-mounted solar energy equipment shall be limited to a maximum height of fifteen (15) feet and shall be located in the rear yard or side yard and screened from the public right-of-way;
- C) A ground-mounted solar energy system shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning permit;
- D) Non-functioning solar energy equipment shall be removed within three months of becoming nonfunctional; and,
- E) The system's apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.

#### B. Principal Small Solar Facility:

It is not the purpose of this regulation to regulate a major utility facility as defined by the Ohio Power Siting Board (50 MW or greater). No Principal Small Solar Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use. Principal Small Solar Facility is the principal or one of the principal uses of the

site. All Principal Small Solar Facilities shall meet the following requirements:

1. The proposed Principal Small Solar Facility must be located on a lot of at least twelve (12) acres in size.
2. For purposes of determining lot coverage, the total surface area of all ground/pole mounted solar energy systems including cells, panels, and water collector devices shall be considered impervious and shall count toward the maximum percent of a lot to be occupied.
3. All on-site utility, distribution, and transmission lines, that are the responsibility of the Principal Small Solar Facility to maintain, shall be placed underground.
4. Roof mounted:
  - a. May be mounted to a principal or accessory building.
  - b. Shall not exceed 10 feet above roof height.
5. Ground/Pole mounted:
  - a. Shall be no taller than fifteen (15) feet.
  - b. Limited within commercial and industrial zoning districts to 20% or less of the energy produced onsite.
6. Building mounted/Other structure mounted/integrated:
  - a. Shall be no taller than the primary mounting structure, with the exception of parking lot solar canopies. A parking lot solar canopy shall be no taller than 35 feet.
7. Principal Small Solar Facilities shall be designed and located in order to prevent reflective glare towards any inhabited building on adjacent properties as well as adjacent street right-of-way. Applicants must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT), or an equivalent report, for neighboring lots and right-of-way.
8. The proposed Principal Small Solar Facility must comply with any applicable airport zoning overlay and height restrictions, and the ability to comply with the FAA regulations pertaining to hazards to air navigation must be demonstrated.
9. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum seven (7) foot high fence with a self-locking gate, and provide screening in accordance with the Salem Township Zoning Code.
10. Screening shall be established in accordance with the provisions of the Salem Township Zoning Code, be maintained in good condition, and free of all advertising or other signs. In addition to any other screening requirements of the Salem Township Zoning Code, the following standards shall apply:
  - a. Any buildings and solar energy equipment shall be screened from ground-level view from any adjacent road right-of-way, any adjacent lot with a residential use, and any residential zoning district.
  - b. Screening shall consist of vegetation, mounding, natural landforms, or any combination thereof. Screening may be supplemented by fencing or walls, but these shall not be the primary methods. Fencing shall incorporate gaps or spaces of at least six (6) inches by six (6) inches to allow passage of small mammals.
  - c. Screening shall be a minimum of six (6) feet in height.

- d. Mounding shall be seeded and planted with trees. The base of the mound shall not be graded at an angle greater than forty-five degrees (45°).
  - e. Screening shall be clustered around groups of solar energy equipment and buildings and not the entirety of the lot to allow for “wildlife corridors” where wildlife can traverse the lot.
11. Buffering shall be established in accordance with the provisions of the Salem Township Zoning Code. In addition to any other buffering requirements of the Salem Township Zoning Code, the following standards shall apply:
- a. A one-hundred and twenty (120) foot setback along stream boundaries (including ephemeral and intermittent streams).
  - b. A one-hundred and twenty (120) foot setback from Category 1 and 2 wetland boundaries.
  - c. A three-hundred (300) foot setback from Category 3 wetland boundaries.

(Note: a, b, and c above are all subject to an environmental assessment by Warren County Soil and Water.)

12. Setback requirements for solar energy equipment not housed in a building, shall be:
- a. Non-Participating Parcels:
    - i. One-hundred and fifty (150) feet from lot lines.
    - ii. Three-hundred (300) feet from any dwelling.
    - iii. One-hundred and fifty (150) feet from the edge of any adjacent road right-of way.
  - b. Participating Parcel: Setbacks for all other buildings and structures comply with the applicable zoning setback standards
13. Ingress and egress driveways, interior access/maintenance roads, and any off-street parking and circulation routes shall be constructed with a durable and dust-free surface.
14. New access drives within the Principal Small Solar Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during construction is permitted, provided that the geotextile fabrics and gravel are removed once the Principal Small Solar Facility is in operation.
15. Areas that are undeveloped, areas not required for regular maintenance, and other spaces not devoted to the active use of the lot (such as in between rows of ground mounted solar panels) shall be landscaped with vegetation in such a manner as to prevent soil erosion by wind or rain or the spreading of invasive species and noxious weeds. Plantings shall follow the standards set forth in the Ohio Department of Natural Resources (ODNR) Guidance for Proposed Solar Energy Facilities in Ohio.
16. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty

(30) days of removal.

17. A Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township and County maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Principal Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township or County. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
18. The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Principal Small Solar Facility is located.
19. Supporting application materials for a Principal Small Solar Facility shall include a detailed site plan and all applicable requirements found in Section 1.303 of the Salem Township Zoning Code. The site plan should show all zoning districts and overlay districts. The following shall also be submitted at the time of the application and shall include:
  - a. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Zoning Inspector.
  - b. Height of the proposed solar energy system(s) at maximum tilt.
  - c. Proof of notice to the electric utility, Soil and Water Conservation District (for drainage impact purposes), and the Warren County Combined Health District (for on-site sewage treatment impacts) regarding the proposal.
  - d. Letters from the County Engineer, Township, and State Department of Transportation regarding the status of any Road User Maintenance Agreement and/or bonding.
  - e. A drainage plan, including any methods of stormwater management, and existence of any subsurface drainage systems. The County Engineer’s Office, Soil and Water Conservation District, and if applicable, the Farm Service Agency shall be contacted to confirm the existence, or potential existence, and location of any subsurface drainage systems.
  - f. Proof of notice and/or compliance with County-level stormwater and sediment control regulations.
  - g. A narrative of expected and potential impacts to ecological, cultural, archeological, and agricultural resources and impacts to neighboring land uses.
  - h. A landscaping plan.
  - i. A screening and buffering plan, including any wildlife corridors.
  - j. A narrative addressing the expected lifespan of the facility, expected regular maintenance activities, and an end-of-life decommissioning

plan.

- k. A list of all adjacent property owners, their parcel numbers, and addresses.

Notification Requirements: Within 14 days of filing an application with the Building and Zoning Department, a notice explaining the request and identifying the subject property must be mailed via first class mail to all property owners within 1,000 feet of the subject site.

### 3.102.12 Swimming Pool Requirements

- A) Swimming pools shall be surrounded by a wall or fence not less than four (4) feet in height for residential pools and not less than six (6) feet in height for community and public pools, with access gates that are lockable, self-closing, and self-latching and shall be maintained in good condition. The fencing requirement does not apply to residential swimming pools that:
  - 1) Are installed with a retractable rigid cover, tested per ASTM Standard F 1346, or,
  - 2) Are above ground pools with sides greater than four (4) feet in height and the ladder/access point is fenced with a lockable, self-closing, and self-latching gate.

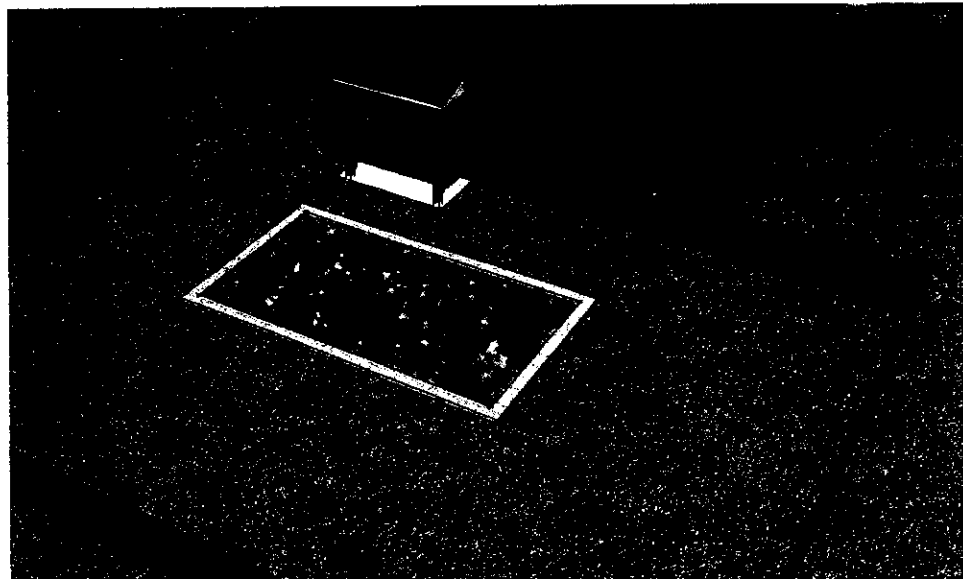


Figure 3.102-1 Pool Requirements

- B) Community and public pools and all related supportive installations, such as restrooms, changing rooms, food service, and eating areas must satisfy the construction and operation requirements of the Ohio Department of Health.

### 3.102.13 Micro-Wind Turbine

A micro-wind turbine is permitted as an accessory use structure in accordance with the following requirements:

- A) Micro-wind turbine that are attached to a roof or structure are permitted provided

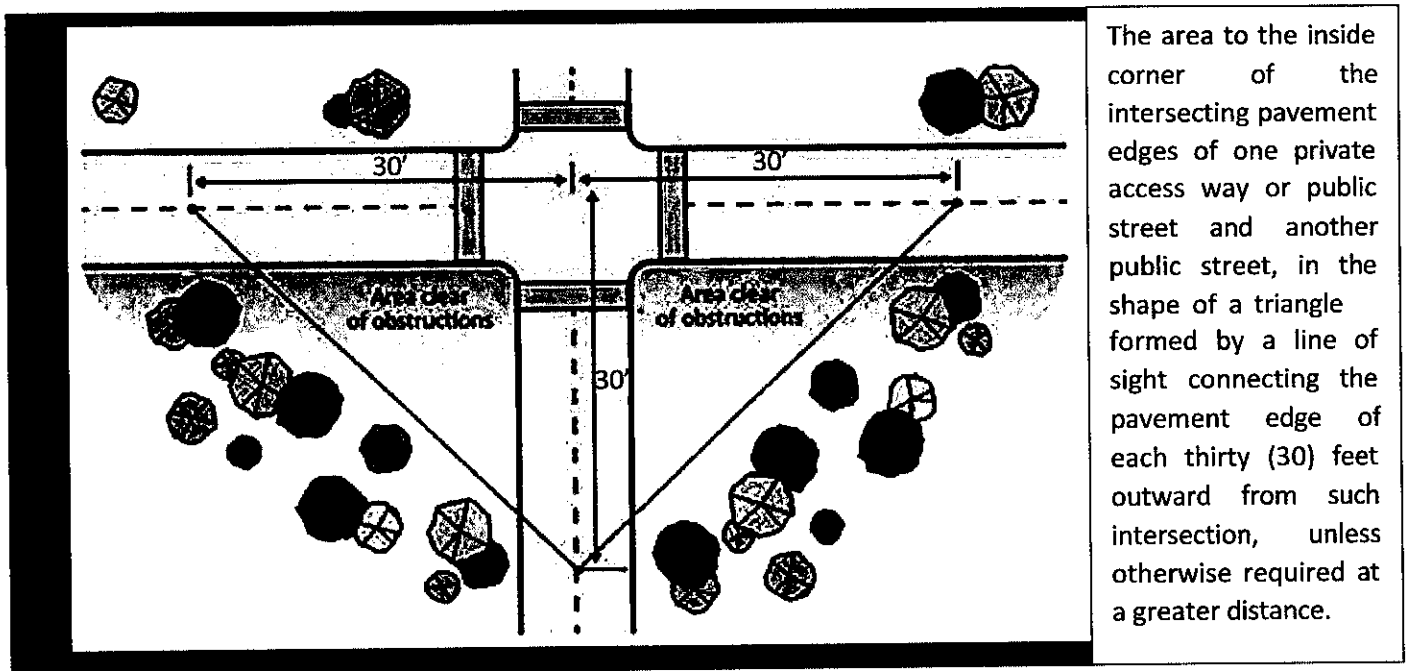
that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district;

- B) No more than two (2) wind turbines shall be permitted per lot;
- C) The height and location of a micro-wind turbine shall be such that, if the system were to collapse, it would fall within the boundaries of the subject lot;
- D) Stand-Alone Systems:
  - 1) May be permitted on lots with a minimum lot area of one acre;
  - 2) The pole or supporting structure shall be set back a minimum distance equal to the height of the system;
  - 3) The minimum height from finished grade to the lowest portion of the blades is 12 feet;
  - 4) The maximum height shall be seventy-five (75) feet measured from the average grade to the highest point on the blade; and,
  - 5) The system shall comply with district setback standards.

## SEC. 3.103 DEVELOPMENT STANDARDS

### 3.103.1 Clear Sight-Distance Triangle

No building, structure, sign, or vegetation shall obstruct the clear sight distance triangle.



The area to the inside corner of the intersecting pavement edges of one private access way or public street and another public street, in the shape of a triangle formed by a line of sight connecting the pavement edge of each thirty (30) feet outward from such intersection, unless otherwise required at a greater distance.

Figure 3.103-1: Sight Distance Triangle

### 3.103.2 Lot Requirements

#### A) Corner Lots:

- 1) **Frontage:** The frontage of lots within zoning districts R-1 and R-2 shall be increased by twenty (20) percent greater than the district standard (Section 2.302.1);
- 2) **Setbacks:** The minimum front yard setback shall be provided from each street right-of-way or roadway easement line; and,
- 3) The side opposite where the address is located will be the rear yard.

#### B) Double Frontage Lots: On a lot bordered by two (2) streets other than at an intersection:

- 1) The required minimum front yard setback shall be provided on all lot lines that abut a street;
- 2) The remaining lot lines not abutting a public road right-of-way shall be regulated as side yards; and,
- 3) The side opposite where the address is located will be the rear yard.

- C) **Panhandle lots:** Panhandle lots are not permitted to be created, however, existing panhandle lots shall be considered legal non-conforming.

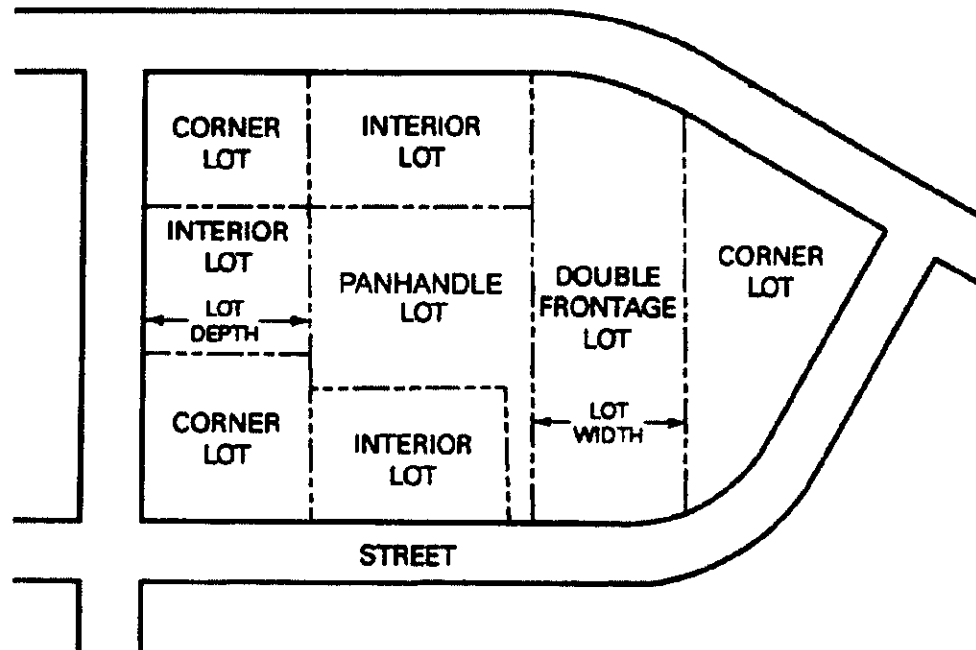


Figure 3.103-2 Lot Requirements

### 3.103.3 Height Regulation Exceptions

Permitted height exceptions in all districts shall be as follows:

- A) The height limitations of this Zoning Code shall not apply to chimneys, clocks or bell towers, spires, belfries, water tanks, public monuments, steeples, personal radio or TV antennae, flag poles, vent pipes, structures housing or screening fans, air conditioning units or elevator machinery, and other similar features provided that residential structures shall not exceed twice the district height; and,
- B) Architectural features that include building and roof line elements (e.g. parapet walls, cornices) that are intended to add architectural interest and not for the purpose of adding signage to the building may be allowed to exceed the maximum height of the district by not more than ten (10) feet. See Figure 2.403-6 for architectural detail identification.

### 3.103.4 Yards Required Open

- A) Concrete or paver patios shall be set back a minimum ten (10) feet from adjacent property lines and do not require a zoning permit.
- B) Eaves, cornices, windowsills, awnings, canopies, and air conditioning equipment are not to exceed a maximum projection of three (3) feet into any required minimum yard.
- C) Open, covered, or uncovered porches or decks may project a maximum of eight (8) feet into the required minimum front yard. In no case will these encroachments be permitted to be closer than fifteen (15) feet from the right of way.
- D) **Driveways:** Except for shared driveway easements, driveways shall have a minimum setback of three (3) feet from property lines.

### 3.103.5 Site Access and Circulation

Lot access and circulation shall be approved by the Warren County Engineer in accordance with the Warren County Access Management Regulations and the Fire/EMS department of jurisdiction.

### SEC. 3.104 JUNK, JUNK VEHICLES, AND OTHER SALVAGEABLE ITEMS RESTRICTIONS

- A) No person, firm, or corporation shall accumulate, collect, deposit, dump, dispose, maintain, store, or allow the same on any property under the person's control or responsibility, any junk, junk vehicle, or other types of salvageable solid waste, or construction/demolition debris, outside of an enclosed area or area not entirely screened from the visibility of surrounding properties, except in the zoning district where expressly permitted.
- B) Junk as it pertains to wood: Processed firewood for a property owner's personal use is not junk. Raw material that has not been processed even though it can be processed into firewood, including, but not limited to, logs, branches, limbs, pallets, untreated dimensional lumber, and other wood products that have been painted, stained,

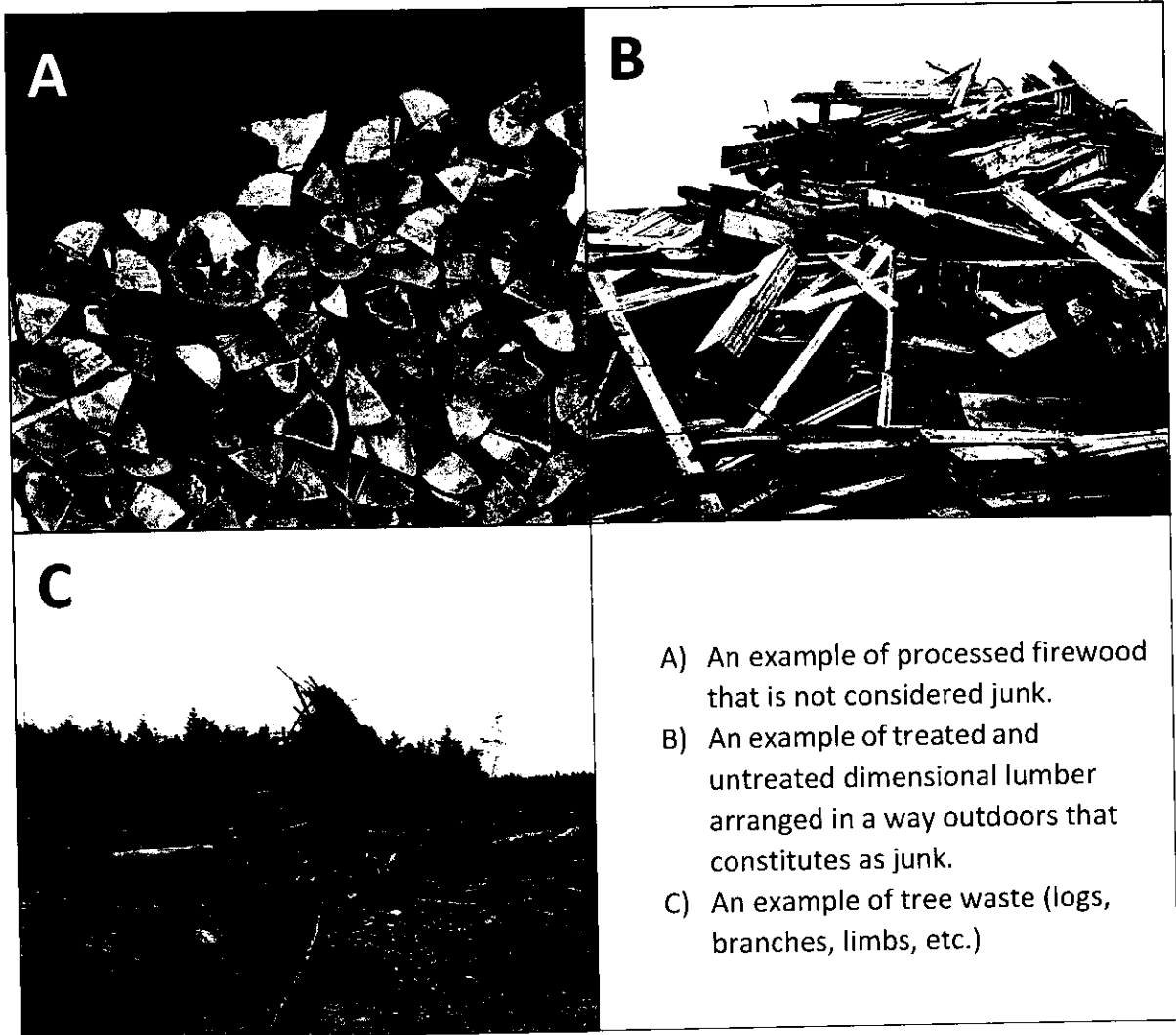


Figure 3.104-1 Junk as it Pertains to Wood

chemically treated or coated, is not firewood and does constitute junk and is subject to Section 3.104 (A).

- C) Violation of this section shall be subject to prosecution in a court of competent jurisdiction, unless one (1) or more person, firm, or corporation which is responsible for the violation permanently removes or causes permanent removal of the violating items within seven (7) days after receipt of notice of violation to another property or use location, whereon such items are permitted to be located outdoors for the purpose of a junkyard business or are otherwise placed within a building.

### **SEC. 3.105 PERFORMANCE STANDARDS**

- A) Any use or development that creates a danger to public health or safety and/or a nuisance, including but not limited to environmental pollution; traffic; noise; vibration; odor; dust; or glare, are subject to review by the body vested with Approving Authority in order to determine whether such are compatible to the zoning district.
- B) The Township may require additional studies to be submitted by the applicant and may place conditions of approval to mitigate potential impacts upon issuance of a zoning permit.

### **SEC. 3.106 MOBILE HOME USE**

A mobile home shall not be used as a single-family dwelling or permanent residence in any district except where one exists in a Mobile Home Park prior to the adoption of this code.

### **SEC. 3.107 SEWER SERVICE AREA REQUIREMENTS**

Any use or development that requires central sanitary sewage system service connection may not be accepted prior to all of the following:

- A) The area has been approved by the Warren County Board of Commissioners (BOCC) for service by a central sanitary sewage system; and,
- B) The sewer service area boundary is recognized and accepted by either the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments or the Miami Valley Regional Planning Commission (MVRPC).

### **SEC. 3.108 USES & DEVELOPMENT UNDERLYING AIRPORT AIRSPACE**

Uses and development of buildings and other structures on any property located under airport airspace shall be required to certify compliance with applicable rules and regulations of: the Federal Aviation Administration (FAA), 14 C.F.R. Part 77, as amended; the Chapters 4561 and 4563 of the Ohio Revised Code; Ohio Administrative Code Section 5501:1-10-1, et seq.; and, the Warren County Airport Zoning Code.

### **SEC. 3.109 ADAPTIVE REUSE OF HISTORIC STRUCTURES INCLUDING BARN**

- A) **Purpose:** To encourage the viability, reuse, restoration, and rehabilitation of historic structures including barns which are no longer associated with an agricultural use, by allowing for specified uses not otherwise allowed in the district in which they are located, within the current dimensions of such structure.

B) **Applicability:** All adaptive reuse, and associated restoration and/or rehabilitation, of historic structures including barns shall be considered a conditional use subject to review by the BZA.

C) **Allowed Uses:** The following additional uses, if not otherwise allowed in the district, may be allowed, subject to conditional use review:

- |                                      |  |
|--------------------------------------|--|
| 1) Artist Studio/Gallery             | 8) Antique/Gift Shops                      |
| 2) Community Center                  | 9) Restaurants                             |
| 3) Cultural Facility                 | 10) A combination of the above-listed uses |
| 4) Day Care Facility                 | 11) Uses approved by the BZA               |
| 5) School                            |  |
| 6) Storage                           |  |
| 7) Agritourism uses/ Ecotourism uses |  |

D) **Historic Evaluation:**

- 1) If the subject structure does not meet the definition of "Historic Structure" in Article 4.103, then the BZA may determine the structure to be historic if it is 50 years in age or older and any one of the following criteria is satisfied.
  - a. Association with historical events or activities that made a significant contribution to our history.
  - b. Association with the lives of significant individuals in our past.
  - c. Possesses distinctive characteristics of a type, period, or method of construction.
  - d. Represents the work of a master craftsman, architect, or builder.
  - e. Significant to the history of the county, state, or nation.
- 2) The applicant must provide documentation justifying the structures historic designation.

E) **Special Requirements:** All adaptive reuse, restoration, and rehabilitation of historic structures shall also meet the following requirements:

- 1) The proposed adaptive reuse shall not significantly alter the footprint, essential character, or immediate surroundings. In reviewing proposals for adaptive reuse of historic structures, the BZA shall also consider the suggestions of the Comprehensive Plan and whether the historic character can be retained to a practical extent;
- 2) A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure and shall not be reestablished if the structure is substantially modified, except in accordance with the requirements of these regulations; and,
- 3) In the event that the structure is destroyed or demolished, the structure may be reconstructed and the use re-established with the approval of the BZA. In allowing such reconstruction and re-establishment, the BZA shall determine that, in addition to meeting conditional use standards, the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, and building materials.

# ARTICLE 3

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## CHAPTER 2 USE SPECIFIC STANDARDS AND REQUIREMENTS

### SEC. 3.201 OVERVIEW

This Chapter describes the standards governing permitted and conditional uses as designated in the "Use Provision and Dimensional Requirements" of Article 2, Chapter 2. These standards are in addition to and may supersede other standards required elsewhere in this Code. The requirements include buffer, location, bulk and scale, and environmental standards intended to ensure compatibility with surrounding land uses and to ensure orderly development. The standards for each use may vary by zoning district.

Uses designated as "P" in the Table of Permitted Uses are permitted uses subject to staff review; however, they may require additional standards. Uses designated as "S" are permitted uses subject to site plan review by the Salem Township Board of Trustees. Uses designated as "C" are conditional uses, requiring additional standards, and must be considered and approved by the BZA. Conformance with these standards shall be subject to site plan review.

### SEC. 3.202 AGRICULTURE AND RELATED USES

Non-exempt agricultural use shall comply with the parking, lighting, signage, landscaping, site access, and all other applicable standards of this code.

#### 3.202.1 Agricultural Support Services

Agricultural Support uses within the A and R1 zoning districts shall demonstrate that:

- A) The use will not require the extension of central sanitary sewer or central water system;
- B) The use does not substantially detract from agricultural production on-site or in the area;
- C) The use does not create a concentration of commercial uses in the immediate area;
- D) The use is compatible with, and does not adversely impact, surrounding residential neighborhoods;
- E) The use shall be located along, and have direct access to, an arterial roadway; and,
- F) A feed store or related retail use size shall not exceed five thousand (5,000) square feet.

#### 3.202.2 Commercial Stables

Commercial stables within residential zoning districts shall demonstrate that:

- A) **Buffers:** Buildings and outdoor areas where livestock are contained shall be screened by Buffer Type D, as specified in Table 3.405-2;
- B) **Minimum Fence Height:** Four (4) feet around paddock areas;
- C) **Minimum Lot Area:** The minimum lot area is ten (10) acres or one (1) acre per horse, whichever is greater;
- D) **Setbacks:** All areas where livestock will be housed shall be set back at least one hundred fifty (150) feet from residential property lines; and,
- E) **Traffic Impact:** Uses generating more than fifty (50) trips shall take access from an arterial or collector road.

### 3.202.3 Agritourism

Shall meet the following requirements:

- A) **General:** Farm must be a working farm;
- B) **Site Plan Requirements:**
  - 1) Identify the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties; and,
  - 2) Locate sanitary facilities.
- C) **Visitor Service:** Food and/or beverages may include value-added products, produced or grown from the farm;
- D) **Transportation:**
  - 1) An approved curb cut and adequate off-street parking is provided;
  - 2) Parking areas are screened from residential properties; and,
  - 3) No vehicles shall be parked on the shoulders of adjacent roads.
- E) **Lodging:** Lodging used primarily for agritourism is limited to six rooms;
- F) **Maximum Floor Area Ratio:** 0.01 / (1%) The Township Trustees may regulate this requirement based on the following criteria:
  - 1) The design of the structure is characteristic of the township's rural character and minimizes the mass of the structure; or,
  - 2) The location and proposed landscaping screens the structure from the public right-of-way and adjacent properties.

### 3.202.4 Farm Markets and Produce Stands

Farm Markets and Produce Stands are permitted if it is demonstrated that:

- A) **Access:** A curb cut authorized by the approving authority;
- B) **Location:** The farm stand is on the premises of the farm where the merchandise was grown and at least fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year; and,

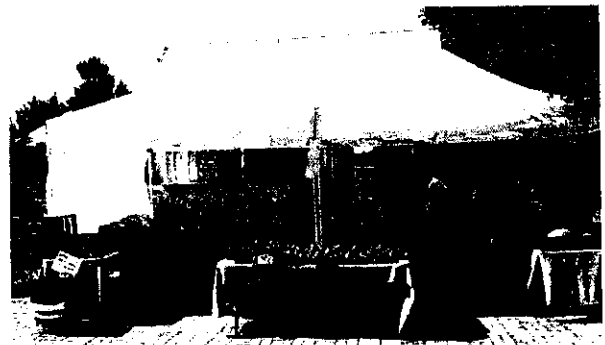


Figure 3.202-1 Produce Stand Example

- C) The use shall comply with size of parking areas that may be required, setback building lines, and egress and ingress of this Code.

### 3.202.5 Kennels (Non-Exempt Agriculture)

- A) Minimum lot area of two (2) acres. One (1) acre is required for each animal beyond five (5).
- B) Shall comply with all county and state permit and operational requirements.
- C) Signage and site access shall be in accordance with the standards of this Code Structures, Animal Runs, and Exercise Areas.
  - 1) **Setback:** Shall not be located in any required setback area and shall be set back a minimum of twenty (20) feet from side and rear property lines and shall be a minimum of eighty-five (85) feet from abutting residential districts or uses, church, school, or restaurant on the same side of the street.
  - 2) **Enclosures and screening:** Animal runs and exercise areas shall be enclosed on all sides by screening in compliance with Article 3, Chapter 4 (Landscaping and Screening Requirements);
    - a. Animal runs and exercise areas shall have impervious surfaces and an appropriate system for runoff, waste collection, and disposal; and
    - b. Outdoor exercising is allowed when the area is fenced or the animal is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 8:00 a.m.

### 3.202.6 Nurseries, Greenhouses, and Garden Centers (Non-Exempt Agriculture)

- A) **Residential Zoning Districts:**
  - 1) Plants, products, and materials offered for sale shall be intended for household use or home gardening activities; and,
  - 2) Retail sales are permitted provided the use is located along, and has direct access to, an arterial roadway.
- B) **All Zoning Districts:**
  - 1) Storage and display areas shall meet the zoning district setback requirements for structures; and,
  - 2) Soil, fertilizer, or similar loosely packaged materials shall be covered and contained.

### 3.202.7 Winery (Non-Exempt Agriculture)

Wineries within the R-1 and A zoning districts shall demonstrate that:

- A) **Location:** The use is located along, and has direct access to, an arterial roadway;
- B) **Use:** Uses such as, but not limited to, administrative offices, laboratories, employee day care, tours and tasting, retail/wholesale wine sales, ancillary retail sales, public display of art or wine related items, picnic areas, recreation areas, and food preparation are clearly related to, and incidental to, the production of wine; and,
- C) **Production Limits:** Annual production shall not exceed 100,000 gallons in bulk and bottles combined.

## SEC. 3.203 RESIDENTIAL USES STANDARDS AND REQUIREMENTS

### 3.203.1 Principal Building Per Single or Two Families Residential Lot

Only one principal building/use, residential or non-residential, is permitted per lot. For purposes of this section, outdoor advertising (billboards) shall not be considered a principal building/use.

### 3.203.2 Multiple Family

#### A) All Development:

##### 1) Architectural Details:

- a. When located adjacent to single-family dwellings and visible from a public right-of-way, the design and appearance of multiple-family dwellings must have similar massing, height, roof pitch, and architectural features, including front porches, cornice lines, horizontal



Figure 3.203-1 Multifamily Architectural Design Example

lines of windows, and architectural embellishments such as, but not limited to: shutters, dormers, belvederes, etc., to create the appearance of single-family dwellings;

- b. Walls visible from a public right-of-way shall include windows and architectural features similar to the front façade of the building, including, but not limited to, awnings, cornice work, bay windows, edge detailing, or other decorative finish materials; and,

- c. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines.

- 2) **Parking:** Parking or storage of recreational vehicles, boats, utility trailers, or similar items is prohibited within the front yard;
- 3) **Pedestrian Circulation:** Pathways shall be provided from parking areas, public sidewalks, and recreation areas (see Figure 3.203-2 for example);
- 4) **Maximum Number of Units per Structure:** Four (4), excluding mixed-use buildings;
- 5) **Site Design:** Site designs should create a sense of "community" which may include:

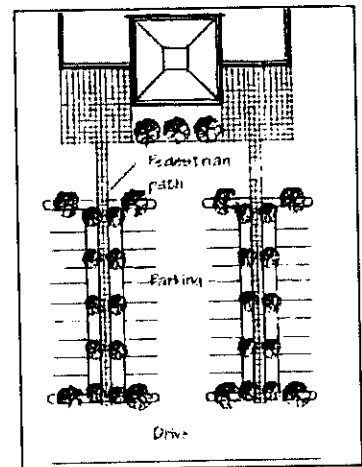


Figure 3.203-2 Pedestrian Circulation

- a. Buildings sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots;
  - b. Parking lots located behind buildings or screened from view from internal streets, unless it is deemed appropriate to use a parking lot as a buffer from an arterial street; and,
  - c. Centrally located plazas, clubhouses, pools, and recreational facilities.
- 6) **Building Design:** Buildings shall be designed to the following standards (see figure 3.203-1):
- a. Porches, varied rooflines, varied façade depths, or elements that create variety and interest;
  - b. Windows and projecting wall surfaces that prevent larger blank wall surfaces and provide visibility of the street and other public spaces;
  - c. Garages that are integrated with the building or sited so as to avoid long rows of garage doors; and,
  - d. Garages shall be oriented so that they do not visually dominate the building façade or the streetscape.
- 7) **Minimum Unit Size:** Six hundred (600) square feet — this standard supersedes the district standard;
- B) **Upper Story Residential:**
- 1) **Permitted Uses:** Residential uses shall be allowed as a Permitted Use in the Mixed-Use Residential zoning district, provided that they are located above the ground floor; and,
  - 2) **Intensity:** Upper-story residential units are not factored into the intensity calculations of a site.

### 3.203.3 Community-Based Residential Social Service Facilities

This sub-section applies to Adult Group Homes, Family Daycare Types A, and Institutional Care Facilities.

- A) **Adult Group Homes and Institutional Care Facilities:**
- 1) **Submission Requirements:**
    - a. A statement justifying the need and location of the facility;
    - b. A map that depicts community facilities and/or services pertinent to the proposed use, e.g., fire stations, parks, libraries, community centers, shopping complexes, or major thoroughfares;
    - c. A license or a statement documenting the ability to obtain a license prior to the issuance of a certificate of occupancy;
    - d. An illustration of typical floor plans;
    - e. A community impact statement that addresses the facility's design, operation and maintenance, compatibility, noise, traffic, and lighting; and,
    - f. A detailed plan for services and programs.
  - 2) **Facility Requirements:**
    - a. **Compatibility:** Exterior alterations and new structures shall be compatible with the residential character of the neighborhood; and,

b. **Off-Street Parking:** One space per every three (3) persons, except for facilities that prohibit clients from operating automobiles.

3) **Institutional Care Facilities:**

a. **All Zoning Districts:**

- i. **Landscaping and Screening:** Buffer Type D along with two (2) shrubs per ten (10) linear feet shall be provided along the side and rear lot lines;
- ii. **Maximum Building Footprint:** Twenty percent (20%) of the gross site area; and,
- iii. **Minimum Lot Size:** Five (5) acres.

b. **Residential Zoning Districts:** Institutional Care Facilities are permitted within residential districts if it is demonstrated that:

- i. Access to the use is provided by a road that is classified as collector or greater in capacity;
- ii. Within the R-1B, R-2, and R-3 districts the buildings are residential in character; and,
- iii. No exterior signage is utilized for accessory commercial uses.

B) **Family Day-Care Homes, Type A (Seven/7 to Twelve/12 persons):**

- 1) **Hours of Operation:** Maximum of sixteen (16) hours per day and daily operations shall terminate no later than 10:00 p.m.
- 2) **Play Area:** A fenced and contiguous outdoor play area shall be provided in the rear or side yard and shall be subject to Section 5104.01 of the Ohio Revised Code. Outdoor play areas shall:
  - a. Be completely enclosed by a fence that is at least three-and-one-half (3 ½) feet in height;
  - b. Be safely segregated from parking, loading, or service areas; and,
  - c. Not be operated for outdoor play activities after 8:00 p.m.

### 3.203.4 Home Uses

**Home Occupations:** This sub-section allows limited business uses as a home occupation. There are two (2) classifications of home occupations — Class 1, Class 2, and Agri-business. Class 2 allows for greater intensity. Agri-business is meant for properties that maintain working farms that operate related or semi-related business in addition (see examples under D).

A) **All Uses:** A home occupation shall be permitted within the principal dwelling unit, provided that:

- The use is clearly incidental and subordinate to the principal residential use;
- The use is compatible with other uses, maintains and preserves the character of the neighborhood, and does not create a nuisance or detract from residential function and tranquility;
- The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances;

- The use does not exhibit exterior indication of its presence or any variation from residential appearance, except for a sign as permitted per Signage;
- **Display of Goods:** No commercial display of materials, merchandise, goods, or equipment is visible from public rights-of-way or surrounding properties;
- **Operating Hours:** Client visits and the delivery of merchandise are restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. daily, except on Sundays, which are restricted from noon to 6:00 p.m.;
- **Sales:** Only products or services generated by the home occupation shall be offered for sale. In addition, incidental retail sales are allowed in connection with a permitted home business (for example, a beautician may sell hair products to customers). No outdoor display of products for sale is permitted;
- **Signage:** Signage is limited to one (1) non-illuminated nameplate sign for identification purposes, not greater than four (4) square feet in area, mounted on the front face or driveway lamppost of the dwelling; (See Figures 3.203-4 and 3.203-5, below)



Figure 3.203-4 (Above)

- **Truck Traffic:** The use does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles and small parcel delivery services; and,
- **Vehicles:** The use does not have more than one vehicle or trailer which is identified by a sign, logo, or emblem of the occupation, business, or activity that is visible from adjoining property or public rights-of-way.

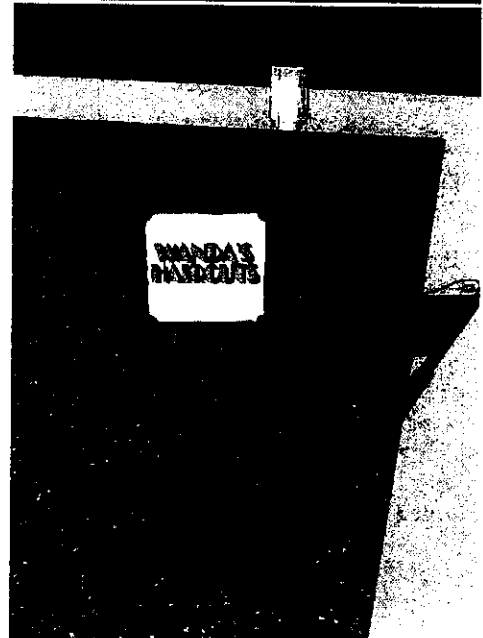


Figure 3.203-5 (Right)

B) **Class 1:**

- The following illustrates examples of permitted uses:
  - Accountant
  - Architect
  - Baker
  - Barber
  - Beautician
  - Builder
  - Caterer
  - Cabinet Making
  - Chauffeur
  - Cleaning Service
  - Construction Contractor
  - Contract Manager
  - Counselor
  - Dentist
  - Doctor
  - Draftsperson
  - Editor
  - Electrician
  - Engineer
  - Florist
  - Financial/Investment Broker
  - Graphic Designer
  - Gun Dealer (no on-site retail sales)
  - Hair Stylist
  - HVAC Installer
  - Insurance Agent
  - Instructor for arts, crafts, cooking, dancing, fitness, music, tutoring, and design including studios and workshops, for an artist, sculptor, musician, and photographers, etc.
  - Journalist
  - Land Developer
  - Landscape Designer
  - Lawyer
  - Manicurist
  - Pet Groomer
  - Manufacturer Representative
  - Masseuse
  - Pedicurist
  - Plumber
  - Professional Office
  - Psychologist
  - Publisher
  - Realtor
  - Repair service for watches and clocks, small appliances, computers, electronic devices, gunsmith, jewelry, etc.
  - Salesperson
  - Surveyor
  - Telecommuter or Telemarketer
  - Therapist
  - Travel Agent
  - Workshop for a dressmaker, seamstress, tailor, weaver, or other similar craft or service, such as for lapidary, jewelry making, welding, pottery, toy-making, and wood-working
  - Writer

**Development Standards for Class 1:**

- 1) **Accessory Storage Structure:** The storage area dedicated to the home occupation use does not exceed two hundred (200) square feet in gross area.
- 2) **Advertising:** The use shall not be advertised in a manner that invites the public to the use.
- 3) **Alteration:** No alteration is made to accommodate the home occupation that changes the residential character.
- 4) **Customer Visits:** Ten (10) or fewer per day and not more than two (2) at the same time.
- 5) **Floor Area:** The area used for the home occupation does not exceed twenty percent (20%) of the gross floor area within the principal dwelling unit or one room, whichever is greater.
- 6) **Outdoor Storage:** The home occupation shall not use outdoor storage or detached structures.
- 7) **Work Force:** The home occupation is managed and owned by a person who resides in the dwelling unit and employs only family members living in the unit and one (1) non-resident of the household as on-site employees. There is no limit as to the number of persons employed off-site by the home occupation.

C) **Class 2:** The following illustrates examples of permitted uses:

• **Conditional Permitted Uses:**

- All Class 1 Uses
- Automotive Repair
- Blacksmithing
- Catering
- Cabinet Maker Service
- Construction Contractor
- Excavation Contractor
- Furniture Maker and Repair
- Landscaping Contractor
- Lawn and Garden Equipment Repair
- Machine and/or Mold Making Shop
- Mechanical, Electrical, HVAC, Plumbing Service Contractor
- Mulch and Topsoil Service Contractor
- Other similar business as determined by the BZA
- Small Wood Products Maker
- Upholstery Service Shop
- Tractor Trailer Operator
- Vending off-site Service and Equipment Provider
- Welder Service Shop
- Well Drilling Service Contractor

**Development Standards for Class 2:**

- 1) **Business Area:** Permitted within the principal residence and/or an accessory structure.
- 2) **Lighting:** Subject to the non-residential lighting standards of Article 3, Chapter 5.
- 3) **Minimum Site Size:** Five (5) acres or as approved by the BZA.
- 4) **Parking & Loading Spaces:** Off-street parking shall be provided to accommodate the anticipated number of customers and deliveries. Parking and loading spaces shall be screened by evergreen landscaping or a solid fence or wall sufficient in height to block the view of the vehicles in those spaces from surrounding residential zoned or used properties.
- 5) **Work Force:** The home occupation is owner operated and employs only family members living in the unit and not more than two (2) non-resident employees on-site. There is no limit as to the number of persons employed off-site.
- 6) **Accessory Structure Setbacks:** Accessory structures shall be located at least two hundred (200) feet from an offsite principal structure and a minimum of one hundred (100) feet from the property line. The BZA may reduce this requirement if additional screening is proposed.
- 7) **Tractor Trailer Operator:**
  - a. One tractor trailer per occupant with a maximum of three (3);
  - b. Limited to one tractor trailer outside of a completely enclosed structure; and,
  - c. Requires a Buffer Type D adjacent to surrounding principal structures.
- 8) **Motor Vehicle and Small Engine Repairs:**
  - a. Limited to a total of six (6) motor vehicles at any time;
  - b. All repairs shall be conducted indoors;
  - c. Motor vehicle painting is prohibited;
  - d. All motor vehicles awaiting repairs shall be stored in a completely enclosed structure or within a completely screened area;
  - e. Bay doors shall be oriented away from public rights-of-way; and,
  - f. Requires a Buffer Type D adjacent to surrounding principal structures.

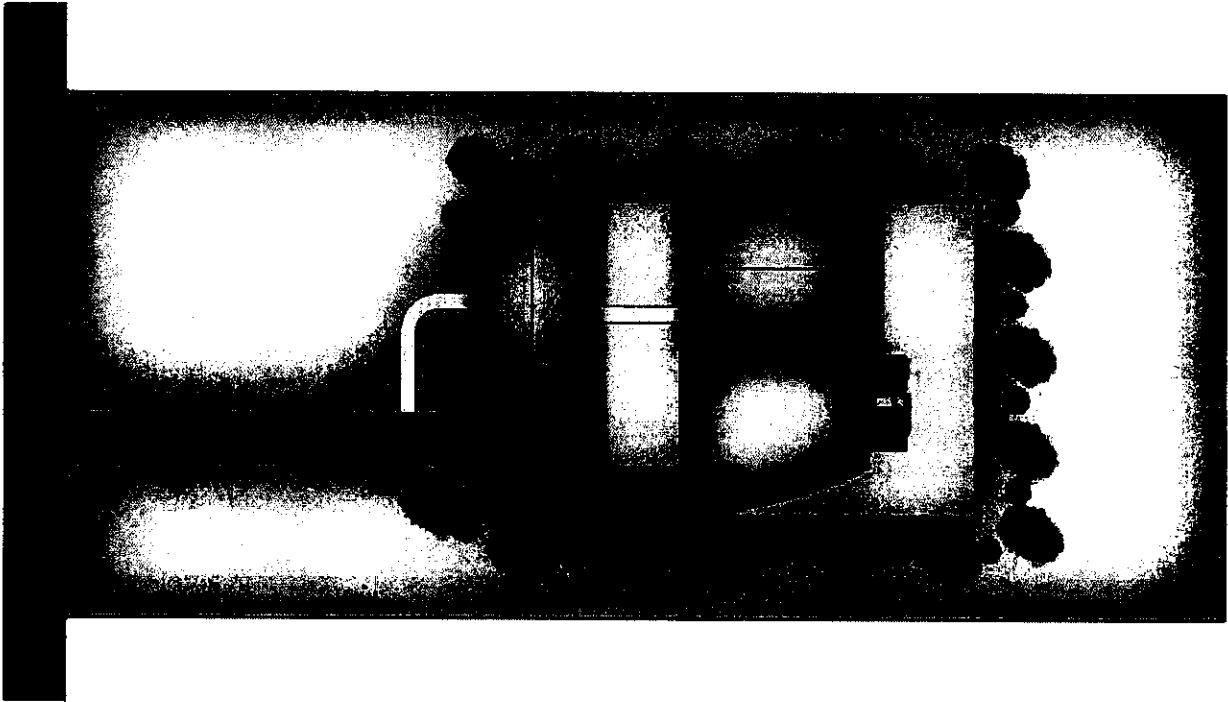


Figure 3.203-6 Example of a Motor Vehicle and Small Engine Repairs Home Use

9) **Retail Sales:** Retail sales will only be permitted on items which are customarily associated with the home occupation as approved by the BZA (c) Prohibited Home Occupations: The following business uses, and activities are prohibited as home occupations:

- a. Medical and dental clinics and hospitals.
- b. Restaurants or any other eating and/or drinking establishment.
- c. Undertaking and funeral parlor.
- d. Adult Entertainment or Sexually Oriented Businesses.
- e. Motor vehicle towing, storage, and salvage business.
- f. Veterinarian with boarding and or surgical services.
- g. Motor vehicle painting.
- h. On site, store front retail as a primary use.

D) **Agri-business:** The following illustrates examples of permitted uses:

- |                                 |   |
|---------------------------------|---|
| • All class 1 Uses              | • Well Drilling service contractor                  |
| • Agricultural Equipment Rental | • Livestock/pet feed manufacturing                  |
| • Agrotourism                   | • Mulch and Topsoil service contractor              |
| • Automotive Repair             | • Other similar businesses as determined by the BZA |
| • Blacksmithing                 | • Small Wood Products Maker                         |
| • Construction Contractor       | • Tractor Trailer Operator                          |
| • Educational Farming           | • Welding   |
| • Excavation Contractor         |   |
| • Landscaping Contractor        |   |

**Development Standards for Agri-business:**

- 1) The home occupation must be on a parcel zoned Agricultural (A) or must have an operating farm as classified by the Warren County Auditor and a minimum of 10 acres.
- 2) **Business Area:** Permitted within the principal residence and/or an accessory structure.
- 3) **Lighting:** Subject to the non-residential lighting standards of Article 3, Chapter 5.
- 4) **Parking & Loading Spaces:** Off-street parking shall be provided to accommodate the anticipated number of customers and deliveries. Parking and loading spaces shall be screened by evergreen landscaping or a solid fence or wall sufficient in height to block the view of the vehicles in those spaces from surrounding residential zoned or used properties.
- 5) **Work Force:** The home occupation is owner operated and employs only family members living in the unit and not more than two (2) non-resident employees on-site. There is no limit as to the number of persons employed off-site.
- 6) **Accessory Structure Setbacks:** Accessory structures shall be located at least two hundred (200) feet from an offsite principal structure and a minimum of one hundred (100) feet from the property line. The BZA may reduce this requirement if additional screening is proposed.
- 7) **Tractor Trailer Operator:**
  - a. One tractor trailer per occupant with a maximum of three (3);
  - b. Limited to one tractor trailer outside of a completely enclosed structure; and,
  - c. Requires a Buffer Type D adjacent to surrounding principal structures.
- 8) **Motor Vehicle and Small Engine Repairs:**
  - a. Limited to a total of six (6) motor vehicles at any time;
  - b. All repairs shall be conducted indoors;
  - c. Motor vehicle painting is prohibited;
  - d. All motor vehicles awaiting repairs shall be stored in a completely enclosed structure or within a completely screened area;
  - e. Bay doors shall be oriented away from public rights-of-way; and,
  - f. Requires a Buffer Type D adjacent to surrounding principal structures.
- 9) **Retail Sales:** Retail sales will only be permitted on items which are customarily associated with the home occupation or the farm operation as approved by the BZA  
(c) **Prohibited Home Occupations:** The following business uses, and activities are prohibited as home occupations:
  - a. Medical and dental clinics and hospitals.
  - b. Restaurants or any other eating and/or drinking establishment.
  - c. Undertaking and funeral parlor.
  - d. Adult Entertainment or Sexually Oriented Businesses.
  - e. Motor vehicle towing, storage, and salvage business.
  - f. Veterinarian with boarding and or surgical services.
  - g. Motor vehicle painting.
  - h. On site, store front retail as a primary use.
- E) **Permit Issuance and Maintenance:** Home occupations require a zoning permit issued in accordance with requirements of Section 1.301.

### 3.203.5 Secondary Dwelling Units

A secondary dwelling unit shall only be allowed in accordance with the following provisions:

- A) The secondary dwelling unit is located entirely within the principal structure or is a detached accessory structure subject to the following provisions. Detached Secondary Dwelling Units shall meet the district setback standards for a primary structure. Detached Accessory Dwelling Units shall be located in the rear or side yard of the primary dwelling unless located greater than 150ft from the road right of way. Detached Accessory Dwelling Units located greater than 150ft from the road right of way are permitted within the front yard of the primary dwelling unit;
- B) When a secondary dwelling unit is within the principal structure, access points (i.e. all door entrances including garage doors) serving the secondary dwelling unit shall not be located on the front façade of the structure. An exception is made for garage doors which are attached to the principal structure and located adjacent to another garage door serving the primary dwelling unit;
- C) When a secondary dwelling unit is a standalone structure or an addition to the principal structure, it must be architecturally similar (excluding exterior building materials) to the principal structure. The secondary dwelling unit shares the same address and utility bill as the primary dwelling unit;
- D) Off-street parking is sufficient to accommodate all occupants of both the primary dwelling unit and secondary dwelling unit; and,
- E) The secondary dwelling unit's maximum living space shall be fifty (50) percent of the total living space of the primary dwelling unit, but at no time shall exceed fifteen hundred (1,500) square feet of living space.

### 3.203.6 Boarding House

A residential dwelling is permitted to let or sublet up to three (3) sleeping rooms, in conjunction with the two and multiple family residential standards, excluding Section 3.203.2(A)(4).

- A) **Conditions of Approval:** A boarding house shall only be approved in specific zoning districts as stated in Section 2.205, and in accordance with the following standards:
  - 1) The owner or the manager shall reside on site;
  - 2) Sleeping rooms shall not constitute as a "dwelling unit";
  - 3) Sleeping rooms are to be used as a primary residence and are let or sublet for a period of thirty (30) days or more;
  - 4) Sleeping rooms may not have cooking facilities;
  - 5) The structure includes a common entrance, shared utilities, and is limited to one kitchen facility;
  - 6) The shared kitchen is accessible to all occupants;
  - 7) Parking must comply with multi-family standards, as stated in Table 3.307-1;
  - 8) The facility does not accommodate overnight stays by paying transient guests; and,
  - 9) Meals are not served to the general public.
- B) **Prohibited Uses:** A boarding house is not to be used as a hotel, motel, inn, dormitory, or convalescent home, nursing home, or group home.
- C) Individuals living together as a single housing unit does not constitute a boarding house.

### 3.203.7 Vacation Rental

A) **Vacation Rental Units, Accessory Use:** The following conditions apply to Vacation Rental Unit, Accessory Use:

- 1)The vacation rental shall be the principal residence of the operator. The owner is not required to be present during the guest's stay;
- 2)No motor home, travel trailer, shed, garage, tent, or other similar structure shall be used for vacation rentals;
- 3)On properties containing both a residential dwelling and an accessory residential dwelling, only one residential structure may be rented out as a short-term vacation rental, but not both;
- 4)The number of overnight occupants shall not exceed 2 per bedroom plus 2 additional persons per residence, excluding children under twelve (12) years of age. A bedroom for purposes of this section is a room (containing a minimum of 70 square feet) that is designed to be used as a sleeping room and for no other primary purpose. The structure must have at least one other habitable room containing a minimum of 120 square feet;
- 5)The number of vehicles of overnight occupants shall be limited to 2 vehicles. Parking of buses, boats, recreational vehicles, or commercial vehicles in off-site vacant lots or the street shall be prohibited;
- 6)Visitation to the vacation rental unit by invitees or guests of the occupants shall be limited to the hours of 7 a. m. to 10 p. m. Sunday through Thursday, and 11 p.m. Friday and Saturday;
- 7)No signs of any manner advertising or identifying the property as a vacation rental shall be placed on the vacation home rental unit property;
- 8)Dwelling units shall not be utilized for vacation rentals for more than one hundred and twenty (120) days per calendar year; and,
- 9)The property owner shall visibly display emergency contact and location information.

B) **Vacation Rental Units, Primary Use:** The following conditions apply to Vacation Rental Unit, Primary Use:

- 1) Ownership or management presence is not required on site during rental period;
- 2) The exterior of the buildings shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road. No junk or garbage shall be allowed to accumulate in any yards and all vehicles shall park in designated parking areas;
- 3) The vacation rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including but not limited to, loud music, loud noises, excessive traffic, loud and uncontrolled parties, junk/debris/garbage accumulation in the yards, trespassing, barking dogs, or excess vehicles, boats or recreational vehicles parked in the streets in front of the unit;
- 4) Garbage. Provisions shall be made for garbage removal during rental periods and said provisions shall be documented in the Property Management Plan. Proof of said service shall be provided on request by Zoning Administrator. Any complaints regarding littering or garbage shall be resolved immediately;
- 5) Phone Service. The vacation rental shall have a "land line" with local phone

service. The phone number servicing the vacation rental shall be included in the Property Management Plan;

- 6) Access. The road access to the vacation rental shall remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic;
- 7) No motor home, travel trailer, shed, garage, tent, or other similar structure shall be used for vacation rentals;
- 8) The number of overnight occupants shall not exceed 2 per bedroom plus 2 additional persons per residence, excluding children under twelve (12) years of age. The total number of guests temporarily residing in a vacation rental shall not exceed 12 at any one time. A bedroom for purposes of this section is a room (containing a minimum of 70 square feet) that is designed to be used as a sleeping room and for no other primary purpose. The structure must have at least one other habitable room containing a minimum of 120 square feet;
- 9) The number of vehicles of overnight occupants shall be limited to 4 vehicles. Parking of buses, boats, recreational vehicles, or commercial vehicles in off-site vacant lots or the street shall be prohibited;
- 10) Visitation to the vacation rental unit by invitees or guests of the occupants shall be limited to the hours of 7 a.m. to 10 p.m. Sunday through Thursday, and 11 p.m. Friday and Saturday;

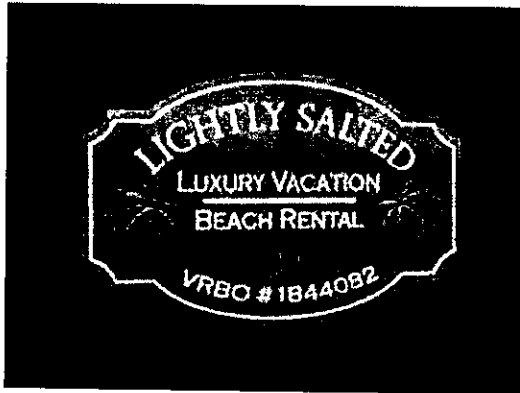


Figure 3.203-7 Vacation Rental, Primary Use, Signage

11) Signage. One sign either attached to the dwelling or placed in front of the dwelling and containing no more than four (4) square feet, is permitted. No off-premises signage or advertising is permitted;

12) Property Management. A property management plan demonstrating how the vacation rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the Conditional Use process. The property management plan shall include local points of contact available to respond immediately to complaints, clean up garbage; manage unruly tenants; property maintenance; provisions for routine fire and life safety inspections (emergency access, working smoke detectors, stair handrails, accessible and labeled gas shut-off valves, etc.); visibly displayed emergency contact information; etc., shall be mailed to all adjoining property owners within 300' as a condition of approval, and shall be posted in a visible location within the vacation rental;

- 13) Prior to a zoning development permit, a Salem Township Building Inspector will perform a fire and life safety inspection to ensure that minimum fire and life safety matters are adequate;
- 14) The vacation rental shall meet all applicable State regulations; and,
- 15) The vacation rental shall meet the requirements of the Warren County Combined Health District to ensure that the vacation rental's on-site sewage disposal system is adequate to accommodate large crowds and overuse doesn't lead to a potential public health threat.

C) These standards do not apply to upper story dwelling units in non-residential zoning districts.

### SEC. 3.204 TEMPORARY USE STANDARDS AND REQUIREMENTS

This section allows for the establishment of uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure or encroachment on established landscaped areas of developed sites. Special events in county facilities and parks shall be regulated by the County and are not limited by this section. In general, except as provided within this subsection, temporary uses shall demonstrate compliance with the requirements below:

- A) **Access Control:** If deemed necessary by the Warren County Engineer or Ohio DOT;
- B) **Parking:** Adequate off-street parking shall be maintained at all times and shall not displace required off-street parking or cause parking or traffic congestion on adjacent streets or properties;
- C) **Permit:** Obtain the appropriate permit including plot plan approval (if required);
- D) **Removal:** Structures of any kind must be removed within three (3) days of the expiration of the permit. Merchandise, signage, waste, debris, and all equipment used on the site shall also be removed;
- E) **Setback:** Temporary uses, including display or sale of items, shall not be located within the required setback for the zoning district, unless expressly stated otherwise in this Code, and shall provide for clear vision area at each intersection or driveway;
- F) **Waiver by Zoning Inspector:** The Zoning Inspector may waive the standards of "Permitted Uses" under this section upon the determination that the use does not negatively impact the site or surroundings or creates a public safety concern;
- G) **Tents:** Pipe frame-supported and pole-supported tents (e.g., "party tents") are permitted in accordance with the following:
  - 1) **Maximum Duration:**
    - a. **Non-Residential Use Tents:** Fifteen (15) days.
    - b. **Residential Use Tents:** Four (4) days.
  - 2) **Setback:** Twenty (20) feet from all property lines.
  - 3) **Permit Required:** Non-Residential Use Tents.

#### 3.204.1 Circuses, Fairs, Carnivals, Revivals, Rodeos

- A) **Minimum Lot Size:** Ten (10) acres for events on vacant sites.
- B) **Setbacks:** (1) All structures shall be at least three hundred (300) feet from any dwelling.  
(2) Un-improved temporary parking and ingress/egress shall be set back at least two hundred (200) feet from the property lines.
- C) **Renewals:** Recurring special events such as rodeos and concerts shall require approval by the BZA.
- D) **Site Plan:** A site plan shall be required with each permit application. The drawing must be signed by the owner of the parcel.
- E) **Applicability:** Special events in existing facilities such as in churches, banquet halls, and convention centers may be exempt from the standards of this sub-section including use approval, upon determination by the Zoning Inspector that the use complies with the intent of this section.

### 3.204.2 Construction-Related Activities

- A) **General:** Temporary construction-related activities, including construction and sales office buildings may occur on the same site as the construction activity or a nearby site by obtaining a permit. Such uses shall be removed within thirty (30) days after issuance of the last certificate of occupancy for the development.
- B) **Residential Construction:** Temporary housing, including but not limited to, a manufactured home or RV may be permitted in all residential districts in accordance with the following requirements:
  - 1) **Timing of Approval:** The temporary housing unit may not be placed on the property prior to the issuance of a building permit for the permanent residence, the approval of the foundation, the approval of a curb cut, and health department permit.
  - 2) **Renovation and Remodeling:** The temporary housing unit may be occupied on site during renovation or remodeling of the principal structure. Upon completion of the renovation or remodeling, if the temporary housing unit is an RV, the RV may remain on the Site, but it shall comply with the storage requirements of Section 3.102.3 within 30 days of the date of the last final inspection. In no case shall the primary residential structure and the temporary housing unit be occupied at the same time. A manufactured home may not be stored on the site upon completion of the renovation or remodeling.
  - 3) **Occupancy Limitations:** The temporary housing unit may be occupied for a period of six (6) months and an additional six (6) month period may be approved by the Zoning Inspector if construction progress has occurred. In no case shall the unit be occupied for more than one (1) calendar year.

### 3.204.3 On-Demand Storage Containers

On-Demand Storage Containers (e.g., PODS™) shall be permitted in accordance with the following requirements:

- A) **Location:** Containers shall be located on the driveway or within the rear or side yard;
- B) **Time Limits:** The maximum number of days a storage container may be placed on any property shall be thirty (30) days within any twelve (12) month period and may be extended by the Zoning Inspector up to thirty (30) additional days;
- C) **Additional Requirements:**
  - 1) No more than two (2) temporary portable storage units shall be located on a property;
  - 2) Containers shall not be located within ten (10) feet of any lot line unless located on a driveway; and,
  - 3) The property where the temporary portable storage unit is located must be occupied by a principal building.
- D) **Permits:** A zoning permit is not required.

### 3.204.4 Yard/Garage, Estate Sales, and Private Auctions

- A) Shall not exceed seventy-two (72) hours of total duration;
- B) Shall not have more than three (3) such sales annually;

- C) Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale; and,
- D) External evidence of the sale shall be removed immediately upon the conclusion of the sale.

**3.204.5 Prohibited Temporary Uses**

Without limiting the standards of this Code, the following activities are prohibited in all districts:

- A) Retail or Display of Goods, Products, or Services in Public Right-of-Way: Retail sales or display of goods, products, or services within the public right-of-way except as part of a county authorized event; and,
- B) Retail Sales or Display of Goods from Vehicles: Except as an extension of a permitted business.

**SEC. 3.205 COMMUNITY AND ESSENTIAL SERVICE STANDARDS**

Generally, except as otherwise stated in this Chapter, Community and Essential Services Facilities shall comply with the following requirements:

- A) Adaptive Re-Use: The adaptive re-use of residential structures may be exempt from the requirements of the subsection upon determination by the appropriate approval authority provided that the proposed use will not adversely impact the character or function of the area;
- B) Landscaping: Community and Essential Services uses adjacent to residential districts or uses shall be regulated as “Commercial” in application of the provisions of Article 3, Chapter 4 (Landscaping and Screening Requirements);
- C) Minimum Lot Size: The minimum lot size requirements of this section apply to single use developments and shall not be applied cumulatively to mixed-use sites. For mixed-use sites, the most restrictive lot size requirement among the proposed uses shall apply;
- D) Supplementary Standards for the R-2 zoning districts:
  - 1) Signage: Internally illuminated signs are prohibited;
  - 2) Traffic Impact Analysis: Required for uses generating more than one hundred (100) peak hour trips; and,
  - 3) Community Impact Statement: Required that it documents the anticipated impacts on neighborhood character, quality of life, public facilities, services, and infrastructure.
- E) Location: The use is located along and has direct access to an arterial roadway, unless the appropriate approval authority finds that access to an adjoining collector or local street is safer, and provides improved design, benefitting the township.

**3.205.1 Auditoriums, Museums, Performing Arts Centers, Fine Arts Centers, and Places of Worship**

- A) Accessory Facilities: Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and other similar and traditional associated uses shall be permitted, subject to the requirements of this Zoning Code.
- B) Daycare Centers: Daycare centers in conjunction with a place of worship are subject to the requirements of Section 3.206.13 Daycare Centers.

**1) Maximum Floor Area Ratio:**

- a) R-2 and MXU-R Zoning Districts: 0.25
- b) R-1 Zoning District: 0.27

- C) **Minimum Lot Size:** Auditoriums, performing arts centers, and large places of worship require five (5) acres. Adaptive re-uses are exempt from this requirement.
- D) **Setbacks:** All structures shall be set back a minimum of one hundred (100) feet from adjacent residential districts and uses. Installation of Buffer Type D reduces the required setback to fifty (50) feet. Setbacks for adaptive re-uses shall be as determined acceptable by the BZA.
- E) **On-Site Recreational Facilities:** May be provided for use by employees, trainees, or conferees, provided the gross floor area devoted to such facilities does not exceed twenty percent (20%) of the total floor area of the principal building.

**3.205.2 Cemeteries**

- A) **Minimum Lot Size:** Twenty (20) acres.
- B) **Setbacks:** Buildings shall be located a minimum of two hundred (200) feet from residential lot lines, districts, or recorded subdivisions.

**3.205.3 Civic Clubs, Halls, and Lodges**

- A) **Minimum Lot Size:** Two (2) acres.
- B) **Setbacks:** All structures shall be setback a minimum of one hundred (100) feet from adjacent residential districts and uses. Installation of Buffer Type D reduces the required setback to fifty (50) feet.
- C) **R-1 and R-2 Districts:** The use is limited to buildings that:
  - 1) Have the character of a residential building;
  - 2) Have a floor area that is not greater than two and a half (2 ½) times the floor area of the largest home that is located on the same street block; and,
  - 3) The site is accessed by a public street that is classified as a collector or greater capacity.

**3.205.4 Schools, Colleges, and Universities**

- A) **Minimum Setbacks:** All structures shall be set back per the following from any abutting residential lot line, residential district, or recorded subdivision:
  - 1) **High School, Colleges, and Universities:** Two hundred (200) feet; and,
  - 2) **Elementary and Middle Schools:** Two hundred (200) feet.
- B) **Temporary Structures:** Temporary structures needed for the expansion of an elementary, middle, or high school located within residential zoning districts shall be screened from view of abutting properties.

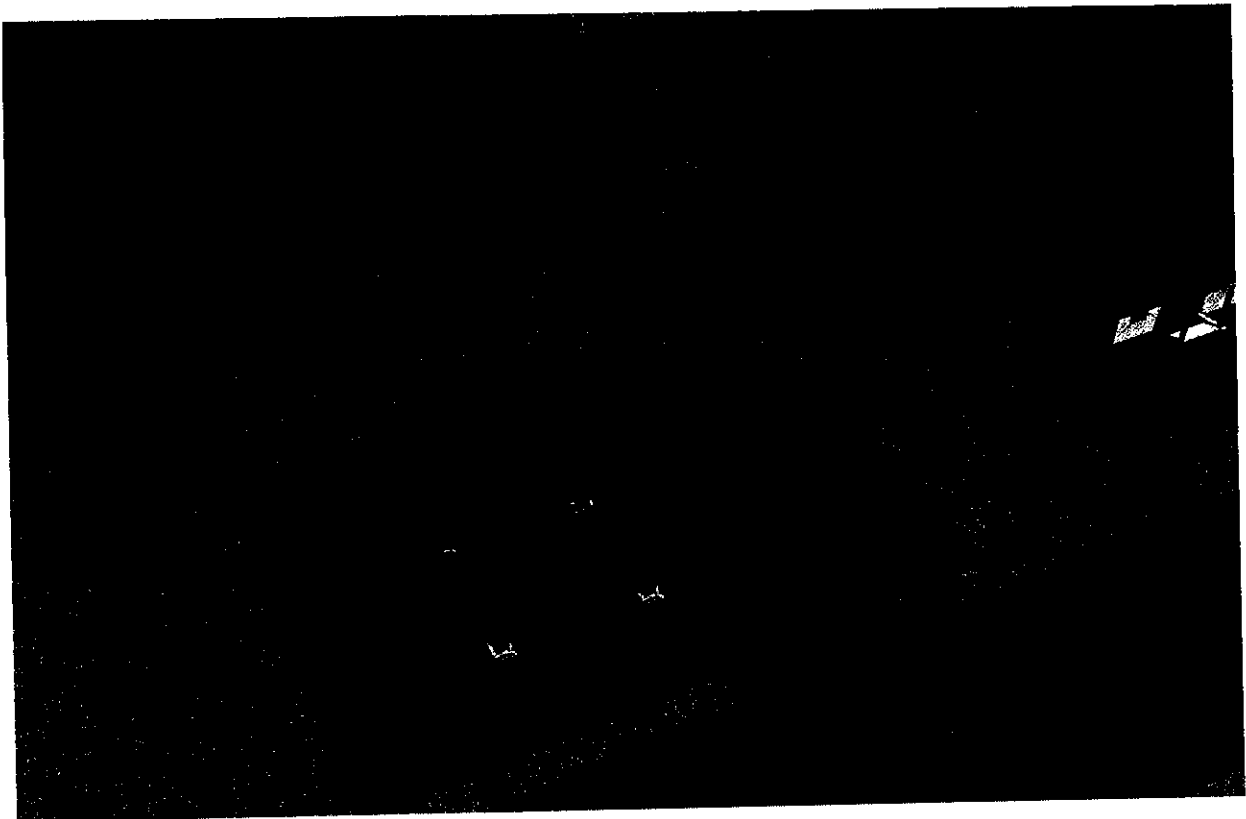
**3.205.5 Hospitals, Medical Centers, and Outpatient Clinics**

- A) **Accessory Uses:** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building.
- B) **Locations Within Residential Districts:**
  - 1) **Hospitals:** The use is located along, and has direct access to, an arterial roadway, unless the BZA finds that access to an adjoining collector road is safer and provides improved design benefitting the Township;

- 2) **Medical Centers and Clinics:** Access to the use is provided by a road that is classified as collector or greater in capacity;
- 3) **Within the R-1 and R-2 zoning districts:**
  - a) The facility shall have a gross floor area not exceeding three thousand (3,000) square feet;
  - b) The facilities shall be designed to be compatible with residential structures; and,
  - c) Medical and bio-hazardous waste incineration uses are prohibited.
- C) **Hospitals Minimum Lot Size:** A minimum lot area of ten (10) acres. There is no minimum lot size for medical centers and outpatient facilities.
- D) **Minimum Setbacks:** All buildings shall be set back a minimum of two hundred (200) feet from any abutting residential lot line, district, or recorded subdivision. Installation of Buffer Type D reduces the required setback to one hundred (100) feet.

### 3.205.6 Towers other than Telecommunications Towers

- A) **Setbacks:**
  - 1) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height. (See Figure 3.205-1 for example)



*Figure 3.205-1 Tower Height Determines Setbacks*

- 2) A tower may encroach within the required setback only upon securing the following:
  - a) An easement for the affected area from an adjacent/involved property owner; or,
  - b) A variance from the BZA upon certification by a recognized authority that

the tower's engineered fall radius is contained within the parent parcel.

- B) **Structural Sufficiency:** Shall be certified by a licensed engineer.
- C) **Lighting:** Towers shall not be illuminated unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority for security and/or for safety purposes. The applicant shall provide documentary evidence of compliance with all Federal Aviation Administration and Federal Communications Commission requirements.
- D) **Abandonment:** The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.
- E) **Liability Insurance:** The tower owner shall secure, and at all times maintain, public liability insurance for personal injuries, death, and property damage.

### 3.205.7 Telecommunications Towers

Telecommunications towers subject to Salem Township Zoning authority, pursuant to ORC Section 519.211, shall comply with the following requirements:

#### A) **Telecommunications Tower:**

- 1) **Justification:** The applicant for a new telecommunications facility tower or other type of support structure shall demonstrate the need by submitting a needs study that identifies the location, or group of locations, where a facility will meet the communications need. Justification shall include, but is not limited to, copies of certified mail requests sent to all other tower owners in the vicinity of the proposed tower, stating the applicant's needs. The applicant shall provide documentation of each request and responses. Among the locations identified, the applicant shall locate the facility according to the following priority locations, listed from greatest priority (a) to least priority (e):
  - a) Collocation on another tower that meets the requirements of this section.
  - b) On an existing utility structure such as a water tower.
  - c) On an existing structure such as a steeple where the antenna can be camouflaged to retain the appearance of the structure.
  - d) On a site where the tower will largely be screened from view from residential property and public rights-of-way by distance, intervening buildings, and vegetation.
  - e) On another location, with screening as approved.
- 2) **Structural Sufficiency:** Structural sufficiency of a telecommunications tower or other support structure shall be certified by an Ohio licensed engineer. To ensure structural integrity and the health and safety of the public, at the minimum, telecommunication tower inspections shall take place as follows:
  - a) Mono-pole towers every ten (10) years; lattice towers every five (5) years; guy-wire cable-secured towers every three (3) years.
  - b) Inspections are the sole responsibility of the tower operator of record and shall be performed by an individual or company that is a member of the National Association of Tower Erectors. Results of inspections shall

be provided in writing to the Zoning Inspector and based upon the results; the Board of Township Trustees may require the repair or removal of a telecommunication tower.

- 3) **Subdivision Compliance:** A telecommunications tower site may be a leased area, on part or all of a parcel, subject to compliance with the Warren County Subdivision Regulations.
- 4) **Site Access and Circulation:**
  - a) **Site access shall be:**
    - i. Of a dust-free surface material and load-bearing capacity sufficient to provide for safe intersection of the public road;
    - ii. Installed and maintained by the site owner;
    - iii. Of a width that facilitates ingress/egress by vehicles anticipated to visit the site; and,
    - iv. Approved by the Fire/Rescue Department and, as applicable, the Warren County Engineer or the Ohio Department of Transportation.
  - a) **Circulation shall be designed to provide for the following:**
    - i. A T-turnaround or parking spaces configured to facilitate forward movement by vehicles.
    - ii. A driveway that is not less than ten (10) feet wide and that provides a double-width segment.
- 5) **Setbacks:**
  - a) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height.
  - b) A tower may encroach within the required setback only upon securing the following:
    - i. An easement for the affected area from an adjacent/involved property owner; or,
    - ii. A variance from the BZA upon certification by American National Standards Institute (ANSI), the Electronic Industry Association (EIA), the Telecommunication Industry Association (TIA), and/or other recognized authorities that the tower's engineered fall radius is contained within the parent parcel.
    - iii. Accessory structures setback requirements may be reduced or its location in relation to a public street varied, at the sole discretion of the Zoning Inspector to allow the integration of a telecommunication device into an existing or proposed structure such as a church steeple, lighting structures, electric transmission tower, or similar structure.
- 6) **Fencing:**
  - a) A security fence, not less than six (6) feet tall with a locking gate, shall enclose equipment areas and the base of the tower.
  - b) The fencing shall display signage stating, "KEEP OUT — NO TRESPASSING" and warning "DANGER — HIGH VOLTAGE" prominently posted on each face of the fence.
  - c) Fencing shall be set back at least twenty (20) feet from any adjacent

property line.

- 7) **Off-Street Parking:** Minimum of one (1) parking space shall be provided.
- 8) **Buffer Screening:** Existing trees and shrubs shall be maintained to the greatest degree possible to screen the view of the tower and base facility. Additionally, the perimeter of the tower and base facility shall be planted with evergreen landscaping capable of forming a continuous visual buffer screen at least five (5) feet in height within two (2) years after planting.
- 9) **Lighting:** Telecommunications towers shall not be illuminated unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority for security and/or for safety purposes. The applicant shall provide documentary evidence of compliance with Federal Aviation Administration and Federal Communications Commission requirements, unless not lawful to require for a collocation and/or modification request.
- 10) **Abandonment:** The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.
- 11) **Height:** Support facilities are subject to the maximum building height permitted in the zoning district.
- 12) **Liability Insurance:** The owner of a wireless telecommunications facility and/or site owner shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage.
- 13) **Collocation Requirement on a New Facility:** A new facility shall provide at least two (2) collocation opportunities.
- 14) **Collocation or Modification of an Existing Facility:**
  - a) Collocations and modifications of an existing eligible facility shall be approved by exemption from zoning following Zoning Inspector determination per the criteria specified below in (2) that the request would not substantially change the physical dimensions of the tower or base station, involving:
    - i. Collocation of new transmission equipment;
    - ii. Removal of transmission equipment; and/or 3. Replacement of transmission equipment.
  - b) Collocations and modifications of an existing eligible facility are deemed a substantial change subject to approval by the Salem Township Board of Trustees pursuant to Section 1.303 (Site Plan Approval) if the modification meets any of the following determination criteria:
    - i. There is a single increase in the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater. For other eligible support structures, the height of the structure is increased by more than 10% or more than ten (10) feet, whichever is greater;
    - ii. There is an addition of an appurtenance to the body of the tower that would protrude more than twenty (20) feet from the edge of the tower, or more than the width of the structure at the level

of appurtenance, whichever is greater. For other eligible support structures, an appurtenance added to the body of the structure would protrude by more than six (6) feet from the edge of the structure;

- iii. Entails any excavation or deployment outside the existing site;
- iv. Would defeat the concealment elements of the eligible support structure; or
- v. Would not comply with conditions associated with site approval for the construction or modification of the eligible support structures or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in above items (a) through (c).

15) **Review Type and Time Period:**

a) **Collocation and/or Modification Request:**

- i. A request that does not constitute a substantial change to an existing eligible facility shall be approved by the Zoning Inspector within 60 days after submission to the Zoning Inspector, inclusive of tolling that may have been granted per paragraph (3) of this Section.
- ii. A request that constitutes a substantial change to an existing eligible facility shall be reviewed and acted on by the Board of Township Trustees, either for approval as submitted, approval with conditions, or disapproval, within 90 days after submittal to the Zoning Inspector, inclusive of tolling that may have been granted per subparagraph (3) of this Section.

b) **New Facility Request:** A new tower and base station facility shall be reviewed and acted on by the Board of Township Trustees, either for approval as submitted, approval with conditions, or disapproval, within 150 days after submittal to the Zoning Inspector, inclusive of tolling that may have been granted per subparagraph (3) of this Section.

c) **Tolling:** The review period begins when the application is filed and may be tolled only by mutual agreement by the Board of Township Trustees and the applicant, or in cases where the Zoning Inspector determines that the application is incomplete. To toll the timeframe for incompleteness, the Zoning Inspector must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application. Following a supplemental submission, the Zoning Inspector will notify the applicant within 10 days about the completeness of the application. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness. The timeframe resumes upon confirmation by the Zoning Inspector that the application is complete.

d) **Small Cell Tower:**

- i. **Pre-Application Conference:** A pre-application conference with

the Zoning Inspector is required. Upon receipt of this request, the Zoning Inspector will coordinate with the applicant, any applicable utility providers, and the owner of the right of way or property on which the Small Cell System is proposed to be installed. Applicants shall provide preferred locations, structure design style and structure height upon request for the pre-application meeting.

- ii. **Application Submittal:** All proposed Small Cell Systems shall be subject to administrative review and approval by the Zoning Inspector. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of Salem Township Zoning Code. Where the Zoning Inspector finds that circumstances or conditions relating to the particular application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, the Zoning Inspector may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver shall be requested in writing by the applicant.
- iii. **Application Information:** Applications are limited to ten (10) towers per application. Applicants for the construction of Small Cell Systems shall submit:
  - a. The required application fee;
  - b. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the application;
  - c. A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service;
  - d. A statement by an authorized representative that the applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility;
  - e. A full description of the number and dimensions of all Small Cell Towers proposed to be installed;
  - f. A site plan, signed and sealed by a professional engineer registered in Ohio, showing the proposed location of the

tower and existing structures within five hundred (500) feet of the proposed site. For Applications in which multiple towers are proposed, an overall site plan showing all proposed locations must be provided;

- g. A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer licensed in Ohio, indicating the height of the tower and the placement of all antennas and equipment enclosures;
  - h. Written approval from the property owner stating the applicant or provider has permission to construct a facility on their property. In the case of public right-of-way or public property, written approval must be submitted from the duly authorized representative of the governing body holding ownership;
  - i. Description of whether other overhead utilities exist within five hundred (500) feet of the proposed antenna location; and
  - j. A Right-of-Way Use Permit or Public Utility Easement Use Permit from the Warren County Engineer's Office for facilities within the public right-of-way or public utility easement.
- iv. **Processing of Application:** The Zoning Inspector shall review and take final action on Applications for new Small Cell Systems within sixty (60) days of a completed application. This time period will not begin until the filing fee is submitted, and the application is deemed complete. The Zoning Inspector shall notify the applicant once the application is deemed complete. The Zoning Inspector shall either: approve, approve with conditions, or deny the application. After a Small Cell System is approved, separate applicable building, zoning, and electrical permits, and permission from the local jurisdiction, right-of-way or property owner are required prior to the beginning of construction. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Inspector in the administration of these regulations may appeal the action to the Board of Zoning Appeals.
- v. **Location & Design Regulations:** A new Small Cell System is subject to design review and approval by the Zoning Inspector. The design criteria required for the new Small Cell Systems is determined by the type of location or zoning district in which the facility is to be located.
- a. **Non-Tower Small Cell System Locations:** No administrative review by Staff is required for antennas located on existing telecommunications structures, water towers, buildings, utility poles (as defined by this



regulation) or other existing structures. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.

b. **New Small Cell System Tower Locations in Residential Zoning Districts:** The regulations in this section apply to all new Small Cell System Towers.

- i. Temporary, mobile, or wheeled cellular antenna towers shall not be permitted.
- ii. New Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
- iii. New Small Cell Towers may be located on public or private land or within a public Right-of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
- iv. New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the stealth technology, such as a design intended to look like a street light pole.
- v. New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the stealth technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the stealth technology such as a design which integrates a decorative banner.
- vi. A Small Cell Tower located in an area with primarily underground utilities shall adhere to stealth technology that incorporates the telecommunications equipment into a streetscape amenity, such as a decorative lamp post, streetlight, or other approved design. In areas with overhead utilities, cylindrical antennas are required (See figure 3.205-2 for example).
- vii. A Small Cell Tower shall not be located closer than fifty (50) feet to an existing residential structure or the front setback line of a residentially zoned parcel.
- viii. A new Small Cell Tower shall not be located

within five hundred (500) feet of an existing Small Cell System Tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.

- vi. **Amendments to Approved Plans:** Any amendments to plans, except for the minor adjustments outlined below, shall be made in accordance with the procedure of this Section, subject to the same limitations and requirements as those under which such plans were originally approved. The following activities shall be considered minor adjustments from the original approval of an application for towers located in public rights of way. Changes are measured cumulatively from the original approval of the tower or base station.
  - a. Tower height increases by less than ten (10) percent or ten (10) feet, whichever is greater.
  - b. Change in the tower width of less than ten (10) percent or six (6) feet, whichever is greater.

### **SEC. 3.206 COMMERCIAL BUSINESS AND SERVICE USES**

- A) Commercial use within a residential district, excluding Mixed-Use Residential Zone (MXU-R), are limited to access from an arterial or collector road, but may also take access from a local road that is not more than five hundred (500) feet, or one (1) lot away, from an arterial or collector road. A Bed and Breakfast may be accessed by any public road.
- B) In cases where two (2) or more attached retail, service, office (including uses within Section 3.207), eating or drinking establishments, or other combination of permitted business or commercial uses, are designed or intended for more than one ownership, side yards between ownerships are not required, provided:
  - 1) The complex is planned and constructed as one entity and at the same time.
  - 2) Interior side lot lines are coincident with party walls.
  - 3) The normal side yard is provided at each end of the complex.
  - 4) A caretaker dwelling may be constructed as an accessory use.

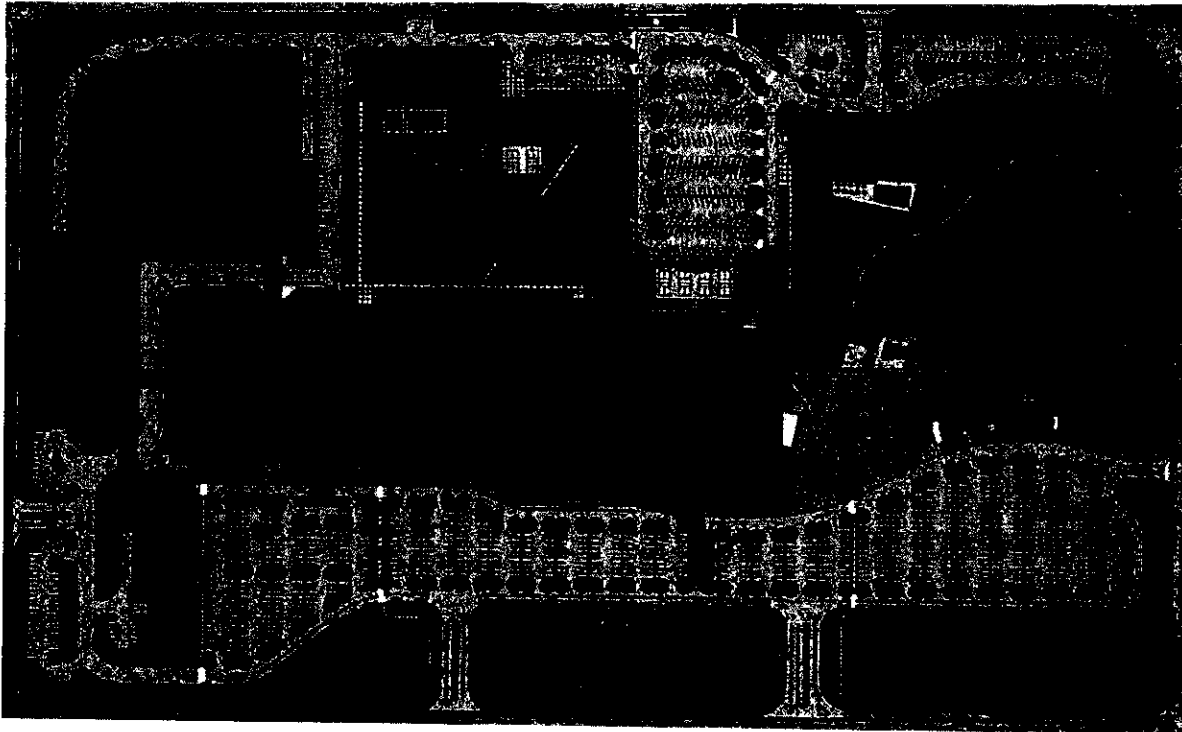


Figure 3.206-1 Complex of Multiple Businesses Example

### 3.206.1 Animal Hospital or Veterinary Clinic

- A) **Accessory Uses:** (1) Within residential districts, accessory uses may include retail sales and grooming services, as long as such uses do not occupy more than twenty-five percent (25%) of the total gross floor area of the principal building. (2) Crematories for animals as an accessory use are permitted in non-residential districts.
- B) **Design:** The use shall be designed so that noise or odor cannot be detected off-site as determined by appropriate authority.
- C) **Landscaping and Screening:** Outdoor enclosures or runs shall be enclosed by a Buffer Type D.
- D) **Residential Districts Minimum Site Size:** One (1) acre.
- E) **Operating Requirements:**
  - 1) All activities, except animal exercising, shall be conducted within an enclosed building; and,
  - 2) Boarding is limited to animals brought in for treatment or surgery.
- F) **Performance Standards:** Outdoor exercising is not allowed between 9:00 p.m. and 8:00 a.m.
- G) **Setbacks:** Structures where animals are housed, outdoor runs, and exercise areas shall not be located within the minimum setback areas and shall be set back at least one hundred (100) feet from a residential use or district.

### 3.206.2 Automotive Repair, Service, Sales, and Rentals

This sub-section applies to General Automotive Repair, Automotive Fueling Stations, Motor Vehicle Body Repair Shops, Automobile Washing Facility, and Motor Vehicle Sales, Vehicle sales, rental, and service shall comply with the following standards except as otherwise provided herein.

A) **All Uses:**

- 1) Vehicles shall not be parked on the public right-of-way.
- 2) Bays shall not front a public right-of-way. On corner lots, bays may face the right-of-way of lower traffic count.
- 3) Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors), are set back a minimum distance of seventy-five (75) feet from all rear and side yards of a residential use or district.
- 4) Car washes shall be completely enclosed, except at points of ingress and egress.
- 5) The use shall not include outdoor storage or impound yards for towed vehicles.
- 6) Existing buildings shall not be re-used for vehicle sales, rental, and service unless lighting, signage, parking, and landscaping are brought into compliance with this Code.
- 7) There shall be no external evidence of service and repair operations, in the form of dust, odors, vibration, or noise, beyond the interior of the service building.
- 8) Repair work shall be conducted completely within an enclosed building and all automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building.
- 9) Buffer Type D shall be provided on side and rear lot lines abutting a residential use or district.
- 10) Vehicles parked for repair shall meet district setback requirements.

B) **Automotive Repair:**

- 1) The minimum lot area shall be twenty thousand (20,000) square feet, with a minimum of one hundred fifty (150) feet of frontage.
- 2) Vehicles shall not be parked or stored as a source of parts.
- 3) Temporary outdoor vehicle storage may be allowed for not more than thirty (30) days, in an outdoor storage area that is no larger than twenty five percent (25%) percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened from off-site view by Buffer Type D.
- 4) The use shall be located at least one hundred (100) feet from a residential use or district, school, or day care.
- 5) The site shall be designed to ensure proper vehicle stacking, circulation, and turning movements (per Section 3.301).
- 6) **Painting/Body Shop:** Automobile painting/body shop uses shall comply with the following standards:
  - i. The use shall be located at least five hundred (500) feet from any residential zoning district, school, or day care.
  - ii. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors and shall comply with OSHA and EPA requirements.

C) **Small Automotive Sales and Rentals:**

- 1) No vehicle or equipment displays shall be located within a required parking area setback or perimeter buffer.
- 2) There shall be no more than 30 cars at any given time on a single car lot.

- 3) The use shall not have more than a display pad for one vehicle for every seventy-five (75) feet of street frontage. The vehicle display pad may be elevated up to two (2) feet above adjacent displays or grade level.
- 4) No vehicles shall be displayed on the top of a building.
- 5) All vehicles stored outside shall be parked on an asphalt or concrete surface.
- 6) It is permissible to temporarily park sales inventory on a dust-free pervious surface for a maximum of one (1) year.
- 7) No vehicles which are unlicensed or inoperable shall be stored on the premises.

D) **Automobile Washing Facility:**

- 1) **Entrances and Exits:** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking spaces, and exit aprons shall be located within the vehicle wash property.
- 2) Layout.
- 3) Vacuum activities shall be located at least one hundred (100) feet from an adjoining residential use or district.
- 4) **Minimum Lot Size:** Twenty thousand (20,000) square feet.

**3.206.3 Automotive Fueling Station**

A) **All Sites:**

- 1) The lot shall have an area of at least fifteen thousand (15,000) square feet and a lot width of at least one hundred fifty (150) feet.
- 2) Fuel pumps shall be located a minimum of thirty (30) feet from any right-of-way line.
- 3) Canopies may be erected over service station pump islands provided that no canopy shall be closer than twenty (20) feet to the right-of-way and provided that the vertical supports for the canopy shall not be closer than twenty-five (25) feet to the right-of-way. Such canopy shall not exceed eighteen (18) feet above the ground level and shall be at least fourteen (14) feet above the ground level.
- 4) All lighting fixtures under the canopy shall be fully recessed into the canopy structure so as not to be visible from off-site properties.
- 5) The applicant shall submit an approved Pollution Incidence Protection Plan.

B) **Corner Lots:**

- 1) The lot shall have an area of at least thirty thousand (30,000) square feet and a frontage of at least one hundred twenty-five (125) feet on each street side.

- 2) Canopies must meet Section 3.103.1 Clear Sight Distance Triangle requirements. All setbacks are taken from the rights-of-way as shown on the Official Thoroughfare Plan for Warren County, Ohio.

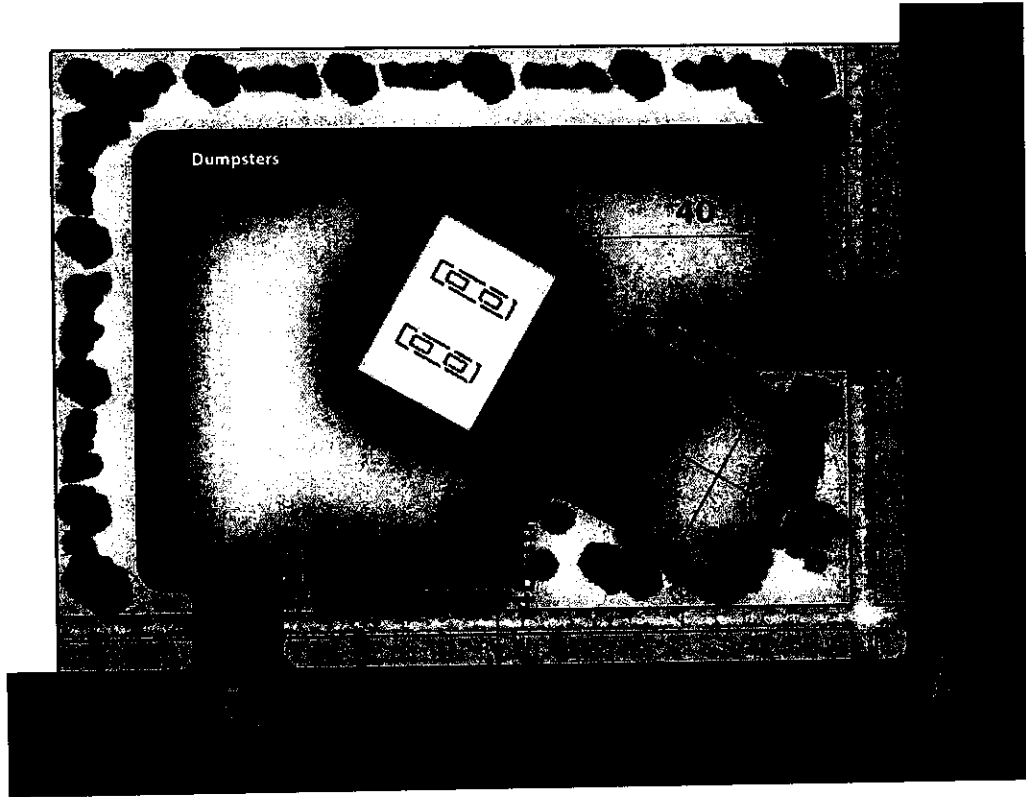


Figure 3.206-1 Example of a Corner Lot Auto Fueling Station

#### 3.206.4 Bars, Brewpubs, Billiard Parlors, Night Clubs, and Taverns

- A) **Minimum Setbacks:** Structures shall be set back one hundred (100) feet from residential uses or district.
- B) **MXU-R Zoning District:** The hours of outdoor operation may be restricted, during site plan review, if it is determined that the noise, glare or traffic might adversely impact any adjoining residential district.

#### 3.206.5 Bed and Breakfast

- A) **Building Requirements:**
- 1) There shall be a maximum of six guest rooms.
  - 2) The bed and breakfast is a reuse of an existing single-family building having a minimum floor area of two thousand (2,000) square feet or a historic structure.
  - 3) Additions shall amount to no more than sixty percent (60%) of the total floor area, subject to the Floor Area Ratio provisions of Section 2.303.5.
  - 4) The bed and breakfast shall be the permanent residence of the owner.
- B) **Landscaping and Screening:** Parking lots and outdoor seating areas shall be considered commercial uses and shall be screened from adjacent residential uses and districts by a Buffer Type C in accordance with the provisions Table 3.405-2.

- C) **Parking:**
  - 1) The use shall provide for all parking off-street, however, the Zoning Inspector may permit on-street parking to be substituted for off-street parking upon determining that the street can accommodate the required parking and that off-street parking would be detrimental to the character of the area.
  - 2) Additional parking shall not be allowed within the front yard.
- D) **Service:** Meals or other services provided on the premises shall only be available to residents of the bed and breakfast, employees, and overnight guests of the establishment.
- E) **Length of Stay:** Maximum thirty (30) consecutive days.

### 3.206.6 Funeral Parlor, Crematories, and Mortuaries

- A) **Caretaker Dwelling:** A caretaker dwelling may be provided as an accessory use within the main building.
- B) **Chemicals:** The operator shall provide the Fire Department of jurisdiction with a list of all chemicals used.
- C) **Crematory:** Crematories must be in conformance with established Ohio Environmental Protection Agency standards.
- D) **Landscaping Adjacent to Residential Areas:** Buffer type C.
- E) **Minimum Lot Size:** One (1) acre.
- F) **Minimum Lot Width:** One hundred and fifty (150) feet.
- G) **Parking and Circulation:** An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for the assembly of funeral processions.
- H) **All Residential Districts:** The use shall reflect the scale and character of the adjacent residential properties and the exterior building design shall be approved by the BZA.

### 3.206.7 Hotels and Motels

- A) **Screening:**
  - 1) Parking areas shall be screened to the minimum standards of Buffer Type C.
  - 2) A Buffer Type D shall be provided between a hotel or motel and any land that is in a single-family residential zoning district or use. Side yards that front a road right-of-way that is directly across the street from a residential use shall be screened to the minimum standards of Buffer Type C.
- B) **Frontage:**
  - 1) The site shall have its principal frontage, access, and orientation directly on an arterial street or collector road.
  - 2) When possible, all services associated with the development shall be located so as not to require access from an interior residential street.
- C) **Residential District Signage:** Signage oriented towards a residential district shall not exceed four (4) feet in total height and sixteen (16) square feet.
- D) **Accessory Use:** Up to twenty percent (20%) of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

### 3.206.8 Commercial Use Large-Scale Retail

The exterior building design shall be approved by the BZA using the following guidelines.

A) **General:**

- 1) Building architecture should be attractive, varied, and human-scaled.
- 2) The development should be integrated with the surrounding environment through enhanced pedestrian connections.
- 3) Building design should use materials, forms, and colors that provide visual interest.



Figure 3.206-2 Example of General Standards

- B) **Blank Walls:** Monotonous or blank walls should be avoided by appropriately scaled doors, windows, awnings, and detailing or landscaping, particularly at the ground floor level.
- C) **Entryways:** Entry features should be clearly defined, should give orientation, and should add aesthetically pleasing character to the building. Entrances should combine different colors, textures, and the architectural elements required throughout this subsection to emphasize entrances and to break the monotony of large vertical surfaces.
- D) **Facades:** Facades should be articulated to provide visual interest by incorporating color, texture, and material changes or through architectural, landscaping, or structural changes. Facades should incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, and contrasting courses of material, cornices, or porches to vary building facades.
- E) **Landscaping:** Architectural and landscaping features should be used to mitigate the impacts of rear or sides of buildings visible from a public or private right-of-way, loading areas, storage areas, HVAC units, garbage receptacles, and other such features.
- F) **Rooflines:** Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Rooflines may be varied with cantilevers, gables, parapets, and/or cornice lines. The continuous plane of a roofline should not exceed one hundred (100) feet.

### 3.206.9 Restaurants

The hours of operation may be restricted, during site plan review, if it is determined that the noise, glare, or traffic might adversely impact any adjoining district.

- A) **Outdoor Seating:** Restaurants with outdoor seating shall comply with the following standards:
- 1) **Pedestrian Circulation:**
    - a) A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables, signs, planters, and other encumbrances.
    - b) Planters, bollard, posts with ropes, or other enclosures shall be used to define the area occupied by the outdoor café.
  - 2) **Signage:** Portable sandwich board or A-Frame signage, not exceeding six (6) square feet per side, is permitted.

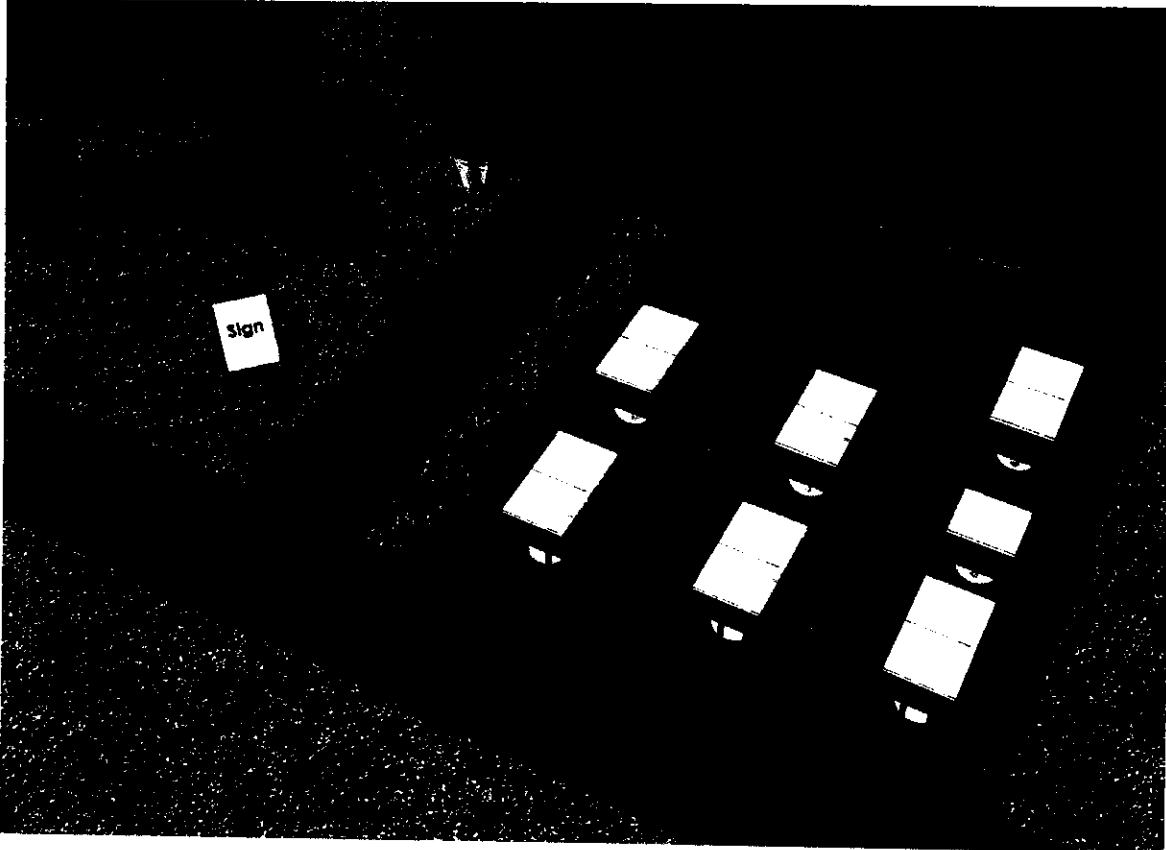


Figure 3.206-2 Example of Outdoor Seating Standards

- B) **Restaurants with Drive-Through Service:** A drive-through facility shall be designed and located to minimize visual, traffic, and noise impacts on neighboring development. In addition to the applicable provisions of this chapter, drive-through facilities shall comply with the following:
- 1) Shall be located a minimum of one hundred (100) feet from single-family dwellings or single-family residential zoning districts.
  - 2) Shall be designed so as not to obstruct the movement of pedestrians.

### 3.206.10 Sexually Oriented Business

- A) **Minimum Setback Standards:** Five hundred (500) feet from an Interstate Highway right-of-way.
- B) **Separation:** Five thousand, two hundred and eighty (5,280) feet from another Sexually Oriented Business.

- C) **Outdoor Uses:** The use shall not engage in the outdoor exhibition of "Specified Anatomical Areas" or "Specified Sexual Activities".
- D) **Measurement of Distance:**
- 1) For the purposes of the regulation of Sexually Oriented Businesses, distance shall be measured in a straight, horizontal line without regard to intervening structures.
  - 2) The distance between any two (2) Sexually Oriented Businesses and the distance between any Sexually Oriented Business and any establishment where alcohol is served shall be measured from the closest exterior structural wall of each business. The distance between any Sexually Oriented Business and any Protected Use, as defined, shall be measured from the closest exterior structural wall of the Sexually Oriented Business and the nearest property line of the Protected Use.
- E) **Non-Conformity:** A sexually Oriented Business lawfully operating as a conforming use is not rendered non-conforming by the subsequent location of a Protected Use within five hundred (500) feet of the Sexually Oriented Business.
- F) **Permit Required:**
- 1) No Sexually Oriented Business may operate without a valid Sexually Oriented Business Permit issued by the Zoning Inspector.
  - 2) The Zoning Inspector is responsible for granting, denying, revoking, renewing, suspending and/or canceling permits for existing or proposed Sexually Oriented Businesses. To be approved, applicants must comply with all applicable requirements of these regulations of the Zoning Code, Building Code, Warren County Sheriff, Fire Department, and the Warren County Combined Health District.
  - 3) The Warren County Sheriff is responsible for obtaining information on whether an applicant has been convicted of a Specified Criminal Act within the time period set forth.
  - 4) Applications must be made on a form provided by the Zoning Office. Applicants must provide one (1) original and all necessary copies of a sworn application which shall contain the following information and attached documentation:
    - a) If the applicant is:
      - i. An individual, the legal name, all aliases, and proof that applicant is at least eighteen (18) years of age.
      - ii. A partnership, the complete name, all partners' legal names and aliases, proof that each partner is at least eighteen (18) years of age, and a copy of any partnership agreement.
      - iii. A corporation, its complete name, date of incorporation, legal names of all officers, directors, and stockholders, proof that all officers, directors, and stockholders are at least eighteen (18) years of age, legal name and address of its registered agent, a copy of articles of incorporation, and evidence of good standing under Ohio Law.
    - b) The proposed name of the Sexually Oriented Business as well as any registration documentation.
    - c) Whether the applicant or any other individual listed in the application has been convicted of a Specified Criminal Act within either two (2) years for misdemeanor offenses or five (5) years for felony offenses or two (2) or more misdemeanor

offenses immediately preceding the application date and, if so, the criminal act involved, date, and place of conviction(s).

- d) Whether the applicant, a person with whom the applicant is residing, or any individual listed in the application, has had a Sexually Oriented Business Permit revoked, suspended, canceled, or denied, and, if so, the name of the business, the jurisdiction, and the date of revocation, suspension, cancellation, or denial.
- e) Whether the applicant, the spouse of the applicant, or any individual listed in the application, holds any other Sexually Oriented Business Permits, as well as the names and locations of all such other businesses and whether the aforementioned are overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business.
- f) The proposed location of the business, including a legal description of the property, street address, and telephone numbers.
- g) The applicant's business and residential addresses and telephone numbers.
- h) The applicant's driver's license number, Social Security number, tax identification number, and recent photograph.
- i) A sketch or diagram showing the configuration and total floor space of the premises upon which the Sexually Oriented Business will be conducted. The sketch need not be professional but must be drawn to scale and accurate to within six (6) inches, plus or minus.
- j) In addition to the requirements of Chapter 1.303 (Site Plan Approval Application) of the Zoning Code, a current certificate and straight-line drawing, prepared within thirty (30) days prior to application by a registered land surveyor, depicting property lines, structures, and the property lines of any existing Protected Use and other Sexually Oriented Businesses within one thousand (1,000) feet of the proposed Sexually Oriented Business. A Protected Use shall be considered established if it is in existence at the time the application is submitted.
- k) The application must be signed:
  - i. By the individual applicant if the applicant is an individual.
  - ii. By all partners if the applicant is a partnership.
  - iii. By an authorized officer and all shareholders if the applicant is a corporation; and
  - iv. In addition to (i), (ii), and (iii) above, all persons having any ownership interest in the Sexually Oriented Business.
  - v. Applicants are under a continuing duty to promptly update their application information. Failure to do so within thirty (30) days of the date of a change in application information shall be grounds for permit suspension.
  - vi. If the Zoning Inspector determines that an applicant has provided incomplete or inaccurate information or improperly completed the permit application, the applicant shall be notified and allowed ten (10) days for corrections to be made. The time period for application review shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

- vii. A non-refundable application fee, as determined by the Township Trustees, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- viii. The applicant must be qualified according to all provisions of these regulations and the premises must be inspected and found to be in compliance with all applicable health, fire, zoning, and building codes and laws.
- ix. The possession of other types of permits, including a liquor license, does not exempt an applicant from the requirement of obtaining a Sexually Oriented Business Permit.
- x. By making application for a Sexually Oriented Business Permit, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
- xi. The applicant is required to provide the Zoning Inspector with the names (including aliases) of all employees required to be licensed under the Zoning Code before they commence employment. This obligation continues even after a permit is granted or renewed. Failure to comply with this requirement shall be grounds for permit suspension. No employee may work in a Sexually Oriented Business without a valid Sexually Oriented Business Employee License.

**G) Application Investigation:**

- 1) Upon receipt of a completed application and the required non-refundable application fee, the Zoning Inspector (or designee) shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to any agencies responsible for the enforcement of health, zoning, fire, law enforcement and building codes or laws. Each agency shall promptly investigate the application in accordance with its responsibilities under law and as set forth within the Zoning Code. All investigations shall be completed within such time as to allow the Zoning Inspector to approve or deny a permit within forty-five (45) days of the Zoning Inspector's receipt of the completed application.
- 2) At the conclusion of its investigation, each agency shall indicate on the photocopy of the application its approval or disapproval of the application with date and signature and in the event of disapproval, and state the reasons, therefore. An agency shall disapprove any application which reveals that the proposed Sexually Oriented Business will be in violation of any provision of any statute, code, regulation, or other law in effect in Salem Township. After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the Zoning Inspector.

**H) Approval or Denial of Permit:**

- 1) A Sexually Oriented Business Permit shall be approved or denied by the Zoning Inspector within forty-five (45) days of the receipt of a complete application.
- 2) The permit, if granted, shall state on its face the name of the person(s) to whom it is granted, the name of the business, the address of the business, and the permit expiration date. The permit shall be posted in a conspicuous interior location, at or near the entrance to the Sexually Oriented Business, such that it may be easily read at any time.

- 3) A permit application shall be approved unless one (1) or more of the following criteria is found to exist, in which case it shall be denied:
- a) An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant is under eighteen (18) years of age.
  - b) An applicant, or, if the applicant is an individual, an applicant's spouse, is overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to Sexually Oriented Business.
  - c) An applicant, if the applicant is an individual, is residing with a person to whom a permit to operate a Sexually Oriented Business has been denied or revoked within the preceding twelve (12) months.
  - d) An applicant, after the notice provided in Section 3.206.10(F), has failed to provide required information in the application, or has supplied false information.
  - e) The premises to be used are not in compliance with applicable health, zoning, fire and building codes, as determined by the agencies responsible for determining such compliance.
  - f) The non-refundable permit application fee has not been paid.
  - g) An applicant is in violation of, or not in compliance with, any of the provisions of the Zoning Code.
  - h) The issuance of the permit would violate a statute, resolution, or court order.
  - i) The applicant held a Sexually Oriented Business Permit under the provisions of the Zoning Code which was subsequently revoked.
  - j) The applicant has been convicted of a Specified Criminal Act within the time limits specified in Section 3.206.10(F) (4) (c) of the Zoning Code.
  - k) An applicant knowingly employed an employee without a valid Sexually Oriented Business Employee License as required within the Zoning Code.
- 4) No person may make application for a permit for a Sexually Oriented Business at a particular location if such person has had an application for a Sexually Oriented Business at the same location denied within twelve (12) months of the time application is made.
- l) **Annual Permit Fee:** The annual fee for a Sexually Oriented Business Permit, as determined by the Township Trustees, shall be payable upon the date of first permit issuance and upon each anniversary thereof, assuming renewal is granted by the Zoning Inspector.
  - j) **Inspection:** An applicant or permittee shall permit representatives of the Salem Township Building and Zoning Department, Warren County Combined Health District, and the fire department to inspect the premises of a Sexually Oriented Business for the purpose of ensuring compliance with their respective regulations at the time it is occupied or open for business.
  - k) **Expiration and Renewal of Permit:** No Sexually Oriented Business shall operate without a valid Sexually Oriented Business Permit. Each Sexually Oriented Business Permit shall expire one (1) year from date of issuance and may be renewed prior to expiration subject to the following requirements: The permit holder shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to permit expiration, accompanied by a non-refundable fee as determined by the Township Trustees. Renewal shall be subject to a finding that the permit holder remains in conformance with all applicable permit requirements. Making application less than sixty (60) days before permit expiration shall not affect the current expiration date. An expired permit is not eligible for renewal; however, re-application may be made subject to all applicable requirements

and division 3.206.10(M) below. Should the Zoning Inspector deny the renewal of a Sexually Orientated Business permit, the applicant shall not be issued such a permit for the same location.

L) **Suspension of Permit:** A permit to operate a Sexually Oriented Business shall be suspended by the Zoning Inspector for thirty (30) days until the violation has been corrected. If it is determined that a Permittee or the employee of a Permittee has:

- 1) Violated or is not in compliance with any portion of the Zoning Code; or,
- 2) Been under the influence of alcoholic beverages or controlled substance while working on the Sexually Oriented Business premises; or,
- 3) Refused to allow an inspection of the premises as authorized by the Zoning Code; or,
- 4) Knowingly permitted gambling by any person on the premises; or,
- 5) Failed to correct a violation of a building, zoning, fire, or health code within seven (7) days of the notification of such violation; or,
- 6) Engaged in permit transfer in violation of the applicable provisions of the Zoning code; or,
- 7) Knowingly employed a person without a valid license as required by the Zoning Code.

M) **Revocation of Permit:**

- 1) A permit to operate a Sexually Oriented Business shall be revoked by the Zoning Inspector upon a determination that either a permit is to be suspended for a second time within a twelve (12) month period or that a Permittee or employee of a Permittee has:
  - a) Given false or misleading information in material submitted during the application or renewal process that tended to enhance the opportunity for obtaining such permit or renewal; or,
  - b) Knowingly allowed the possession, use or sale of controlled substances on the permit premises; or,
  - c) Knowingly allowed prostitution on the premises; or,
  - d) Knowingly operated the Sexually Oriented Business while under permit suspension; or,
  - e) Been convicted of a Specified Criminal Act for which the time period specified in Section 3.206.10(F)(4)(c) of the Zoning Code has not elapsed; or,
  - f) Been convicted of tax violations for taxes or fees related to a Sexually Oriented Business; or,
  - g) Knowingly allowed any Specified Sexual Activities, as defined, between patrons or between patrons and employees to occur in or on the Permitted Premises or surrounding properties; or,
  - h) Operate more than one (1) Sexually Oriented Business under a single roof; or,
  - i) Permit revocation is effective for one (1) year. The Permittee shall not be granted any other permits for any other Sexually Oriented Business during the effective revocation period.

N) **Transfer of Permit:**

- 1) A Permittee shall not operate a Sexually Oriented Business at any location other than the address designated in the application for permit.
- 2) A Permittee shall not transfer a Sexually Oriented Business Permit unless and until such other person satisfies the following requirements:
  - a) Obtains an amendment to the permit from the Zoning Inspector upon satisfactory completion of all permit application requirements.

- b) Pays a transfer fee of fifty percent (50%) of the annual permit fee.
  - 3) A permit shall not be transferred in the event that the Permittee has been notified that suspension or revocation proceedings have been or are being brought against the Permittee.
  - 4) A permit shall not be transferred to another location.
  - 5) Any attempt to transfer a permit in violation of these provisions is void and the subject permit shall be revoked by the Zoning Inspector.
- O) **Sexually Oriented Business Employee License:**
- 1) All prospective employees of a Sexually Oriented Business shall obtain a Sexually Oriented Business Employee License. Each applicant shall pay a license fee, as determined by the Township Trustees, to cover reasonable administrative cost. No application shall be accepted without the required fee.
  - 2) On a form provided by Salem Township, the applicant must provide one (1) original and two (2) copies of a sworn application which shall contain the following information and attached documentation:
    - a) Name, inclusive of stage names or aliases;
    - b) Age, birth date, and birthplace;
    - c) Height, weight, hair, and eye color;
    - d) Current residence and business addresses and phone numbers;
    - e) State driver's license or state identification and Social Security numbers;
    - f) Acceptable written proof that the individual is at least eighteen (18) years of age;
    - g) A color photograph of the applicant, clearly showing the applicant's face. The applicant's fingerprints on a form provided by the Warren County Sheriff. Any fees for photos and fingerprints are the responsibility of the applicant;
    - h) A statement detailing the Sexually Oriented Business license or permit history of the applicant for the previous five (5) years, including information whether a permit for license had been denied, revoked, or suspended, the applicable reasons and dates for such actions, as well as the jurisdiction in which such actions occurred, as applicable; and,
    - i) Information as to whether the applicant has been convicted of a Specified Criminal Act, as defined, as well as the date, place, jurisdiction, and nature of each conviction.
  - 3) By making application for a Sexually Oriented Business Employee License, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
  - 4) The Zoning Inspector shall refer a photocopy of the Sexually Oriented Business Employee License Application to the Warren County Sheriff for investigation. The Sheriff shall report findings of the investigation on the photocopy with date and signature, and immediately return the photocopy of the application to the Zoning Inspector.
  - 5) The initial application review shall be completed within fourteen (14) days from the date a completed application is filed. A conditional license shall be issued upon the completion of the initial application review unless the investigation of the applicant finds one (1) or more of the following:

- a) That the applicant knowingly made any false, misleading, or fraudulent statement of a material fact; or,
- b) That the applicant is under eighteen (18) years of age; or,
- c) That the license is to be used for employment in a business prohibited by these regulations or other local or State laws; or,
- d) The applicant has had such license revoked within two (2) years of the date of the current application.
- e) The conditional permit shall be valid for a period commencing on its issuance and ending on the date a final license is issued, or the date license application is denied, whichever first occurs. A final license shall be issued to the applicant within sixty (60) days of the application being filed unless it is found that the applicant has been convicted of a Specified Criminal Act for which the time period set forth in Section 10.65 (B.9) has not elapsed.
- f) Each Sexually Oriented Business Employee License shall expire one (1) year from date of issuance and may be renewed prior to expiration subject to the following requirements: The licensee shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to license expiration accompanied by a non-refundable license renewal fee, as determined by the Township Trustees. Renewal shall be subject to a finding that the licensee remains in conformance with all applicable requirements. Failure to make application less than sixty (60) days before license expiration shall not affect expiration and no employee shall work in a Sexually Oriented Business without a valid license. An expired license is not eligible for renewal; however, re-application may be made subject to all applicable requirements.

P) **Hearing, Revocation, License Denial, Suspension, Appeal:**

- 1) If the Zoning Inspector determines that probable grounds exist for denial, nonrenewal, suspension, or revocation of a Sexually Oriented Business Permit or Sexually Oriented Business Employee License (hereinafter permit and license, respectively) under this Chapter, the Zoning Inspector shall notify the applicant or licensee (respondent) in writing of the intent to deny, non-renew, suspend, or revoke the permit or license, including the grounds therefore, by personal delivery or by certified mail. The notification shall be directed to, the most current business address on file with the Zoning Inspector. Within ten (10) working days of receipt of such notice, the respondent may provide to the Board of Township Trustees in writing a response which shall include a statement of reasons why the license or permit should not be denied, non-renewed, suspended, or revoked. Within ten (10) working days of the receipt of such written response, the Board of Township Trustees shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The Board of Township Trustees shall notify the respondent in writing of the hearing date within three (3) days of the receipt of such written response. If a response is not received by the Board of Township Trustees in the time stated, or, if after the hearing, the Board of Township Trustees finds that grounds exist for denial, non-renewal, suspension, or revocation, then such action shall become final and notice of such final action sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the

right to appeal such decision to a court of competent jurisdiction. If the Board of Township Trustees finds that no grounds exist for denial, non-renewal, suspension, or revocation of a permit or license, the Zoning Inspector shall withdraw the intent to deny, non-renew, suspend, or revoke the permit or license and shall so notify the respondent in writing by delivery or by certified mail of such action.

- 2) When a decision to deny, non-renew, suspend, or revoke a permit or license becomes final, the applicant or licensee whose permit or license has been denied, non-renewed, suspended, or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to Ohio Revised Code Section 2506. Any suspension, non-renewal, or revocation of a permit or license for a Sexually Oriented Business does not take effect until a final decision is rendered in an appeal taken pursuant to this section.
  - 3) Upon the filing of an appeal pursuant to this section by an applicant for a permit or license, said applicant shall be granted a temporary permit or license to operate said Sexually Oriented Business or by an employee of such Sexually Oriented Business pending a final decision on said appeal. Such temporary permit or license shall be subject to all provisions of Section 3.206.10.
- Q) **Regulation of Sexually Explicit Films or Videos:** A person that operates or causes to be operated a Sexually Oriented Business, other than a Sexually Oriented Business, other than a Sexually Oriented Hotel/Motel and regardless of whether or not a Sexually Oriented Business Permit has been issued to said business which exhibits on the premises in a viewing room computer software, compact discs, a film, video cassette, or other video reproduction which depicts Specified Sexual Activities or Specified Anatomical Areas, shall comply with the following requirements:
- 1) Upon application for a Sexually Oriented Business Permit, the application shall be accompanied by a sketch or diagram of the entire premises, with a plan thereof, specifying the location of manager's stations, if any, the location of all overhead lighting fixtures, and designating any portion of the premises, in which patrons will not be permitted access. A professionally prepared drawing is not necessary; however, each diagram shall be oriented to north and the closet street(s) and be drawn to scale with marked dimensions sufficient to show the internal features of all areas of the premises to an accuracy of, plus or minus, six (6) inches. The Zoning Inspector may waive the foregoing diagram during permit renewal if the applicant certifies that the configuration of the premises has not been altered since the previous diagram was prepared.
  - 2) No alteration in the configuration of the premises as set forth in the sketch or diagram of the premises may be made prior to the approval of the Zoning Inspector.
  - 3) It is the duty of the owners and operator of the premises to ensure that such number of employees is on duty and so situated that all patrons present inside the premises are subject to observation by an employee or employees.
  - 4) The interior of the premises shall be configured in such a manner that every area of the premises to which any patron is permitted access for any purpose (including the interior of individual viewing booths, excluding restrooms) is subject to an unobstructed view by the employer or employees on duty. Restrooms shall not be equipped with video display equipment.
  - 5) It is the duty of the owners, operator, and employees present on the premises to ensure that the aforementioned unobstructed view shall remain unobstructed by any doors,

walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area designated for no access by patrons in the application or record.

- 6) No viewing room may be occupied by more than one (1) person at any given time. No peep holes, viewing holes, or other holes which are, or may be used by, occupants of a viewing room for sexual gratification shall be permitted in the walls, floors, ceilings, or partitions separating each viewing room from an adjoining viewing room or restroom. Viewing rooms shall not be enclosed by doors, curtains, or a maze of wall structures. No signs, lights, or other communicative devices shall be employed to create an expectation of privacy on the part of any patron at any location of the premises.
  - 7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination level of not less than two (2) foot candles as measured at floor level. Said level of illumination shall be maintained at all times that any patron is present on the premises.
- R) **Regulation of Adult Cabarets:** Performers in Adult Cabarets must be located on stages no less than eighteen (18) inches in height and at least six (6) feet from all patrons. There shall be absolutely no physical contact, tipping, or exchange of gratuities between patrons and performers.
- S) **Advertising and Lighting Regulations:** No Sexually Oriented Business may be operated; and,
- 1) Advertise the presentation of any activity prohibited by the Zoning Code or other local or State regulation; or,
  - 2) Display or exhibit the materials and performances in advertising which is visible outside the premises except advertising the existence or, location of a Sexually Oriented Business; or,
  - 3) Allow any portion of the interior premises to be visible from outside the establishment; or,
  - 4) Fail to illuminate the entries and off-street parking areas of the premises from dusk until closing with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle on the parking surface and walkways. Said level of illumination is established in order to provide sufficient lighting for the personal safety of patrons and employees to reduce potential vandalism and criminal conduct and shall be shown on required permit application documentation.
- T) **Minors Prohibited:**
- 1) No person under eighteen (18) years of age may be admitted, remain in, or purchase goods at, a Sexually Oriented Business.
  - 2) No person under eighteen (18) years of age may be employed at a Sexually Oriented Business.
- U) **Violation:**
- 1) It shall be unlawful, punishable per Section 1.309 of the Zoning Code, if:
    - a) A Sexually Oriented Business is operated without a currently valid Sexually Oriented Business Permit; or the business operates in violation of the terms of its permit or this Chapter; or has a permit which is under suspension, has been revoked, or has expired; or,

- b) There is a failure to allow the inspection of a Sexually Oriented Business by the Building Department and the Zoning Inspector, Warren County Combined Health District, Warren County Sheriff's Department, or the fire department; or,
  - c) Any person having a duty under Section 3.206.10(Q), Regulation of Sexually Explicit films or videos, knowingly fails to fulfill said duty; or,
  - d) A person operates, or causes to be operated, a Sexually Oriented Business in violation of Section 3.206.10(S), Advertising and Lighting; or,
  - e) A person operates or causes to be operated a Sexually Oriented Business regardless of whether or not a permit has been issued for said business and knowingly or with reasonable cause to know, permits, suffers, or allows the violation of Section 3.206.10(T), Minors Prohibited; or,
  - f) Any person willfully falsifies any material fact on any required application or documentation attached thereto.
- 2) Nothing contained herein shall prevent or restrict Salem Township from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
  - 3) All remedies and penalties provided for in this Chapter shall be cumulative and independently available to Salem Township, which shall be authorized to pursue any and all remedies set forth to the full extent allowed by law.
- V) **Exemptions:** It is a defense to prosecution for alleged violation or Sexually Oriented Business provisions of the Zoning Code that:
- 1) **A person appearing in a state of nudity did so in a modeling class operated:**
    - a) By a college, junior college, or university supported in whole or part by taxation; or,
    - b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or,
  - 2) **In a structure:**
    - a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and,
    - b) Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and,
    - c) Where no more than one (1) nude model is on the premises at any one (1) time.
  - 3) A person appearing in a state of nudity did so in a bona fide theatrical production.
  - 4) An employee of a Sexually Oriented Business exposed any specified anatomical area during the bona fide use of a restroom or dressing room accessible only to employees.
- W) **Immunity from Prosecution:** All Salem Township officers, agents, and employees charged of enforcement with State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter.

### 3.206.11 Conference Training Center

Conference and Training Centers located within these facilities shall comply with the following standards:

- A) **Dining and banquet facilities:** May be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed twenty percent (20%) of the total floor area of the principal building.
- B) **No products:** Shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center.

### 3.206.12 Day Camps, Campgrounds, and Retreats

Campgrounds and Retreats shall be permitted subject to the following provisions:

- A) **Access:** Site access shall be from an arterial or collector road.
- B) **Buffers:** This use shall have a minimum of a Buffer Type C on all sides.
- C) **Floodplain & Stream Setback:** No permanent structures shall be allowed in the one hundred (100) year floodplain or stream setback.
- D) **Improvement:** Each parking space shall be improved with a pervious surface or comparable hard-surface covering in order to maintain a dust-free condition.
- E) **Open Space:** Open space for common areas shall be planned and provided for at convenient, centralized locations to provide at least two hundred (200) square feet per recreational vehicle space. Such open space may include play yards, pools, and recreation buildings, but shall not be deemed to include public facilities and open areas that are not accessible to the tenants.
- F) **Residential Use Prohibited:** A Recreational Vehicle or tent shall not be used as a place of permanent residence. Use of a Recreational Vehicle or tent for occasional, daily or overnight occupancy for more than thirty (30) consecutive days is permitted during the months of March through November (I.E., camping season). The owner must prove evidence of compliance with applicable Warren County Combined Health District requirements related to sewage disposal, water supply, and electrical services.
- G) **Identification:** Campsites must be identified (numbered) on an entry sign and at each site.
- H) **Site Area:** The minimum site area for this use shall be ten (10) acres.

### 3.206.13 Day Care Centers

- A) **Minimum Lot Size:** One (1) acre.
- B) **Minimum Setbacks:** Fifty (50) feet from all property lines.
- C) **Play Area:** Outdoor activity areas and play lots shall be fenced and screened to Buffer Type C standards.

### 3.206.14 Recreation Facility – Indoor

This use shall be:

- A) At least one hundred (100) feet from any residential property line; and
- B) The appropriate authority shall evaluate noise impact.

### 3.206.15 Recreation Facility – Outdoor

- A) **Accessory Uses:** Retail sales must be strictly ancillary to the principal use.
- B) **Minimum Setback:**
  - 1) Fifty (50) feet from adjacent non-residential property line.
  - 2) Two hundred (200) feet from residential district or use.
- C) **R-1 and R-2 Districts:**
  - 1) Uses within three hundred (300) feet from a residential use or zone shall be closed between 10:00 p.m. and 8:00 a.m.
  - 2) Where the use adjoins any residential property or use, the buffers shall incorporate berms or walls and be increased by one hundred percent (100%) of the required buffer.
  - 3) The minimum lot area shall be five (5) acres.
- D) **Golf Courses, Driving Ranges and Miniature Golf:**
  - 1) **Screening:** Lot lines abutting a residential zoning district shall be screened with Buffer Type D.
  - 2) **Setbacks:** No structure shall be located less than two hundred (200) feet from the property line of any abutting residential district or use.
  - 3) **Site Plan Requirements:** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots, or public streets.
  - 4) The location, layout, design, and operation shall not adversely affect nor impair the use.
- E) **Membership Sports or Recreation Clubs/Swimming Pools:** Swimming pools that are a principal use shall comply with the following standards. Swimming pools that are accessory uses shall comply with Section 3.102.7 and 3.102.9.
  - 1) Swimming pools shall be located on a site or parcel with an area of at least three (3) acres and a width of at least two hundred (200) feet at the building line.
  - 2) The area containing the pool shall be completely enclosed by a wall or fence not less than six (6) feet in height, with all access gates being lockable, self-closing and self-latching, and always maintained in good condition.
  - 3) Pumps and filtering equipment and appurtenant structures shall be located at least two hundred (200) feet from off-site property lines.
  - 4) Facilities within the floodplain require Salem Township Chief Building Official approval. There shall be no commercial displays visible from the street or other property.
- F) **Speedways, Casinos, Horse and Dog Racetracks and Permanent Outdoor Concert Facilities:**
  - 1) Requires noise impact analysis that considers impact on surrounding neighborhoods.
  - 2) Structures or facilities are not within one thousand (1,000) feet of a residential, educational, church, or municipal use structure.
  - 3) Requires traffic impact analysis that considers ingress and egress, internal circulation, and impact on the surrounding neighborhood
- G) **Stadiums:** Stadiums shall comply with the following standards:
  - 1) Shall be located at least one thousand (1,000) feet from a residential use;
  - 2) Are prohibited in the R-1 and R-2 zoning districts;
  - 3) Shall be located on a site or parcel that, at the primary point of access, has at least two hundred (200) feet of frontage on an arterial street;
  - 4) Shall locate access points to minimize traffic to and through local streets; and,

- 5) Shall be located on a site or parcel with an area of at least five acres.

### 3.206.16 Wedding Facility and Event Center

- A) **Site Plan:** The application shall include a detailed site plan, description of all uses, an exhibit map showing the location and distance of the facility to single family and other housing types and shall comply with the standards set forth under this section. All temporary structures such as tents, stages, and dance floors shall abide by all setbacks, and their use area must be identified on the site plan. The application shall also include strategies to mitigate the noise impacts that would be generated by the facility. A parking analysis shall be provided at the time of submittal demonstrating that adequate parking is accounted for in the plans.
- B) **Minimum Lot Size:**
  - 1) Residential Zoning Districts: Ten (10) acres
  - 2) Mixed-Use Residential Zoning District: Five (5) acres
- C) **Minimum Setbacks from Residential:** All structures, parking lots, and outdoor use areas shall be a minimum of 100 feet from the property lines of all residential zoning districts and uses.
- D) **Landscaping:** A landscaped buffer is required along the property boundaries adjacent to existing residential uses. The quantity of trees and landscaping required shall be equivalent to a Buffer Type D and may require additional buffering based on the Approving Authority's evaluation of the design effectiveness of landscaping/structures to screen and mitigate negative visual impacts. The Approving Authority may require additional buffers along property boundaries other than those of existing residential uses.
- E) **Design:** The use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate with the prevailing existing or intended character of the general vicinity.
- F) **Maximum Occupancy:** The primary event facility shall not exceed 300 persons for conditional use allowance within residential districts. There shall be no maximum occupancy in commercial districts.
- G) **Event Duration:** The duration of an event shall not exceed 12 hours per day, and the hours of operation shall be set by the Approving Authority.
- H) **Sounds:** There shall be no outside amplified music – except for music performed during a wedding ceremony for conditional use allowance within residential districts. This provision does not apply within commercial districts. No fireworks shall be permitted.
- I) **Signage and Lighting:** All signage shall comply with Article 3, Chapter 6 and all lighting shall comply with Article 3, Chapter 5 of this Zoning Code.
- J) **Operations:** Events may occur entirely within a structure, outside of a structure, or both inside and outside a structure.
- K) **Fire and EMS:** Adequate ingress and egress and circulation for emergency vehicles, and other factors to ensure public safety, to the satisfaction of the Fire Department.
- L) **Traffic Circulation:** The use shall be conditional upon the approval of the following by the Warren County Engineer's Office:
  - 1) Access conforming to the Warren County Engineer's Office access management regulations.
  - 2) Site design that ensures the orderly and safe arrival, parking, and departure of all vehicles.
  - 3) A traffic impact study, if deemed necessary by the Warren County Engineer's Office.

### 3.206.17 Shooting Ranges

- A) **Site Plan:** The application shall include a detailed site plan; an exhibit map showing the location and distance of the facility to single family and other housing types and shall comply with the standards set forth under this section. The application shall also include strategies to mitigate the noise impacts that would be generated by the facility. A parking analysis shall be provided at the time of submittal demonstrating that adequate parking is accounted for in the plans.
- B) **Noise:** The proposed use shall not generate excessive noise beyond the premises. Township Board of Zoning Appeals may require noise reduction measures to assure that the level of noise is no more than the prevailing noise levels in the district. Acceptable noise levels or sound can be found in the most recent edition of the NRA Range Sourcebook.
- C) **Minimum Setbacks:**
  - 1) **Indoor Shooting Ranges:** Buildings in which indoor shooting ranges are provided have a minimum setback of 100 feet away from all property lines.
  - 2) **Outdoor Shooting Ranges:** Outdoor shooting range boundaries must be a minimum of 1000 feet away from the property line of an adjacent residential district or use and have a minimum of 20 acres.
- D) **Hours of Operation:** The hours of operation may be limited by the BZA but in no case shall such uses operate any earlier than 8AM and no later than 9PM.
- E) **Design:**
  - 1) The design and construction of the shooting range, or range boundaries for outdoor shooting ranges, shall completely contain and confine all fired projectiles in a controlled manner as verified by a licensed and registered engineer or architect.
  - 2) **Indoor Shooting Ranges:** the design of the shooting range shall be certified by a professional engineer and/or architect registered with the state. The certified plans shall include the specifications and construction of the bullet traps, ceilings, exterior and interior walls, and floors. The certified plans shall state the type and caliber of ammunition the range is designed to completely confine. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.
  - 3) Off-street parking and landscaping shall comply with Article 3 chapters 3 and 4.
- F) **Safety:**
  - 1) A safety plan shall be submitted to the BZA and conditioned with any approved application. ORC Section 1501:31-29-03(D) outlines what shall be on the safety plan at a minimum. Approved safety rules shall be prominently displayed in the shooting area and range personnel must be responsible for enforcing the rules.
  - 2) The shooting range shall comply with all applicable federal and state rules and regulations. The use and building shall conform with all applicable Ohio Environmental Protection Agency and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor noise levels, lead containment, and outside noise standards.
  - 3) The permittee shall be required to carry a minimum of \$1,000,000 of liability insurance. Such insurance shall name Salem Township as an additional insured party and shall save and hold Salem Township, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including cost of defense thereof, arising out

of the acts or omissions of the permittee, their group, club, its agents, or representatives. The range owner shall provide a copy of the certificate of insurance yearly to the Zoning Inspector and notify the Township Trustees in writing of any policy changes or lapses in coverage.

G) **Signage and Lighting:**

- 1) A sign shall be displayed at the main entrance identifying the establishment as a shooting range.
- 2) Outdoor shooting range boundaries must be posted with warning signs identifying the use.
- 3) All signage shall comply with Article 3, Chapter 6 and all lighting shall comply with Article 3, Chapter 5 of this Zoning Code.

H) **Fire and EMS:** Adequate ingress and egress and circulation for emergency vehicles, and other factors to ensure public safety, to the satisfaction of the Fire Department.

I) **Traffic Circulation:** The use shall be conditional upon the approval of the following by the Warren County Engineer's Office:

- 1) Access conforming to the Warren County Engineer's Office access management regulations.
- 2) Site design that ensures the orderly and safe arrival, parking, and departure of all vehicles.
- 3) A traffic impact study, if deemed necessary by the Warren County Engineer's Office.

J) The BZA reserve the right to review or modify the performance standards for the shooting range.

**SEC. 3.207 PROFESSIONAL AND PERSONAL SERVICE USES**

**3.207.1 Recording Studios**

Music shall not be audible at a level that creates a nuisance.

**3.207.2 Personal Services**

Personal service establishments within the MXU-R zoning district shall comply with the following standards:

- A) An individual establishment shall have no more than two thousand five hundred (2,500) square feet of gross floor area.
- B) The business activities of the establishment shall be conducted within an enclosed building, with no more than fifty percent (50%) of the gross floor area devoted to storage.

**3.207.3 Financial Institutions with Drive-Thru Service**

Financial institutions with drive-through service shall locate the drive-through in the side or rear yard.

**SEC. 3.208 INDUSTRIAL, MANUFACTURING, RESEARCH, AND SUPPLY SERVICES**

A) **Caretaker Dwelling:** A caretaker dwelling may be constructed as an accessory use.

B) **Outdoor storage:**

- 1) Open storage shall not be located within ten (10) feet of a property line directly abutting a residential zone.

- 2) Hazardous materials including petroleum shall be in accordance with all applicable federal, state, and local rules.
- 3) Outside storage shall be permitted only for materials which are associated with the principal use or manufacturing process on the lot and that meet the standards of this chapter.
- C) **Noise:** The noise emanating from premises shall be muffled so as to not become a nuisance.
- D) **Fire and Safety Hazards:** The storage and handling of flammable, hazardous, and combustible materials shall be subject to review by Fire/Emergency Services.
- E) **Vibration:** Uses shall not create continuous or intermittent vibrations beyond property lines.
- F) **Liquid, solid and hazardous wastes:** The use shall not discharge in a manner that would endanger public health, safety or welfare, the surrounding environment, or cause injury or damage to animals, vegetation, property, or surrounding businesses. The disposal of all industrial waste types shall be governed by the regulations and standards of applicable state and federal agencies.
- G) **Nuisances:** Dust, fumes, smoke, or odor shall not be detectable off-site.

### 3.208.1 Batching Plants

- A) **Minimum Site Size:**
  - 1) Sites not developed in conjunction with a Mineral Extraction use: Five (5) acres.
  - 2) Sites involving the stockpiling of materials: Ten (10) acres.
  - 3) Temporary Sites: No minimum requirements.
- B) **Temporary Site:** A temporary batch plant is permitted within or along the right-of-way of a public road that is involved in an improvement project which the plant is to serve for the duration of the project, subject to renewal at twelve (12) month increments.
- C) **Setback:** The district standards shall apply to all outdoor uses.
- D) **Height Limits:** The height of the batching house and materials containment structures shall require the approval of Fire/Emergency Services.
- E) **Water Pollution Prevention and Monitoring:** Monitoring devices shall be provided by, and at the expense of, the facility owner, and a program for regular monitoring.
- F) **Performance Standards:** The approving authority shall establish performance standards for air and water quality, noise, and visual impacts.

### 3.208.2 Industrial Services

- A) **Electrical Motor Repair; Machine Shop; Tool Repair:**
  - 1) Repair of all machines shall occur within an enclosed building.
  - 2) Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than twenty five percent (25%) of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Buffer Type D.
  - 3) The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
- B) **Heavy Equipment Sales, Rental, Repair, or Storage:** Uses primarily involving the sales, rental, repair, or storage of heavy equipment shall comply with the following standards:
  - 1) The use shall be located at least five hundred (500) feet from any residential district, school, or day care center.

- 2) No heavy equipment displays shall be located within a required setback or perimeter buffer.
- 3) No heavy equipment shall be displayed on the top of a building.
- 4) Repair uses shall be screened by Buffer Type D.

### **3.208.3 Self-Storage Facility**

In addition to the applicable provisions of this chapter, self-service storage facilities within commercial districts shall comply with the following:

- A) All items, except vehicles and watercraft, shall be stored within a building.
- B) Buildings shall not exceed one (1) story, with a maximum height of twenty-two (22) feet.
- C) Access to the facility shall be limited to one entrance and one exit per abutting street.

### **3.208.4 Warehouse and Freight Movement**

#### **A) Outdoor Storage (as a Principal Use):**

- 1) Lots used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight (8) feet high and landscaped in accordance with Buffer Type D.
- 2) The height of materials and equipment stored shall not exceed the height of the screening fence or wall when adjacent to residential properties.

#### **B) Parcel Services, Truck or Freight Terminal, Warehouse (Distribution or Storage):** Parcel services, truck or freight terminals, or warehouses (distribution or storage) shall comply with the following standards:

- 1) Truck or freight terminals shall have a maximum of three (3) trucks or freight at any given time.
- 2) The use shall be located at least five hundred (500) feet from any residential district, school, or day care center.
- 3) The use shall not locate storage areas within a required yard or perimeter buffer.
- 4) The use shall locate outdoor storage areas to the rear of the principal structure and screen them with a wooden fence or masonry wall no less than eight (8) feet in height and when adjacent to residential properties, landscaped in accordance with Buffer Type D.
- 5) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- 6) The use shall have direct access onto an arterial or major collector street.

## **SEC. 3.209 OTHER SPECIAL USES, STANDARDS, AND REQUIREMENTS**

Permitted uses within this sub-section shall comply with the performance standards of this code.

### **3.209.1 Waste Composting**

Waste composting uses shall comply with the following standards:

- A) The use shall be located at least one thousand (1,000) feet from any existing residential use, school, or day care use; and,
- B) The use shall be surrounded by a solid fence that is at least eight feet high, located no less than one hundred (100) feet from any public right-of-way, and located no less than fifty (50) feet from

any adjacent property. The property owner is responsible for maintaining the area between the fence and the property line.

### **3.209.2 Mineral Extraction and Surface Mining**

In addition to the requirements stipulated in Ohio Revised Code, Section 1514.02, and the process outlined in Ohio Revised Code 519.141, the following regulations shall apply to all mineral extraction and processing facilities and activities:

- A) **Setback:** All structures and activities, except parking, fencing, and offices, shall be set back one thousand (1,000) feet from a residential property line in existence, outside of the ME District, on the date the rezoning application was received by the Zoning Inspector.
- B) **Water Pollution:**
  - 1) Mining shall be prohibited in the floodway.
  - 2) All excavations shall be graded or backfilled to assure that the excavated area will not collect and retain stagnant water.
  - 3) Where floodwater or flooding potential exists, soil banks shall be graded and bermed high enough to prevent the overflow of floodwater into the gravel pits.
  - 4) During mining and reclamation, drainage shall be controlled to prevent water pollution, flooding, landslides, erosion hazards, and off-site transport of soil sediments to adjoining lands.
  - 5) The flow and quality of stream water from the site shall not be degraded by the use.
- C) **Noise:** Blasting and vibrations shall not exceed the levels permitted by applicable Federal and State laws, nor create a nuisance or hazard.
- D) **Air Pollution:** Control measures shall be implemented to control dust. The Board of Township Trustees may require the paving of travel surfaces, the upgrading of dust control devices, and other treatments to control dust as may be deemed necessary.
- E) **Slope Stability and Setbacks:** The sides of excavation sites shall be set back a minimum of fifty (50) feet from the property line, with a sufficient slope of excavation to ensure the lateral support of surrounding property with the following provisions:
  - 1) The reclaimed sides of excavation sites shall be set back a minimum of one hundred fifty (150) feet from the right-of-way of all public streets or roads.
  - 2) If the adjoining property is zoned ME, no setback of mining operations from the common property line shall be required if the owners of each site, by signed agreement, are mining their properties per the respectively approved plan for each.
  - 3) Final slopes shall be graded, contoured, or terraced sufficient to achieve soil stability and prevent landslides, erosion, and sedimentation. High walls will be permitted if compatible with the site plan approved future uses and measures are taken to ensure public safety. Where ponds or other resulting bodies of water are intended for recreational use, the banks and slopes around them shall be such to provide safe access, and if not for such use, appropriate safeguards provided to warn and control against unwanted intrusion, with only EMS access.
- F) **Soil Erosion Sedimentation Control:**
  - 1) The area of land affected, meaning the area of land which has been excavated, or upon which a spoil bank exists, or both, shall be recovered, wherever determined necessary per the approved reclamation plan, with topsoil or suitable subsoil, fertilizer, lime, or

other soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.

- 2) A diverse vegetative cover of trees, grasses, and legumes capable of self-regeneration and plant succession shall be provided wherever required by the approved site plan.

G) **Transportation:**

- 1) Points of ingress and egress shall be located as approved by the Warren County Engineer or the Ohio Department of Transportation, as appropriate.
- 2) The applicant shall include a map indicating the proposed major access roads to be utilized for ingress and egress for the extraction operation, unless otherwise waived in accordance with procedures specified in Chapter 1514 of the ORC.

H) **Reclamation:** Mining and reclamation shall be carried out in the orderly sequence and timely manner required in accordance with the reclamation plan approved by the Ohio Division of Resources Management and/or as part of the zoning site plan approval. Reclamation shall be completed no later than three (3) years following termination of use. For a mineral extraction operation exempt from State permit requirements, a performance surety may be required.

I) **Additional Requirements:**

- 1) Written certification of compliance with requirements of the Ohio Revised Code (ORC) and the requirements of applicable authorities. The zoning permit shall be revoked if this required compliance is not demonstrated and maintained.
- 2) Sites along the Little Miami River, the excavation area shall be set back a minimum of three hundred (300) feet from the ordinary high-water mark of the river, unless otherwise permitted by Federal and State permitting authorities.

### 3.209.3 Wind Energy Conversion Systems

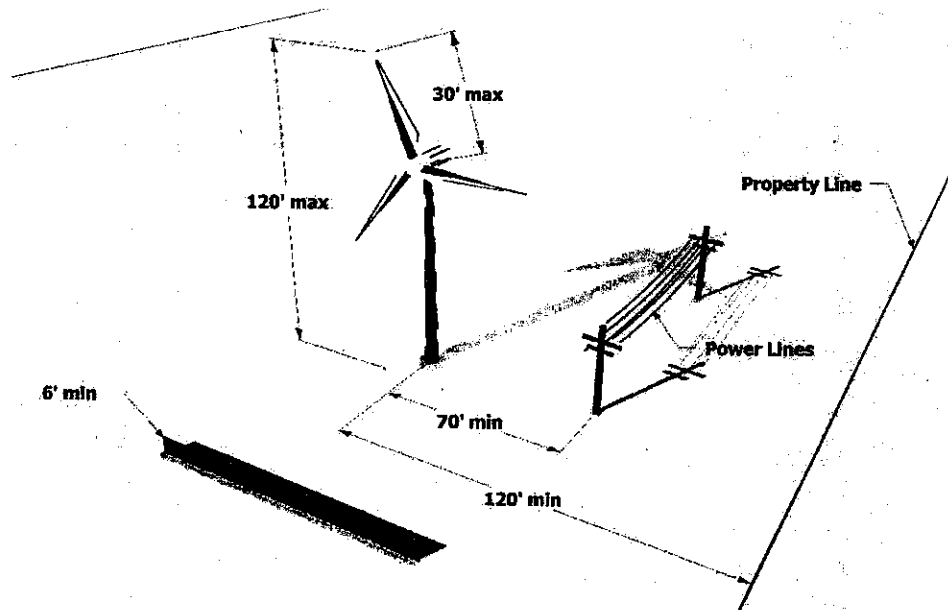
Small wind energy conversion systems are wind turbines that are designed to generate less than five (5) megawatts. They are permitted as an accessory use pursuant to the standards of this Section. WECS-Large-Wind Farms are wind energy conversion systems that are designed to generate five (5) megawatts or greater.

A) **Small Wind Energy Conversion Systems:** Small wind energy conversion systems shall conform to the following standards:

- 1) **Maximum Height:** One hundred twenty (120) feet to the top of the rotor blade at its highest point.
- 2) **Minimum Height of Exposed Rotors:** Thirty (30) feet.
- 3) **Minimum Setbacks:** Equal to the height of the top of the rotor blade measured from all:
  - a) Property lines; and
  - b) Overhead utility lines (except those connecting to the principal building).
- 4) **Access shall be limited by:**
  - a) A minimum six (6) foot high fence around the base of the tower; or by,
  - b) A tower climbing apparatus twelve (12) feet or greater above the ground; or,
  - c) A design that does not include climbing apparatus because the turbine is lowered for service.

- 5) **Additional Standards:** The approving authority shall adopt standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.
- a) Noise levels from the generator shall not exceed forty (40) DBA at the property line.
  - b) The system shall not be used for advertising.

Figure 3.209-1 (Right)  
Small Wind Energy  
Conversion System  
Setbacks



- c) All access doors or panels to wind turbine towers and electrical equipment shall be lockable.
- d) Appropriate warning signage (e.g., electrical hazards) shall be placed on the system.

- B) **Large, Wind Farms (WECS):** Wind farms shall comply with the following standards:
- 1) **Maximum Height:** No turbine shall be more than One hundred sixty (160) feet in height to the top of the rotor blade at its highest point.
  - 2) **Minimum Height of Exposed Rotors:** Thirty (30) feet.
  - 3) **Minimum Setbacks:**
    - a) Buildings shall be set back as required by the district regulations.
    - b) Electrical substations shall be set back not less than seventy (70) feet from all property lines that are not included within the project.
    - c) All turbines shall be set back not less than one hundred ten percent (110%) of their height from the top of the rotor blade to all property lines.
    - d) Appropriate warning signage (e.g., electrical hazards) shall be placed on the system.

- 4) **Additional Standards:** The approving authority shall adopt standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.

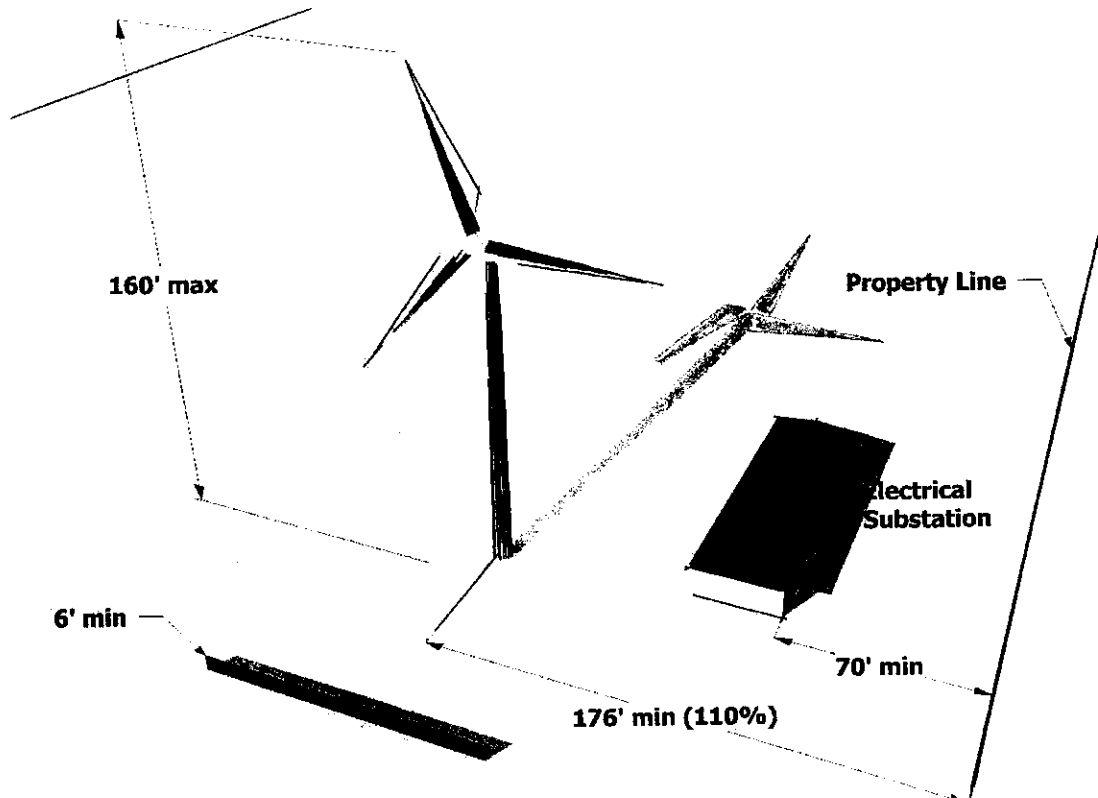


Figure 3.209-2 Large Wind Farm Setbacks

# ARTICLE 3

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## CHAPTER 3 PARKING AND LOADING STANDARDS AND REGULATIONS

### SEC. 3.301 PURPOSE

The intent of this Chapter is to provide for adequate passenger vehicle and delivery truck parking for different types of land uses within the township zoning jurisdiction and to set standards for the construction and use of off-street parking facilities. Within this Chapter, standards have been identified for:

- A) The establishment of certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for exceeding maximums when a demonstrated need exists. Generally, parking requirements should be based on actual average parking demands rather than to accommodate the highest hourly parking at a site, as conventional requirements often dictate.
- B) The design of parking areas, which is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, improved storm water runoff, vehicle circulation, and attractive, safe pedestrian access.
- C) The temporary parking of trucks with the primary intent of delivering goods for storage and/or sale to the general public.
- D) The temporary parking of private passenger vehicles as a use incidental to a principal use.

### SEC. 3.302 SCOPE

Unless specifically provided otherwise in this Chapter, the provisions of this Chapter shall apply to all sites that are subject to site plan approval required by this code. Such sites shall be required to comply with all applicable provisions of this Chapter, unless otherwise determined acceptable by site plan approval.

### SEC. 3.303 SIDEWALKS AND WALKWAYS REQUIREMENTS

- A) **Sidewalks Required in Residential Zoning Districts:** As required by the Warren County Subdivision Regulations.
- B) **Sidewalks Required in Mixed-Use Residential Zoning Districts:**
  - 1) A five (5) foot wide concrete sidewalk shall be required for all portions of a parcel that fronts along a public street and a minimum of one side for all private drives internal to the development in accordance with the Warren County Engineer's Office Standards.
  - 2) Sidewalks shall be located within the public right-of-way where possible. Where the right-of-way does not permit the location of a sidewalk, such sidewalk shall be located on the property and recorded as a "public access easement".
  - 3) An eight (8) foot minimum paved biker/hiker path may be permitted as opposed to sidewalks as approved by the Salem Township Trustees and constructed in accordance with the Warren County Engineer's Office Standards.

C) **Sidewalks to a Right-of-Way:**

- 1) Where a sidewalk exists in a public right-of-way adjacent to the site or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
- 2) The pedestrian connection shall be a durable surface path with a minimum width of four (4) feet constructed in accordance with the Warren County Engineer's Office standards. An eight (8) foot paved biker/hiker path may be permitted as opposed to sidewalks as approved by the Salem Township Trustees.
- 3) The sidewalk may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements. See Figure 3.303-1.



Figure 3.303-1: This image illustrates a sidewalk connection between a building and a public sidewalk in the right-of-way. This connection includes both a separate sidewalk (foreground) and a connection delineated through a painted line (background).

- D) **Sidewalk Construction:** Sidewalks shall be constructed of an asphaltic, Portland cement binder, and/or permeable pavement, so as to provide a durable and dust-free surface. Hiking trails may be dirt and have a mulch surface for traveling.

**SEC. 3.304 ACCESS MANAGEMENT**

Joint and/or cross access between parcels shall be required for all non-residential and multi-family uses, unless otherwise determined by the Warren County Engineer's Office based on one (1) or more of the following factors (see Figure 3.304 on the following page for an example):

- A) Steep slopes or challenging topography;
- B) Natural features such as streams, wetlands, or vegetated areas;
- C) Level of development potential, based on existing zoning designations or comprehensive plan recommendations;
- D) Compatibility of land uses or development patterns;
- E) Parcel boundary length; and
- F) Any other factor based on traffic safety, flow and/or circulation in the local or regional vicinity.

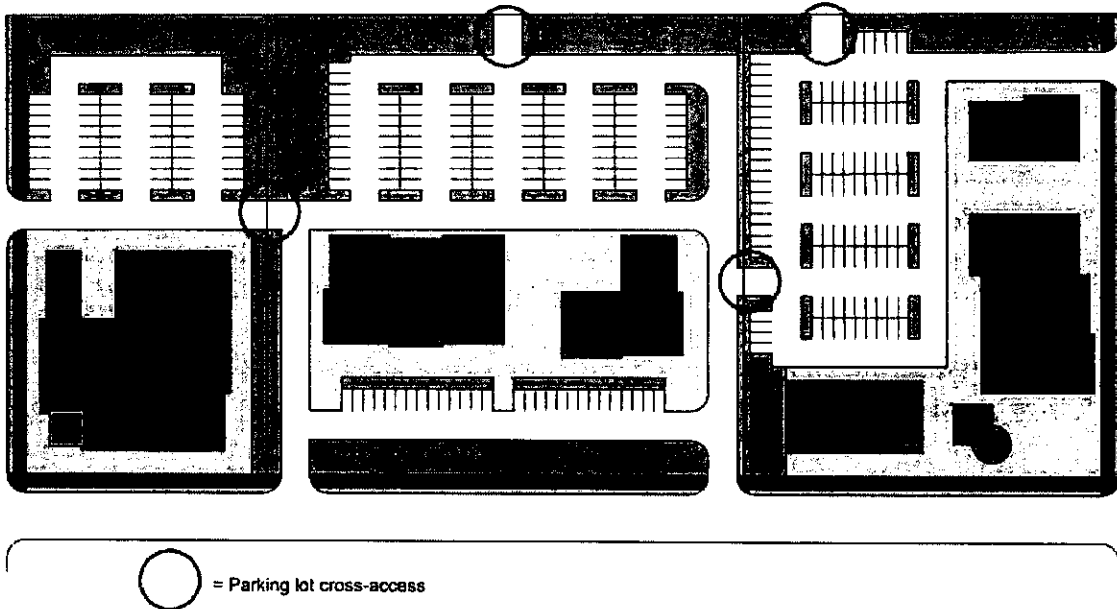


Figure 3.304-1 Cross-Access Example

**SEC. 3.305 BICYCLE PARKING**

Bicycle parking shall be provided at community clubhouses/pool complexes in single-family and multiple-family residential developments, as well as office, commercial, industrial, and mixed-use planned development projects.

**SEC. 3.306 OFF-STREET PARKING DEFINITIONS AND STANDARDS**

The following shall apply to all off-street parking or loading facilities:

- A) **Number of Required Spaces:** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Chapter. Required parking, stacking, and loading spaces shall be considered separate and distinct components and requirements.
- B) **Fractions:** Where fractional spaces result during the calculation of required parking, the required number of parking spaces shall be rounded upward to the next highest whole number.
- C) **Seats:** In the case of benches, pews, and similar seating accommodations, each eighteen (18) inches thereof shall be counted as one (1) seat for the purposes of determining parking requirements.
- D) **Floor Area:** For the purpose of this Chapter, "floor area" in the case of offices, commercial, or service types of use shall mean the gross floor area used for or intended to be used for, services to the public as customers, patrons, clients, or patients or as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. In the case of shopping centers, "floor area" shall refer to the gross leasable area.
- E) **Location of Spaces:** Off-street parking spaces accessory to a principal use shall be subject to the following:
  - 1) Off-street parking facilities for residential uses shall be located on the same lot they are intended to serve.

- 2) The location of required off-street parking facilities on a non-residential use site shall be within three (300) hundred feet of the building entrance they are intended to serve.
- F) **Similar Uses:** Where a use is not specifically mentioned in this Chapter, the standards for a similar use shall be applied. Professional publications, including Parking Generation (Institute of Transportation Engineers), may provide guidance in determining appropriate parking standards for similar uses.
- G) **Collective Parking:** Nothing in this Chapter shall be construed to prevent collective provision of off-street parking facilities for two (2) or more buildings or uses, provided that, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the provisions of this Chapter.
- H) **Irrevocable Use:** All required off-street parking and loading spaces shall be reserved irrevocably and shall not be changed to any other use unless spaces meeting the standards of this Chapter are provided elsewhere, or the parking requirements of the use change.
- I) **Storage, Repairs, and Dumping Prohibited:** Required parking and loading spaces shall not be used for parking of inoperable vehicles, outside storage or display of any equipment, products or materials, or dumping of refuse.
- J) **Placement of Vehicles Offered "For Sale" or "For Trade":** No person or owner of any vehicle or watercraft shall allow such vehicle to be placed or parked on any public property in the township zoning jurisdiction, including street rights-of-way, or on any private property zoned for office and service, commercial, and industrial uses for the purpose of advertising a vehicle "for sale". The provisions of this subsection do not apply to properly licensed motor vehicle dealerships and car lots.

**SEC. 3.307 SCHEDULE OF REQUIRED PARKING BY USE**

Unless specifically provided otherwise in Section 3.309 (Administrative Waivers), each building, structure, or use shall be designed to provide and shall provide the minimum off-street parking spaces specified in this Section. Requirements refer to one (1) space per unit of measurement unless otherwise specifically provided. Square footages are measured on the basis of gross floor area unless otherwise specified.

Table 3.307-1

Use	Minimum Spaces Required
<b>Residential and Residential Based Uses</b>	
Single and Two-Family Dwellings	2 per dwelling unit, exclusive of garage spaces
Multi-Family Dwellings, One- & Two Bedroom	1.5 per dwelling unit plus 0.2 per unit for guest space
Multi-Family Dwellings, Three or More Bedrooms	2.0 per dwelling unit plus 0.2 per unit for guest space
Assisted Living Facilities	0.5 per dwelling unit
Family & Group Day Care Homes	1.5 per on-duty caregiver based upon maximum employment shift, plus required spaces for the dwelling.
Institutional Care	1 per 6 residents, plus 1 per on-duty employee based upon maximum employment shift
<b>Civic, Institutional and Government Uses</b>	



Assembly Halls, Churches/ Places of Worship, Auditoriums, Performing Arts Theaters, Halls for Civic Clubs & Membership Organizations	1 per 4 seats in room with greatest seating capacity or 1 per 40 square feet in largest assembly area without fixed seating
Government Offices, Excluding Post Offices	1 per 350 square feet
Hospital, Health Clinics, and Rehabilitation Facilities	2 per bed
Libraries, Museums, and Fine Art Centers	1 per 450 square feet
Post Offices	1 per 150 square feet
<b>Educational Institutions</b>	
High Schools and Colleges	0.4 per school population (students, faculty, and staff)
Schools, Elementary & Secondary	1.5 per teacher, employee and administrator, plus any required spaces for accessory uses, such as assembly halls
<b>Recreational &amp; Entertainment Uses</b>	
Athletic Field	20 spaces per field
Bowling Alley	4 for each alley
Cinemas	1 per 4 seats
Commercial Amusement –Indoor	1 for each 5 people allowed within the maximum occupancy load as established by the fire marshal
<b>Use</b>	<b>Minimum Spaces Required</b>
Commercial Amusement Park –Outdoor	As determined at Site Plan Review
Golf Course	5.0 per hole
Golf Driving Range	1.5 per tee
Health/Fitness Clubs, Gyms and Spas	1 per 300 square feet
Ice- or Roller-Skating Rink	1 per 250 square feet
Miniature Golf	2 per hole
Recreation Indoor/Outdoor	As determined at Site Plan Review
Stadium, Sports, Arena, or Racetrack	1 per 12 feet of bench seating or 1 per 8 seats
Swimming Pool, Public	1 per 125 square feet of surface water area
Tennis or Racquet Ball Court	4 per court
<b>Retail, Commercial Business Uses</b>	
Farm Market and Produce Stand	1 per 350 square feet of usable floor area
Furniture and Home Furnishing Store	1 per 800 square feet
Hardware or Home Improvement Store	1 per 550 square feet
Nursery or Garden Center	1 per 300 square feet plus 1 per 1,500 square feet of outdoor sales or display area
Open Air Sales	1 per 250 square feet of indoor floor space plus 1 per 500 square feet of outdoor sales or display area
Restaurant, Bars, Tavern, or Pub	1 per 150 square feet
Retail Stores and Commercial Business & Services	1 per 300 square feet
Video Rental Establishments	1 per 450 square feet
<b>Commercial Services and Personal Service Uses</b>	
Animal Hospital or Veterinary Clinic, Kennels	1 per 450 square feet
Barber, Beauty Shop, and Nail Care	2.5 per service chair or station

Child Care or Adult Day Care Centers	1 per 750 square feet
Funeral Parlor, Crematory or Mortuaries	1 per 75 square feet of parlor or chapel space
Laundromat and Dry Cleaning, Print Shops	1 per 400 square feet
Self-Storage Facility	1 per 80 storage units
<b>Office Uses</b>	
Administrative, Business, and Professional Offices	1 per 400 square feet
Banking and Financial Institutions	1 per 400 square feet & 3 per Automated Teller Machine
Medical Offices and Clinics, Massage Therapists	1 per 300 square feet
<b>Automotive Sales, Repair and Service Uses</b>	
Automobile Fueling Stations	1 per 350 square feet plus 2 spaces per fuel pump
Automobile General Repair	1 per 250 square feet of office space plus 2 per service bay
Automobile Parts Store	1 per 500 square feet
Automobile Sales	1 per 400 square feet of showroom & office space plus 2 per service bay
Automobile and Truck Washing Facility	3 stacking spaces for each wash lane plus 2 drying spaces per lane
<b>Use</b>	<b>Minimum Spaces Required</b>
<b>Lodging</b>	
Bed and Breakfast	2 for the owner-operator plus 1 per guest room
Hotel, Motel, Country Inn	1.2 per lodging unit, plus 1 per each 150 square feet of banquet, assembly, meeting, or restaurant seating area
<b>Industrial</b>	
Industrial establishment including manufacturing, research and testing laboratories, printing shops, industrial services, wholesale, Warehousing, manufacturing and distribution, and agricultural research.	1 for each employee computed on the basis of the greatest number of persons to be present at any one period during the day or night
Telecommunications Towers and Facilities	1
<b>Adult Uses</b>	
Sexually Oriented Businesses	1 per 300 square feet

### SEC. 3.308 LOCATION OF PARKING AREAS

- A) Vehicles shall be required to park in designated parking areas only.
- B) Parking facilities for multi-family and non-residential uses shall be located as follows: (See following page for example Figure 3.308-1)
  - 1) **Front Yard:** Off-street parking areas shall be set back a minimum of fifteen (15) feet from the street right-of-way line.

- 2) **Front Yard Abutting Agricultural or Residential Districts and Uses:** When any non-residential zoning district is located directly across the street from any residential zoning district or recorded residential subdivisions (unless zoned for commercial use or designated on the land use plan for future commercial or mixed-use), the parking facilities shall be set back a minimum of fifty (50) feet from the existing street right-of-way line.
- 3) **Side and Rear Yard:** Off-street parking areas shall be set back a minimum of ten (10) feet from any side or rear lot line unless the lot abuts a residential district, recorded residential subdivisions (unless zoned for commercial use), or any lot used for residential purposes where the off-street parking shall be set back a minimum of fifty (50) feet from the lot line.
- 4) **Setback from Buildings:** Parking and loading areas shall be setback at least eight (8) feet from the edge of buildings to provide for sidewalk and/or landscape treatments.

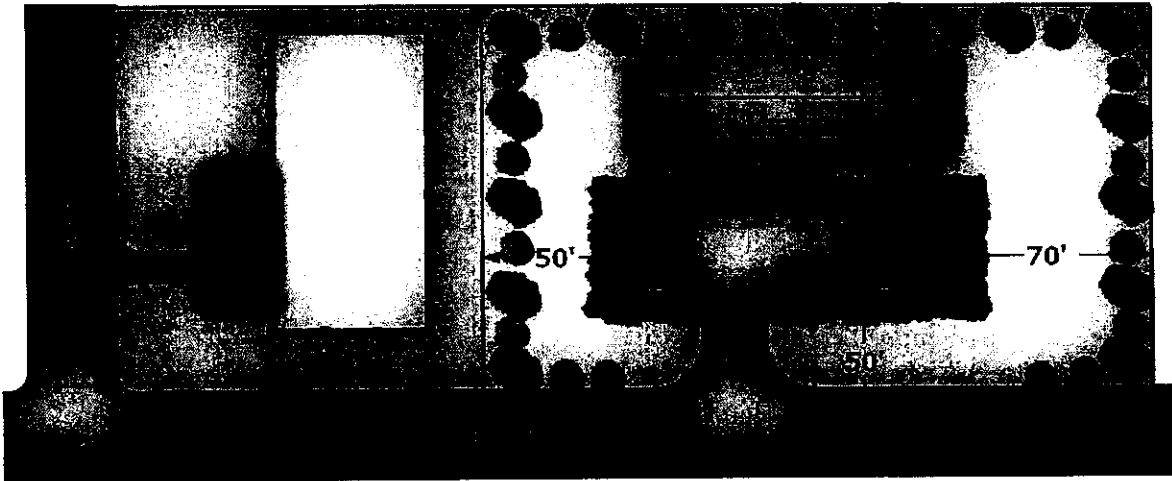


Figure 3.308-1 Example of Parking Setbacks

### SEC. 3.309 ADMINISTRATIVE WAIVERS

The Zoning Inspector may allow non-residential parking at a rate of up to twenty percent (20%) below the required amount as specified in the Table 3.307-1, unless otherwise provided, in this Zoning Code, on an individual basis based upon the scale and impacts of the request, for good cause shown. The applicant shall make such request in writing, which shall include documentation from an acceptable industry publication (i.e., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or by a study prepared by a professional qualified to document parking requirements. Single family and two-family parking may be increased by the Zoning Inspector.

In approving administrative variances that reduce the parking requirements established in Table 3.307-1, the Zoning Inspector may, as a condition of approval, require an area to be reserved or set-aside for additional parking area for future use if needed. Such areas shall be shown on plans to be approved and marked as "reserved parking for future use."

### **SEC. 3.310 SHARED PARKING**

When two (2) or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap, then the parking requirements may be reduced by the Zoning Inspector if the parking area complies with the following standards:

- A) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- B) Off-site parking shall not be used to satisfy the off-street parking required for the uses involved.
- C) Shared parking shall not be permitted on a vacant lot in a residential zoning district unless otherwise permitted by the Township Trustees as part of a site plan approval.
- D) Shared parking areas shall adhere to the requirements for the most intense use.
- E) In the event that a shared parking area is not under the same ownership as the principal use served, a written parking agreement shall be required.
- F) No shared parking space shall be located more than five hundred (500) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- G) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
  - 1) A sufficient number of spaces are provided to meet the highest demand of the participating uses.
  - 2) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
  - 3) Shared parking shall not account for more than 50 percent (50%) of the required parking spaces as established in Table 3.310-1 (Schedule of Required Parking by Use).
  - 4) Any change in use of the activities served by a shared parking facility will be deemed an amendment to the shared parking facility plan and will require Township Trustees review and approval.
  - 5) All shared parking plans and agreements shall be recorded in the office of the Warren County Recorder and a copy of the recorded document shall be provided to the Zoning Inspector prior to any zoning permit being issued.

Table 3.310-1: Parking Occupancy Rates

Use Category	Weekly Daytime: 6:00 a.m. to 6:00 p.m. (%)	Weekly Evening: 6:00 p.m. to midnight (%)	Weekend Daytime: 6:00 a.m. to 6:00 p.m. (%)	Weekend Evening: 6:00 p.m. to midnight (%)	Nighttime: Midnight to 6 a.m. (%)
Multifamily	60	90	80	90	100
Office/Industrial*	100	10	10	5	5
Retail	60	90	100	70	5
Hotel, Motel, Inn	75	100	75	100	75
Restaurant	50	100	100	100	10
Entertainment/ Recreational	40	100	80	100	10
Church	10	30	100	30	5
School	100	30	30	10	5
Movie Theater	40	80	80	100	10
Conference/ Convention	100	100	100	100	5
Institutional (non- church)	100	20	10	10	5
Personal Services	100	80	100	50	5
Medical Offices	100	80	100	5	5
Commercial Services	75	95	100	100	5
All other uses	100	100	100	100	100

**\*Note: Industrial uses with continuous shifts shall be calculated at 100% occupancy rates for all categories.**

The minimum number of shared parking spaces is determined by the following process:

- 1) Determine the parking spaces typically required for each use based on the standards of Section 3.307 and table 3.307-1.
- 2) Multiply the spaces determined in Step 1, for each use by the Parking Occupancy Rates from table 3.310-1. (Using the appropriate use category)
- 3) Add the number of parking spaces, determined in Step 2 together, for each time period of the Parking Occupancy Rate table.
- 4) The greatest of the aggregative gross minimum number of parking spaces for each period shall be used. Example: The following is an example of how a shared parking space calculation would be completed:
  - a) **Office:** 8,000 square feet
  - b) **Restaurant:** 120 seats
    - i. 1 parking spot per 3 seats of restaurant, 1 parking spot per 400 square feet for office (Zoning Standards).
    - ii. The restaurant needs 40 (120/3) spaces, and the office needs 20 (8,000/400) spaces. The required parking is 60 spaces before shared parking calculation.
    - iii. Combine with Table 3.310-1 to find shared parking calculation.

- iv. Largest aggregate total is the shared parking calculation. In this example the required parking is reduced from 60 spaces to 42 spaces saving a total of 18.

Table 3.310-2

	Weekly Daytime: 6:00 a.m. to 6:00 p.m. (%)	Weekly Evening: 6:00 p.m. to midnight (%)	Weekend Daytime: 6:00 a.m. to 6:00 p.m. (%)	Weekend Evening: 6:00 p.m. to midnight (%)	Nighttime: Midnight to 6 a.m. (%)
Office	(20*100%)= 20	(20*10%)= 2	(20*10%)= 2	(20*5%)=1	(20*5%)= 1
Restaurant	(40*50%)= 20	(40*100%)= 40	(40*100%)= 40	(40*100%)= 40	(40*10%)= 4
<b>Total</b>	<b>40</b>	<b>42</b>	<b>42</b>	<b>41</b>	<b>5</b>

**SEC. 3.311 DESIGN REQUIREMENTS**

- A) **Minimum Size:** Except in the case of dwelling units, no parking area shall be smaller than five (5) parking spaces with the necessary and corresponding aisle or drive.
- B) **Access and Driveways:**
  - 1) There shall be adequate provision for ingress and egress to all parking areas as regulated by the Warren County Engineer’s Office Access Management Regulations.
  - 2) The width of a driveway (ingress/egress) for a multi-family or non-residential use, at the street right-of-way line, shall have a minimum width of twenty-four (24) feet and maximum width of thirty six (36) feet (unless otherwise permitted or required by the Warren County Engineer’s Office).
  - 3) Shared ingress and egress is strongly encouraged whenever possible and may be required if deemed necessary by the Warren County Engineer’s Office or ODOT as applicable.
  - 4) All driveways shall be located at least five (5) feet from side or rear property lines for all residential properties and ten (10) feet for all other land uses.
- C) **Dimensional Requirements:**
  - 1) The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls and aisle width shall conform to the minimum standards set forth in Table 3.311-1 and Figure 3.311-2: Illustration of parking space dimensions based on angle of parking.
  - 2) Parking areas may include compact car parking spaces provided that the parking spaces shall be a minimum of eight (8) feet in width and fourteen (14) feet in length. Such parking for compact cars shall not be included in the calculations for required parking.

Table 3.311-1: Parking Are Dimensions

Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet)	Two-Way Maneuvering Aisle Width (Feet)	Parking Width (Feet)	Stall Length (Feet)
0 – Parallel	13	20	9	23
30 – 53	13	20	10	19
54 – 75	18	22	10	9
76 – 90	24	24	10	18



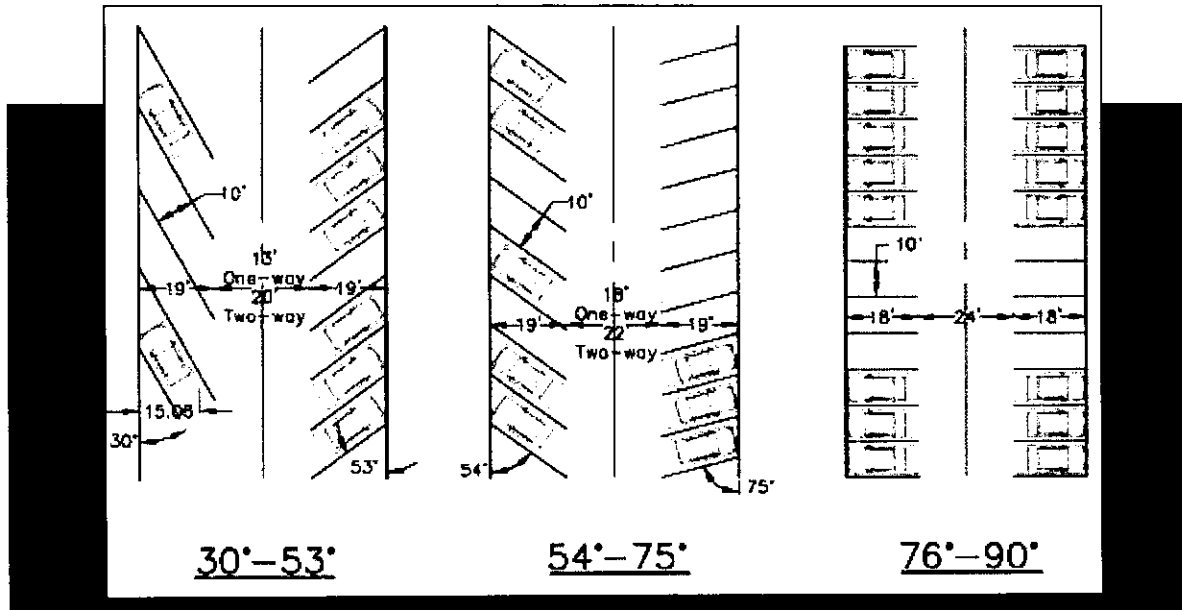


Figure 3.311-1: Illustration of parking space dimensions based on angle of parking.

**D) Surface and Markings:**

- 1) All off-street parking areas and driveways, unless exempt below, shall be surfaced with either asphalt, concrete, or permeable pavement, so as to provide a durable and dust-free surface.
  - a) Driveways for minor residential subdivisions within the R-1 and A districts may be surfaced with gravel or of a similar material; however, an apron (as shown in Figure 3.311-2) may be required by the approving authority for driveways located on roads classified as collectors or arterials per the Warren County Thoroughfare Plan where existing and/or projected traffic and road conditions necessitate such improvement.
- 2) Paved parking areas shall be graded and drained so as to dispose of all surface water accumulated within the area in accordance with the standards of the Warren County Engineer's Office and shall be arranged and marked as to provide for safe loading and unloading and parking and storage of self-propelled vehicles.
- 3) Designated parking spaces, drive aisles, and pavement markings shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition.

- 4) Where driveways intersect the public right-of-way, the paint lines dividing vehicle paths and other pavement markings shall be in accordance with the State of Ohio Uniform Traffic Control Manual.

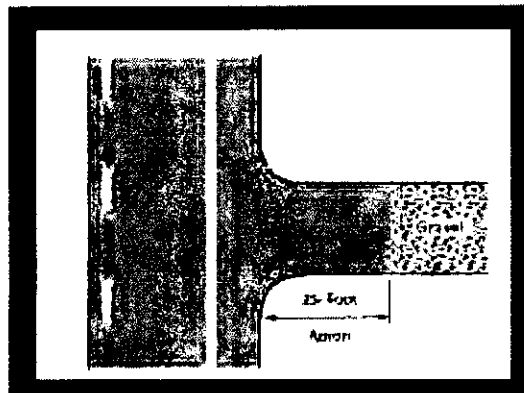


Figure 3.311-2: Illustration of concrete apron.

E) **Curbs and Wheel Stops:**

- 1) All parking lots shall have continuous and/or interrupted curbs.
  - a) Curbing shall be made of concrete or other similar material and shall have a height of six (6) inches and a width of six (6) inches.
  - b) Interrupted curbs shall be used adjacent to drainage swales and rain gardens and shall be arranged to improve storm water flow. (See Figure 3.311-3.)
  - c) Curbing requirements may be waived by an approving authority if parking islands and/or areas beyond the parking lot can adequately accommodate storm water runoff and wheel stops are provided.
- 2) If wheel stops are to be used in the interior of the parking area, each wheel stop shall be a singular block of reinforced concrete, or similar material typical for such purpose. Wheel stops are to be securely attached to the ground and may be used only at the end of parking stalls. Wheel stops may be attached no less than two (2) feet from the rear edge of the parking space.
- 3) Curbing and/or wheel stops shall be located a minimum of two (2) feet from any structures, pedestrian walkways, or plant material (excluding ground cover).



Figure 3.311-3: A combination of interrupted curbs (left), curbs, and wheel stops (right) can effectively allow flow of storm water into interior islands.

- F) **Maneuverability:** All off-street parking areas shall be designed in a way so as to prevent vehicles from having to back out of the lot onto a public street and so as to prevent the moving of one vehicle to access that of another.
- G) **Parking Requirements for the Disabled:**
  - 1) Any parking area to be used by the general public shall provide parking spaces designed and located to adequately accommodate the disabled.
  - 2) Such spaces shall be clearly marked as such. The number, design, and location of such spaces shall be consistent with the provisions of the Salem Township and/or State of Ohio Building Code.
- H) **Special Parking Provisions:**
  - 1) **Screening and Landscaping:** screening and buffering shall be provided for all parking and loading facilities in accordance with the provisions of Article 3, Chapter 4 (Landscaping and Screening Standards).
  - 2) **Exterior Lighting:** Where provided, exterior lighting shall comply with the standards of Article 3, Chapter 5 (Lighting Standards).
  - 3) **Ingress/Egress:** Except for single-family dwellings, off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a street right-of-way. There shall be no obstruction of a public sidewalk, including that portion of the sidewalk within a driveway apron, due to parking, loading, or other activity. The spacing of all ingress and egress points shall comply with the provisions of Section 401.8 (Access Spacing) of the Warren County Access Management Regulations.

**SEC. 3.312 VEHICLE STACKING REQUIREMENTS**

Where drive-through facilities are permitted, vehicle stacking spaces shall be provided according to the following provisions:

- A) **Minimum Number of Stacking Spaces:** The number of required stacking spaces shall be provided as established in Table 3.312-1 and Figure 3.312-2.

*Table 3.312-1: Minimum Vehicle Stacking Space Requirements*

Activity	Minimum Stacking Spaces (per lane)	Measured From (and including)
Financial Institutions or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	8	First Pick-Up Window
Full-Service Car Wash	20/12 [1]	Entrance of tunnel / Exit of tunnel
Self-Service or Automated/Drive-through Car Wash	4	Washing Bay
Fuel or Gasoline Pump Island	2 [2]	Pump Island
Other	As determined by the Zoning Inspector [3]	



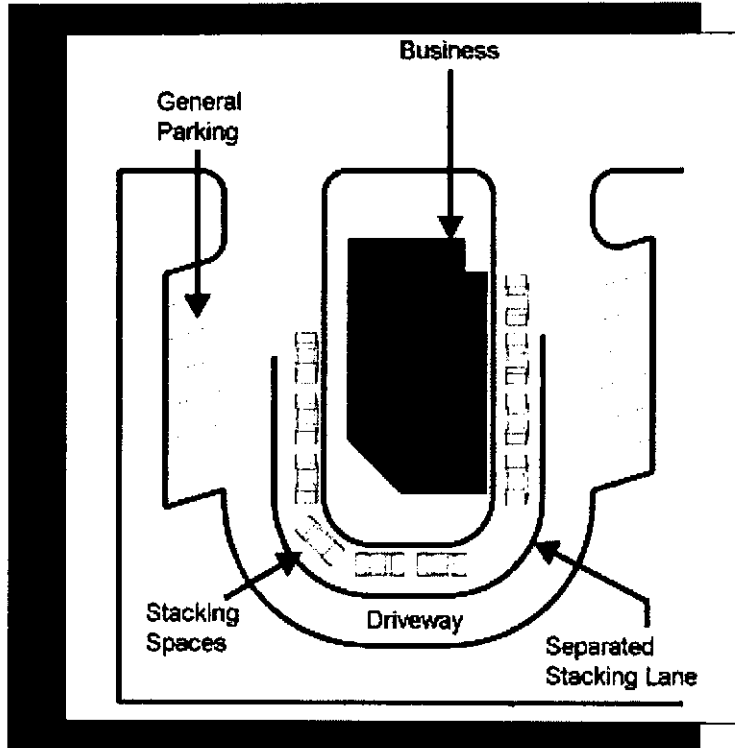
**Note (Table Above):**

[1] The 20 spaces required prior to the entrance of the tunnel may be spread across multiple stacking lanes. The 12 stacking spaces shall be required outside of the exit of the wash tunnel to provide areas for the drying of cars, vacuuming, or other ancillary services.

[2] For each pump, the space at the pump shall count as one space. One additional stacking space shall be required for each pump.

[3] Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this section.

*(Right) Figure 3.312-1: Generalized example of vehicle stacking requirements.*



**B) Design and Layout:**

- 1) Pump spaces can count toward the stacking space requirement.
- 2) Stacking spaces shall be a minimum of ten (10) feet by twenty (20) feet in size.
- 3) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. See Figure 3.312-1.
- 4) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- 5) These stacking space requirements shall be in addition to the off-street parking space requirements.
- 6) When adjacent to a residential zoning district, any lot in a recorded residential subdivision, or any lot used for residential purposes, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

**SEC. 3.313 OFF-STREET LOADING REQUIREMENTS**

- A) **General:** Each building, structure, or use shall be designed to provide and shall provide for off-street loading in the minimum amounts specified in this Section. Loading spaces shall not conflict or overlay with the area used for parking spaces or parking aisles.
- B) **Number of Required Off-Street Loading Spaces:** The minimum number of loading spaces provided for various uses shall be as follows:

- 1) Public buildings, educational, religious, and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple family dwellings and similar uses;

Table 3.313-1

Building Floor Area (Square Feet)	Minimum Loading Space Required
0 – 100,000	1
Each additional 100,000	1

- 2) Banks and financial institutions, medical offices and clinics, administrative, business, and professional offices, dancing or other commercial schools, theaters, bowling alleys, skating rinks, or other places of amusement and recreation;

Table 3.313-2

Building Floor Area (Square Feet)	Minimum Loading Space Required
0 – 100,000	1
Each additional 100,000	1

- 3) Retail store, eating and drinking places, and all other commercial uses; and

Table 3.313-3

Building Floor Area (Square Feet)	Minimum Loading Space Required
0 – 10,000	1
10,001-30,000	2
30,001-50,000	3
50,001-100,000	4
Each additional 100,000	1

- 4) Light and heavy industrial uses.

Table 3.313-4

Building Floor Area (Square Feet)	Minimum Loading Space Required
0 – 20,000	1
20,001-40,000	2
40,001-60,000	3
60,001-160,000	4
Each additional 100,000	1

C) **Dimension of Loading Spaces:** Loading spaces shall be at least twelve (12) feet in width and twenty-five (25) feet in length with a vertical clearance of at least fourteen (14) feet in height.

D) **Location of Loading Space:**

- 1) Loading spaces shall not be provided in the front yard or on any building façade facing or visible from a public street, except where the Salem Township Trustees determine such a

location is necessary due to the location or placement of the building, existing street patterns, or other factors.

- 2) No loading space shall be closer than one hundred (100) feet to any residential use or district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six (6) feet in height, or unless screened by buffer "Type D" in addition to a setback of ten (10) feet.
- 3) In all other cases, loading spaces shall be set back a minimum of ten (10) feet from all lot lines.
- 4) No loading space shall be in a designated fire lane.

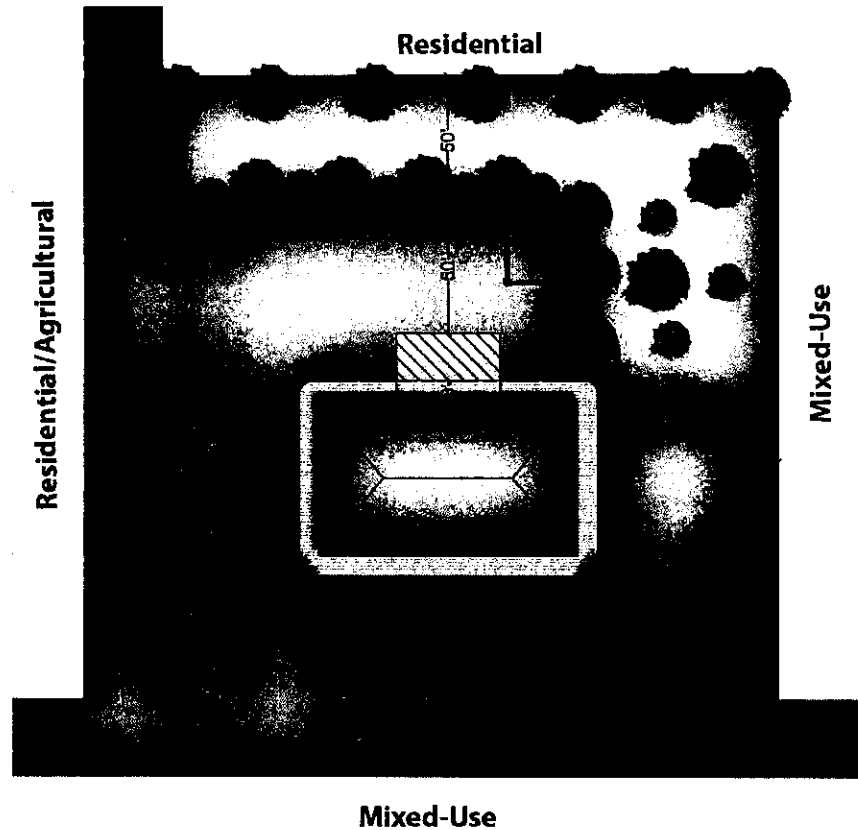


Figure 3.313-1 Loading Requirements Example

E) **Access:**

- 1) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.
- 2) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- 3) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

F) **Screening:**

- 1) All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.

- 2) The screening material shall be at least six (6) feet in height and one hundred percent (100%) opaque and shall satisfy the buffer requirements of the most restrictive adjacent district. (See Figure 3.313-1 on the previous page for an example.)

# ARTICLE 3

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## CHAPTER 4 LANDSCAPING AND SCREENING STANDARDS AND REQUIREMENTS

### SEC. 3.401 PURPOSE

- A) The purpose of this Chapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, within buffer areas, between uses, on the interior of a site, within parking lots and adjacent to buildings. Landscaping is viewed as a critical element contributing to aesthetics, development quality, environmental integrity, stability of property values, and the overall character of the Township zoning jurisdiction.
- B) The landscape standards of this Chapter are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

### SEC. 3.402 OBJECTIVES

Consideration of site landscaping, screening, and buffering is intended to reflect the purpose of this Chapter per the following objectives:

- A) Site landscaping is encouraged to be innovative and creative in design, and to reflect the unique conditions and accommodate the specific circumstances of the site.
- B) At the time of installation, landscaping, screening, and buffering elements are intended to be immediately effective in meeting the objectives of this Chapter.
- C) To preserve significant natural, historical, and cultural site features, including but not limited to large trees, hedgerows, water bodies, steep slopes, wetlands, archeological sites, and historic elements.
- D) To apply landscaping standards to re-development of existing sites that have been developed without adequate landscaping, screening, or buffering.
- E) Screening is intended to:
  - 1) Mitigate the adverse effects of a proposed use on adjacent uses, including but not limited to headlight glare, lighting, noise, and trash disposal area.
  - 2) Create a physical visual transition zone between the uses of a significantly different scale or character, to reduce the adverse effects of a proposed use on adjacent uses, or to break-up the visual pattern of large monotonous areas of a site, such as parking lots.
- F) Berms and earth forms are encouraged to be designed with physical variations in heights and alignment through their length.

### SEC. 3.403 EXPANSIONS OR ALTERATIONS

The provisions of this Chapter shall apply to an existing development when expansion or alteration is as follows:

- A) If the expansion of the square footage of an existing building exceeds 25% of the gross floor area of the existing building or if the expansion of the parking area exceeds 25% of the existing

vehicular use area, then the applicant shall work with the Township Trustees to develop an appropriate landscaping plan. For the purpose of this chapter, the parking shall include parking spaces, parking aisles, access drives, and loading areas.

- B) The affected area if under 25%.

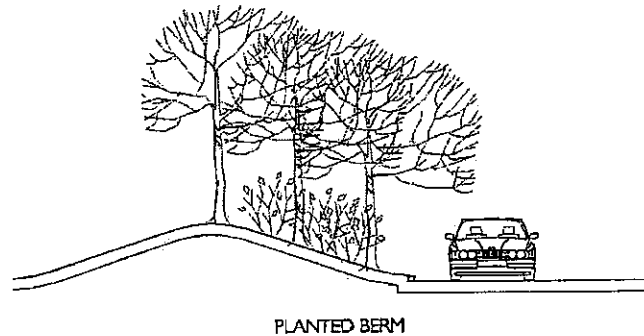
### SEC. 3.404 LANDSCAPING AND MATERIALS

At the time of installation, landscaping, screening, and buffering elements shall be immediately effective in meeting the objectives of this Chapter and shall maintain that effectiveness as the plant materials mature.

- A) **General Location Requirement:** Landscaping shall be installed in locations such that, when mature, it does not obscure traffic signs or light nor obstruct access to fire hydrants nor interfere with adequate motorist sight distance or overhead utility lines.
- B) **Existing Landscape Material:** Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part provided that the existing landscape material meets the minimum standards of this Chapter. The Zoning Inspector shall determine satisfaction of this requirement.
- C) **Easements:** Required landscaping shall not be installed within any underground or overhead utility, drainage, or gas easement without the consent of the easement holder.
- D) **Landscaping Materials:** Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to the requirements of this Zoning Code and the review and approval by the Zoning Inspector.
  - 1) **Walls and Fences:** In addition to any other requirements for walls and fences established in this Zoning Code in Section 3.102, walls and fences shall be subject to the following:
    - a) When walls or fences are used to fulfill screening requirements, a detailed drawing shall be shown on the plan.
    - b) Chain link fences shall not be allowed to satisfy the buffer/screening requirements of this chapter.
  - 2) **Plants:**
    - a) Plant materials used to satisfy the provisions of this Chapter shall be installed in conformance with the standards of the American Standard for Nursery Stock, latest edition from American Nursery and Landscape Association (ANLA) and approved by the American National Standards Institute, Inc. (ANSI) and shall have passed any inspections required under state regulations.
    - b) Plants shall be non-invasive and should be selected based on insect and disease resistance and long-life expectancy.
  - 3) **Species Diversity:**
    - a) When fewer than forty (40) trees are required on a site, at least two (2) different species shall be utilized, in roughly equal proportions.
    - b) When forty (40) or more trees are required on-site, at least three (3) different species shall be utilized, in roughly equal proportions.
    - c) Nothing in this Subsection shall be construed to prevent the utilization of a larger number of different species than specified above.

4) **Earth Mounds:**

- a) Earth mounds shall conform to the grading requirements of the Warren County Soil and Water Conservation District and shall be designed to not be an impediment for drainage.
- b) Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation and to achieve a natural appearance.



*Figure 3.404-1 Berms and Earth Mounds Example*

- c) Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on, or adjacent to, the site.
- d) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- e) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

**SEC. 3.405 BUFFERING AND SCREENING REQUIREMENTS**

A) **Streetscape Buffer:**

- 1) The front yard of each site shall be landscaped with street trees. Street trees may be credited toward the minimum requirements specified in Section 3.407(A) (Landscaping and Screening for Parking and Loading Areas).
- 2) Trees are required at a rate of one (1) tree per forty (40) feet of frontage with a minimum of one (1) tree per parcel.

B) **Lot Perimeter Buffer:**

- 1) Table 3.405-1 establishes the buffer type required, based on adjacent zoning districts and uses. Table 3.405-2. establishes the minimum buffer requirements.
- 2) Where a use or district falls under more than one of the categories listed, the most stringent requirements shall be applied.
- 3) Driveways and parking areas are prohibited within the required buffer area, excepting for cross-access purposes.

Table 3.405-1: Lot Perimeter Buffer Type

PROPOSED USE	ADJACENT TO				
	Single-Family or Two-Family Residential District, Recorded Subdivision or lot used for single family residential purposes	Multi-Family Residential Use or District	Office Use or District	Commercial/Business Use or District	Industrial Use or District
Single-Family or Two-Family	None	None	None	None	None
Multi-Family	Buffer "C"	None	None	None	None
Commercial/Business	Buffer "D"	Buffer "C"	Buffer "A"	Buffer "A"	Buffer "B"
Office	Buffer "D"	Buffer "B"	Buffer "A"	Buffer "A"	Buffer "C"
Industrial	Buffer "D"	Buffer "D"	Buffer "C"	Buffer "B"	Buffer "A"

Community Facility and Essential Service uses and uncategorized Non-Residential uses that propose structures shall provide a minimum of Buffer Type C adjacent to Single-Family and Two-Family uses. This requirement may be moderated during Site Plan Review or Conditional Use Review, based on the nature of the proposal.

Table 3.405-2: Minimum Requirements For Buffer Type

Buffer Type	Minimum Buffer Width	Minimum Screen Height	Minimum Plant Materials
"A"	10 Feet	None [1]	1 deciduous or evergreen tree per every 40 lineal feet as required in Note [4]
"B"	20 Feet	6 Feet	1 tree per 25 lineal feet with a minimum of 40% evergreen trees as required in Note [4]
"C"	30 Feet	8 Feet	1 tree per 20 lineal feet with a minimum of 50% evergreen trees as required in Note [4]
"D" [2]	50 Feet	10 Feet [3]	1 evergreen (or 1 deciduous tree) and 1 shrub per 10 lineal feet along the residential side of the wall or fence as required in Notes [3] and [4]

**Notes:**

[1] No minimum screen height is required unless the Salem Township Trustees or Zoning Inspector finds that screening is needed between similar uses that have varying degrees of density or land use intensity.

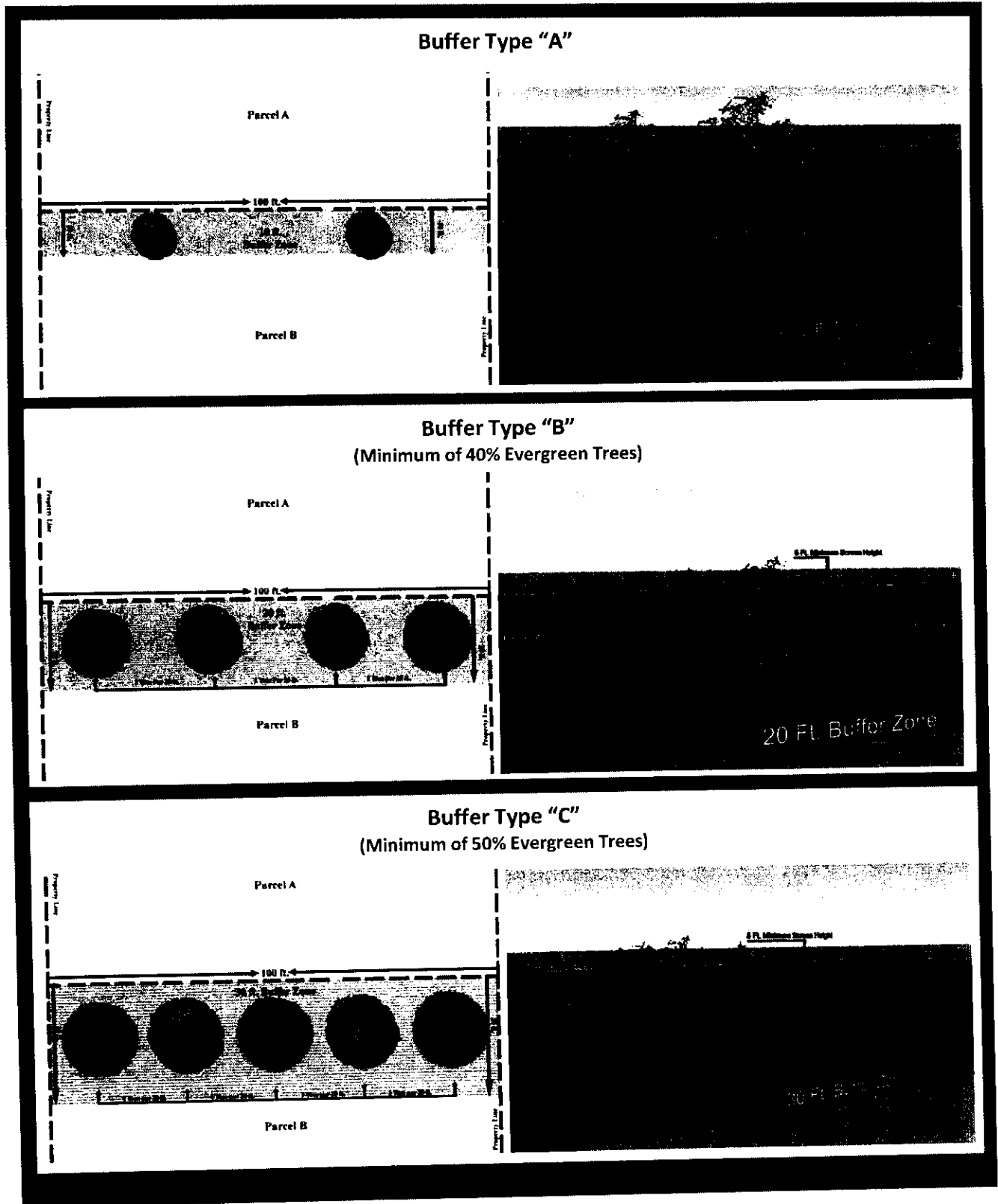
[2] The slope of the mound shall not exceed a 3:1 ratio.

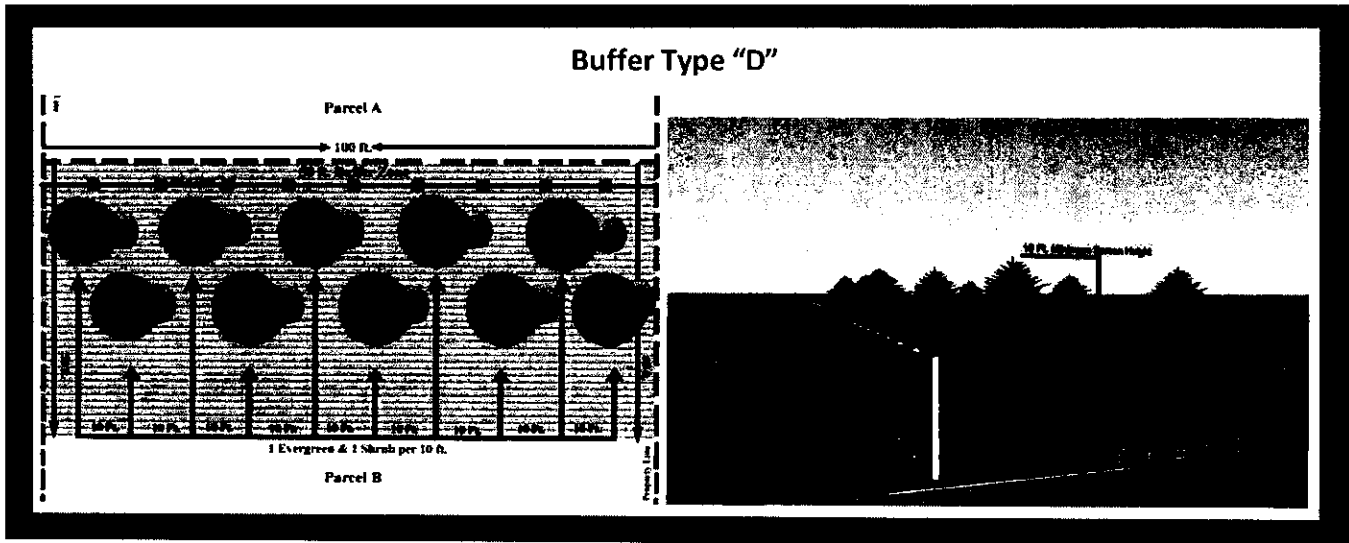
[3] Landscaping and/or screening elements of Buffer Type "D" shall collectively consist of trees, shrubs, fencing/walls or berms, to a height of ten (10) feet and be installed to one hundred percent (100%) opacity. Fencing/walls or berms are limited to four (4) feet high in the front yard or as the Approving Authority requires.

[4] At the time of planting deciduous trees shall be a minimum of one and three fourths inch (1 ¾") diameter and evergreens shall be a minimum height of five (5) feet. Note: The Approving Authority may approve the substitution of shrubs or other landscaping for required trees.



Figure 3.405-1: Buffer Illustrations





C) **Mechanical Equipment, Service Structure and Dumpster Screening:**

- 1) All mechanical equipment, including both ground-mounted and roof-mounted equipment and Dumpster or similar container, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes, through the use of landscaping or enclosures, as approved by the Zoning Inspector.
- 2) All electrical boxes, conduits, and similar items attached to a façade shall be painted the same color as the building.

D) **Rural Subdivision Perimeter Buffer Requirements:** The below-listed requirements of this section apply to the perimeter of land proposed for a major subdivision in the R-1 district. Minor subdivisions are excluded from these requirements.

1) **The buffer that is required along a subdivision boundary that abuts a collector or arterial thoroughfare shall be as follows:**

- a) Required trees shall be arranged to provide the maximum screening effect.
- b) Required berms shall have a slope that does not exceed a one (1) foot of rise for every three (3) feet of linear distance of the berm base width.
- c) Height of a required berm shall be measured from the elevation of the paved roadway.
- d) The minimum height of a deciduous or evergreen tree at the time of planting shall not be less than six (6) feet in height.
- e) The buffer shall be located on ground owned and maintained by the homeowners' association or by the lot owner in an easement for that purpose.
- f) The buffer shall be installed by the developer before the Zoning Inspector approves the record plat.
- g) Existing vegetation may be used to satisfy the buffer requirements as determined by the Zoning Inspector. To qualify, trees shall be two (2) inches or greater in caliper.

2) **Design Options:**

- a) **Option 1:** Minimum buffer width less than one hundred (100) feet:

- i. A landscaped berm seven (7) feet high located outside the road right-of-way and also outside of utilities easements unless approved; or,
  - ii. Seven (7) trees and seven (7) shrubs per every one hundred (100) feet of road frontage.
- b) **Option 2:** Minimum buffer width equal to or greater than one hundred (100) feet and less than three hundred (300) feet:
- i. A landscaped berm four (4) feet high located outside of the road right-of-way and also outside of utilities easements unless approved; or,
  - ii. Five (5) trees and five (5) shrubs per every one hundred (100) feet of road frontage.
- c) **Option 3:** Sufficient existing vegetation that effectively screens and maintains rural character. The buffer shall be maintained in its natural state.

### SEC. 3.406 PARKING REQUIREMENTS

Parking and/or loading areas that are more than fifty (50) spaces or over ten thousand (10,000) square feet of area are subject to the following requirements:

#### Interior Landscape Requirements:

- 1) **Minimum Area:** Ten percent (10%) of the total parking area shall contain islands for landscaping.
- 2) Landscape islands may be reduced to 5% of the total parking area if the parking lot surface is composed of permeable, dust-free materials. See Figure 3.406-1.

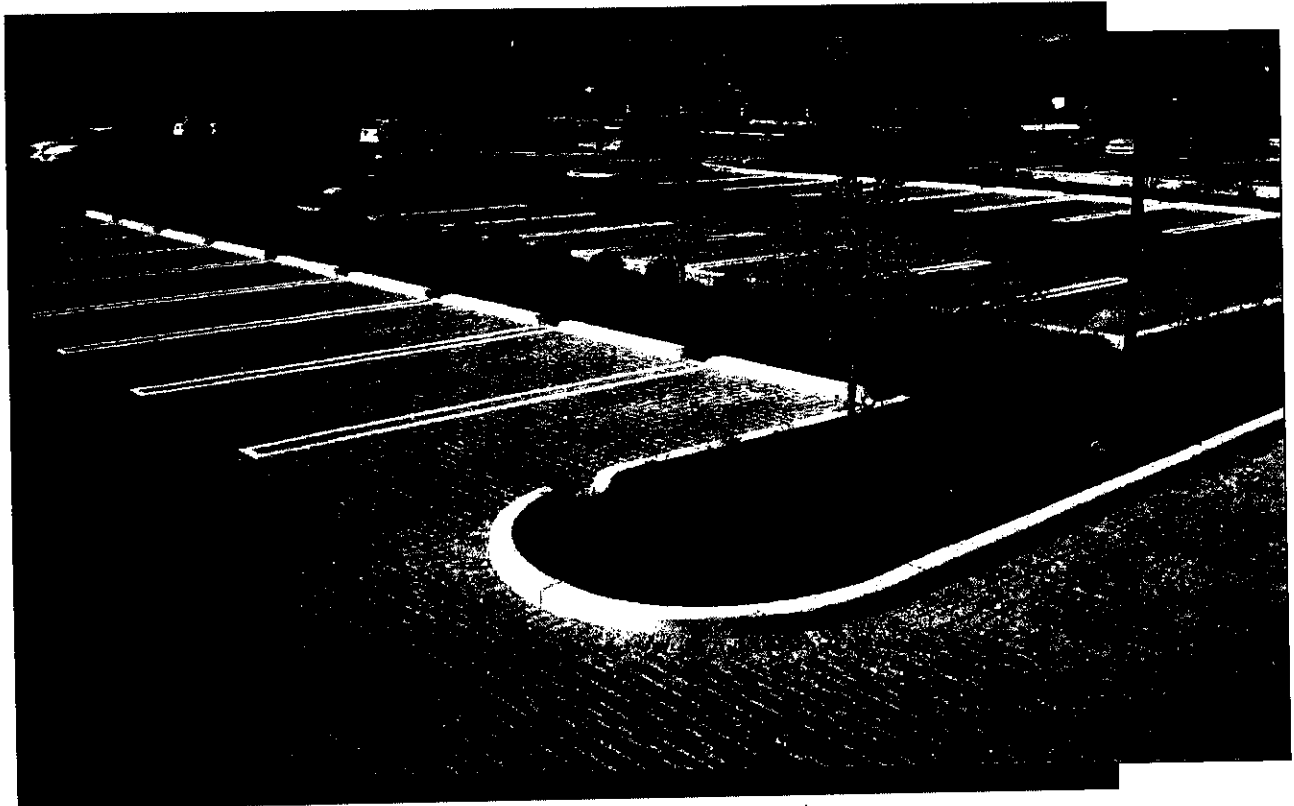
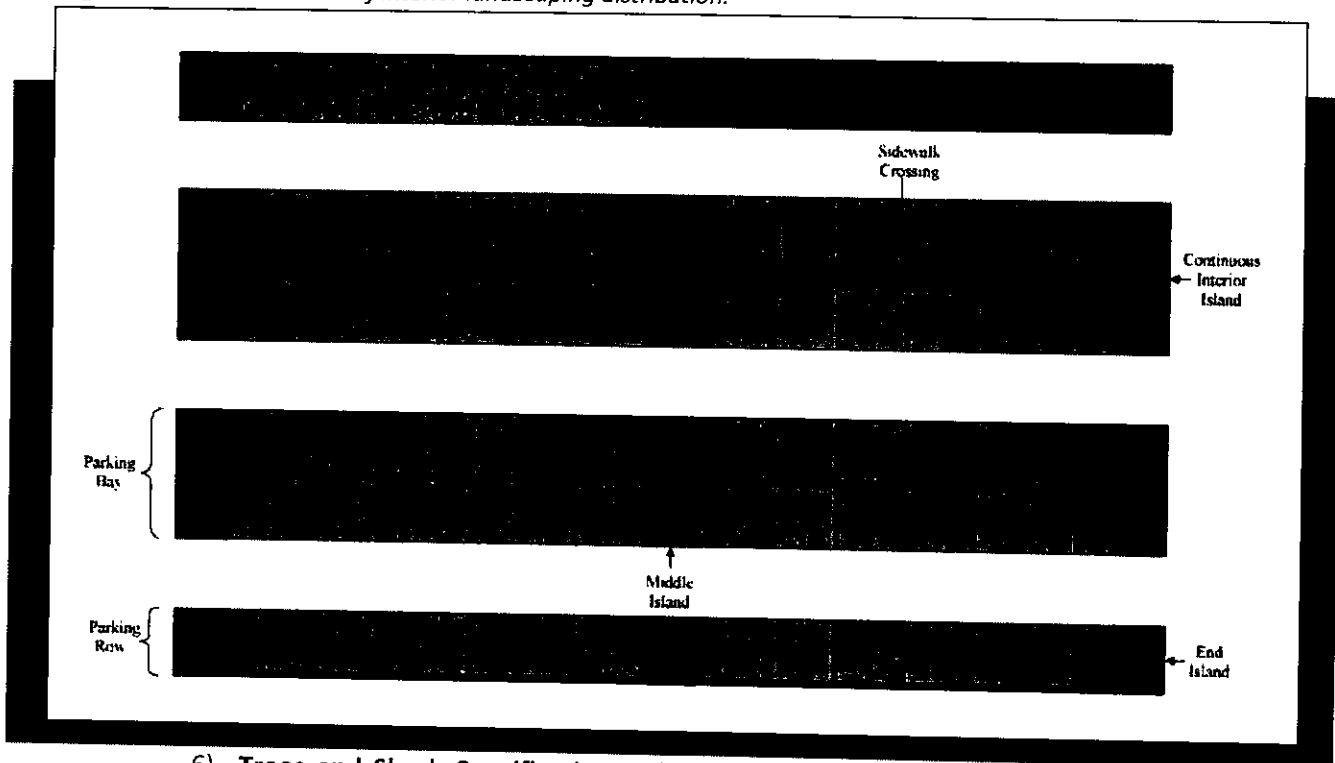


Figure 3.406-1: A permeable surface used in combination with a rain-garden.

- 3) **Island Dimensions/Area:** Islands shall be a minimum of eight (8) feet in width and have a minimum area of 144 square feet.
- 4) **Depth:** Islands shall be installed below the level of the parking lot surface to allow for capture of storm water runoff; however, the approving authority may reduce this requirement based on topography and storm water flow. Islands that sit below the parking lot surface must be composed of at least one of the following:
  - a) Rain garden
  - b) Subsurface storage vault, cistern, or aggregate base to accommodate for increased water intake.
- 5) **Distribution:** Islands shall be designed and distributed with the following standards:
  - a) Islands shall be required at the end of each parking row.
  - b) A maximum of 12 parking spaces in a row can occur before a landscaped island is required. See figure 3.406-3.
  - c) A continuous island is required for every two (2) parking bays and shall be placed between every other parking bay or as determined by the approving authority to allow for safe automobile and pedestrian circulation. See figure 3.406-3. 1. A sidewalk crossing shall be provided for every 60 feet within a continuous interior island. Figure 3.406-3: Illustration of interior landscaping distribution.

Figure 3.406-3: Illustration of interior landscaping distribution.



- 6) **Trees and Shrub Specifications:** The following standards shall apply to islands within parking areas:
  - a) All trees shall have a one and three-fourths inch (1 ¾") diameter (as measured six [6] inches above ground) at the time of planting.

- b) There shall be a four (4) foot minimum distance to all tree centerlines from the edge of the parking area.
- c) For single-loaded parking rows, end islands and middle islands must contain one (1) tree and two (2) shrubs.
- d) For double-loaded parking rows, end islands and middle islands must contain two (2) trees and four (4) shrubs.
- e) For continuous islands, one (1) tree and two (2) shrubs per every 40 lineal feet is required.
- f) Trees shall retain visibility near the ground and provide for a clear sight distance.
- g) Shrubs shall not exceed more than three (3) feet in height or be placed in a location that could cause a traffic or visual hazard.

**SEC. 3.407 OTHER REQUIREMENTS**

- A) **Street Buffer:** Minimum width of eight (8) feet containing plant material inclusive of non-invasive deciduous trees. Ground cover and shrubs shall provide a visual screen maintained at a height of not greater than three (3) feet. Refer to Section 3.405(A).
- B) **Ground Cover:** Grass or ground cover shall be planted on all portions of the required buffer areas not occupied by other landscaped material.
- C) **Detention and Stormwater Management Facilities:** Detention and storm water management facilities shall be landscaped and maintained per the applicable requirements of the Warren County Engineer’s Office and the Warren County Soil and Water Conservation District. Detention basins and slopes shall be regularly maintained.
- D) **Vehicle Overhang:** Parked vehicles may overhang into the interior landscaped area not more than two and one half (2 1/2) feet. Wheel stops shall be provided.

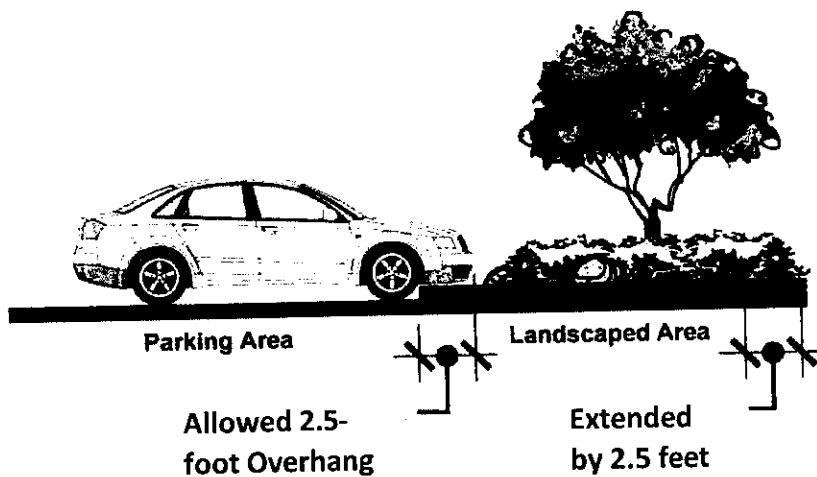


Figure 3.407-1 Vehicle Overhang Example

**SEC. 3.408 MAINTENANCE**

- A) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property

maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.

- B) Unhealthy and dead plants shall be replaced within one (1) year, or by the next planting season, whichever comes first. The determination of whether a plant is unhealthy shall be at the discretion of the Zoning Inspector or a recognized landscape professional.
- C) The effectiveness of screening shall be maintained as the plant materials mature.

# ARTICLE 3

## CHAPTER 5 LIGHTING STANDARDS AND REQUIREMENTS

### SEC. 3.501 PURPOSE

The purpose of this Chapter is to protect and enhance development through the use of appropriate lighting practices. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass, minimize obtrusive light, conserve energy, maintain safety, and prevent the degradation of the night sky. The following standards shall apply to all outdoor lighting, including parking areas and areas where on-building lighting or other security lighting is utilized.

### SEC. 3.502 SCOPE

- A) Unless expressly exempted, all exterior lighting intended for permanent installation and operation shall not be erected, constructed, expanded, materially altered, relocated, or reconstructed unless in compliance with lighting provisions of this Chapter.
- B) The Township may require the modification, removal, or limited operation of existing lighting fixtures found to be a public hazard or a public nuisance. Criteria for finding illumination to be a public hazard are as follows:
  - 1) Light trespass or glare which is so intense or contrasts excessively with surrounding illumination that it causes visual impairment or distracts from or impairs the safe operation of a vehicle.
  - 2) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.

### SEC. 3.503 PERMITS

A permit is required for multi-family residential uses, non-residential uses, and temporary events.

### SEC. 3.504 APPLICATION REQUIREMENTS

The following information shall be provided with all site plans and may be required by the Zoning Inspector with any building or zoning permit application where exterior lighting is proposed to be altered or installed.

- A) A lighting plan including the location, type, and height of all existing and proposed light fixtures, such as freestanding, building-mounted, and canopy light fixtures, and all existing and proposed sign lighting.
- B) A photometric grid indicating the overall light intensity, measured in foot-candles, throughout the site.
- C) Specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

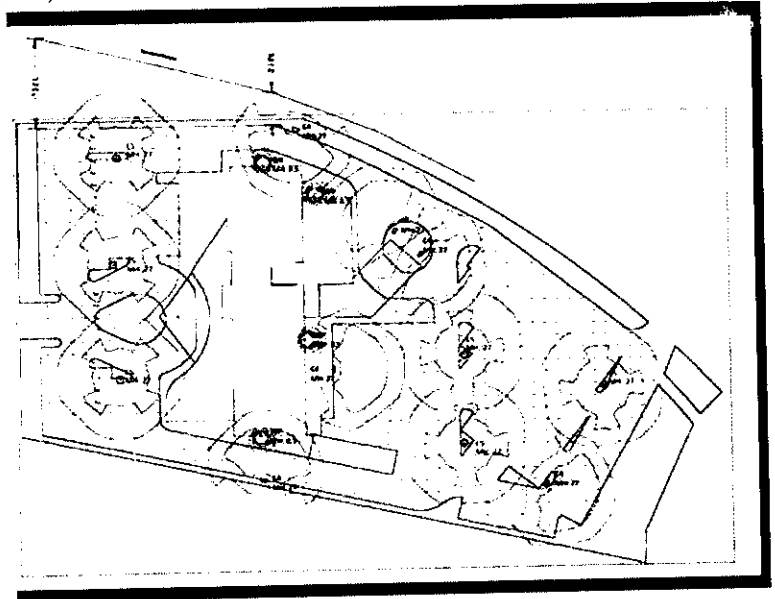


Figure 3.504-1: Example of a photometric grid

**SEC. 3.505 GENERAL REQUIREMENTS**

A use or activity shall not create a nuisance to surrounding properties or a viewing danger to the safety of motorists or pedestrians. The criteria for finding illumination to be a nuisance may be one of the following:

- A) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property; or,
- B) A high frequency and/or duration of periods when light trespass or glare interrupts or interferes with usual and reasonable use and enjoyment of a property; or,
- C) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties.

**SEC. 3.506 DESIGN REQUIREMENTS**

In general, outdoor lighting shall be deflected, shaded, and focused away from adjacent properties and shall not create a spot glare nuisance. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent residential properties shall not exceed two-tenths (0.2) foot-candles. The maximum permitted luminaire height and the maximum permitted illumination shall conform to this Section:

A) **Lighting Source with No Cut-off or Cut-off Greater than ninety (90) Degrees:**

- 1) For residential uses (excluding multi-family residential): Light sources shall not exceed fifteen (15) feet and shall not exceed two-tenths 0.20 foot-candles at the property line.
- 2) For non-residential and multi-family residential uses: Shall be used only for decorative purposes, provided it does not exceed fifteen (15) feet; luminaires produce no more than one thousand five hundred (1,500) lumens (approximately equal to a one hundred watt

(100W) incandescent bulb; and does not exceed three-tenths (0.30) foot-candles at the property line.

B) **Lighting Source with Ninety (90) Degree Cut-off (Full Cut-off):**

- 1) **For residential uses (excluding Multi-Family Residential):** Light sources shall not exceed twenty (20) feet and five tenths (0.50) foot-candles at the property line.
- 2) **For non-residential and multi-family residential uses:** Light sources shall not exceed twenty-five (25) feet in height and two tenths (2.0) foot-candles at the property line.

C) **Lighting Source with Less than Ninety (90) Degree Cut-off:**

- 1) **For residential uses (excluding Multi-Family Residential):** Light sources shall not exceed thirty (30) feet and one (1.0) foot-candle at the property line.
- 2) **For non-residential and multi-family residential uses:** Light sources shall not exceed thirty-five (35) feet and four (4.0) foot-candles at the property line.

- D) **Canopy Lighting:** Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall be recessed into the canopy so that they cannot be viewed from off-site from an eye height of four feet (to protect automobile drivers from glare).

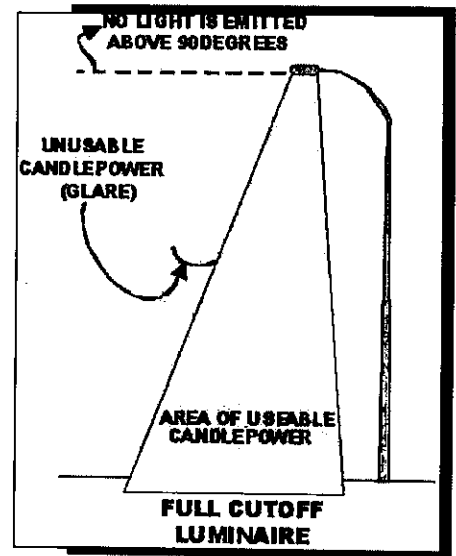


Figure 3.506-1: Example of Full Cutoff

**SEC. 3.507 LIGHTING FOR OUTDOOR PERFORMANCE AREAS AND RECREATION**

- A) Shall not exceed thirty (30) foot-candles and shall not exceed eighty (80) feet in height.
- B) Shall be a minimum distance of one and one-half (1 ½) times the height of the lighting luminaire device from the property lines.
- C) Existing vegetation that mitigates glare upon residential properties shall be maintained to the greatest extent possible.
- D) Where playing field or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing areas and immediate surroundings, and so that illumination is not directed off the site.
- E) The main lighting shall not remain longer than fifteen (15) minutes following the end of the event. A low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities. The low-level lighting system shall not exceed three (3) foot-candles at the property line.

**SEC. 3.508 SEARCH LIGHTING FOR SPECIAL EVENTS OR ATTRACTIONS**

Search Lighting is prohibited within Salem Township.

**SEC. 3.509 NEON LIGHTING FOR BUILDING ORNAMENTATIONS OR ACCENTUATIONS**

- A) Only located within the Mixed-Use Residential Zoning District.
- B) The intensity of illumination in relation to the height proposed complies with Section 3.506.
- C) Flashing or blinking illumination is prohibited.
- D) Use is limited to building edge or border locations, such as around doors, windows and/or along a canopy, awning, marquee, or parapet.
- E) The lighting is not located on a side of a building that faces an adjacent residential use or zoning district, unless effectively screened from view.

**SEC. 3.510 EXEMPTIONS**

Lighting fixtures and standards required by federal, state, county, or township agencies, including street lights within public right-of-way.

# ARTICLE 3

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## CHAPTER 6 SIGNAGE STANDARDS AND REQUIREMENTS

### **SEC. 3.601 PURPOSE**

The purpose of this Chapter is to regulate and encourage the orderly development of signs while recognizing the need for adequate business identification, informational and advertising communication, and the value of visual attractiveness. The purpose of this Chapter is intended to:

- A) Promote and maintain visually attractive residential and mixed-use districts free from signage clutter.
- B) Complement the scenic and natural beauty of communities and the countryside.
- C) Encourage sign design and placement that minimizes distraction and confusion.
- D) Establish review procedures to evaluate the appropriateness of signs.

### **SEC. 3.602 APPLICABILITY**

Unless expressly exempted, no exterior or window signage shall be erected, constructed, enlarged, expanded, structurally altered, relocated, or reconstructed unless a zoning permit and building/electrical permit evidencing the compliance of such sign with the provisions of this Chapter have been issued by the Zoning Inspector. Repainting, replacement of parts, and preventative maintenance do not require a permit.

### **SEC. 3.603 STATE PERMIT**

In addition to the zoning permit required pursuant to this Chapter, a state permit issued by the State Director of Transportation may be required prior to the issuance of any zoning permit for outdoor advertising signs located within six hundred sixty (660) feet of streets that are part of the interstate or primary highway systems.

### **SEC. 3.604 APPLICATION REQUIREMENTS**

An application for permit shall be in accordance with Section 1.302 and include the following information:

- A) Position of the sign in relation to nearby buildings, structures, and property lines.
- B) Plans illustrating dimensions, materials, method of construction, and attachment or placement.

### **SEC. 3.605 REVIEW PROCEDURES**

The zoning permit for a sign is subject to Zoning Inspector approval in accordance with Article 3, Chapter 6. The review of signs submitted in conjunction with a development requiring site plan shall be in accordance with Section 1.303.

SEC. 3.606 SIGN TYPES

Signage Types:

Figure 3.606-1: Signage Examples

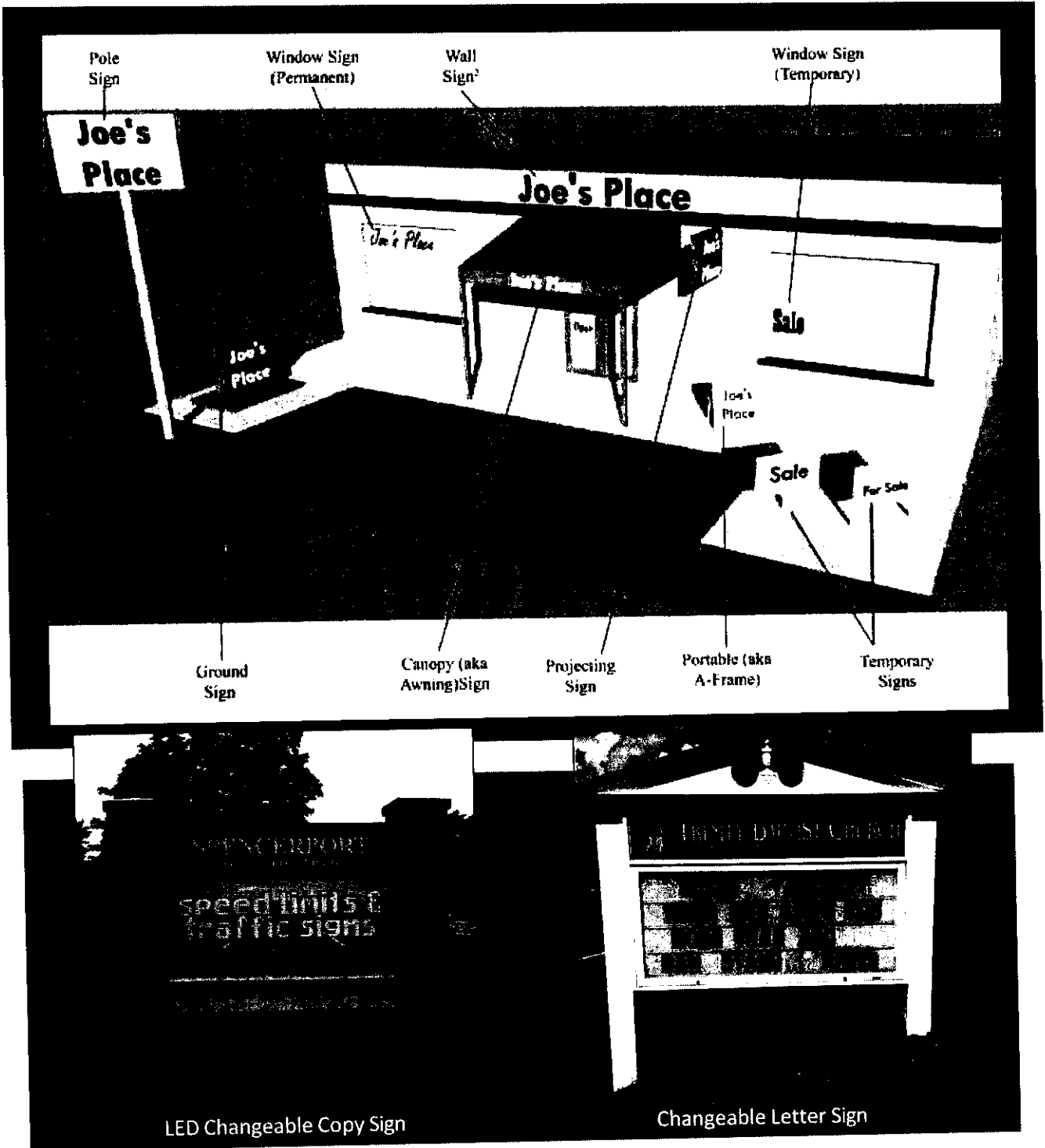


Figure 3.606-2: Examples of Ground Signs

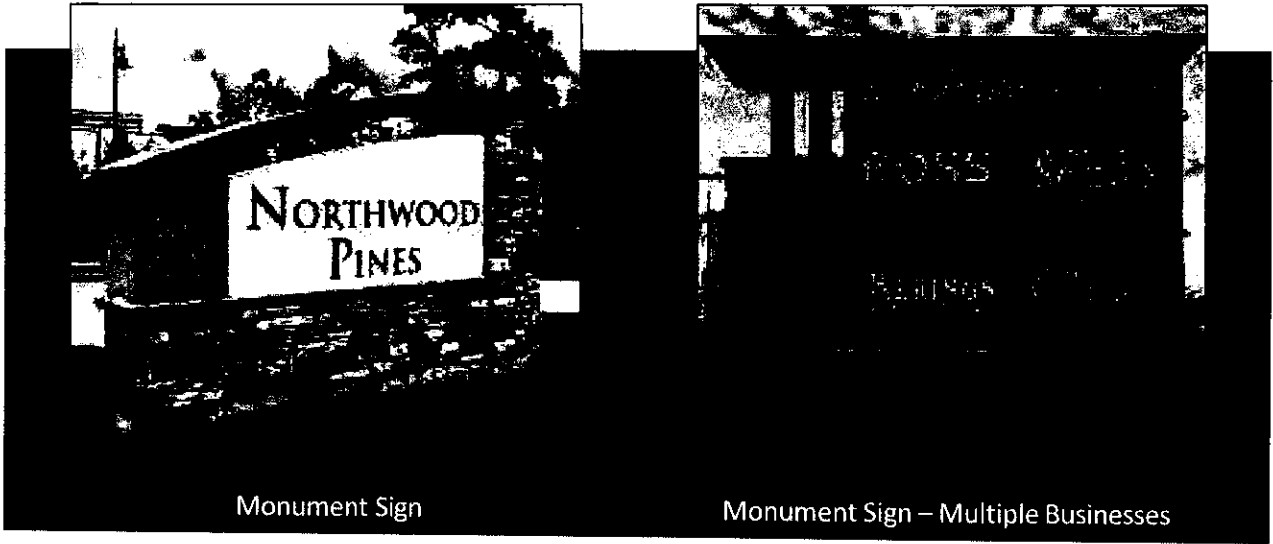


Figure 3.606-3: Example of a Gateway Pole Sign

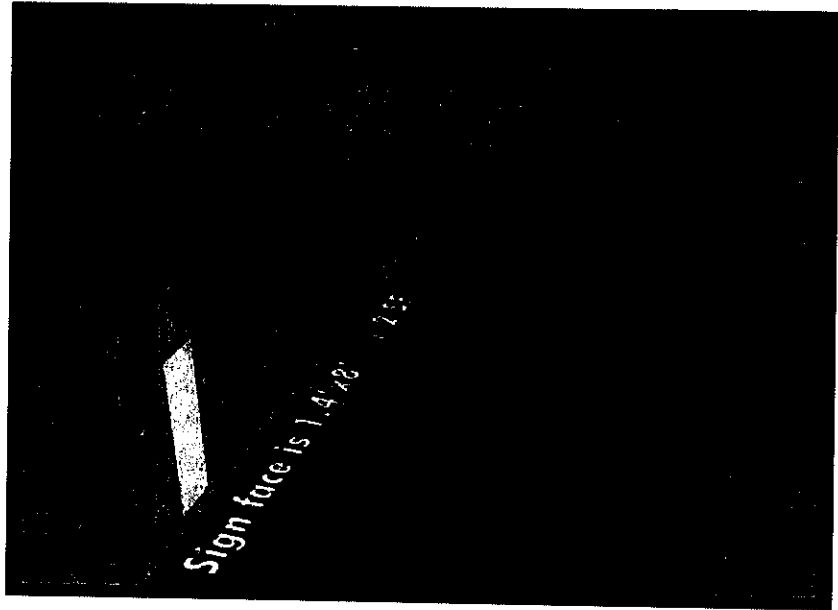


Figure 3.606-4: Examples of Wall Signs



### SEC. 3.607 GENERAL SIGN STANDARDS

An illuminated sign shall only emit light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign be placed or directed so as to be a visual nuisance or traffic hazard subject to compliance with Article 3, Chapter 5 (Lighting Requirements and Standards).

- A) Regulation of signs along interstates and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted herein.
- B) Signs not specified within this Chapter shall require the Zoning Inspector to make a determination as to whether the sign listed shall be allowed as a permitted sign or otherwise prohibited, based on being similar or not to one or more signs specified elsewhere in this chapter. The Zoning Inspector may convene the Board of Zoning Appeals to make the same determination if he or she believes the sign is not easily categorized with any of the signs specified elsewhere in this chapter.
- C) No sign shall be placed in such a manner as to obstruct free and clear vision of traffic on public or private property. A determination will be made by the Zoning Inspector, based upon input from the Warren County Engineer and/or the Ohio Department of Transportation (ODOT).
- D) Signs shall not obstruct windows, doors, fire escapes, balconies, stairways, ladders, vents, or other means of building ingress/egress.

- E) Electronic changeable messages is permitted, provided each message is displayed for at least eight (8) seconds and a change of message is completed within one (1) second.

**SEC. 3.608 DESIGN STANDARDS**

- A) Freestanding and Ground Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry and shall include, but are not limited to, brick, simulated brick material, stone, EIFS, polished or honed finish metals, decorative precast concrete, wood, architectural masonry, steel and/or metal, and glass.
- B) The structure must be an integral part of the sign display and no exposed structural members will be permitted unless it contributes to the sign concept.
- C) The components necessary for operation or fastening of the signage shall not be exposed or visible to the general view unless it contributes to the sign concept.
- D) All freestanding signs shall be located in a landscaped or hardscaped setting to provide the desired continuity and street-scene effect of the development. The preferred type of sign shall be a Ground Sign with indirect illumination.
- E) The source of illumination shall be arranged so as to not reflect onto or cause glare to pedestrians or vehicles.
- F) All electrical service must be hidden underground with meters or drops screened from the general view.
- G) Landscaping must screen any exposed light source on the ground.
- H) Plywood, plastic, and unfinished wood are not permitted.
- I) Vinyl lettering is permitted when used as a substrate material.

**SEC. 3.609 SIGN DIMENSIONAL COMPUTATIONS**

The following regulations shall control the computation and measurement of sign area, sign height, window area, and building frontage:

A) **Determining Sign Area and Dimension:**

- 1) The sign area shall include the display area of the sign, including the frame, but shall not include the structural support unless such structural support is illuminated or determined to constitute an integral part of the sign design. Whether a sign is composed of a sign face or individual letters and other communication elements, the sign area shall be the area of one rectangular shape that encompasses the perimeter of all the elements of the display.

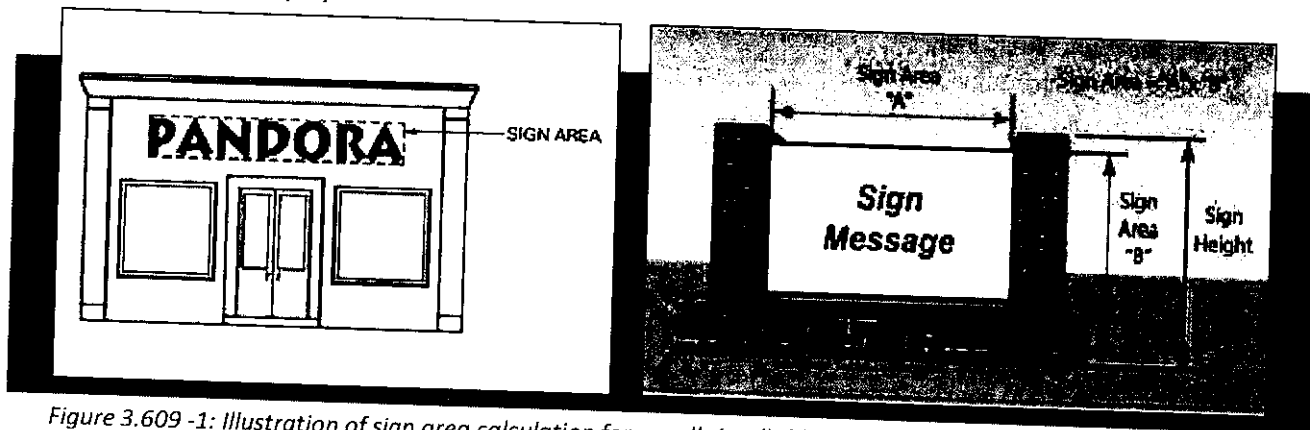


Figure 3.609 -1: Illustration of sign area calculation for a wall sign (left) and a ground sign (right).

- 2) The sign area for a sign with more than one (1) face (multi-faced signs) shall be computed by adding together the area of all sign faces.
  - 3) When two (2) identical faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty four (24) inches apart, the sign area shall be computed by the measurement of one of the faces.
- B) **Determining Sign Height:** The height of a sign shall be measured from the average grade at the base of the sign or support structure to the tallest element of the sign structure. Decorative caps, finials, and similar design elements not exceeding twelve (12) inches in height and located on the top of supporting posts for a ground sign shall not be included in the calculation of sign height.
  - C) **Multi-Occupant Buildings:** The portion of a building that is owned or leased by a single occupant and has a public entrance shall be considered a building unit. The primary building frontage for such building unit shall be measured from the centerline of the party walls defining such building unit.
  - D) **Determining Sign Setback:** The setback of all ground signs shall be measured from the right-of-way to the nearest point of the sign.

### SEC. 3.610 PROHIBITED SIGNS

The following types of signs are specifically prohibited:

- A) All permanent pennants, banners, streamers, and similar-type devices.
- B) Signs or portions of a sign that cycle, revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.
- C) Beacons and searchlights, except for temporary events and emergency purposes.
- D) Signs attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which is located in such a manner to serve exclusively as a permanent, temporary, or portable sign.
- E) Promotional balloons suspended from, or affixed to, a structure, vehicle, or ground. Flashing neon.
- F) Roof signs, except roof signs used for identification purposes on agricultural buildings.
- G) Window signs that occupy more than fifty percent (50%) of the window surface.
- H) **Abandoned Signs:** Any temporary sign which has exceeded its time, event, or purpose or any sign which pertains to a use that has been discontinued for a period of sixty (30) days measured in consecutive days is considered abandoned and must be removed.
- I) No signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter or placed in any public right-of-way.
- J) No sign shall contain words, images, or graphic illustrations of an obscene nature.
- K) Audio message delivery signage.
- L) Signs that emit any flames, smoke, fumes, vapor, or any similar substance.



Figure 3.610 -1: Examples of prohibited sign types.

**SEC. 3.611 EXEMPT SIGNS**

Signs erected and maintained pursuant to a government’s function, ordinances, or regulation shall be excluded from the regulations of this Section. In addition, the following signs are exempt from the requirements of Section 3.602 Applicability. Exempt signs shall not be illuminated, directly or indirectly, and shall be set back at least ten (10) feet from the street right-of-way line.

- A) **Temporary Signs within Residential Zoning District:** Temporary signs within residential zoning districts are exempt if they meet the following standards:
  - 1) **Removed within thirty (30) days following:** termination of the activity/announcement.
  - 2) Maximum of one (1) sign per residence or lot.
  - 3) **Maximum sign area:**
    - a) **Zoning Districts: R-1 and A:** Seven (7) square feet with a maximum height of four (4) feet.
    - b) **Zoning Districts: R-2:** Twelve (12) square feet with a maximum height of four (4) feet.
  - 4) Must have the property owner’s permission.
- B) **Temporary Signs within Non-Residential Zoning District:** Temporary signs within non-residential zoning districts are exempt if they meet the following standards:
  - 1) Maximum sign area of twenty-four (24) square feet with a maximum height of six (6) feet.
  - 2) Removed within seven (7) days following the termination of the activity, announcement, or event.
  - 3) Not more than sixty (60) days within a calendar year.
  - 4) Must have the property owner’s permission.
- C) **Portable “A” frame, inverted “T” Signs, Banners:**

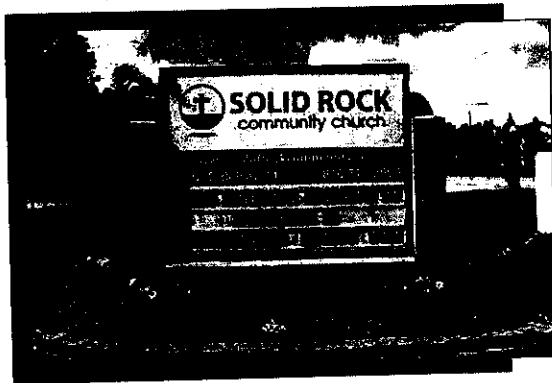
These signs shall be used in accordance with the following provisions:

  - 1) One sign shall be permitted one (1) per property or business.
  - 2) The maximum sign area is twelve (12) square feet.
  - 3) Must be a minimum of ten (10) feet from the public right-of-way.
  - 4) Must have the property owner’s permission.
- D) **Professional Name Plates:** Not exceeding two (2) square feet in area, identifying the name of the business or occupants of a building or lot.
- E) **Window Signs:** Not exceeding more than fifty percent (50%) of the window surface.
- F) **Vehicular Directional Signs:** Vehicular directional signs which provide on-site directional assistance within a multi-family or non-residential development in accordance with the following:
  - 1) **Maximum Area:** Six (6) square feet.
  - 2) **Quantity:** One (1) per access point, not to exceed four per parcel.

- 3) **Maximum Height:** Thirty (30) inches.
  - 4) **Design:** No logos or advertising copy.
- G) **Pedestrian Directional Signs:** Pedestrian directional signs, containing no advertising, may be posted in a multi-family or non-residential development, provided they do not exceed four (4) square feet per side, and cause no visibility problems.

**SEC. 3.612 SIGNS PERMITTED IN ALL DISTRICTS**

- A) **Gateway Signs:** Architectural features with letters, characters, or graphics may be erected at each entry point, subject to the following:
- 1) One (1) sign is permitted on each side of the entrance.
  - 2) Gateway signs shall maintain clear zones for pedestrians and motorists and comply with the following:
    - a) Maintain a setback of ten (10) feet from public street right-of-way line(s) as determined on the Warren County Thoroughfare Plan;
    - b) Ten (10) feet from the edge of driveway; and,
    - c) Five (5) feet from any sidewalk or paved path.
  - 3) A maximum height of ten (10) feet from average grade.
  - 4) A maximum sign face of twenty-four (24) square feet in residential zones, all other zones subject to Table 3.613-2 Ground Sign Requirements.
  - 5) Proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping shall be submitted to the Zoning Inspector as part of the sign permit application.
- B) **Changeable Copy Sign:** The use of changeable copy signs shall be permitted subject to the following:
- 1) One changeable copy sign shall be permitted per property.
  - 2) Changeable copy signs shall be considered ground signs when determining the number of permitted signs allowed in accordance with the requirements of Table 3.613-1 Sign Quantities). Any portion of the permitted sign may be used as changeable copy.
  - 3) The total area of changeable copy shall not exceed fifteen (15) square feet. A maximum sign face of twenty-four (24) square feet in residential zones, all other zones subject to Section 3.613 Non-Residential District Signs.
  - 4) Changing of the copy does not require a permit.



*Figure 3.612-1: A sign for an institutional use on a brick base with foundation plantings.*

- C) **Arch Signs:** An arch sign shall be subject to the following standards:
- 1) **Maximum height for signage, including any structural elements:** 25 ft. A height in excess of 25 ft. may be approved subject to site plan review.

- 2) **Minimum clearance:** 14 ft., 4 in.
- 3) A sign shall be set back a minimum of 2.5 feet from the driveway pavement or lot line. (2.5 feet on both sides)
- 4) **Maximum area of sign face:** 2 ft. multiplied by the width of the span of the arch.
- 5) **Maximum number of sign faces:** 2
- 6) **Maximum number of poles (structural supports):** 2; one on either side of the driveway/roadway.
- 7) **Minimum setback from right-of-way:** 10 ft.
- 8) **Permitted materials:** see Sec. 3.606 (A)
- 9) **Prohibited materials:** See Sec. 3.606 (I)

**SEC. 3.613 NON-RESIDENTIAL DISTRICT SIGNS**

A) **Quantity:**

Table 3.613-1: Sign Quantities

Location	Wall Signs	Pole, Arch, & Ground (including LED) Signs [2]	Canopy/ Awning Signs [2]	Projecting Signs	Signature Wall Signs
Single Building with One User.	One (1) per exterior building wall, including side walls.	One (1) per street frontage or lot.	One (1) per building	One (1) per building frontage	One (1) per building greater than 45' in height on one wall that fronts an interstate.
Multi-Tenant Building or Multiple Buildings on one Parcel	One (1) per business for multi-tenant buildings, or one (1) per exterior building wall for buildings with one user.	One (1) per street frontage per multi-tenant building, or one (1) per street frontage per multi-tenant parcel. [1]	One (1) per business on ground level	One (1) per business on ground level	None
Undeveloped Lots	One Pole, Arch, or Ground (including LED) Sign [2] per street frontage or lot.				

[1] One per street frontage per comprehensively developed collection of buildings.

[2] A site may have a pole sign or an arch sign or a ground sign as stated in the table above; it may not have some combination of the three types.

- B) **Building Mounted Signs:** All building mounted signs shall be located either along the front of the building where the street right-of-way is located, facing a parking lot for the business, or along the side or back of a building where there is visibility from a public access point.

1) **Wall Signs:**

a) **Sign Area:** A wall sign shall be permitted with an area not to exceed one (1) square foot in area for each one linear foot of building frontage to a maximum size of one hundred fifty (150) square feet.

b) **Signature Wall Signs:** Such wall signs shall conform to the following provisions:

- i. Signature wall signs shall not exceed one (1) square foot per lineal foot of building frontage along the interstate highway, with an area not to exceed two hundred (200) square feet.



- ii. The top of a signature wall sign shall be located within ten (10) feet of the roof line of a building to which it is attached and shall not extend above the building roof line.
- 2) **Projecting Sign:** Projecting signs are attached to the primary building.
  - a) Sign area shall not exceed nine (9) square feet.
  - b) Signs shall be installed to achieve a minimum vertical clearance of eight (8) feet from the bottom of the sign to the finished grade.
  - c) Prohibited over a vehicular access way.
- 3) **Awnings/canopy:** Sign area shall not exceed twenty (20) square feet.
- C) **Ground Signs:** The following shall apply to all ground signs. (See also 3.612 (A) Gateway Signs):
  - 1) **LED Signs:** The use of the LED sign shall be permitted subject to the following:
    - a) One changeable copy sign shall be permitted per property.
    - b) Changeable copy signs shall be considered ground signs when determining the number of permitted signs allowed in accordance with the requirements of Section 3.613(A) (Quantity). The LED display panel may constitute any portion of the permitted signage area.
    - c) Any portion of the permitted sign may be used as changeable copy. The total area of the sign face, including the LED display panel, shall not exceed twenty (20) square feet.
    - d) Changing of the copy does not require a permit.
    - e) The luminosity of the LED board shall be dimmed between dusk and dawn so that the sign shall emit no more than 0.2 foot-candles at all property lines.
  - 2) **Dimensional Requirements for Ground Signs:**

Table 3.613-2: Ground Sign Requirements

Sign Location	Sign Requirements		
	Maximum Sign Height (Feet)	Maximum Sign Area Per Sign (Sq. Ft.)	Maximum Number of Signs
A lot occupied by uses (i.e. shopping center, office building, apartments, etc.) that has an area less than 50,000 square feet in gross floor area.	6	48	1
A lot occupied by uses (i.e. shopping center, office building, apartments, etc.) that has an area greater than or equal to 50,000 square feet in gross floor area.	12	96	1

- D) **Pole Signs:** A permanent pole sign supported by one (1) or more uprights, poles, or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a pylon sign.
  - 1) **Sign Area:** Pole signs shall be permitted with an area not to exceed one hundred fifty (150) square feet.

- 2) **Sign Setbacks:** All such signs shall be set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to Section 3.103.1 Clear Sight Distance Triangle.
- 3) **Sign Height:** No such signs or any portion of the structure they may be integral with, shall exceed twenty (20) feet from grade and shall be at least eight (8) feet off the ground.

**SEC. 3.614 RESIDENTIAL DISTRICT SIGNS**

**Wall Signs:**

- 1) One (1) non-internally illuminated pole or wall sign not exceeding four (4) square feet is permitted.
- 2) **For buildings greater than four thousand (4,000) square feet:** One non-internally illuminated wall sign not exceeding one (1) square foot of sign surface area for each six (6) feet of building frontage shall be permitted provided the total surface area of wall signs and ground or pole signs as measured collectively, shall not exceed thirty two (32) square feet.

**SEC. 3.615 SIGNS ON UNDEVELOPED LOTS**

Signs on undeveloped lots shall comply with the following:

- A) **The minimum roadway distance between signs on undeveloped lots:** Two thousand (2,000) feet.
- B) **Landscaping:**
  - 1) Signs shall be erected in a landscaped setting that has a minimum size equal to, or exceeding, twice the sign face area.
  - 2) The exact location of the landscaped area shall be approved by the Zoning Inspector.
  - 3) The landscaped area shall include one (1) tree and two (2) shrubs per ten (10) linear feet of sign width. Trees shall be minimum eight (8) feet high and two (2) inches Diameter at Breast Height (DBH), and shrubs shall be a minimum three (3) gallon pot size with a minimum eighteen (18) inches height and spread. Trees shall be staggered in accordance with section 3.405 buffer type "D".
  - 4) The landscaping requirement shall not apply to signs located in dense shrubbery or wooded areas where the existing vegetation is four (4) feet in height or taller.
- C) **Internal Illumination:** Shall be prohibited, excluding electronic message signs. Signs may be externally illuminated, and illumination shall be concentrated upon the area of the sign face to prevent glare.
- D) **Changeable Messages:** An electronic changeable message is permitted, provided:
  - 1) That the sign face is stationary and of constant intensity and color; and
  - 2) Each message is displayed for at least eight (8) seconds and a change of message is accomplished within one (1) second.
- E) Signs on undeveloped lots are only permitted on lots adjacent to State Route 123 or US Route 22.

**SEC. 3.616 COMPREHENSIVE SIGN PROGRAM**

Intended to integrate the design of proposed signs with the design of the structures, into a unified architectural statement or to define common sign standards for multi-tenant projects shall be required whenever any of the following conditions exist:

- A) Multiple tenants or use signs are proposed for a new or existing development.

- B) Multiple tenant or use signs are proposed for a single structure or separate structures that are physically or functionally related.
- C) A planned shopping center.
- D) The Zoning Inspector determines that a Comprehensive Sign Program is needed because of special project characteristics. The comprehensive sign plan shall include the location, size, height, color, lighting and orientation of all proposed signs, in addition to any other information deemed necessary by the Zoning Inspector in conjunction with the required preliminary Site Plan for the development. If the comprehensive sign plan is found to be acceptable, exceptions to the provisions of this Code may be granted, if such exceptions result in an improved relationship between the various parts of the plan. A Comprehensive Sign Program shall comply with the following standards:
  - 1) The signs shall enhance the overall development, be in harmony with, (materials, colors, and styles) and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify;
  - 2) The overall sign size shall be related to the scale and type of development;
  - 3) The program shall accommodate future revisions that may be required because of changes in use or tenants;
  - 4) The program shall comply with the standards of this Chapter, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purpose of this Chapter; and,
  - 5) Revisions to a Comprehensive Sign Program may be approved by the Zoning Inspector if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Program.



Figure 3.616-1 Comprehensive Sign Program Example

### SEC. 3.617 ILLUMINATION AND MAINTENANCE STANDARDS

In addition to the size, type, and location of signs, all signs shall meet the following standards:

- A) **Illumination:** Unless otherwise limited in this chapter, signs shall be permitted to be illuminated as provided in the following:
- 1) **Source:** Light sources to illuminate permanent signs may be internal or external. This includes channel lettering, reverse channel lettering, and LED display boards.
  - 2) **Intensity:** Illuminated by devices that has a constant intensity subject to the standards of Article 3, Chapter 5 (Lighting Requirements and Standards)
  - 3) **Location:** Shall not constitute a traffic hazard or nuisance.
  - 4) **Design:** Temporary, moveable, or portable signs shall not be illuminated.
- B) **Maintenance:** All signs shall be maintained as follows:
- 1) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition suitable for the intended use and shall have a continuing obligation to comply with all building code requirements. The final responsibility for maintenance and compliance rests with the property owner.
  - 2) If the Zoning Inspector finds that any sign is unsafe or a hazard to public safety, notice shall be given in writing by the Zoning Inspector to the property owner. The property owner shall, within one (1) week of such notification, correct such unsafe condition or remove the sign. In the event of an immediate threat to the public health, safety, or general welfare, the Zoning Inspector is authorized to immediately take corrective action.
  - 3) Defective signs (e.g., lighting that is no longer functional; damaged, broken, missing, or exposed parts or pieces; loose or exposed wiring or parts) shall be repaired or removed within thirty (30) days.
  - 4) The removal of a sign for maintenance purposes does not require a zoning permit provided that the following conditions are met:
    - a) No alterations to the sign face, lettering, base, or support.
    - b) No enlargements of the sign or its structure.
    - c) The sign is accessory to a legally allowed use.

### **SEC. 3.618 NON-CONFORMING SIGNS**

The purpose of this Section is to provide for the continuation of legally non-conforming signs and to provide reasonable standards for the maintenance, servicing, alteration, and removal of such signs.

- A) **Continuation:** This Section provides for the continuation of legally non-conforming signs. A legally non-conforming sign is defined as a sign which was legally permitted at the time of adoption of this resolution, but which does not meet the development standards of this Chapter.
- B) **Maintenance of Non-conforming Sign:** Non-conforming signs shall be maintained in good condition and may continue until such sign is required to be removed as specified in this Chapter.
- C) **Alteration, Relocation, or Replacement of the Non-conforming Sign:** A nonconforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this Chapter.
- D) **Reconstruction of Damaged Sign:** If a sign face and/or its support structure are damaged to the extent where the repair cost exceeds fifty percent (50%) of the replacement cost of the sign, the sign shall be removed or brought into compliance with the provisions of this Chapter. If the repair costs do not exceed fifty percent (50%) of the replacement costs of the sign, the Zoning Inspector shall permit the sign to be repaired, provided all repair work is completed within sixty (60) days of the date the damage occurred.

- E) **Termination:** A non-conforming sign shall immediately lose its legal nonconforming status, and shall be brought into conformance with this Chapter or removed, when any of the following occur:
- 1) The sign is enlarged, relocated, illuminated, or replaced.
  - 2) The sign is part of a use that has been abandoned for two (2) or more years.

**SEC. 3.619 REMOVAL OF SIGNS**

- A) The Zoning Inspector may cause the removal of any sign illegally placed within the right-of-way of any road within the Township zoning jurisdiction.
- B) A sign face identifying a business that no longer exists or products and services no longer being rendered shall be removed from the premises within ninety (90) days from the date of termination of such activities.

# ARTICLE 4 LANGUAGE AND DEFINITIONS

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## CHAPTER 1 LANGUAGE AND DEFINITIONS

### SEC. 4.101 CONSTRUCTION OF LANGUAGE

For the purposes of this Resolution, terms or words shall be interpreted as follows: Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for"; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and the word "dwelling" includes the word "residence."

### SEC. 4.102 TERMS NOT DEFINED

Terms not defined herein shall have their customary meanings as found in the most recent editions of published dictionaries, including the Webster's New World Dictionary and the American Heritage Dictionary.

### SEC. 4.103 DEFINITIONS (Presented as follows in alphabetical order.)

**Access Management:** The process and action of providing for, and managing access to, and from land by vehicles typically associated with the use location, while preserving and promoting movement of traffic to be as safe and effective as possible, per the Access Management Regulations of Warren County, Ohio.

**Accessory Building:** A subordinate building, detached from, but located on, the same property as the principal building, the use of which is incidental to that of the principal building or use.

**Accessory Use:** A subordinate use to the principal use of the premises.

**Adult Arcade:** "Adult arcade" means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

### **Adult Bookstore, Adult Novelty or Adult Video Store:**

- A) Means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- 1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; or
  - 2) Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
- B) "Adult bookstore," "adult novelty store," or "adult video store" includes a commercial establishment as defined in section 2907.38 of the Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

**Adult Cabaret:** "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- A) Persons who appear in a state of nudity or semi nudity;
- B) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- C) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**Adult entertainment:** Means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

**Adult entertainment establishment:** Means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment."

**Adult group home:** ORC 3722.01 means a residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults.

**Adult Hotel or Motel:** A commercial establishment which offers accommodations for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions, characterized by the depiction 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 a 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; or offers a sleeping room for rent for a period of less than ten (10) hours; or allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

**Adult Motion Picture Theater:** Means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

**Adult Theater:** Means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

**Adult Use Cannabis/Cannabis/Marijuana:** Marijuana as defined in section 3719.01 of the Ohio Revised Code to mean all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. This definition does not include "hemp" or a "hemp product" as those terms are defined in Section 928.01 of the Ohio Revised Code.

**Adult Use Cannabis Cultivator:** A level I adult use cultivator or a level II adult use cultivator.

**Level I:** Either a person who has a certificate of operation as a level I cultivator and who is licensed pursuant to section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level I adult use cultivator pursuant to section 3780.12 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to one hundred thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.

**Level II:** Either a person who has a certificate of operation as a level II cultivator and who is licensed pursuant to section 3780.12 of the Revised Code, Chapter 3780 of the Ohio Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level II adult use cultivator pursuant to section 3780.12 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to fifteen thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.

**Level III:** A person licensed pursuant section 3780.13 of the Ohio Revised Code, or Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to cultivate adult use cannabis as authorized.

**Adult Use Cannabis Dispensary:** A person licensed pursuant section 3780.15 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to sell adult use cannabis as authorized.

**Adult Use Cannabis Extract:** A substance obtained by separating or concentrating cannabinoids and other compounds from any part of the adult use cannabis plant by physical or chemical means, intended to be refined for use as an ingredient in an adult use cannabis product or as a standalone adult use cannabis product.

**Adult Use Cannabis Operator:** A level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use cannabis dispensary.

**Adult Use Cannabis Processor:** A person licensed pursuant section 3780.14 of the Ohio Revised Code, Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to manufacture adult use cannabis as authorized.

**Aggregate Base:** Crushed rock capable of passing through a 3/4 in (19.05 mm) rock screen.

**Agribusiness:** Farming and the businesses associated with farming, such as the processing of farm products, the sales, repair of farm equipment, and sale of farm products.

**Agricultural, Biotechnical:** Agricultural use-related activity which uses bio-technical methods to modify living cells or organisms to produce substances or to perform processes involved in production of agricultural products.

**Agricultural Processing:** Processing operations for agricultural products, including, but not limited to, meat preparation, feed mills, dairy processing, timber processing, and fruit and vegetable packing, sorting, and grading, as an accessory use.

**Agricultural Research Facility:** A facility for the investigation, testing and demonstration of agricultural products and processes, including bio-technical agriculture, veterinary, soil, plant, and animal sciences.

**Agricultural Structure:** A structure used for purposes of agriculture as defined as this code and Ohio Revised Code Section 519.01.

**Agriculture:** Per Section 519.01 of the Ohio Revised Code, includes: farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and feeding 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; 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; or as amended.

**Agriculture Support Services:** Uses, which provide support and services to agriculture.

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

**Agritourism Provider:** A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

**Airport, Commercial:** Any runway, or landing strip, and related facilities/services (e.g., fuel sales, storage, repair services, and aircraft sales) designed or used by any person for the landing and take-off of aircraft by the public for commercial purposes.

**Airport, Private:** Any runway, or landing strip, and related facilities designed or used by any person for the landing, take-off, and storage of aircraft on their respective property, principally for their own use.

**Alteration:** Any remodeling of, or addition to, the floor plan of a building or other structure, interior or exterior, which involves a change, or addition to, the supporting members (bearing wall, beams, columns, girders, etc.). Alteration also applies to the relocation of the building or structure or, in regards to a lot, any change in the recorded boundary and area of a parcel of record. Amateur Radio Tower: Shall mean any structure designed and constructed primarily for the purpose of supporting one or more antennas and used by a licensed amateur radio operator for amateur radio reception and transmission, with no commercial activity. The term includes any antenna or antenna array attached to the tower structure.

**Animal, Exotic:** Exotic animals includes, but is not limited to: Primates (gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada baboons only); Carnivores (all wolves, all bears, lions, tigers, leopards, jaguars, cheetahs, cougars); Proboscidea (all elephants); Perissodactyla (all rhinoceroses); Artiodactyla (all hippos and African buffalos); Crocodylia (crocodiles and alligators); Serpentes (all poisonous snakes); and Amphibians (all poisonous species).

**Animal Wastes:** Excreta, bedding, wash waters, waste feed, and silage drainage from agricultural animals.

**Apartment:** A unit within a multiple-unit structure with sanitation and cooking facilities intended for use as a residence by a single household.

**Appeal to the BZA:** An application filed with, and requesting of, relief to be granted by the Board of Zoning Appeals (BZA) from an alleged error in any order, requirement, decision, or determination of any requirement of this Code imposed upon the person filing the appeal by the zoning inspector.

**Appeal to a Court of Competent Jurisdiction:** Per Chapters 2505 and 2506 of the Ohio Revised Code, a timely notice filed with the Board of Zoning Appeals (BZA) once it has issued a final order, adjudication, or decision that determines the rights, duties, privileges, benefits, or legal rights of the person filing such appeal, and upon exhausting this condition precedent, such matter may be reviewed by the Court of Common Pleas of Warren County, Ohio.

**Aquifer:** A consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store or transmit water.

**Arcade, Amusement:** A commercial facility wherein electronic games are played. Bingo and gambling devices are not included in this definition.

**Asbestos:** Not defined in ORC – Webster’s defines it as “any of several minerals (as chrysotile) that readily separate into long flexible fibers, that cause asbestosis and have been implicated as causes of certain cancers, and that have been used especially formerly as fireproof insulating materials.”

**Assisted Living Facility:** Not used in ORC – they do have "Residential Care Facility", which means a home that provides either of the following:

- A) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;
- B) Accommodations for three (3) or more unrelated individuals, supervision, and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one of those individuals, any of the skilled nursing care authorized by section 3721.011 [3721.01.1] of the Revised Code.

**Area of Land Affected on a Mineral Extraction Site:** The area of land which has been excavated, or upon which a spoil bank exists, or both.

**Basement:** The floor space in a building, finished or unfinished, as living space, which is partially or wholly underground.

**Batching Plant:** An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, including facilities for the administration or management of business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, and the storage and maintenance of required equipment, but not including retail sale of stockpiled bulk materials or finished products. (in compliance with the ORC 1514.01)

**Bed and Breakfast:** A business conducted in and by the residents of a single-family dwelling, wherein sleeping rooms are offered for pay to transient guests.

**Berm:** A man-made, linear earthen mound of at least eighteen (18) inches in height from grade designed to provide, buffering or screening of undesirable views, abate noise trespass, etc. (also see Buffer).

**Best Management Practice (BMP):** A practice or combination of practices that is determined to be the most effective and practicable including technological, economic, and institutional controls as a means of complying with the applicable standards of Chapter 903 of the Revised Code. BMPs may include structural and non-structural practices, conservation practices, prohibition of practices, schedules of activities, operation and maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage. (OAC 901:10-1-01)

**Boarding House:** A dwelling kept, used, maintained, advertised, or held out to the public to be a place where long term [as provided in Section 3.203 (A) (3)] accommodations are provided for compensation for thirty (30) days or more.

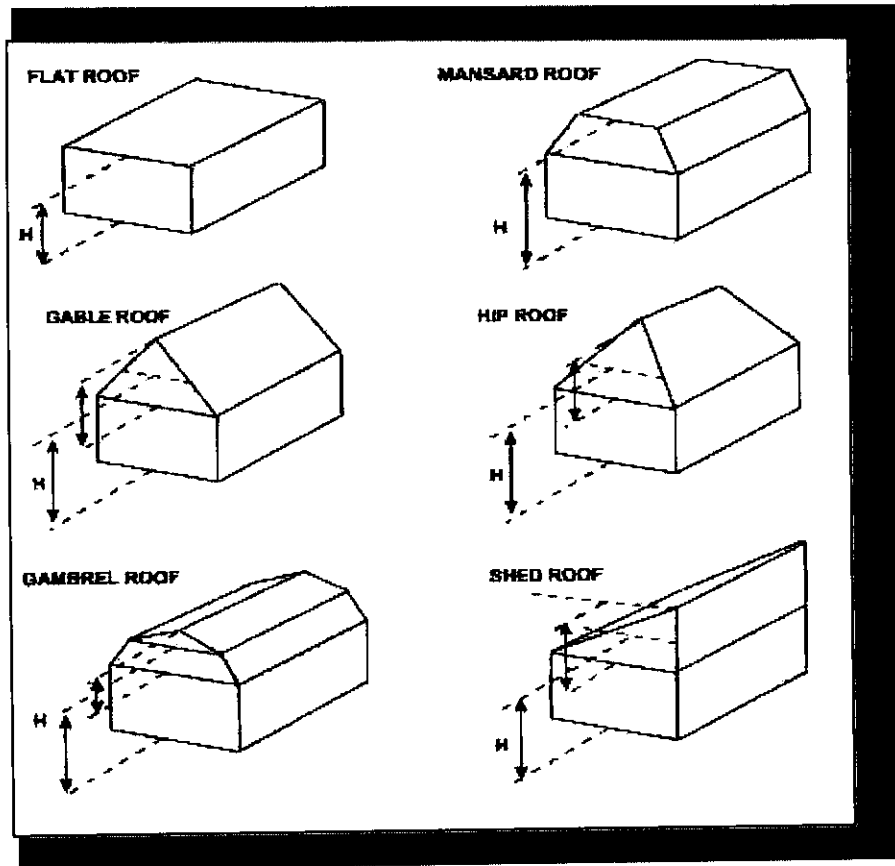
**Buffer:** An area of healthy and viable vegetation or mounded earth, adjoining or surrounding a land use, which is intended to screen and soften the effects from another use.

**Building:** Any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances. (ORC 3781.06)

**Building Height:** The tallest vertical distance from the finished grade at the front of the building to:

- A) the highest point of a flat roof;
- B) the deck line of a mansard roof;

- C) the average height between the eaves and ridge of gable, hip, and gambrel roofs; or
- D) the average height between high and low points of a shed roof.



**Building Line:** (See Setback)

**Building, Principal:** The main building(s) on a parcel in which the primary use is conducted. Bulking Agent: Any material added to a composting system to provide structural support, improve aeration, or absorb moisture from the decomposing waste. (O.A.C. 3745-27-01(F)(5)).

**Business:** Any work, occupation, profession, activity, or buying and selling of commodities and services, commerce, or trade. Business Activity: Any activity performed, conducted, maintained, or operated by one (1) or more person(s) as their work, occupation, profession, or involving buying and selling of commodities, the provision of services, commerce or trade, or approved home occupation in production and/or selling of goods or provision of service(s) in exchange for some form of consideration.

**Business, Place Of:** A place where the business activity as defined herein is conducted.

**Campground:** An area or place (such as a field or grove) used for a camp, camping, or for a camp

meeting.

**Camping Units:** Portable dependent recreational vehicles, tents, sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes. (O.R.C. 3729.01 (P)).

**Caretaker:** An individual who is actively involved in on-site maintenance, service, security, or operations of a use. A proprietor may serve as a caretaker. **Caretaker Dwelling:** An accessory residential unit occupied by a caretaker.

**Cellar:** (See Basement.)

**Central Processing Facility:** A site area location or tract of land on which one (1) or more building(s) or other completely contained installations engineered thereon are used for purposes of a solid waste transfer station, recycling facility, or resource/material recovery facility, but excluding incineration fueled by solid waste or that would burn it as a means for its reduction, disposal, or recovery as an energy resource.

**Central Sanitary Sewage System:** An operating system of components and facilities for wastewater collection, treatment and disposal, whether public or private, which has been approved by the Board of Warren County Commissioners (BOCC) for location within a sanitary sewer improvement area designated by Resolution of the BOCC for allowance thereof in the Warren County Sewer District or alternatively in an area of the District released by BOCC Resolution to another entity to provide such service, determined solely at the discretion of the BOCC.

**Cemetery:** A burial ground for earth interments; a mausoleum for crypt entombments; a columbarium for the deposit of cremated remains; and a scattering ground for the spreading of cremated remains. (O.R.C. 1721.21).

**C.E.R.C.L.A.:** The Comprehensive Environmental Response Compensation and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42, U.S.C. 9601 et seq, as amended.

**Channel:** The area between definite banks of a natural or artificial stream which confine and convey continuous or periodic flows of surface water, as defined in Ohio Revised Code Section 6105.01.

**Churches-Places of Worship, Large:** Establishments that exceed ten thousand (10,000) square feet. **Churches-Places of Worship, Small:** Establishments that are less than ten thousand (10,000) square feet and do not include a school or commercial daycare.

**Cistern:** A tank that stores excess rainwater runoff.

**Clinic:** A building, or portion thereof, the use of which provides medical, dental, or psychiatric

services to outpatient clients only.

**Club:** Building and facilities owned or operated by persons as a non-profit corporation, association, or other organization for social, intellectual, and recreational purposes, for the members and their guests.

**Commencement of Permit Activity:** Evidence of physical construction and/or change of use on the site for which a zoning permit has been issued.

**Commercial Use:** A type of nonresidential land use that has one or more of the following characteristics:

- A) the use is service-oriented;
- B) the use sells retail items;
- C) the use sells goods or products on a wholesale basis; or
- D) the use has or has the need for open storage areas or warehouses its products. This includes both business establishments that customarily occupy standard retail/office space that require patrons to visit the establishment and off-site businesses that due to equipment and vehicle storage or the processes used, typically require facilities in addition to standard retail/office space.

**Commercial Use — Large Scale Retail:** Establishments that exceed seventy-five thousand square (75,000) feet in gross floor area.

**Commercial Kennel:** Any property where a person, partnership, firm, company, or corporation professional engage in the business of breeding dogs for hunting or for sale. (955.02 ORC defines kennel owner)

**Commercial Tent:** A temporary and portable structure used for non-residential purposes and which meets the Uniform building or Fire Code.

**Commercial Vehicle:** Means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications: (ORC 4506.01)

- A) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand and one (26,001) or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds;
- B) Any single vehicle with a gross vehicle weight rating of twenty-six thousand and one (26,001) or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand (10,000) pounds;
- C) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen (16) or more passengers including the driver;
- D) Any school bus with a gross vehicle weight rating of less than twenty-six thousand and

- one (26,001) that is designed to transport fewer than sixteen (16) passengers including the driver;
- E) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;
  - F) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

**Community Based Residential Social Service Facilities:** Means health and social services provided to persons in their own homes or in community care settings, and includes any of the following:

- A) Case management;
- B) Home health care;
- C) Homemaker services;
- D) Chore services;
- E) Respite care;
- F) Adult day care;
- G) Home-delivered meals;
- H) Personal care;
- I) Physical, occupational, and speech therapy;
- J) Transportation;
- K) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings. (ORC uses 173.14)

**Composting:** Composting is defined as the decomposition of organic matter that requires controlled conditions and yields temperatures conducive to thermophilic microorganisms, resulting in humus-like organic material. (OAC 3745-27-01 (C) (4)).

**Composting Facilities:** Any site, location, tract of land, installation or building used for composting as the method for disposing of solid waste and which are classified according to Ohio Administrative Code:

**Class I:** Solid Waste Composting Facilities: Means a facility where the owner or operator may accept yard waste, agricultural waste, animal waste, food scraps, mixed solid waste, bulking agents, additives, and authorized alternative materials.

**Class II:** Solid Waste Composting Facilities: Means a facility where the owner or operator may accept yard waste, agricultural waste, animal waste, food scraps, bulking agents, additives, and authorized alternative materials.

**Class III:** Solid Waste Composting Facilities: Means a facility where the owner or operator may

accept yard waste, agricultural waste, animal waste, bulking agents, and additives.

**Class IV: Solid Waste Composting Facilities:** Means a facility where the owner or operator may accept only yard waste, bulking agents, and additives limited to urea and bacterial or fungal inoculum.

**Common Area:** Parcel(s) of land, in a certain development, inclusive of facilities and improvements thereon, which are collectively owned and maintained by the owners of the building lots in the same development, for the use, maintenance, and enjoyment by those owners and their guests.

**Comprehensive Plan of Salem Township, Warren County, Ohio:** A document prepared by the Warren County Regional Planning Commission (WCRPC) and adopted by the Salem Township Trustees and various other applicable public entities, which establish the goals, objectives, and policies for capital improvements programming, economic development, housing, natural hazards mitigation, land use, parks and open space, sanitary sewer, water, transportation and any other specified subject matters involving or related to use and development of land within Salem Township, Ohio.

**Conditional Use:** A use that is potentially acceptable in a Zoning District, but not necessarily appropriate in all locations.

**Conditional Use Permit:** A zoning permit issued by the Zoning Inspector for a conditional use approved by the Board of Zoning Appeals (BZA).

**Conservation Development:** A type of development in which residential lot sizes are reduced below what is required by the zoning district in which located in return for providing permanent open space within the development. (Also see Open Space).

**Construction and Demolition Debris:** Means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any man-made physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. This definition does not include materials identified or listed as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734 of the Ohio Revised Code and rules adopted thereunder; liquids including containerized or bulk liquids; materials from mining operations, non-toxic fly ash, spent non-toxic foundry sand and slag; or reinforced or non-reinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two (2) years for recycling into a usable construction material. For the purposes of this definition, "material resulting from the alteration, construction, destruction, rehabilitation, or repair of any man-made physical structure" are those materials that form the structure, and those materials directly affixed to the structure such as brick, concrete, and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, affixed carpeting, asphaltic

substances, metals incidental to any of the above, and weathered railroad ties and utility poles. Materials from construction may also include empty packaging material consisting of, without limitation: wood, corrugated container board, paper, metal, and/or plastic directly resulting from construction material packaging. Material resulting from the alteration, construction, destruction, rehabilitation, or repair does not include materials that are required to be removed before demolition occurs, materials that are not affixed to the structure or that are otherwise contained within the structure such as solid wastes, yard waste, packaging materials not directly incidental to construction, pallets, containers, and drums including caulking tubes, furniture, appliances, tires, batteries, and fuel tanks.

**Construction/Demolition Debris Facility:** Any site, location, tract of land, installation, or building used for the disposal of material from construction or demolition operations. Material from construction or demolition operations are those items affixed to the structure being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing, finished lumber, roofing materials, plumbing, plumbing fixtures, heating equipment, wiring, and insulation, but excludes materials whose removal has been required prior to demolition.

**Contaminant:** Any physical, chemical, biological, or radiological substance or matter that has an adverse effect on air, water, or soil.

**Convalescent Home:** (See Institutional Care Facility, as a type of Community-Based Residential Social Service Facility.)

**Correctional Facility:** A penal institution publicly or privately operated that houses persons awaiting trial or persons serving a sentence imposed by a court of law.

**Court a.k.a. Courtyard:** An open area of ground on a building use site that is partially or completely surrounded by walls, buildings, or fencing and typically decoratively landscaped, unobstructed to the sky and usually entirely internal and not part of a front, side, or rear yard as elsewhere defined on a building site.

**Cross Access:** An easement or service drive providing vehicular access between two (2) or more contiguous sites so that the driver does not need to reenter the public street system.

**Cul-de-sac Lots:** A lot that fronts on or takes access from a cul-de-sac. A lot shall be considered to be a cul-de-sac lot if the lot has more than one half (1/2) of its required frontages on the cul-de- sac.

**Cut Off:** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.

**Cut Off Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

**Cut Off Luminaire:** A source of illumination with elements such as shield, reflectors or refractor panels that direct and cut off the light at a cut off angle less than ninety (90) degrees.

**Damaged or Diseased Trees:** Trees that have split trunks, broken tops, heart rot, insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure.

**Day Care:** The care, protection, and guidance of one (1) or more children or adults on a regular basis, for periods of less than 24 hours per day, in a place other than their own dwelling unit.

**Debris:** Trash, litter, refuse or rubbish on any property that is not properly contained for disposal in accordance with applicable regulations, so that such items or materials are open to haphazard transport off-site by wind or water, a potential hazard to public health and safety, or a visual eyesore, barring containment and/or removal. Debris does not include bulking agents used for active composting permitted by zoning nor construction or demolition debris on a site permitted by zoning for disposal.

**Density:** A unit of measurement designating the number of dwelling units per acre of land, calculated as follows:

**Density, Gross:** The total number of dwelling units divided by the total acreage of the development site.

**Density, Net:** The total number of dwelling units divided by the acreage to be developed only for residential use, exclusive of areas for street/road rights-of-way.

**Developed Spring:** Any spring which has been permanently modified by the addition of pipes or a collection basin to facilitate the collection and use of spring water. [OAC 3745-27-01 (D) (2)]

**Direct Market Business:** A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include such use activities as pick-your-own ("PYO") operations and operations in which delivery of products is made directly to consumers, such as "farm share" arrangements under which periodic delivery of farm products is made for a subscription fee.

**"Distinguished or characterized by their emphasis upon":** means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose

dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

**Distribution Facilities/Center:** A facility that is used for receipt, temporary storage, and redistribution of goods according to orders as they are received. These establishments also provide a range of services, often referred to as logistics services, and related to the distribution of goods. Logistics services can include labeling, breaking bulk, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement.

**Drive-Through:** A business designed to service customers who stay in their vehicles.

**Dwelling:** Any building or portion thereof designed or intended to be used exclusively for residence purposes, but not including a mobile home or a non-permanently sited manufactured home on any site outside of a manufactured homes park, nor a tent, cabin, trailer, travel trailer, trailer coach, camper on a truck, or any other type of recreational vehicle.

**Dwelling, Multiple-Family:** A building or portion thereof designed for or occupied by more than two (2) families.

**Dwelling, Single-Family:** A building designed for, or occupied exclusively by, one (1) family.

**Dwelling, Two-Family:** A building designed for, or occupied exclusively by, two (2) families.

**Dwelling Unit:** A residential use building or portion therein containing one (1) or more rooms used, designed, or intended for occupancy as a single household unit, in providing complete permanent facilities per all applicable Code requirements for living, sleeping, cooking, eating, bathing, washing, and sanitation.

**Easement:** A particularly described area of exclusive or non-exclusive legal interest in, on, under, over, or through a portion of a parcel of land or appurtenance thereto created by a written instrument whereby the owner of the parcel grants to the owner of a separate parcel of land or appurtenance thereto, or utility, the right to make lawful and beneficial use of the particularly described area.

**Ecotourism:** Environmentally responsible travel to natural areas, in order to enjoy and appreciate the natural scenery, history, indigenous ecosystems, native plant or animal species, and accompanying cultural features, both past and present that promote conservation, have a low visitor impact, and provide for beneficially active socio-economic involvement of local people. Facilities for an ecotourism enterprise may include recreational outfitters. Employee: A person who works for another person or entity (the employer) under which the employer has the right to control the details of the employee's work performance.

**Escort:** A person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or privately performs a striptease for another person.

**Escort Agency:** A person or business association that for any form of consideration provides or offers an escort(s) for another person.

**Essential Services:** Public or private utilities, whether at, below, or over the land surface where located, which are necessary for the exercise of the principal use or service of the principal structure on a lot, including, as examples: gas, electric, steam, water, wastewater disposal, stormwater drainage, telecommunications systems, and accessories thereto and other public use facilities, such as fire/EMS and police stations, schools, government administrative buildings, etc., and the like.

**Establishment:** A place of business, firm, club, or institution.

**Excavation:** The altering of the topographic elevation and configuration (grade) of a land area.

**Family:** A person or group of persons occupying a single dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel as herein defined.

**Family Home and Day Care:** (Have two types of Family care home in ORC under 5104.01)

**RR:** "Type A family day-care home" and "Type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp.

**SS:** "Type B family day-care home" and "Type B home" mean a permanent residence of the provider in which child care is provided for one to six (6) children at one time and in which no more than three (3) children who are under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

**Farm:** Land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production.

**Farm (or farmstead if including a dwelling):** Parcel(s) of land and the buildings or other structures thereon which are owned, maintained and operated as a place or group of places as a use establishment or other operation for agriculture as defined in this Code.

**Farm-Based Tourism:** Activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education, entertainment, hospitality, direct sales or active involvement in a farm operation of the farm and may include the following:

- A) **Outdoor Recreation:** fishing, wildlife study, horseback riding, sleigh/carriage/ wagon rides, stargazing, hiking, campfires, community gardens.
- B) **Educational experiences:** cooking classes, wine tasting, school tours, cannery tours, garden/nursery tours, agricultural technical tours, historic agricultural exhibits, food processing, dairy, cider making, gardening and plant identification.
- C) **Entertainment:** harvest festivals, concerts, barn dances, petting zoo, hunting/working dog trials/training, haunted house, haunted hayride, corn maze, pumpkin carving, egg painting, miniature golf, toddler rides, playground areas, scavenger hunts, craft fair, antique shows, art shows.
- D) **Hospitality services:** bed and breakfast, retreat center, assembly area, country weddings, party receptions, picnic, family reunions, catering, country store, gift shop, fair food.
- E) **Direct sales:** u-pick, roadside stand or nursery sales with parking spaces for more than ten (10) vehicles.
- F) Other uses as determined appropriate by the Board of Zoning Appeals.

**Farm Equipment Sales, Rental, and/or Repair Service:** An establishment for the sale, rental, and/or repair service of equipment normally or routinely used on farms and gardens, and sales of related parts, tools, and accessories.

**Feedlot:** An agricultural use facility consisting of any pen, corral, or structure wherein livestock are maintained in close quarters for the purpose of fattening for market, subject to all necessary permitting from the Ohio Environmental Protection Agency (OEPA) for waste treatment and disposal.

**Fence:** An enclosure or barrier consisting of vegetation or otherwise constructed of boards, masonry, posts, wire, wrought iron, or the like.

**Fifth-Wheel Trailer:** Means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. [ORC 4501.01(6) (d)]

**Fill:** Soil, rock, sand, gravel, or a combination with other materials found suitable as fill by the applicable involved authority to make such determination, which exceeds one hundred (100) cubic yards total volume and/or more than four (4) feet in height at its deepest point of placement or

dumping on or into ground.

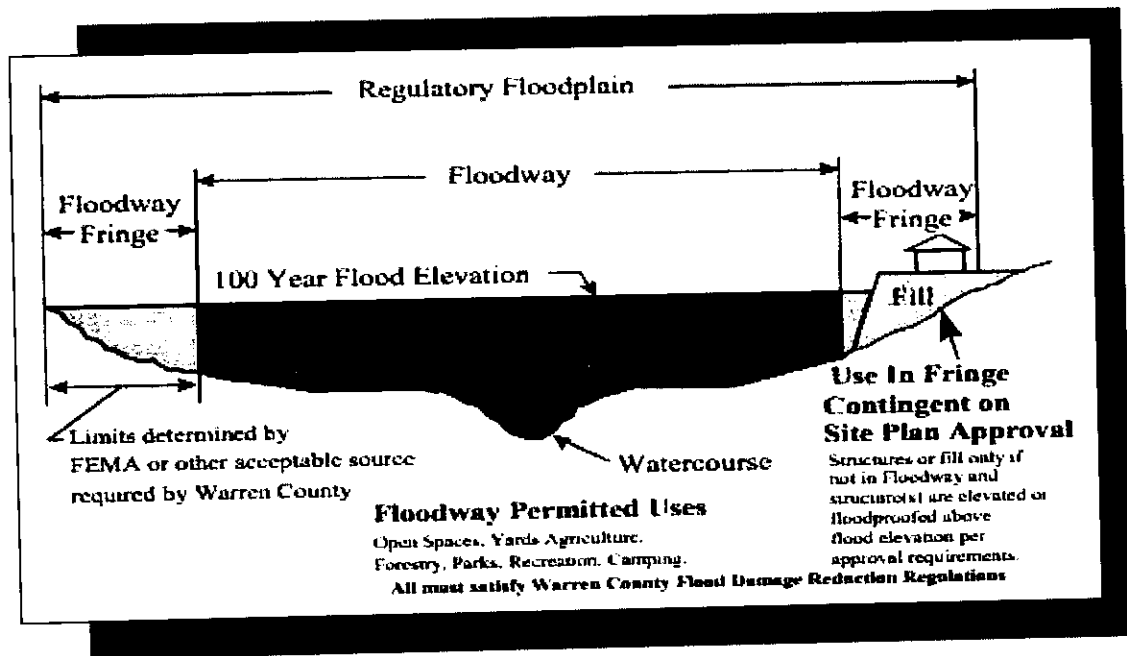
**Filling:** The placement or dumping of fill on or into ground, excluding such which is not fill for common household gardening, composting and yard care.

**Firewood, Processed:** Firewood is raw material that has been processed for use in a fireplace, stove, or other heat generating source, by removing all non-wood or non-combustible material, reduced to a size and length for the said foregoing uses and stacked in an orderly fashion.

**Firewood, Raw Material:** Raw material that has not been, but can be, processed into firewood. Examples include, but are not limited to, logs, branches, limbs, pallets, untreated dimensional lumber, and other wood products that have not been painted, stained, chemically treated, or coated.

**Fire Lane:** A continuous, posted, and/or marked access way on a property for the effective, safe ingress and egress of fire suppression and emergency response vehicles and personnel.

**Flood, One Hundred (100) Year:** The temporary inundation of normally dry land along a watercourse by a flood that is likely to occur once in a one hundred (100) year period or that has a one percent (1%) chance of occurring in any given year within a one hundred (100) year period.



**Floodplain, Regulatory:** Land under and along a watercourse which is subject to inundation by a one hundred (100) year flood, as determined by the Federal Emergency Management Agency (FEMA) or other source determined acceptable per the Warren County Flood Damage Reduction Regulations (see illustration under 'Flood, One Hundred (100) Year').

**Floodway:** Land under and along a watercourse in a regulatory floodplain which is calculated or otherwise observed as required to carry and discharge the flood waters of a one hundred (100) year flood without obstruction, as designated by the Federal Emergency Management Agency (FEMA) or other acceptable source (see illustration under 'Flood, One Hundred (100) Year').

**Floodway Fringe:** Land along a floodway in a regulatory floodplain which as calculated or observed serves as a storage area for the flood waters of a one hundred (100) year flood, as designated by the Federal Emergency Management Agency (FEMA) or other acceptable source (see illustration under 'Flood, One Hundred (100) Year').

**Floor Area; Gross:** The total gross area of all the floors in a building, as measured from the exterior surface of the exterior walls of the building or from the centerline of common walls separating buildings or units within a building. (Also see Living Space.)

**Floor Area Ratio:** The mathematical expression determined by dividing the Gross Floor Area of a building or structure, including all accessory buildings, by the area of the lot on which they are located.

**Foot-Candle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**Footprint; Building:** The area within the perimeter of a building at ground level.

**Foster Home:** Ohio Revised Code § 5103.02 means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four (24) hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.

**Foundation, Permanent:** Permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to chapter 4781 of the Ohio Revised Code, to which a manufactured or mobile home may be affixed. (See O.R.C. § 3781.06)

**Garage, Residential:** A building or a part of a residence, in which to store vehicles and personal property incidental to the use of the property.

**Garage, Non-Residential:** A commercial building where vehicles are repaired and/or serviced.

**Garage, Parking:** A commercial building for the storage of vehicles.

**Glare:** Light emitted from a luminaire resulting in a spot of intensity great enough to reduce a

viewer's ability to see, and in extreme cases such to cause momentary blindness.

**Golf Course:** A tract of land lay out with at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter. This does not include miniature golf.

**Grade:** The finished ground level adjoining the building at all exterior walls.

**Grandfathered:** (See Non-Conforming, Legal)

**Group Home:** A residential use, as a type of Community-Based Residential Social Service Facility, which is operated by private citizens or a social service agency and which has a valid license from the appropriate state or local agencies of lawful authority to license the operation to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.

**Hazardous Wastes:** Means waste that is regulated by the Ohio Environmental Protection Agency specifically as hazardous waste and/or exhibits one (1) or more characteristics of hazardous waste as defined in Ohio Administrative Code Chapter 3745-51.

In further definition, hazardous waste also means any waste or any combination of wastes in a solid, liquid, semi-solid, or contained gaseous form that, in the determination of the Director of Environmental Protection, because of its quantity, concentration, or physical or chemical characteristics, may:

- A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or incapacitating reversible illness; or,
- B) Pose a substantial present or potential hazard to human health and safety or to the environment when improperly stored, transported, disposed of, or otherwise managed. Hazardous wastes include any substance identified as such under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 692 et seq.), as amended, and do not include any substance that is subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended.

**Heavy Equipment:** Refers to heavy-duty vehicles or equipment they may include equipment designed for executing construction tasks or earthwork operations: earth movers; engineering vehicles; large vehicles that require an oversize/overweight permit from the Ohio Department of

Motor Vehicles to be transported over public highways; and vehicles that have more than five (5) axles or haul heavy equipment.

**Historic Structure:** (ORC uses the term historic building under 149.311)"Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the National Register of Historic Places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as a historic landmark designated by a local government certified under 16 U.S.C. 470a(c).

**Home for Adjustment:** A residential facility, as a type of Community-Based Residential Social Service Facility, operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes:

- A) to assist them in recuperating from the effects of drugs or alcohol; or
- B) to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or
- C) to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.

The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency, and all homes for adjustment must have a valid license from the appropriate court or agency having the lawful authority to license the operation.

**Home Occupation:** A non-residential use activity that may be permitted in a residence.

**Hotel:** A commercial use building or group of buildings, containing any combination of guestrooms in which lodging and boarding is offered to guests for compensation, with access to the units being from interior lobbies, courts or halls.

**Household:** Is all persons who occupy a dwelling housing unit. (Per U.S. Census Bureau)

**Housing Unit:** A house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as a separate living quarters, which are those in which the occupants live and eat separately from any other persons in the dwelling building and which have direct access from the outside of the building or through a common hall. The occupants may be single-family, one person living alone, two or more families living together, or a group of related or unrelated persons who share living arrangements. Persons not living in households are classified as living in group quarters. (Per U.S. Census Bureau)

**Impervious Surface:** Any material that prevents, impedes, or slows the infiltration or absorption of

stormwater into the ground, including building roofs and concrete or asphalt pavement.

**Impervious Surface Ratio:** A ratio derived by dividing the amount of the site that is covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including but not limited to buildings, swimming pools, roads, and parking areas, by the net area (excluding right-of-way) of the lot. This calculation excludes landscaping, surface water retention/detention facilities and those areas used exclusively for pedestrian circulation or outdoor recreational facilities.

**Incinerator:** Equipment, machine, device, article, structure, or part thereof, used to burn solid waste.  
**Industrial:** Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods. (See Manufacturing)

**Industrial, Light:** Manufacturing or assembly that is capable of controlling the external effects of the process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and where conduct of operations are within the confines of buildings. The processes carried on, the transportation involved, or the machinery or materials used do not interfere with the amenity of the surrounding area, and products are intended for end users rather than as intermediates for use by other industries.

**Industrialized Unit:** A building unit or assembly of closed construction, fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure and requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include "manufactured home" or "mobile home" as defined in division (O) of Sec. 4501.01 of the Ohio Revised Code. (See ORC § 3781.06 (C)(3), as amended).

**Infiltration Barrier:** In situ geologic material or added earthen material in the form of a recompacted soil liner and/or geotextile, situated under a waste disposal area in order to prevent leachate from infiltrating into underlying soil and groundwater.

**Injection Well:** A well into which fluids are injected, as classified per 3745-34-04, as amended.

**In Situ:** Soil and other earthen material that exists in its undisturbed geologic situation or location where it has been allowed to form in place throughout its geologic history of natural development, without having been excavated or otherwise disturbed or influenced by man (see Infiltration Barrier).

**Institutional:** A use of land and/or buildings located thereon owned and occupied and used exclusively for the benefit of members of a not-for-profit organization or the public. Institutional Care Facility: Any residential facility, hospital, convalescent, nursing, or rest home, children's homes, halfway houses, residential treatment camps, and training or correctional schools for children designed or used for more than sixteen (16) persons functioning for purposes of a family care home or a group home, or any residential facility designed or used for more than eight (8) persons under

the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having the lawful authority to license the operation and may be operated by private citizens, a social service agency, or a governmental authority. This definition excludes correctional facilities. (as defined)

**Internet Sweepstakes Establishment:** An establishment that promotes the sale of prepaid internet timecards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card, internet timecards or similar device at an internet sweepstakes game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

**Internet Sweepstakes Game Terminal:** A computer, machine, game, or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, may be operated by the public for use as a contest or game of chance, and which provides the user with a chance to win anything of value. Invasive, Species: Any plant listed by the ODNR as invasive, whose introduction causes or is likely to cause harm to the economy, environment, or to human health.

**Joint Access:** A single access point connecting two (2) or more contiguous sites to a public roadway that serves more than one property or developments including those in different ownership.

**Junk:** One or more objects, articles, or materials whereas such items are:

- A) poorly maintained, deteriorated, damaged, or in a destroyed condition; or
- B) careless, haphazard, disorganized placement; or
- C) lack of cover from sun and weather exposure.

**Junk Vehicle:** Any vehicle, whether motorized or otherwise made mobile for purposes of travel on or off roads, through air or on or under water and/or to transport a driver, passengers and/or materials of any kind, and can be described by one (1) or more of the following:

- A) Inoperable in accordance with manufactured design and/or for safe and/or lawful use;
- B) Damaged and/or dismantled so as to be unsafe or unlawful to operate and/or could not be restored to safe, lawful operation within seven (7) days;
- C) Expired registration, if required to be registered; and, Uninsured if required to be insured.

**Junk Yard (a.k.a. Salvage Yard):** A use permitted on all or part of a property that is not completely contained within a building, but which is completely contained within an area which is surrounded by a solid fence or wall and perhaps natural landscaping such that it is not viewable from any other property, and wherein placement: of junk, and/or junk vehicles, inclusive of used, wrecked and/or dismantled; vehicle, appliance, and machine parts; building, electrical, heating, air conditioning, and plumbing fixtures; scrap metal, lumber, concrete blocks, bricks, plastics, rubber, wire, cable, rope, or

glass are permitted, in accordance with applicable regulations of the zone in which the property is located, for the purpose of being dismantled, handled, wrecked, sorted, salvaged, or reclaimed for restoration or reuse, or to be shipped elsewhere for reuse or disposal. A junk yard is not considered a central processing facility or disposal site for solid waste or construction/demolition debris as otherwise defined by this Code.

**Kennel:** A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

**Landscaping:** Vegetation, including grass, groundcover, flowers, shrubs, and trees, for the purposes of adornment and soil erosion and sedimentation control of yard or other areas on a site and non-vegetation elements such as logs, rocks, fountains, water features, and contouring of the earth into mounds and depressions.

**Land Use Plan:** (See Comprehensive Plan of Salem Township, Warren County, Ohio)

**Leachate:** Liquid that has come in contact with or been released from solid waste or construction/demolition debris.

**Legal Non-Conforming:** (ORC 519.19) The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment, but if any such non-conforming use is voluntarily discontinued for two years or more, any future use of land shall be in conformity with sections 519.01 to 519.25, inclusive, of the Revised Code. The Salem Township Board of Trustees shall provide in any zoning resolution for the completion, restoration, reconstruction, extension, or substitution of non-conforming uses upon such reasonable terms as are set forth in the zoning resolution.

**Light Trespass:** Light which goes beyond the boundary of the site on which the light source is located.

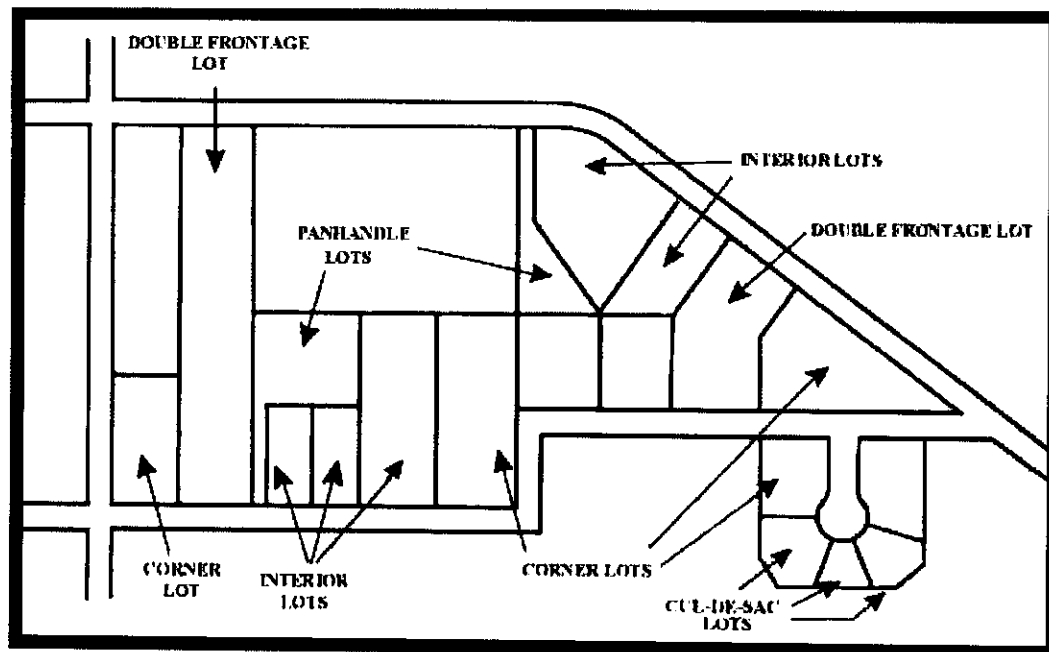
**Limestone Quarry:** A mineral extraction site and mining operation where limestone is the principal material excavated for commercial sale or use in another location but does not include such excavation resulting from the construction of a sanitary landfill.

**Living Space:** The total of the finished interior floor area for each story in a dwelling unit for the purpose of living, sleeping, cooking, eating, bathing, washing, and sanitation use purposes and does not include an unfinished basement, attic, unenclosed porch, garage, carport, utility room, or storage room. (Also see Floor Area, Gross)

**Loading Space, Off-Street:** An unobstructed area within, adjacent to, or on the same site of nonresidential use building provided and maintained for the temporary parking of trucks and other

commercial delivery vehicles for the purposes of loading and unloading goods, wares, materials, and merchandise.

**Lot:** A parcel of land of described legal boundary and area, per the types and terms defined as follows; (See illustration).



**Lot, Building or Buildable:** A lot of record which meets or otherwise satisfies permit requirements of this Code in effect at the time of its creation for construction or placement of one or more buildings and accessory structures. (Also see Lot of Record, Legal Non-Conforming and Grandfathered.)

**Lot, Corner:** A lot bordered by public roads/streets along two (2) or more of its intersecting boundaries.

**Lot Coverage:** The percentage of a lot's surface covered by structures and pavement, or other impervious material.

**Lot Depth:** The average distance between the street right-of-way line and the rear lot line or point, measured perpendicular or radial to the street right-of-way line. In the case of panhandle lots such distance shall be measured from the front property line.

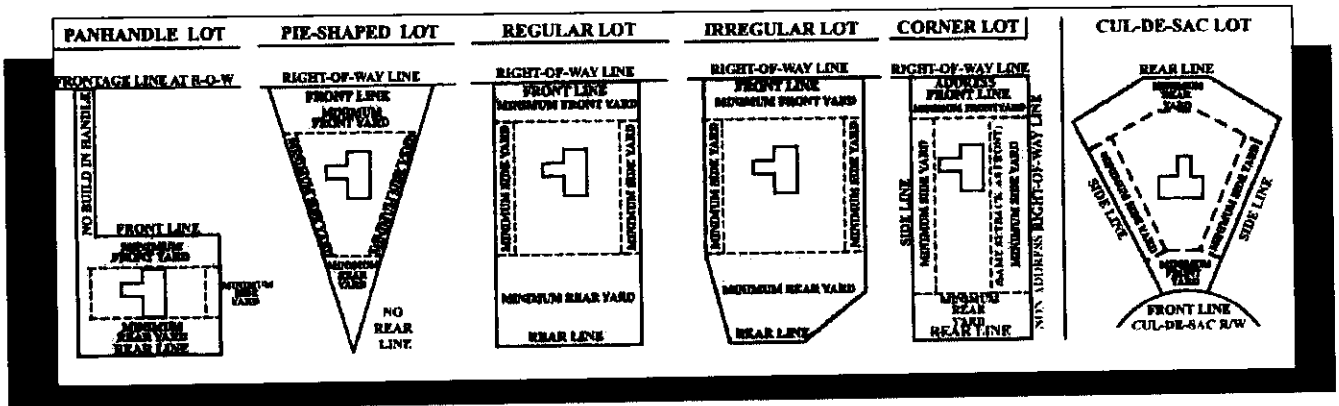
**Lot, Double Frontage:** A lot having frontage along two (2) public roads/streets at opposite ends of the lot.

**Lot, Single Frontage:** A lot having frontage along one (1) public road/street.

**Lot, Panhandle (a.k.a. Flag Lot) as named due to shape:** A lot along which the only legal road/street frontage is at one end of a narrow strip of land which extends back from the road/street to the body portion of the lot. New Panhandle lots are not permitted, however, Panhandle lots created prior to the adoption of this Zoning Code (lots of record) shall be legal- nonconforming.

**Lot Frontage:** Any boundary of a lot in common with the right-of-way (or roadway easement) line of a public road/street that is along that boundary, as established by the County Thoroughfare Plan.

**Lot Lines:** The intersecting lines which form the legal boundary of the lot, as surveyed or recorded (see illustration).



**Lot Line, Front:** The boundary line(s) of a lot which, respectively, coincide with the public road/street right-of-way line(s), or the road/street centerline(s) as applicable if there is no right-of-way line. On a panhandle lot, it is the next closest line back from and mostly parallel with the front line at the road/street. All lot lines along streets are front lot lines.

**Lot Line, Rear:** The boundary line of a lot that is opposite and usually most distant from and often nearly parallel to the front lot line. On corner lots and a pie-shaped lot where the side lot lines come to a point at the rear of the lot, there is no rear line.

**Lot Line, Side:** The boundary line of a lot, which, respectively, extend between each end of the front and rear boundary lines. Or front the opposite ends of the front line to intersect each other at the rearmost point of a pie-shaped lot.

**Lot, Non-Building or Unbuildable:** A lot that does not meet the requirements of the current Zoning Code or the Zoning Code in effect at the time of its creation.

**Lot of Record:** A lot that met the requirements of the Zoning Code that was in effect at the time of its creation. (See also non-conforming)

**Lot Width:** The distance between the side lot lines, measured at the minimum front building setback line.

**Lowest Floor:** The lowest floor of the lowest enclosed area in a building, including basement. (Also see Lowest Habitable Floor.)

**Lowest Habitable Floor:** The elevation of the lowest floor area of a building which is deemed habitable space certified by the Chief Building Official of Warren County, Ohio, being above the minimum elevation required by the Warren County Flood Damage Prevention Regulations if applicable to the building being within one hundred (100) year floodplain. (Also see Lowest Floor.)

**Luminaire (aka Light Fixture):** A complete lighting unit, consisting of a light source and all mechanical, electrical, and decorative parts.

**Major Subdivision:** The division of a parcel of land that requires the approval of plat by the Regional Planning Commission as authorized by Section 711 of the Ohio Revised Code.

**Manufacturing:** To bring something into being by forming, shaping, combining, or altering materials. (See Industrial)

**Manufactured Home:** A building unit or assembly of closed construction that is fabricated in an offsite facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (ORC 3781.06)

**Manufactured Home, Permanently-Sited:** Means a manufactured home that meets all of the following criteria:

- A) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet;
- C) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
- D) The structure was manufactured after January 1, 1995;
- E) The structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code.

**Massage Parlor:** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or

manipulation of the human body 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 does not include the practice of massage in a licensed hospital under the auspices of a hospital by a licensed physician, surgeon, chiropractor, or osteopath, by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, or by trainers for any amateur, semi-professional, or professional athlete, or athletic team, or school athletic program.

**Materials/Resource Recovery Facility (MRF):** A facility that extracts, removes, or reclaims valuable materials and/or energy from solid wastes or any combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste for management other than by disposal so that component materials or substances or recoverable resources may be recovered or used as a new material or energy resource. For purpose of this Zoning Code, an MRF is also further defined to mean an engineered complex constituted by one (1) or more building(s) or completely contained installation(s) consisting of structures, machinery and/or devices that are utilized to separate, process, modify, convert, treat, or prepare incoming solid waste for purpose of extracting, recovering, removing, or reclaiming one (1) or more component material, substance, or resource for reuse.

**Maximum Width to Depth Ratio:** The width of a lot that does not exceed the lot length as established within a defined ratio.

**Micro Wind System:** A building-mounted WECS that has a nameplate capacity (manufacturer's rating) of ten (10) kilowatts or less, and projects no more than fifteen (15) feet above the highest point of the roof. These WECS are designed primarily to reduce on-site consumption of electrical power.

**Mineral Extraction Operation:** Mineral Extraction Operation shall be defined the same as "operation" or "surface mining operation". "Operation" or "surface mining operation" means all of the premises, facilities, and equipment used in the process of removing minerals, or minerals and incidental coal, by surface mining from a mining area in the creation of which mining area overburden or minerals, or minerals and incidental coal, are disturbed or removed, such surface mining area being located upon a single tract of land or upon two (2) or more contiguous tracts of land. Separation by a stream or roadway shall not preclude the tracts from being considered contiguous. (ORC 1514.01(F) (1))

**Minimum Opening Elevation (MOE):** The elevation of the lowest opening through a building foundation wall or the lowest floor of a building at which a door (including a walkout basement), window, window well, or other opening is permitted, as calculated and proposed on a construction grading plan, Zoning/Building Permit plot plan, or recorded subdivision by an engineer registered in the State of Ohio and verified by the Warren County Engineer. (Also see Lowest Habitable Floor.)

**Minor Subdivision or lot Split:** A division of a parcel of land that does not involve the approval of a plat by the Regional Planning Commission as authorized by Section 711.131, Ohio Revised Code.

**Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty five (35) body feet in length or, when erected on-site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one (1) or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code. (ORC 4501.01 (O))

**Motel:** A commercial use of land and the building or group of buildings in which lodging and perhaps boarding is offered to transient guests for compensation, with access to each unit through an exterior door, typically in close proximity to parking. (also see Hotel)

**Motor Home:** (See Recreational Vehicle)

**Motor Vehicle:** Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

**Natural Succession:** The gradual and continuous replacement of one kind of plant and animal group by a more complex group that naturally succeeds the previous group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

**Non-Conforming:** The use of any dwelling, building, or structure and of any land or premises that does not meet the current regulations of this zoning code.

**Non-Conforming, Legal:** (See Legal Non-Conforming)

**Nude or Seminude Model Studio:**

- A) "Nude or semi-nude model studio" means any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- B) A modeling class or studio is not a nude or semi-nude model studio and is not subject to this chapter if it is operated in any of the following ways:
  - 1) By a college or university supported entirely or partly by taxation;
  - 2) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
  - 3) In a structure that has no sign visible from the exterior of the structure and no

other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three (3) days in advance of the class and if not more than one nude or semi-nude model is on the premises at any one time.

**Nudity, nude, state of nudity:** (ORC 2907.01) 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 of covered male genitals in a discernibly turgid state.

**Nuisance:** A condition, activity, or situation (such as a foul odor, or intrusive lighting) that interferes with the use or enjoyment of property, especially, a non-transitory condition or persistent activity that either injures the physical condition of adjacent land or interferes with its use or with the enjoyment of easements on the land or of public highways.

**Nursery:** An agricultural operation, including land, buildings and/or structures for the cultivating, harvesting, storage, and wholesale or retail sale of plants, flowers, shrubbery, or trees grown on-site. Sales of accessory, gardening, or landscaping materials not grown on-site do not qualify as agricultural.

**Nursing Home:** (See Institutional Care Facility as a type of Community-Based Residential Social Service Facilities)

**Official Thoroughfare Plan, Warren County, Ohio:** The document establishing the functional classification of the roads/streets which comprise the Warren County thoroughfare network, the width of right-of-way required for the roads/streets in each class, and the projected locations for potential future roads/streets.

**Office:** A use of land and building(s) for an administrative, professional service, governmental, institutional, or semi-public use activity or operation.

**Office/Warehouse:** A use of land and building(s) for an administrative office in conjunction with a warehouse business. A showroom is permitted.

**Ohio Rapid Assessment Method:** A multi-parameter qualitative index established by the Ohio Environmental Protection Agency (OEPA) to evaluate wetland quality and function.

**Open Space:** All or part of one (1) or more parcels of land, of public or private ownership, existing, improved, and/or set aside, dedicated, designated, or reserved for recreational, resource protection, amenity, and/or buffering use purposes, but not including road/street rights-of-way.

**Open Space, Active:** Open space designed to be improved and set aside, dedicated, designated, or

reserved for recreational facilities, including, but not limited to, swimming pools, or fishing ponds, lakes, play equipment for children, ball fields, court games, picnic facilities, alternative pedestrian circulation systems, etc., areas shall be determined to be sufficient in size and shape to be potentially useable. Designated flood plain, stormwater retention basins or ponds and stormwater detention basins greater than three-fourths (3/4) acre in size designed to be utilized for active recreational purposes shall qualify provided a perpetual mechanism has been established for maintaining and ensuring such area; however, in no event shall the following qualify as active open space:

- A) Areas sloped greater than fifteen (15) percent.
- B) Completely wooded areas not incorporating pedestrian circulation systems or other active recreational facilities.
- C) Normally required sidewalks outside open space areas.

**Open Space, Common:** Is an area or areas within the boundaries of the PUD designed, set aside, and maintained for use by residents of the PUD that is not dedicated as public lands and does not include open space as defined. Common open space includes swimming pool, golf courses, club houses, tennis courts, playing fields, land to accommodate required green infrastructure such as planting strips, street medians/islands, and conventional stormwater management devices. Open

**Space, Passive:** Open space designed to be essentially unimproved and set aside, dedicated, designated, or reserved for peaceful aesthetic enjoyment.

**Open Space, Primary:** The following are primary open space areas: The one hundred (100) year floodplain; stream buffer areas; wetlands; habitat for federally listed endangered or threatened species; archeological sites, important historic sites; cemeteries; and burial grounds.

**Open Space, Secondary:** The following are secondary open space areas and shall be included within the required open space to the maximum extent possible: native forests of at least one contiguous acre; other significant natural features; areas that connect the tract to neighboring open space, trails or greenways; soils with severe limitations for development due to drainage problems; agricultural lands of at least fifteen (15) contiguous acres.

**Ordinary High Water Mark:** The point on the bank or shore of a stream to which the presence and action of surface water is so continuous as to leave a distinct marking by erosion, destruction, or prevention of woody terrestrial vegetation, a predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high-water mark defines the channel of a stream.

**OSHA:** The Occupational Safety and Health Act, 29 U.S.C. 651 et seq.

**Outdoor Amphitheater:** A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land, such as a hillside or depression.

**Owner Occupant:** The occupant of a residential dwelling owned by the same. **Parcel:** A contiguous tract of land in one possession (see Lot).

**Parcel, Parent:** A parcel which existed prior to the adoption of this Zoning Code.

**Park, Trailer:** (See Recreational Vehicle)

**Parking Lot:** A portion of a parcel of land devoted to unenclosed parking spaces.

**Parking Space:** An area of a parking lot designated for the parking of a single motor vehicle. (see parking lot and parking space, handicapped)

**Parking Space, Handicapped:** A parking space sized and maintained with permanent signage and markings for use by the handicapped, in conformance with the requirements of the Americans With Disabilities Act (Public Law 101-336), as amended.

**Pavement, Permeable:** Pavement materials such as pervious concrete, porous asphalt, interlocking concrete pavers, bricks, or similar material (excluding gravel) which allows storm water to percolate through, rather than runoff. (see Runoff)

**Parking Bay:** Two adjacent rows of parking spaces.

**Parking Row:** A set of parking spaces aligned in a linear fashion within a parking lot.

**Park, Trailer:** (See Recreational Vehicle)

**Personal Service:** An establishment primarily engaged in providing individual services generally related to personal needs, such as, but not limited to barber shops, beauty shops, nail salons, day spas, travel agencies, and photographic studios.

**Planned Unit Development (PUD):** A land area zoned if approved as requested by the owner(s) or designated agent for unified development with flexible restrictions on residential, commercial, industrial, and/or public uses. As defined by (Black's Law Dictionary).

**Plat:** A map describing a piece of land and its features, such as boundaries with dimensions, lots, roads, and easements.

**Potable Water:** Water suitable for human consumption, as defined by SWDA.

**Principle Permitted Use:** The primary or predominant land use activity for which a building, structure or lot is to be used.

**Protected Uses:** Any public building owned, leased, or held by the United States, the State of Ohio,

Warren County, Salem Township, Morrow, any special district or school district, or any other agency or political subdivision which building is used for government purposes; or land which has been designated for park or recreational activities, including but not limited to: a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, recreation area, or similar land; or quasi-public facility (i.e., any building or improved property customarily open to the public for non-commercial purposes, but which is not under government ownership or control); or religious institution (i.e., any church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities); or residential district or use, as set forth in this Zoning Code; or school (i.e., any public or private educational facility, including, but not limited to, child care facilities, nursery schools, pre-schools, kindergartens, elementary, primary, intermediate, junior, middle, secondary, or high schools, vocational schools, continuation schools, special education schools, junior colleges, colleges and universities, but not including facilities used primarily for another purpose(s) and only incidentally used as a school).

**Protected Public Water Supply:** A public water system with at least fifteen (15) service connections used by year-round residents whose wells lie over the sole source aquifer.

**Public:** Anything owned and operated by the federal government, state government, or any political subdivision.

**Quasi-Public:** A non-governmental use, facility, structure, or service, performed by a non-profit corporation or institution of a religious, cultural, educational, philanthropic, or similar nature.

**Raingardens:** a shallow depression that is planted with native vegetation that temporarily stores and treats polluted rainwater from rooftops, parking lots, driveways, and walkways before entering nearby watersheds.

**RCRA:** The Resource Conservation and Recovery Act of 1976.

**Re-compacted Soil Liner:** Soil and perhaps other earthen material of suitable composition excavated from, or imported to, a land disposal site, deposited from or imported to a land disposal site, deposited or laid in place in loose lifts where the prescribed waste is to be disposed and compacted per lift until a required depth in thickness and permeability of the liner is achieved, for the purpose of preventing or minimizing leachate infiltration into underlying undisturbed earth and ground water.

**Recreation Active:** Recreation requiring some constructed facilities and organized activities.

**Recreation Camp:** The same as in Ohio Revised Code, Sec. 3733.01 (G) or as may be amended in the future, is any tract of land upon which five (5) or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual

lots is a recreation camp if five (5) or more portable camping units are placed on it for recreation, vacation, or business purposes. This does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles (defined in Sec. 3.361) or solely as a temporary park-camp (defined in Sec. 3.353).

**Recreation Facility, Commercial:** Recreation facilities operated as a business and open to the general public for a fee.

**Recreation Facility, Private:** Country clubs, riding stables, golf courses, and other private noncommercial recreation areas and facilities, or recreation centers including private swimming pools.

**Recreation Facility, Public:** Publicly owned or operated recreation facilities.

**Recreation Park-Camp; Combined:** The same as in Ohio Revised Code, Sec. 3733.01 (H), or as may be amended in the future, is any tract of land upon which a combination of five (5) or more self-contained recreational vehicles or portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities. A tract of land that is subdivided for lease or contract of the individual lots is a combined park-camp if a combination of five (5) or more recreational vehicles or portable camping units are placed on it for recreation, vacation, or business purposes. This definition does not include any tract of land used solely as a temporary park-camp (as defined in Sec. 3.353). "Recreation park-camp: combined": does not include any tract of land used solely as a temporary park camp or solely as a manufactured home park.

**Recreation Park-Camp; Temporary:** The same as in Ohio Revised Code, Sec. 3733.01 (R), or as may be amended in the future, is any tract of land used for a period not to exceed a total of twenty-one (21) days per calendar year for the purpose of parking five (5) or more recreational vehicles, dependent recreational vehicles, or portable camping units, or any combination thereof, for one (1) or more periods of time that do not exceed seven (7) consecutive days or parts thereof. **Recreation Passive:** Recreation that involves existing natural resources and has a minimal impact.

**Recreational Vehicle (a.k.a. RV):** A vehicular portable structure that: Is designed for the sole purpose of recreational travel; Is not used for the purpose of engaging in business for profit; Is not used for the purpose of engaging in intrastate commerce; Is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended; Is not regulated by the public utilities commission pursuant to ORC Chapters 4919., 4921., or 4923; and, Is classed as one of the following, per Ohio Revised Code (ORC) Sec. 4501.01 (Q).

- A) "Travel Trailer": A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet of space when erected on site. "Travel Trailer" includes a "tent-type fold-out camping trailer" as defined in Sec. 4517.01 of the

Ohio Revised Code, or as may be amended in the future, which means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and, according to the following listed properties and limitations, has a minimum of twenty-five (25) percent of the fold-out portion of the top and sidewalls combined that must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter, and when folded, the unit must not exceed fifteen (15) feet in length (exclusive of bumper and tongue), sixty (60) inches in height (from the point of contact with the ground), eight (8) feet in width, and one (1) ton gross weight at the time of sale.

- B) "Motor Home" is a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- C) "Truck Camper" is a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
- D) "Fifth-Wheel Trailer" is a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
- E) "Park Trailer" is a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

**Recreational Vehicle; Dependent:** Means a recreational vehicle other than a self-contained recreational vehicle. "Dependent recreational vehicle" includes a park model.

**Recreational Vehicle; Self-Contained:** Means a recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances all of which are connected to sewage holding tanks located within the vehicle. "Self-contained recreational vehicle" includes a park model.

**Recreational Vehicle (a.k.a. RV) Park:** Means any tract of land used for parking five (5) or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation, or business purposes. "Recreational vehicle park" does not include any tract of land used solely for the storage or display for sale of self-contained recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

**Recycling:** The process of collecting, sorting, cleansing, treating and reconstituting solid waste that would otherwise be disposed in a solid waste disposal facility and returning reconstituted materials to commerce as commodities for use or exchange, per Ohio Administrative Code Rule 3745-27-01 (WW).

**Recycling Facility:** An engineered facility or site where recycling is the primary objective of the facility, and:

- A) The facility accepts only source-separated material and/or mixed recyclables which are currently recoverable using existing technology; or,
- B) The facility accepts mixed solid waste streams and recovers for beneficial use not less than 60 percent (60%) of the volume of solid wastes brought to the facility each month (as averaged monthly) for not less than eight (8) months in each calendar year: and disposes of not more than forty percent (40%) of the total volume of solid wastes brought to the facility each month (as averaged monthly) for not less than eight (8) months in each calendar year. Does not include a solid waste disposal facility and does not include a waste tire disposal facility.

**Regularly features or regularly shown:** Means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment. (ORC 2907.39)

**Regulated Substances:**

- A) Regulated Substances are chemicals or mixtures of chemicals that are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not Regulated Substances. Regulated Substances include:
  - 1) Chemicals which are regulated by SDWA, TSCA, RCRA, OSHA, CERCLA, or other state and/or federal environmental laws and regulations, or for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.
  - 2) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
  - 3) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one percent (1%) or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth percent (0.1%) or greater of the composition on a weight per unit weight basis.
  - 4) Ingredients of mixtures prepared within the Aquifer Protection "A-P" Overlay Area in cases where such ingredients are health hazards but comprise less than

one-tenth (0.1) of one percent (1%) of the mixture (on a weight per unit weight basis), if carcinogenic; or if less than one percent (1%) of the mixture (on a weight per unit weight basis), if non-carcinogenic.

- 5) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).
- B) Determination of whether a material is a Regulated Substance can be made upon review of a Material Safety Data Sheet (MSDS). This should be available from the manufacturer, vendor, or distributor of the product. The most recent United States Environmental Protection Agency, Title III Lists of Lists, is a reference to potential Regulated Substances and is not a comprehensive listing.
- C) Determination and verification of Regulated Substances shall be administered by the Salem Township Zoning Inspector or his designee.

**Religious Institution:** A use of land and buildings located thereon for uses where persons regularly assemble, for religious purposes and related social and educational events, maintained and controlled by a religious body organized to sustain such ceremonies and activities (e.g., rectory, convent, parochial school, meeting hall, offices, outdoor worship facilities, childcare).

**Replacement Cost:** The cost to replace a structure, damaged or destroyed, as determined by a written appraisal from a state certified appraiser.

**Residential:** A category of use inclusive of the land and building(s) and other structure(s) located thereon as a place utilized for dwelling purposes as specified and regulated in this code.

**Restaurant:** A business use where food and beverages are sold, prepared, served, consumed, and/or carried out.

**Rest Home:** (See Institutional Care Facility as a type of Community-Based Residential Social Service Facility)

**Retail Small Scale/Light Manufacturing:** Means an accessory and associated light manufacturing use conducted in conjunction with the primary retail use. The manufacturing use is conducted within the building in which the retail use is carried out, and the manufactured products are display and are available for sale on-site.

**Right-of-Way:** Land owned or purchased by or dedicated to the public for use as a public way, most often for purpose of containing a road or street. (see, Road and Street)

**Road:** A public way consisting one (1) or more paved lanes providing for motor vehicle travel, perhaps parking, and providing frontage and access for abutting properties. (see Street and Thoroughfare)

**Runoff:** The portion of precipitation in excess of the infiltration capacity of underlying soils to absorb and contain which drains away from, and runs off, the surface of land. (See Impervious Surface)

**Sand and Gravel Pit:** An excavation resulting from a mining operation where the removal of sand and/or gravel is undertaken for commercial sale or use in another location but does not include such excavation resulting from construction of a sanitary landfill.

**Sandstone Quarry:** An excavation resulting from a mining operation where the removal of sandstone is the principal material excavated for commercial sale or use in another location but does not include such excavation resulting from construction of a sanitary landfill.

**Sanitary Land filling:** A method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by compacting the solid wastes to the smallest practical volume and apply cover material daily.

**Sanitary Landfill Facility:** An engineered facility where the final deposition of solid waste on or into the ground is practiced in accordance with Ohio Administrative Code (OAC) Chapters 3754- 27 and 3754-37, including areas of solid waste placement, all groundwater monitoring/control system structures, buildings, explosive gas monitoring/control/extraction system structures, run- on and run-off control structures, sedimentation pond(s), liner systems, leachate management system structures and areas within the three hundred (300) foot radius, from the limits of solid waste placement unless deemed acceptable by the Ohio Environmental Protection Agency (OEPA).

**Screening:** A method of shielding or obscuring abutting structures or uses by fencing, walls, berms, or densely planted vegetation.

**Seat:** For the purpose of determining the number of off-street parking spaces for certain uses, the space allocated for seating individuals, measuring not less than twenty-four (24) lineal inches across the seating surface of a bench, pew, or space for loose chairs.

**Secondary Dwelling Unit:** An additional living unit that is associated with a primary dwelling unit, that is either located entirely within the principal structure of the primary dwelling unit or is a detached accessory building, which serves as an additional living unit for sleeping, cooking, and sanitation, and that complies with the standards of Section 3.203.5. Secondary Dwelling Units are not for use and occupancy by tenants.

**Semi-nude or State of Semi-nudity:** Means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices. (ORC §§ 503.51 & 2907.39)

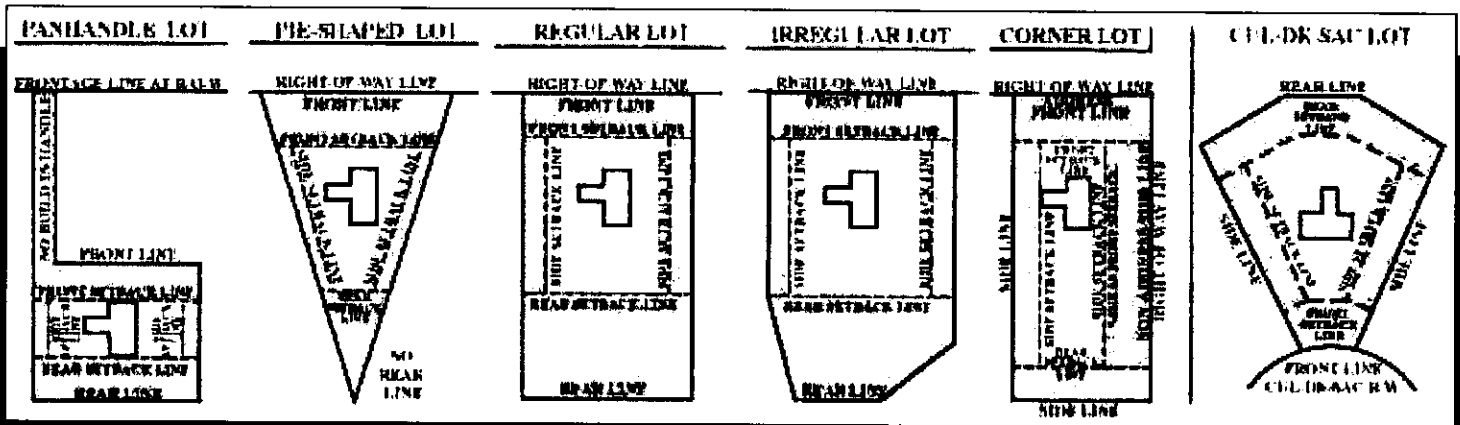
**Semi-public:** (See Quasi-public)

**Setback:** The distance which a building or structure is set back inward from a street right-of-way line or parcel boundary line. (See Yards).

**Setback Line, Front:** The line inward and parallel from the front line of a lot representing the minimum distance which a principal building or structure is set back from that boundary (see illustration).

**Setback Line, Rear:** The line inward and parallel from a rear boundary line of a lot representing the minimum distance which a principal or accessory building is set back from that boundary (see illustration).

**Setback Line, Side:** The line(s) inward and parallel from a side boundary line(s) of a lot representing the minimum distance which a principal or accessory building is set back from that boundary (see illustration).



**Sexual Encounter Establishment:** (ORC §§ 503.51 & 2907.39)

- A) "Sexual encounter establishment" means a business or commercial establishment that, as one (1) of its principal business purposes, offers for any form of consideration a place where either of the following occur:
  - 1) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
  - 2) Two or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for their receipt of consideration or compensation in any type or form.
- B) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment."

**Shooting Range:** a facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit. "Shooting Range" does not include a facility owned or operated by a municipal corporation, county, township police district, or point police district.

**Sign: (a.k.a. Signage):** Means any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement. For the purpose of these regulations, direction, or advertisement word "sign" does not include the American flag, the insignia of any government, governmental agency or of any charitable organization, memorials or memorial tablets.

**Sign, Abandoned:** Any temporary sign which has exceeded its time, event, or purpose or any sign which pertains to a use that has been discontinued for a period of thirty (30) days measured in consecutive days is considered abandoned and must be removed.

**Sign, Changeable Copy:** A sign or a portion of a sign with letters, characters, or graphics that are not permanently affixed to the sign structure or face allowing the letters, characters, or graphics to be modified manually.

**Sign, Channel Lettering:** Fabricated or formed three-dimensional letter that may accommodate a light source or a sign where only the letters/logo is illuminated.

**Sign, Channel Lettering-Reverse:** A fabricated dimensional letter with opaque face and side walls with an internal light source to the rear of the letters used for "halo" or "silhouette" lighting.

**Sign, Gateway:** A sign announcing a development.

**Sign, Ground:** A sign solely supported on and from the ground.

**Sign, LED:** An LED sign is a sign or a portion of a sign with letters, characters, or graphics displayed on an LED board that may be modified to display a variety of messages.

**Signs, Non-Conforming:** Signs legally existing on the effective date of this code that does not conform to the height, size, and type provisions of this Chapter or the setback standards for the zoning district. For the purposes of this definition the term "sign" shall include the sign face and the structure on which the sign face is attached.

**Sign, Roof:** Any sign that is supported on a structure which is located wholly or partly on the roof or above the roof or partly on the roof or above the roof line of any building.

**Sign, Permanent:** All signs that are not temporary signs.

**Sign, Pole:** A sign solely supported on a pole.

**Sign, Roof:** Any sign that is supported on a structure which is located wholly or partly on the roof or above the roof or partly on the roof or above the roof line of any building.

**Sign, Signature:** A sign containing name and/or logo only.

**Sign, Temporary:** A sign not designed for long-term use; a portable sign is considered to be a temporary sign designed to be moved easily.

**Sign, Wall:** A sign painted on, attached to, or erected against an exterior wall of a building or other wall structure, with the display face of the sign parallel to and not more than twelve (12) inches from the wall and which does not project above the roof line or beyond the corner of a building on which mounted.

**Sign, Window:** A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.

**Site:** Part or all of one (1) or more lot, parcel, or tract of land used, designed, intended, proposed or planned for specific use and development or a place where something was, is, or is to be located. (See Lot, Parcel and Use.)

**Site Plan:** A drawing of a property, to scale and with accurate dimensions, depicting the size and location of existing and proposed structures, building setbacks, rights-of-way, easements, walkways, and other such information.

**Sleeping Room:** A room within a residential dwelling that functions as a separate space used for living and sleeping, but not for cooking and eating purposes. Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees regarding the grade of land.

**Small Solar Facility:** Pursuant to ORC 519.213, "Small Solar Facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than 50 MW.

**Small Wind Farm:** A Wind Energy Conversion System (WECS) with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts, that is not subject to the jurisdiction of the Ohio Power Siting Board under Sections 4906.20 and 4906.201 of the Ohio Revised Code.

**Solar Energy:** Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

**Solar, Community:** Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system. For the

purposes of the Warren County Rural Zoning Code, "Community Solar" is a "Principal Solar Energy Production Facility".

**Solar Energy, Accessory:** A solar collection system consisting of one or more roof mounted, ground/pole mounted, and/or building mounted/other structure mounted solar collector devices and solar related equipment and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it produces 120% or less of the onsite usage of electrical or thermal power. When a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**Solar Energy Equipment:** Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, racking, framing and/or foundation used for or intended to be used for the collection of solar energy.

**Solar Energy System:** A system and associated facilities that collect Solar Energy, which may include, but is not limited to, a Roof/Building Mounted, Ground/Pole Mounted, or Other structure mounted / Integrated Energy System.

**Solar Photovoltaic (PV):** The technology that uses a semiconductor to convert light directly into electricity.

**Solar, Ground/Pole Mounted Energy Systems:** A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

**Solar, Building Mounted/Other structure mounted/Integrated Energy Systems:** A solar energy system that is mounted to a structure in any way previously not defined or incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows. This use includes parking lot solar canopies.

**Solar, Participating Parcels:** A parcel of land that participates by ownership, lease or easement agreement or by contractual agreement, with a person or entity conducting a Solar Energy System project.

**Solar, Principal Energy Production Facility:** An area of land or other area used for a solar collection system mainly used to capture solar energy and convert it to electrical energy. These production facilities primarily produce electricity to be used off-site. Principal solar energy production facilities consist of one or more roof mounted, ground/pole mounted, and/or building mounted/other structure mounted / integrated solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations,

electrical infrastructure, transmission lines and other appurtenant structures and facilities. Examples include "Small Solar Facility" and "Community Solar Facility" as defined by statute or herein.

**Solar, Roof Mounted Energy Systems:** A solar energy system that is mounted to a structure or building's roof on racks.

**Soil:** Natural deposited mineral and organic matter constituting the earth outer surface or as otherwise altered by man.

**Sole Source Aquifer:** The southern portion of the Buried Valley Aquifer System of the Great and Little Miami River Basins of Southwestern Ohio, determined by the U.S. Environmental Protection Agency to be the sole or principal source of drinking water in Warren County, pursuant to Section 1424(a) or (e) of the Safe Drinking Water Act (SDWA) P.L. 95-523, as amended P.L. 96-502, 42 U.S.C. 300(f) et seq).

**Solid Wastes:** Such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural and community operations, excluding earth or agricultural and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, non-toxic fly ash, spent non-toxic foundry sand and slag, and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

Semi-solid material does not contain liquids which can be readily released under normal climatic conditions, as determined by Method 909 (Paint Filter Liquids Test) SW-846: "Test Methods for Evaluating Solid Wastes Physical/Chemical Methods".

Per recognition and allowance by the Ohio Environmental Protection Agency, residual waste as included herein is a type of solid waste and which may qualify as to characterization for disposal in certain classes of solid waste disposal facilities in conformance with Ohio Administrative Code Chapter 3745-30.

In accordance with Ohio Revised Code (ORC) Chapter 3734.027, low-level radioactive wastes are not included as a type of waste permissible for disposal at a solid waste disposal facility. Asbestos waste handling and disposal is acknowledged as a type of waste permissible for disposal at a solid waste disposal facility in accordance with Ohio Administrative Code (OAC) Rules 3745-20-05 through 3745-20-07 inclusively, as amended.

"Infectious wastes" excluded from a solid waste disposal facility permissible by this Zoning Code are as defined in Ohio Administrative Code (OAC) Chapter 3734.01(R) inclusively, and as amended.

"Hazardous wastes" excluded from a solid waste disposal facility permissible by this Zoning Code are

as defined in Ohio Administrative Code Chapter 3745-51, and as amended.

**Solid Waste Disposal Facility:** Any site, location, tract of land, installation, or building used for incineration, composting, sanitary land filling, or other methods of disposal of solid wastes.

**Solid Waste 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 wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility.

**Specified Anatomical Areas:** Used in the Zoning Code for the regulation of Sexually Oriented Businesses means and includes any of the following:

- A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or,
- B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Specified Criminal Acts:** The offenses defined in Ohio Revised Code Chapter 2907, as amended, and similar offenses pursuant to municipal ordinances, township/county resolutions of this or any other state, the statutes and regulations of any other state or of the United States, or tax violations in connection with Sexually Oriented Business.

**Specified Sexual Activities:** "Specified sexual activities" as used in the Zoning Code for the regulation of Sexually Oriented Businesses means and includes any of the following:

- A) The fondling, intentional touching of human genitals, pubic region, buttocks, anus, or female breast.
- B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or,
- C) Masturbation, actual or simulation; or,
- D) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- E) Excretory functions as part of, or in connection with, any of the activities set forth in subdivisions (A) through (E).

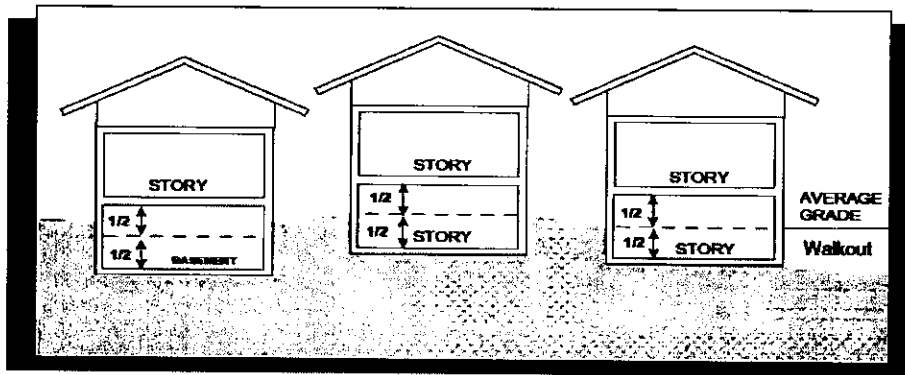
**Stable:** Building(s) and other structures and the land on which located used, designed, or intended for the boarding of domestic animals, most typically horses, including associated grazing, exercise, training, and show areas.

**Stormwater Pollution Prevention Plan (SWPPP):** The plan which describes all the elements of the stormwater strategy implemented during and after construction. The plan addresses erosion control and stormwater quality.

**Stormwater Quality Treatment:** The removal of pollutants from urban run-off and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

**Story:** The space in a building between the surface of one floor, other than a mezzanine, to that of the next floor above it or to the ceiling from the uppermost floor. (See Basement)

**Story, Half:** A habitable space in a building above the highest full story below it and under a sloping roof of the building, if the line of intersection of the roof and wall is three (3) feet or less above its floor. (Also see Habitable Space.)



**Stream:** A surface watercourse with a well-defined bed and bank, either natural or artificial, which contains and conducts continuous or periodical flowing water in such a way that perennial terrestrial vegetation cannot establish roots within the channel.

**Stream Setback:** The distance set back from each bank of a stream to protect the stream setback area and stream from structural encroachment, impacts of development and streamside residents from impacts of flooding and land loss through erosion. Stream setbacks contain all land in between them to each side of the stream for which defined and required by the establishment criteria specified in this Section.

**Stream Setback Area:** A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area may or may not be periodically influenced by flooding, but often includes floodplain of the stream. Stream setback areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of this Section.

**Street, Public:** A public way same in function as a road, but most often within dedicated public right-of-way flanked by public utilities easements, sidewalks, and bikeways and having curbs and gutters rather than side ditches for pavement drainage. (See Road and Thoroughfare.)

**Street, Private:** Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guest, and the general public.

**Structure:** Anything constructed or erected for use with location on, within, or attachment to the ground for purposes as regulated by this code.

**Structure, Temporary:** A structure without a foundation or footing, to be removed upon the expiration of the permitting time frame.

**Subdivision:** The division of a parcel of land, per Ohio Revised Code (ORC) Section 711.001 and the Warren County Subdivision Regulations (Also see Lot, Lot of Record, and Parcel.)

**Substantial Enlargement of a Sexually Oriented Business:** An increase in the original floor area occupied by a sexually oriented business by more than 15 percent.

**Swimming Pool:** A recreational use structure, above or in ground, containing water eighteen (18) inches or greater in depth, for purposes of swimming, wading, or bathing, inclusive of support facilities in relation thereto, such as enclosure fencing.

**Telecommunications Facility:** A FCC permitted wireless telecommunications facility that exists on or after October 31, 1996. Telecommunications Facility, Base Station: Transmission equipment and any non-tower structure that facilitates FCC permitted wireless communications.

**Telecommunications Facility, Collocation:** The installation of additional transmission equipment on an existing tower or other permitted support structure.

**Telecommunications Facility, Eligible Facilities Request:** A request to modify an existing tower and/or base station that does not cause a substantial change to the physical dimensions of the tower or other support structure or base station, involving:

- A) Collocating new transmission equipment;
- B) Removing transmission equipment; or
- C) Replacing transmission equipment.

**Telecommunications Facility, Eligible Support Structure:** A tower or other support structure that exists when a modification application is filed with the Salem Township Zoning Inspector.

**Telecommunications Facility, Equipment:** Equipment that facilitates transmission and reception of FCC licensed or authorized wireless communication signals, including, but not limited to, antennas, coaxial or fiber-optic cable, radio transceivers, and regular and backup power supply.

**Telecommunications Facility, Site:** The area within the boundary of the leased or owned property that underlies and surrounds a telecommunications tower, or other support structure, and base station,

and including, but not limited to any access driveway, utility service line, and fall-radius easements related to the facility.

**Telecommunications Facility, Small Cell Tower:** A tower greater than the zoning district height but under fifty (50) feet, or an existing facility that has been adapted for the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, or similar systems.

**Telecommunications Facility, Substantial Change:** Modifications to the physical dimensions of an eligible support structure that qualify according to the criteria specified in Section 3.205.11(N) (2).

**Telecommunications Facility, Telecommunications Tower:** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services or Personal Communication Services. The use excludes Small Cell Towers.

**Telecommunications Facility, Tower:** A guy-wired, metal lattice, or monopole structure that is for the sole or primary purpose of supporting FCC permitted antennas and any associated equipment for facilitating wireless communication services.

**Thermophilic Stage:** A biological stage in the composting process characterized by a high rate of decomposition, large heat generation, and temperatures generally above one hundred (100) degrees Fahrenheit.

**Thoroughfare Plan:** The main or heavily traveled public roads, streets, or highways, identified by functional classification in the Warren County Official Thoroughfare Plan in being higher than Local in class. (See, Road, Street and Official Thoroughfare Plan).

**Time of Travel Boundary:** A locus of points from which water takes an equal amount of time to reach a given destination such as a well or wellfield.

**Towers:** Any free-standing or attached structure to a building or other structure; owned or principally used by a public utility or other person or entity that exceeds twice the permitted height requirement of the district.

**Traffic Impact Study:** A study which assesses the effects that a particular development's traffic will have on the transportation network. The report includes an analysis of anticipated roadway conditions, traffic circulation patterns and volumes. These studies are used to help evaluate whether the development is appropriate for a site and what type of transportation improvements may be necessary.

**Travel Trailer:** (See recreational vehicle)

**Truck Camper:** (See recreational vehicle)

**Truck Terminal:** A specialized distribution building for redistributing goods from one truck to another as an intermediate transfer point. These facilities are primarily used for staging loads (rather than long-term storage) and possess very little if any storage.

**TSCA:** The Toxic Substance Control Act, as amended, 15 U.S.C. 2601 et seq.

**Underground Storage Tank:** One or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of regulated substances the volume of which, including the volume of the underground pipes connected thereto, is ten per cent or more beneath the surface of the ground. ORC 3737.87(P)

**Urban Service Boundary:** A defined area in which access to public services, such as water, sewer, and transit is readily available for more-dense development.

**Use:** The specific purpose for which land inclusive of the building(s) and other structure(s) thereon and the activities and operations thereof are utilized, designed, arranged, intended, occupied, or maintained.

**Use, Temporary:** A use permitted for a period of time specified per this code.

**Utility Scale Wind Farm:** Wind Energy Conversion System (WECS) installations with a total generating capacity over 5 megawatts which are subject to certification by the Ohio Power Siting Board.

**Variance:** A modification of the strict terms of this Code, if granted by the Board of Zoning Appeals (BZA).

**Veterinary Animal Hospital or Clinic:** A business use of land and structures thereon as a place used for the medical and surgical care, diagnosis, and treatment of animals, including grooming and boarding accommodations for treatment purposes of observation and recuperation.

**Warehouse Depot:** A use engaged in storage of manufactured products, supplies, and equipment. This uses is characterized by frequent trucking activity, open storage of material, but does not involve manufacturing, production or selling of the goods they handle.

**Wastewater Disposal System, Central:** (See Central Sanitary Sewage System)

**Wastewater Disposal System, On-Site:** A system for the purposes of storing, treating, and disposing of sewage and wastewater generated by the use on the site.

**Water Pollution:** The unpermitted release of sediment from disturbed areas, solid waste, leachate, or other contaminants into the waters of the state.

**Water System, Central:** A public system which provides water supply to a development, community, or region.

**Water System, On-Site:** A well or other similar installation on a site which provides a water supply for the uses on the site.

**Waters of the State:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are wholly or partly within, or border upon, the zoning jurisdiction, except those private waters which do not combine or affect a junction with natural surface or underground waters. (ORC 1509.01)

**Wedding Facility, Event Center:** A building or group of buildings where weddings; retreats; seminars; community events; private parties; and similar events are conducted in exchange for compensation. This use may include, but is not limited to, facilities for food preparation and serving, parking facilities, a caretaker residence, and administrative offices.

**Well:** A bored, drilled or driven-shaft, or a dug hole whose depth is greater than the largest surface dimension and whose purpose is to reach underground water or oil supplies, or to store or bury fluids below ground.

**Wellhead:** The physical structure, facility, or device at the land surface from, or through which, groundwater flows or is pumped from subsurface, water-bearing formations.

**Well Field:** A protected land area specified around a well head.

**Wetlands:** Those areas that are inundated or saturated by surface or groundwater 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, fens, and similar areas, as defined by Soil & Water Conservation.

**Wind Energy Conversion System:** (WECS) means an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnections, battery banks, etc. in such a configuration as necessary to convert the power of wind into mechanical or electrical energy. WECS are also known as wind chargers, windmills, or wind turbines.

**Wind Turbine:** A machine that converts the wind's kinetic energy into rotary mechanical energy, which is then used to do work.

**Yard:** An open space, other than a courtyard, on the lot of a principal building, unoccupied by buildings or structures from the ground to the sky except by trees or shrubbery or as otherwise permitted per this Code. The depth of each required yard is measured between the setback line inward parallel from the lot line. (See Setback and Lot Line for illustration)

**Yard, Front:** The yard extending the full width of the lot between the road/street right-of-way line at the front of the lot and the closest point of contact to the principal structure, with the minimum depth thereof measured from the right-of-way line established by the Warren County Official Thoroughfare Plan (see illustration).

**Yard, Rear:** The yard extending the full width of the lot between the closest distance from the rear lot line or rear-most point on a pie-shaped lot and the first point of contact by a principal structure (see setback and lot line for illustration).

**Yard, Side:** The yard extending from the front yard to the rear yard (except in the case of a corner lot) between the closest point of contact by a principal structure and the nearest side lot line (see setback and lot line for illustration). (also see Lot Line, Side)

**Yard Waste:** Leaves, branches, and limbs trimmed or pruned from trees and shrubs, lawn, or other vegetative ground cover, clippings, and garden waste.

**Yard Waste Composting Facility:** A composting facility receiving only yard wastes, animal wastes incidentally associated therewith, and bulking agents as defined herein.

**Zoning District (a.k.a. Zone):** An area designation for one of the several zoning classifications defined in this Code which is applied or may be requested for application to part or all of one (1) or more parcels of land, in specifying the permitting provisions, restrictions, and requirements for use of land and structures therein located. (See Zoning Overlay and Planned Unit Development.)

**Zoning Inspector:** Person(s) appointed by the Board of Salem Township Trustees to administer and enforce the Zoning Code.

**Zoning Map, Official:** The graphic depiction of the boundaries of the various Zoning Districts and Zoning Overlays which have been respectively applied in a uniform manner to all parcels of property under Salem Township Zoning jurisdiction. (See § 2.102 of the Zoning Code.)

**Zoning Overlay:** A specific zoning area designation applied over the underlying zoning already applicable on part or all of one (1) or more parcel(s) which modifies the zoning regulations (See § 2.101 of the Zoning Code).

**Zoning Permit:** The official document issued by the Zoning Inspector that certifies that the use, development, and/or structures on a lot or parcel meet all permitting requirements of the Zoning

Code.

**Zoning Supplemental Regulations:** Provisions, restrictions, and conditional requirements specified in the Zoning Code, which may be applicable in addition to the Zoning District and Zoning Overlay regulations.