

# **SALEM TOWNSHIP** **RURAL ZONING CODE**

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## AMENDMENTS

Resolution # 01-88:	Added Chapter 3, <i>Definitions</i> : Sections 3.262, <i>Manufactured Housing</i> and 3.263, <i>Mobile Home</i> .
Resolution # 04-88:	Changed Chapter 6, <i>Rural Residence Zone "R-1" Regulations</i> , Section 6.06, Minimum Size: from nine hundred sixty (960) square feet to twelve hundred (1200) square feet.
Resolution # 05-88:	Amended Chapter 7, <i>One- and Two- Family Residence Zone "R-2" Regulations</i> , Section 7.02, <i>Permitted Uses</i> : adding last two lines starting with "approved -- Agency."
Resolution # 06-88:	Amended Chapter 8, <i>Multi-Family Residence Zone "R-3" Regulations</i> , Section 8.02, <i>Permitted Uses</i> : adding last two lines starting with "approved ... Agency."
Resolution # 07-88:	Added Section 3.3751, Sign definition and created Chapter 20.5, <i>Signs</i> ; no changes made to Sections 5.07 and 6.02 T.
Resolution # 01-92:	Changed Chapter 9, <i>Neighborhood Business Zone "B-1" Regulations</i> , Section 9.02, <i>Permitted Uses</i> : Section 9.02 E sign reference to 20.5; moved Chapter 26, <i>Special Provisions</i> , Section 26.01, <i>Outdoor Signs</i> : to Chapter 20.5, <i>Signs</i> .
Resolution # 01-98:	Replaced Section 26.02 with wording contained in Section 27.03 of the Warren County Rural Zoning Code. Added definitions for Junk and Junk Vehicle.
Resolution # 02-98:	Added Section 6.05 – <i>Intensity of Use</i> .
Resolution # 03-98:	Not adopted.
Resolution # 04-98:	Added Section 5.15 – <i>Site Plan Review</i> .
Resolution # 05-98:	Added Chapter 31 – Solid Waste Disposal “S-D” Zone Regulations; amended Chapter 3 – <i>Definitions</i> , Chapter 4 – <i>Zones and Boundaries</i> , Chapter 6 – <i>Rural residence Zone “R-1”</i> , Chapter 11 – <i>Light Industry Zone “M-1”</i> , and Chapter 12 – <i>Heavy Industry Zone “M-2”</i> .
Resolution # 06-98:	Added Chapter 5.5 – <i>Aquifer Protection (A-P) and Wellhead Protection (W-P) Overlay Areas</i> and amended Chapter 3 – <i>Definitions</i> .
Resolution # 07-98:	Added Chapter 10.5 – Regulations for <i>Sexually Oriented Businesses</i> and amended Chapter 3 – <i>Definitions</i> .
Resolution #01-99:	Corrected errors and omissions to text amendments to the <i>Zoning Code</i> .
Resolution #02-99:	Adopted <i>Regional Planning Commission</i> staff recommended corrections and additions covering Chapters 1-13, of the January 1999, revised edition of the <i>Salem Township Zoning Code</i> , with the exception of “F” (5) Amend Section 6.05, Intensity of Use.
Resolution #03-99:	Amended Section 20.59, <i>Table of Area, Height, and Setback Requirements</i> , by changing the method used to determine the maximum area size for Wall Signs, changing the maximum height for Wall Signs, the maximum area and height for Ground Signs.
Resolution #04-99:	Not adopted.
Resolution #05-99:	Proposed rezoning seventeen (17) properties along the 22-3 corridor currently zoned Business “B-2” to Single-Family Residence “R-1”.
Resolution #01-00	Amend Chapter 26, <i>Special Provisions</i> , adding Sec. 26.05 <i>Telecommunication Tower</i>

Resolution #02-00	Amend Chapter 3, <i>Definitions</i> , adding definitions for Industrialized Unit, Manufactured Home, Manufactured Home; Permanently Sited, Manufactured Homes Park, Mobile Home, Permanent Foundation, Recreation Camp, Recreation Park-Camp, Recreation Park-Camp; Temporary, Recreational Vehicle, Recreational Vehicle; Dependent, Recreational Vehicle; Self-Contained, Recreational Vehicle; Park, Travel Trailer, Trailer; Noncommercial, Trailer; Semi; Amend Chapter 15, Mobile and Non-Permanently Sited Manufactured Home Park "M-H" Zone Regulations; Amend Chapter 16, Travel Trailer Camp Zone "T-C" Regulations; and Amend Chapter 17, Travel Trailer Overnight Port Zone "T-T" Regulations.
Resolution #03-00	Proposed rezoning of one property along the 22-3 corridor currently zoned <i>Business "B-2"</i> to <i>Single-Family Residence "R-1"</i> .
Resolution #04-00	Amends Chapter 20.5, <i>Signs</i> , Section 20.52 (E), by changing the size of political signs from sixteen (16) square feet to thirty two (32) square feet, deleting the words "in size" and adding the words "per side" after thirty two (32) square feet.
Resolution #01-03	Amends Chapter 20.52 (E) and 20.5E (E) Signs, terms of returning posted fee, and 20.57 (C & D) changing 72 hours to 3 days and the size of the signage, Section 26.02 (B) changing 7 days to 14 days, Section 26.04 (D, 6) adding specificity, Section 26.04 (D, 7) changing 6 months to 3 months and 7 days to 3 days.
Resolution #02-03	Amends Chapter 3, <i>Definitions</i> by adding the following definitions for Aircraft, Helicopters & Landing Strips: Sections 3.033, 3.206, 3.207, 3.208, 3.165, 3.253, and 3.254, and adds Section 26.06 <i>Airports &amp; Heliports</i> .
Resolution #03-03	Amends Chapter 3, <i>Definitions</i> by adding the following definitions for Shooting Ranges: Section 3.37855 and adds Section 26.07 <i>Shooting Ranges</i> .
Resolution #04-03	Amends Chapter 6, Section 6.05A, <i>Intensity of Use for Unsewered Lots</i> , by changing the minimum width and frontage from 125' to 135' and the minimum lot size to 2.0 acres; and changes 6.05B , <i>Intensity of Use for Sewered Lots</i> , by changing the minimum width and frontage from 125' to 135' and the minimum lot size to 1.0 acre.
Resolution #05-03 of	Amends Chapter 23, Section 23.01, <i>Violation and Penalties</i> , by changing the maximum amount penalty per ORC 519.99 from \$100 per violation per day to \$500 per violation per day.
Resolution #06-03	Adds Chapter 32, <i>Salem Township Landscape Code</i> , to <i>Salem Township Rural Zoning Code</i> .
Resolution #07-03	Amends Chapter 19, Section 19.01 to allow non-conforming lots in single-family districts to be used as if conforming when the only non-conforming parameters are area and width.
Resolution #08-03	Amends the following: Chapter 3 <i>Definitions</i> , per <i>WCRPC Resolution #03-826</i> , for <i>Cluster Development</i> , <i>Central Sanitary Sewer System</i> , <i>Open Space</i> (active and passive), and adds specificity to Front Yard; Chapter 5, <i>General Provisions</i> , adds specificity to Section 5.07 <i>Outdoor Advertising</i> (per Section 20.57) and encourages informal consultation between the applicant, the <i>Salem Township Zoning Commission</i> and <i>WCRPC</i> prior to submission of Site Plans. Revisions to Chapter 5 require applicants to first submit Site Plans to the <i>Zoning Commission</i> , then to <i>WCRPC</i> both of which would review and make comments and revisions prior to submission for approval to the <i>Trustees</i> . Chapter 6, Sections 6.02M and 6.02U, adds further definition for private parking per <i>WCRPC</i> revisions to "R-1". Adds Section "Bulletin Boards for Charitable...", per <i>WCRPC "R-1"</i> revisions; amends Chapter 6, Section 6.02 to add specificity to Bed and Breakfast; amends 6.04 to increase the required Side Yard and adds specificity to Accessory Building per revisions by <i>WCRPC</i> ; amends Sections 6.04 and 6.05, <i>Intensity of Use</i> , by incorporating <i>WCRPC</i> language and increasing yard and frontage requirements commensurate with the revised minimum lot areas; amends Section 7.04A to 40', Section 7.06 "...for each dwelling unit...", Section 8.03 adding

6.02R,

specificity, Section 8.04 and 8.05, *Yard Requirements and Intensity of Use*, amended Sections 18.03, 18.04, 18.05, 18.06 and 18.10 *Planned Unit Development*.

- Resolution #01-08 Amends Chapter 3 Definitions by adding 3.441 Temporary Use. Revise number sequence of following definition "Farmer, Tenant" from 3.44 to 3.442. Amends Chapter 26 by adding 26.08 - Temporary Use language addressing specific temporary use situations.
- Resolution #02-08 Amends Chapter 19 by removing Section 19.04 in its entirety and replacing it with language permitting the rebuilding, replacement or continued use of a structure damaged accidentally or by an Act of God.
- Resolution #03-08 Amends Chapter 19 by adding language to Section 19.05 #3 permitting a portion of a lot to be added to a portion of an adjoining lot, provided that neither of the two become more nonconforming.
- Resolution #01-12 Amends were made in the following sections:  
Section 20.5 Signage Standards and Requirements  
Section 3.224 home Occupation Class 1 & 2  
Section 6.02 Animals as Pets  
Section 10.52B S.O.B  
Section 3.02 Accessory Buildings

# SALEM TOWNSHIP RURAL ZONING CODE

## CHAPTER 1

### PURPOSE

- Sec 1.01 To promote public health, safety, morals, comfort and general welfare; to conserve and protect property values; 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 519.01 of the Ohio Revised Code.

## CHAPTER 2

### TITLE

- Sec 2.01 This Code shall be known and may be cited and referred to as the "**Zoning Code**" to the same effect.

## CHAPTER 3

### DEFINITIONS

- Sec 3.01 For the purpose of the Zoning Code certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory.
- Sec 3.02 **Accessory Building, Use or Structure:** A building, use or structure on the same lot with, and of a nature customarily and subordinate incidental to the principal building use or structure. An accessory building requires a building permit for a structure 244square feet or larger.
- Sec 3.03 **Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and accessory uses such as packing, treating, storing or selling the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Sec 3.033 **Aircraft:** Any contrivance for use in, or designed for, navigation of or flight in the air.
- Sec 3.035 **Animal Wastes:** Means animal excreta, bedding, wash waters, waste feed and silage drainage.
- Sec 3.04 **Apartment:** A room or suite of rooms in a multiple dwelling of three (3) or more units intended or designed for use as a residence by a single family.
- Sec 3.045 **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.
- Sec 3.046 **Asbestos:** Means the asbestiform varieties of serpentinite (chrysotile), reibeckite (crocidolite), cummintonite-grunerite, anthophyllite and actinolitetremolite.
- Sec 3.05 **Basement:** A story or portion of a story having part, but not more than one-half (1/2) its height below average grade. A basement is counted as a story for the purpose of height regulation. See "Cellar".
- Sec 3.05 **Bed-and-Breakfast Lodging:** A single-family residence where, as a home occupation, no more than four (4) sleeping rooms are offered for pay to transient guests for a period of stay of fourteen

(14) days or less in association with breakfast the next day, in accordance with requirements specified in Section 26.04 (E) of this Zoning Code.

- Sec 3.052      **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 considerations) means of preventing or reducing the amount of pollution generated by non-profit sources of pollution to a level compatible with water quality goals. BMP's may include structural and non-structural practices, conservation practices and operation and maintenance procedures, as defined by the Soil and Water Conservation District.
- Sec 3.06      **Building:** A structure designed or intended for the support, enclosure, habitation, shelter, and/or protection of persons, animals, chattels, or property, as applicable. Furthermore, as defined and recognized by the State of Ohio, per a combination of wording in Ohio Revised Code (ORC) Sec. 3781.06 (C) (2) and Sec. 5701.02 (B), the word "building" also further means any permanent fabrication or construction of a structure, attached or affixed to land, consisting of foundations, walls, columns, girders, beams, floors, and a roof, or a combination of any number of these elemental parts, with or without other parts or appurtenances, and includes: industrialized units (per ORC Sec. 3781.06 (C) (3) same as defined in Sec. 3.2335 of this Code) when affixed to a permanent foundation (per ORC Sec. 3781.06 (C) (5) same as defined in Sec. 3.311 of this Code), as well as, manufactured homes (per ORC Sec. 3781.06 (C) (4) same as defined in Sec. 3.2607 of this Code) when permanently sited (per ORC Sec. 3781.06 (C) (6) same as defined in Sec. 3.2608 of this Code) and mobile homes (per ORC Sec. 4501.01 (O) same as defined in Sec. 3.271 of this Code), provided such home is permanently sited on land owned by the home owner(s) and the certificate of title of such home has been surrendered to and inactivated by the clerk of courts of common pleas that issued it, so that the home may be taxed as real property.
- Sec 3.07      **Building, Height of:** The vertical distance from the average grade at the building walls to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- Sec 3.08      **Building Line:** A line across the width of a lot or tract of ground, said line drawn concentric with, in the case of a curve, or parallel with the frontage line. It shall be set back from the frontage line, the minimum distance required in the regulations pertaining to the zone in which the lot or tract is located.
- Sec 3.085      **Bulking Agent:** Any material added to a composting system to provide structural support, improve aeration, or absorb moisture from the decomposing waste.
- Sec 3.086      **Business:** Any work, occupation, activity or buying and selling of commodities and services, commerce or trade intended to produce profit.
- Sec 3.087      **Business Activity:** Any action 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 (s) in exchange for monetary-based or related payment constituting taxable income.
- Sec 3.088      **Business, Place of:** A place where the activity of business, as defined in the Zoning Code, is conducted.
- Sec 3.09      **Cellar:** A story or portion of a story having more than one-half (1/2) of its height below average grade. A cellar is counted as a story for the purpose of regulating the number of stories only if used for dwelling purposes other than by a janitor employed on the premises. See "Basement".
- Sec 3.094      **Central Processing Facility (CPF):** Is a site area location or tract of land on which one (1) or more building(s) or other completely contained installations(s) 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.

- For purpose of this Zoning Code, the open dumping or depositing of solid waste in or on raw land or any yard area of a property without being engineered to function as a completely contained environmentally, safe facility thereon shall be absolutely prohibited.
- Sec 3.0945 **Central Sanitary Sewer System:** An operating system of waste water collection and treatment facilities approved by the Warren County Sanitary Engineer or other governmental authorities having final permitting approval.
- Sec 3.095 **CERCLA:** The Comprehensive Environmental Response Compensation and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42, U.S.C. 9601 et seq.
- Sec 3.10 **Club:** Building and facilities owned or operated by a corporation, association, person or persons for social or recreational purposes, on a non-profit basis.
- Sec 3.1005 **Cluster Development:** A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of open space.
- Sec 3.101 **Composting:** The controlled biological decomposition of organic solid wastes under predominately aerobic conditions, and which stabilizes the organic fraction of a material. Fermentation and/or putrefaction, the decomposition under predominately anaerobic conditions resulting in the production of leachate and odor, is not composting.

For purposes of this Zoning Code, composting is considered a form of solid waste disposal.

For purposes of this Zoning Code and in compliance with Ohio Administrative Code Rule 3745-27-40, a composting operation that is a facility therefore involving wastes from more than one (1) contributor and/or that is not based on nor operated by the resident(s) of a single family household is subject to regulation by or referenced to the Solid Waste Disposal "SD" Zone.

For purposes of this Zoning Code and in accordance with Ohio Administrative Code 3745-27-03 rules of exemption, composting conducted by and for a single family household for the purpose of reducing yard waste and animal wastes incidentally associated therewith for disposal and reuse is not subject to requirements of the Solid Waste Disposal "SD" Zone.

- Sec 3.102 **Composting Solid Waste Disposal 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 Rule 3745-27-40 as follows:

**Class I: Solid Waste Composting Facilities:**

1. May receive:
  - A. Organic solid waste that will readily decompose biologically, including but not limited to food wastes, yard wastes, animal wastes, sawdust, wood chips and paper; and
  - B. Solid waste containing materials which will not readily decompose biologically, including but not limited to glass, rubber, plastic or metals, and
  - C. Household solid waste containing materials exhibiting the characteristics of hazardous wastes, exempt from regulation as hazardous wastes in accordance with Ohio Administrative Code Chapter 3745-51, or wastes with similar characteristics, including but not limited to petroleum products, solvents, paints and pesticides; and
2. Are subject to requirements in Ohio Administrative Code Rules 3745-27-42 through 47.

**Class II: Solid Waste Composting Facilities:**

1. May accept and utilize:
  - A. Only source-separated yard wastes and/or animal wastes; and



- B. The following source-separated bulking agents: wood chips, straw, shredded newspaper, shredded cardboard, sawdust and/or shredded brush. Such bulking agents may be co-mingled.
  - C. Other materials to be composted or used as bulking agents or other additives only if approved by the Director of the Ohio Environmental Protection Agency.
- 2. Are subject to the requirements in Ohio Administrative Code Rules 3745-27-44 through 47; and
- 3. Are subject to the requirements of Ohio Administrative Code Chapter 3745-37; and
- 4. Are exempt from the requirements of Ohio Administrative Code Chapter 3745-28; and
- 5. If exclusively co-composting sewage sludge with source separated yard wastes and/or animal wastes and/or bulking agents are:
  - A. Exempt from requirements of Ohio Administrative Code Chapters 3745-27 and 37; and
  - B. Subject to the requirements of Chapters 6111 and 3704 of the Ohio Revised Code and rules adopted thereunder.

**Class III: Solid Waste Composting Facilities:**

- 1. May accept and utilize:
  - A. Only source-separated yard waste and/or animal wastes; and
  - B. The following source-separated bulking agents: wood chips, shredded newspaper, shredded cardboard, sawdust, and/or shredded brush. Such bulking agents may be co-mingled; and
- 2. Restrict the limits of materials placement on the facility site to less than fifteen thousand (15,000) square yards of total area; and
- 3. Are subject to requirements of Ohio Administrative Code Rules 3745-27-41 and 3745-27-44 through 47; and
- 4. Are exempt from the requirements of Ohio Administrative Code Chapters 3745-28 and 3745-37; and
- 5. Are exempt from the requirements of paragraphs (B) 24 and (B) 26 of Ohio Administrative Code Rule 3745-27-45 if the following conditions are met:
  - A. The facility composts only those materials listed in paragraphs (1)(A) to (1)(B) listed above; and
  - B. Such materials have been transported to the facility by the facility owner or his authorized representative; and
  - C. The limits of materials placement on the facility site are restricted to less than fifteen thousand (15,000) square yards of total area; and
  - D. Cured compost is utilized exclusively by the owner of the facility as part of the normal operation of the business or service.
- 6. Are exempt from the requirements of Ohio Administrative Code Rule 3745-27-46 if they meet all the criteria under subsection 5.

**Class IV: Solid Waste Composting Facilities:**

- 1. Accept and may utilize:
  - A. Only source-separated yard wastes; and

- B. The following source-separated bulking agents: wood chips, straw, shredded newspaper, shredded cardboard, sawdust, and/or shredded brush. Such bulking agents may be commingled.
- 2. Are subject to requirements of Ohio Administrative Code Rules 3745-27-41 and 3745-27-45(F); and
- 3. Are exempt from requirements of Ohio Administrative Code Chapters 3745-28 and 3745-37.

Sec 3.103

**Construction and Demolition Debris:** 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; processed materials or products not marketable or otherwise not intended for use as a construction material; or materials from mining operations, non-toxic fly ash, spent non-toxic foundry sand and slag.

For the purpose 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, electrical wiring and components containing no hazardous liquids, insulation, asphaltic substances, and metals incidental to any of the above. Materials from construction may also include empty packaging material consisting of, without limitation: wood, corrugated containerboard, 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, packaging materials not directly incidental to construction, pallets, containers and drums including caulking tubes, furniture, appliances, tires and fuel tanks.

Sec 3.104

**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, wiring, and insulation, but excludes materials whose removal has been required prior to demolition.

Sec 3.105

**Containment:** Any physical, chemical, biological or radiological substance or matter that has an adverse effect on air, water or soil.

Sec 3.106

**Debris:** Trash, litter, refuse or rubbish on any property that is not properly contained for disposal in accordance with applicable regulations, such that said 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 or construction or demolition debris on a site permitted by zoning for disposal.

Sec 3.11

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

Sec 3.112

**Development Plan:** A plan for the development and use of a specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, all sewer and water mains, fire hydrants, both public and private, and all landscaped and recreation areas to be erected and maintained thereon; and further explained by such specifications conditions and limitations as may be imprinted on the plat, or contained in the amendment or supplement to the

Zoning Code, incorporating the development plan as an integral part of the zoning regulations applicable to that particular tract of land.

- Sec 3.115      **Developed Spring:** Any spring that has been permanently modified by the addition of pipes or a collection basin to facilitate the collection and use of spring water.
- Sec 3.12      **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, or trailer coach, camper or truck or any other type of recreational vehicle.
- Sec 3.13      **Dwelling, Single-Family:** A building designed for or occupied exclusively by one (1) non-transient family.
- Sec 3.14      **Dwelling, Two- Family:** A building designed for or occupied exclusively by two (2) non-transient families.
- Sec 3.15      **Dwelling, Multiple:** A building or portion thereof designed for or occupied by more than two (2) non-transient families.
- Sec 3.155      **Employee:** A person who works or performs as a part of a business association or as a private contractor, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business, excluding a person exclusively on the premises for repair or maintenance of the premises or equipment thereon, or for the delivery of goods to the premises.
- Sec 3.157      **Establishment** means the opening or commencement of any business as a new business, or the conversion of an existing business.
- Sec 3.16      **Family:** A person or group of persons no more than four (4) of whom are unrelated, 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.
- Sec 3.165      **Fixed-Wing Aircraft:** Any aircraft, including but not limited to, gliders, ultra-lights, dirigibles, single-engine and multiple-engine airplanes or jet aircraft, but not including hot-air balloons or model airplanes with wing spans six (6) feet or less.
- Sec 3.17.01      **Flood:** A temporary inundation of normally dry land areas.
- Sec 3.17.02      **Flood, One-Hundred Year:** A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one [1] percent chance of occurring each year, although the flood may occur in any year.)
- Sec 3.17.03      **Flood Plain:** (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- Sec 3.17.04      **Flood Plain, Regulatory:** Areas of land in the Township which are subject to inundation by the one-hundred (100) year flood, as depicted on the maps pertinent to the Township in the *Flood Plain Study: County of Warren County Unincorporated Areas, Ohio*, as prepared, published and revised by the Federal Emergency Management Agency (FEMA).
- Sec 3.18      **Frontage:** The common boundary between a public street or road right-of-way, as established by the Official Thoroughfare Plan for Warren County, Ohio and the abutting property.
- Sec 3.19      **Garage, Private:** A detached or semi-detached accessory building or portion of the principal building used for the storage of motor vehicles, boats and their trailers, by the occupants of the premises.
- Sec 3.20      **Garage, Public:** Any building other than a private garage used for parking or repairing motor vehicles for profit.

Sec 3.205	<p><b>Hazardous Wastes:</b> 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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or incapacitating reversible illness; or</li> <li>2. 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.</li> </ol>
Sec 3.206	<p><b>Helicopter:</b> An aircraft supported by air by one or more rotors revolving on substantially vertical axes.</p>
Sec 3.207	<p><b>Helipad or Helipad (Private):</b> An area or structure, not open to the general public, designed to be used for the landing or takeoff of a helicopter.</p>
Sec 3.208	<p><b>Helipad or Helipad (Public):</b> An area or structure, open to the general public, designed to be used for the landing or takeoff of a helicopter, including operations facilities such as maintenance, loading and unloading, storage, fueling or terminal facilities.</p>
Sec 3.21	<p><b>Highway, Major or Secondary:</b> An officially designated state or federal numbered highway or other road designated as a major street on the Official Thoroughfare Plan of Warren County.</p>
Sec 3.22	<p><b>Home Occupation:</b> Any occupation or profession carried on in a residential zone in the main building on the premises, by a member of the family residing therein, including but not limited to the following which are listed as examples:</p> <p>The practice of medicine, dentistry, engineering, architecture, and law and the operation of a beauty shop, real estate office, insurance sales office, and antique shop (see Section 26.03 re: antique shops).</p> <p>Reference to a "member of the family" in the section is limited to a person or persons who reside on the premises and is related within the first degree of kinship to the owner or principal tenant of the premises.</p>
Sec 3.224	<p><b>Home Occupations</b> are divided into Class 1 and Class 2. See Section 26.04.C</p>
Sec 3.23	<p><b>Hotel or Motel:</b> A building in which lodging is provided for transient guests and operated for profit.</p>
Sec 3.233	<p><b>Incinerator:</b> Any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn solid waste.</p>
Sec 3.2335	<p><b>Industrialized Unit:</b> the same as in Ohio Revised Code, Sec. 3781.06 (C) (3) or as may be amended in the future, is a building unit or assembly of closed construction, fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure and requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a complete structural entity. "Industrialized unit" does not include</p>

“manufactured home” in Sec. 3.2607 nor “mobile home” in Sec. 3.271 of this Code or as may be amended in the future.

- Sec 3.234      **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 beyond it into underlying soil and ground water.
- Sec 3.235      **Injection Well:** A well into which fluids are being injected and classified as per Ohio Administrative Code 3745-34-04.
- Sec 3.236      ***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.
- Sec 3.24        **Institution:** A building owned and occupied by an organization not for profit and used exclusively for the benefit of members of the organization or the public.
- Sec 3.248      **Junk:** One or more objects, articles or materials outside a building at an unenclosed location on a property, whereon such items are apparently valueless and useless, regardless whether reconditioning is in process which could restore value and usefulness, whether being collected, accumulated or stored for salvage or reuse, as may be evidenced by; poorly maintained, deteriorated, damaged or destroyed condition; careless, haphazard, disorganized placement and/or lack of cover from sun and weather exposure. Solid Waste and Construction/Demolition debris as defined in this Code for regulation are not included in this definition as junk. Firewood for personal use and individual household waste composting per the provisions of this Code are not included as junk.
- Sec 3.249      **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 is defined as junk for regulation by this Code if it is being stored outside a building at any unenclosed location on a property and can be described by one or more of the following:
1.    Inoperable in accordance with manufactured design and/or for safe and/or lawful use.
  2.    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.
  3.    Unlicensed if required to be licensed.
  4.    Impounded from a private property.  
(A recreational vehicle or travel trailer and a boat on a trailer which are licensed as applicable and in operable condition and stored outdoors at a residence in accordance with Sec. 5.03 of this Code are not included in this definition for regulation as junk.)
- Sec 3.25        **Junkyard:** A place 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 or used, wrecked and/or dismantled; vehicle, appliance and machine parts; building, electrical, mechanical and plumbing fixtures; scrap metal, lumber, concrete blocks, bricks, plastics, rubber, wire, cable, rope or glass is 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 processing facility or disposal site for solid waste or construction or demolition debris as otherwise defined for regulation by this Code is not considered a junkyard.
- Sec 3.253      **Landing Strip (Private):** An area or runway, not open to the general public, for the takeoff and landing of aircraft.

Sec 3.254 or	<b>Landing Strip (Public):</b> An area or runway, open to the general public, for the takeoff and landing of aircraft, including operation facilities such as maintenance, loading and unloading, storage, fueling terminal facilities.
Sec 3.255	<b>Leachate:</b> Liquid that has come in contact with or been released from solid waste or construction or demolition waste debris.
Sec 3.257	<b>Limestone Quarry:</b> An excavation resulting from a mining operation where limestone is the principal material excavated for commercial sale or use in another location. This term does not include excavations of limestone resulting from the construction of a sanitary landfill.
Sec 3.26	<b>Lot:</b> A parcel of land having its frontage upon a public street or road.
Sec 3.2607	<b>Manufactured Home:</b> the same as in Ohio Revised Code, Sec. 3781.06 (C) (4) or as may be amended in the future, is a building unit or assembly of closed construction that is fabricated in an off-site facility and conforms 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.
Sec 3.2608	<p><b>Manufactured Home; Permanently Sited:</b> the same as in Ohio Revised Code, Sec. 3781.06 (C) (6) or as may be amended in the future, is a manufactured home that meets all of the following criteria:</p> <ol style="list-style-type: none"> <li>1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;</li> <li>2. 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 of at least twelve hundred (1,200) square feet, excluding garages, porches, or attachments.</li> <li>3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;</li> <li>4. The structure was manufactured after January 1, 1995;</li> <li>5. The structure is not located in a manufactured home park, in Section 3.2069 of this Code or as may be amended in the future.</li> </ol>
Sec 3.2609	<p><b>Manufactured Homes Park:</b> the same as in Ohio Revised Code, Sec. 3733.01 (A) or as may be amended in the future, is any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. "Manufactured Home Park" does not include any of the following:</p> <ol style="list-style-type: none"> <li>1. A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp;</li> <li>2. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government;</li> <li>3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.</li> </ol>
Sec 3.261	<b>Manufactured Building:</b> Has the following features or characteristics; it is: mass produced in a factory; designed and constructed for transportation to a site for installation and use when connected to required utilities; either an independent, individual building or a module for combination with other elements to form a complete building on the site in accordance with permit requirements of the Warren County Building Code.

- Sec 3.262      **Manufactured Housing:** A manufactured building or portion of a building designed for long term residential use when assembled and/or attached to a permanent foundation in accordance with requirements of the Warren County Building Code.
- Sec 3.263      **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 the purpose of this Zoning Code, a 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.
- Sec 3.264      **Mobile Home:** Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
- Sec 3.271      **Mobile Home:** the same as in Ohio Revised Code, Sec. 4501.01 (O) or as may be amended in the future, is any non self-propelled vehicle transportation in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.
- Sec 3.272      **Mobile/Manufactured Home Park:** (See Sec. 3.2609)
- Sec 3.28      **Motel:** See "Hotel".
- Sec 3.29      **Non-conforming Use:** Any building or premises being lawfully used in a manner contrary to the Zoning Code, such use having begun and having been a lawful use prior to the effective date of said Code.
- Sec 3.292      **Nudity or State of Nudity** means:
1. The appearance of human bare buttocks, anus, male or female pubic region or genitals, or the areola or nipple of the female breast; or
  2. A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female pubic region or genitals, or the areola or nipple of the female breast.
- Sec 3.295      **Open Space:** Land, public or private, used for recreation, resource protection, as an amenity and/or buffering. Aside from buffering needs, in no event shall any area of a lot constituting the required minimum lot area, nor any part of existing or future road rights-of-way be considered toward an open space requirement.
- Sec 3.296      **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, fishing ponds, lakes, play equipment, for children, ball fields, court games, picnic facilities, alternative pedestrian circulation pathway systems, etc. Areas shall be determined to be sufficient in size and shape to be potentially usable. Designated flood plain, stormwater retention basins or ponds and stormwater detention basins greater than  $\frac{3}{4}$  acre in size designed to be utilized for active recreational purposes shall qualify provided a perpetual

mechanism has been established for maintaining and insuring such areas; however, in no event shall the following qualify as active open space:

- (i) Areas sloped greater than fifteen (15%) percent.
- (ii) Completely wooded areas not incorporating pedestrian circulation systems or other active recreational facilities.
- (iii) Normally required sidewalks outside open space areas.

Land dedicated for public purposes consistent with the purposes set forth in this section shall qualify.

- Sec 3.297     **Open Space, Passive:** All open space that is not designated as active open space. Open space designed to be essentially unimproved and set aside, dedicated, designated or reserved for peaceful, aesthetic enjoyment.
- Sec 3.298     **Operator** means and includes the owner, permit or license holder, custodian, manager, operator or person in charge of any business premises.
- Sec 3.299     **OSHA:** The Occupational Safety and Health Act, 29 U.S.C. 651 et seq.
- Sec 3.30     **Parking Lot:** A parcel of land devoted to unenclosed parking spaces.
- Sec 3.31     **Parking Space:** A surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways and access drives, reserved for the parking of a motor vehicle.
- Sec 3.311     **Permanent Foundation:** a standard design configuration of continuous reinforced concrete or masonry materials, in the form of a wall required under the exterior perimeter walls of a building, integrally connected to a continuous reinforced concrete footer constructed thereunder at the required depth below the frost-line and on soil of suitable load-bearing capability for support, or as otherwise configured per standard design necessary for support of other structural members located under or outside a building they are part of or for a structure other than a building, as required for permitting by the Warren County Building Department and consistent per Sec 3781.06 (C) (5) of the Ohio Revised Code or as may be amended in the future.
- Sec 3.315     **Permitted or Licensed Premises** means any premises that require a license and/or permit under Chapter 10.5 of the Zoning Code.
- Sec 3.316     **Permittee** and/or **Licensee** means a person or persons in whose name a permit and/or license to operate a business under these regulations has been issued as well as the individual or other legal entity listed as an applicant on the application for a permit and/or license.
- Sec 3.318     **Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- Sec 3.32     **Plat:** A map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.
- Sec 3.321     **Potable Water:** Water suitable for human consumption as defined by SDWA.
- Sec 3.326     **Protected Public Water Supply:** A public water system which serves at least fifteen (15) service connections used by year round residents whose wells lie within a sole source aquifer.
- Sec 3.327     **Protected Uses** are those uses listed below and defined as:
1. **Public Building** means any building owned, leased, or held by the United States, the State of Ohio, Warren County, any city, village or township, any special district or school district, or any other agency or political subdivision where said building is used for government purposes.



2. 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: Charitable (Sec. 3.34), Commercial (Sec. 3.35) Private (Sec. 3.36), Public (Sec. 3.37) or similar land.
3. **Quasi-public Facility** means any building or improved property customarily open to the public for non-commercial purposes, but which is not under government ownership or control.
4. **Religious Institution** means any church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities.
5. **Residential District** or **Use** means Zones R-1, R-2, R-3, M-H, H, T-C, T-T, as set forth in this Zoning Code.
6. **School** means any public or private educational facility, including but not limited to: child day 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. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Sec 3.33      **Public Street or Road:** one that has been dedicated whether or not it has been constructed to county standards as approved by the County Engineer and accepted by the County Commissioners.

Sec 3.335      **Recompacted Soil Liner:** means soil and perhaps other earthen material of suitable composition that is excavated from or imported to a land disposal site, deposited or 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.

Sec 3.341      **Recreation Area, Charitable:** A recreation area owned or maintained by a philanthropic organization for the general public at large, for tenants, for employees, for co-owners, or for members of an association.

Sec 3.342      **Recreation Area, Commercial:** A recreation area privately owned and operated for profit.

Sec 3.343      **Recreation Area, Private:** A recreation area owned and maintained by the owner of a development, business concern or property owners association for tenants, employees, co-owners or members of an association.

Sec 3.344      **Recreation Area, Public:** A recreation area maintained by a public authority for public use.

Sec 3.351      **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).

Sec 3.352      **Recreation Park-Park; Combined:** the same as in Ohio Revised Code, Sec. 3733.01 (H), is any tract of land upon which 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 a part of the facilities of the park's facilities. A tract of land that is subdivided for lease or other 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 (defined in Sec. 3.353).

- Sec 3.353      **Recreation Park-Camp; Temporary:** the same as in Ohio Revised Code, Sec. 3733.01 (R), 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 or more periods of time that do not exceed seven (7) consecutive days or parts thereof.
- Sec 3.360      **Recreational Vehicle:** the same as in Ohio Revised Code, Sec. 4501.01 (Q) or as may be amended in the future, is a vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and is classed as follows:
1. **“Travel Trailer”** is 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 includes a “tent-type fold-out camping trailer” as defined in Sec. 4617.01 of the Ohio Revised Code, which means any vehicle intended to 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 side-walls 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.
  2. **“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.
  3. **“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.
  4. **“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 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.
  5. **“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 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.
- Sec 3.361      **Recreational Vehicle; Dependent:** the same as in Ohio Revised Code, Sec. 3733.01 (F) or as may be amended in the future, is a recreational vehicle other than a self-contained recreational vehicle, in Sec. 3.362 of this Zoning Code.
- Sec 3.362      **Recreational Vehicle; Self-Contained:** the same as in Ohio Revised Code, Sec. 3733.01 (E) or as may be amended in the future, is a recreational vehicle, per Sec 3.360, 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.
- Sec 3.363      **Recreational Vehicle Park:** the same as in Ohio Revised Code, Sec. 3733.01 (B) or as may be amended in the future, is 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 a 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 or solely as a temporary park-camp.

Sec 3.370      **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.

For purpose of this Zoning Code, this definition is the same as defined in Ohio Administrative Code Rule 3745-27-01 (WW).

Sec 3.371      **Recycling Facility or Legitimate Recycling Facility:** An engineered facility or site where recycling is the primary objective of the facility, and: (1) The facility accepts only source separated material and/or mixed recyclables which are currently recoverable using existing technology; or (2) The facility accepts mixed solid waste streams, and recovers for beneficial use not less than sixty 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. A recycling facility does not include a solid waste disposal facility and does not include a waste tire disposal facility.

Sec 3.372      **Regulated Substances:** Chemicals or mixtures of chemicals that are health hazards as specified in Sec. 5.55 (A.1, A.2, A.3, A.4, and A.5).

Sec 3.373      **RCRA:** Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.

Sec 3.374      **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. This term does not include excavations of sand and/or gravel resulting from the construction of a sanitary landfill.

Sec 3.375      **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. This term does not include excavations of sandstone resulting from the construction of a sanitary landfill.

Sec 3.376      **Sanitary Landfilling:** 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.

Sec 3.377      **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 Chapters 3754-27 and 3754-37, including areas of solid waste placement, all ground water 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.

Sec 3.378      **SDWA:** The Safe Drinking Water Act (P.L. 95-523, as amended P.L. 96-502, 42 U.S.C. 300(f) et seq.).

Sec 3.3784      **Semi-nude** means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices, as applicable.

Sec 3.37841      **Setback:** is the horizontal distance between the property line or right-of-way designated by the official Warren County Thoroughfare Plan for the class of road the property has frontage on and the nearest structural surface of the building.

Sec 3.3785      **Sexually Oriented Businesses** are those businesses defined as:

1. **Adult Arcade** means a commercial Establishment where, for any form of consideration, one (1) or more still or motion pictures projectors, slide projectors, or similar machines, or other image-producing machine for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides or photographic reproductions characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
2. **Adult Bookstore, Adult Novelty or Adult Video Store** means a commercial establishment which has a significant or substantial portion of its stock-in trade, or derives a significant or substantial portion of revenues, or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of advertising to the sale or rental for any form of consideration of any one (1) or more of the following:
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, computer software, compact discs, or other visual representations, characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
  - b. Instruments, devices or paraphernalia designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse.
3. **Adult Cabaret** means a nightclub, bar, restaurant, bottle club, car wash, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
  - a. Persons who appear nude, or in the state of nudity, or semi-nudity;
  - b. Live performances characterized by the exposure of "Specified Anatomical Areas" or by "Specified Sexual Activities";
  - c. Films, motion pictures, videocassettes, slides, or other photographic reproductions characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
4. **Adult Motel** is a motel, hotel or similar commercial establishment which:
  - a. Offers public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, 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 the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
  - b. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
  - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
5. **Adult Motion Picture Theater** means a commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" are regularly shown for any form of consideration.
6. **Adult Theater** means a theater, concert hall, auditorium or similar commercial establishment which for any form of consideration regularly features persons who appear in a state of nudity, or performances characterized by exposure of "Specified Anatomical Areas" or by "Specified Sexual Activities".
7. **Escort** means 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.

8. **Escort Agency** means a person or business association that for any form of consideration furnishes or offers to furnish an escort(s) for another person.
9. **Massage Parlor** means 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, expose his or her "Specified Anatomical Areas". This definition shall 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.
10. **Nude Model Studio** means any place where a person, who regularly appears in a state of nudity, or displays "Specified Anatomical Areas", is provided for any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.
11. **Sexual Encounter Establishment** means a business or commercial establishment that has one (1) of its primary business purposes offers for any form of consideration a place where two (2) or more persons may congregate, associate, or consort for the purpose of "Specified Sexual Activities", or the exposure of "Specified Sexual Activities", or the exposure of "Specified Anatomical Areas"; or activities when one (1) or more of the persons is in a state of nudity or semi-nude. This definition shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.

3.37855      **Shooting Range:** A facility operated for the purpose of shooting firearms or archery equipment.

3.3786      **Sign:** A sign (aka signage) defined for purpose of this zoning regulation is a structure or object for use as a device for the purpose of providing outdoor display to advertise to, notify inform or attract people to any object, product, place, activity, event, person, institution, organization, or business. A sign is further defined as follows:

**(1) Abandoned Sign:** A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and where either of the following applies:

**(a)** No legal owner can be found; or,

**(b)** The property owner has been given a written order to rehabilitate or demolish, and for which work has not commenced and the owner can not demonstrate a diligent and good faith effort to implement actions; or,

**(c)** The property taxes are delinquent and the site is not actively offered for sale, lease, or rent

**Awning or Canopy Sign:** Any sign mounted on the face of an awning or canopy on a building or other structure..

**Changeable Copy Sign:** A sign or portion of a sign with letters, characters, or graphics that are not permanently affixed to the sign structure or face allowing the letters, characters and graphics to be modified manually. Non-advertising signs such as displaying hours of operation and menus are not considered changeable copy signs.

**Gateway Sign:** A sign announcing a development.

**Ground Sign:** Any sign solely supported on and from the ground and that is not attached to a building.

**Off-Site Signs:** Any sign that is erected off the site of the property to which the sign is advertising, promoting or is owned.

**Non Conforming Sign:** A sign legally existing on the effective date of this Code that does not conform to the height, size, and type provisions of Chapter 20.5 or the setback standards of the zoning district in which located. For the purposes of this definition the term "sign" shall include the sign face and the structure on which the sign face is attached.

**Permanent Sign:** All signs that are not temporary signs.

**Pole Sign:** A sign solely supported on a pole.

**Projecting Sign:** A sign supported by a building wall or column and extending outward therefrom a distance exceeding twelve (12) inches.

**Residential District Signs:** Any sign described in Section 20.55 for erection in a residential zoning district, as shown on the Salem Township Zoning Map.

**Roof Sign:** Any sign erected upon the roof of a building or having some part of the sign extending above the roof line of the building.

**Signature Sign:** A sign containing name and/or logo only.

**Temporary Sign:** Any sign that is not designed to be permanent nor intended to be displayed for more than thirty (30) days. Such includes but is not limited to signs for: garage or yard sales; car sales events; real estate sales, rental or leasing; construction sites; political elections, etc.

**Wall Sign:** A sign which is located on or formed by the surface of the wall of a building. A mansard style roof, awning or canopy along or extending from the wall of a building is considered part of the wall for purpose of calculating the size of sign for permitting.

**Window Sign:** A sign intended for display within the glazing area of a window that is applied or attached to a window or door or located near a window within a building for purpose of being visible and read from outside the building.

- Sec 3.383      **Specified Anatomical Areas** as used in the Zoning Code for the regulation of sexually oriented businesses means and includes any of the following:
1. 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
  2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- Sec 3.384      **Specified Sexual Activities** as used in the Zoning Code for the regulation of sexually oriented businesses means and includes any of the following:
1. The fondling, intentional touching of human genitals, pubic region, buttocks, anus, or female breast; or
  2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
  3. Masturbation, actual or simulation; or
  4. Human genitals in a state of sexually stimulation, arousal, or tumescence; or
  5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.
- Sec 3.385      **Specified Criminal Acts** are those offenses defined in Ohio Revised Code Chapter 2907; and, as the same, may from time to time be 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.

- Sec 3.386      **Stable, Private:** A building for beasts to lodge and feed in, especially having stalls for horses.
- Sec 3.39        **Stable, Public:** A building for beasts to lodge and feed in, especially having stalls for horses, operated for remuneration.
- Sec 3.40        **Story:** That portion of a building, other than a cellar as defined in Section 3.09, which is between the surface of any floor and the surface of the floor above it, except for the top story it shall be from the floor surface to the ceiling above.
- Sec 3.41        **Story, Half:** A space above the highest full story under a sloping roof, which has the line of intersection of roof and wall face not more than three (3) feet above the floor level.
- Sec 3.42        **Structure:** Anything constructed and erected, the use of which requires fixed location on the ground or attached to something having a fixed location on the ground, including buildings, outdoor signs, billboards, back stops for tennis courts, pergolas, swimming pools, and telecommunications towers.
- Sec 3.43        **Subdivision** as used in this code means:
- A.    **Subdivision:** The division of any parcel of land into two (2) or more parcels, at least one (1) of which is less than five (5) acres, per Ohio Revised Code, Section 711.001.
- B.    **Platted Subdivision:** A parcel of land that has been divided, the resulting lots have been numbered, and an approved plat of the entire parcel has been recorded at the Warren County Recorder's Office.
- Sec 3.436       **Substantial Enlargement of a Sexually Oriented Business** means an increase in the original floor area occupied by the business by more than fifteen (15) percent.
- Sec 3.439       **Telecommunications Tower:** Any free-standing structure or any structure to be attached to a building or other structure; proposed to be owned or principally used by a public utility or other person or entity engaged in the provision of telecommunications services; in an area zoned for residential use, proposed at a height greater than that permitted within the applicable zone, or an attached structure proposed at a height greater than either the height of the building or structure to which it is to be attached, or that permitted within the applicable zone; proposed to have attached to it a radio frequency transmission or reception equipment.
- Sec 3.441       **Temporary Use:** A prospective use established for a period of time upon approval of the Zoning Inspector with the promise to discontinue such use upon the expiration of the approved time period.
- Sec 3.442       **Tenant, Farmer:** A person who resides on a tract of land used for agricultural purposes as defined in Section 3.03 and taxed according to current agricultural use value, and who works thereon, as an agricultural worker an average of thirty (30) hours per week or more.
- Sec 3.444       **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.
- Sec 3.445       **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 well field.
- Sec 3.450       **Trailer:** the same as defined in ORC Sec. 4501.01 (M), is any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten (10) miles or at a speed of more than twenty-five (25) miles per

hour. "Trailer" does not include manufactured home or tractor-trailer, as defined in this Zoning Code, and is not considered a building, structure or a dwelling outside of a mobile home park for the purpose of this Zoning Code.

- Sec 3.451     **Trailer; Noncommercial:** the same as defined in ORC Sec. 4501.01 (N), is any trailer, except a travel trailer or a trailer that is used to transport a boat as described in ORC Sec. 4501.01 (B), in which such is stated as designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten (10) miles or at a speed of twenty-five (25) miles per hour or less, but, where applicable, includes a vehicle that is used, as described in ORC Sec. 4501.01 (M), to transport a boat in excess of the above listed parameters, that has a gross weight of no more than three thousand (3,000) pounds, and that is used exclusively for purposes other than engaging in business for a profit.
- Sec 3.452     **Trailer; Semi:** is any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semi-trailer into a trailer.
- Sec 3.459     **Transfer of Control of a Business:** includes any of the following:
1.    The sale, lease or sublease of the business; or
  2.    The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means, voluntary or otherwise; or
  3.    The establishment of a trust, gift or similar legal device which transfers ownership or control of the business, except for transfer by bequest, or other operation of law upon the death of a person possessing the ownership or control.
- Sec 3.460     **Trailer, Travel:** See definition in Sec. 3.360 under the heading of "Recreational Vehicle."
- Sec 3.461     **Travel Trailer Camp:** land on which one (1) or more travel trailers and other types of recreational vehicles defined in this Zoning Code, including whether dependent or self-contained as to sewage disposal, and otherwise portable camping units, such as tents, can be placed, for fee or free, for use as temporary living quarters in accordance with regulations of the zone therefore, which is intended primarily for vacationing and recreational use purposes and secondarily for brief stays by motoring transients or otherwise mobile travelers. Travel Trailer Camp includes Recreation Camp, Recreational Vehicle Park and Combined Recreation Park-Camp in this Zoning Code.
- Sec 3.462     **Travel Trailer Overnight Port:** land on which three (3) or more self-contained travel trailers or other types of self-contained recreational vehicles are parked, for fee or free, in accordance with regulations of the zone therefore, which is intended solely for one (1) or two (2) night stays by vacationing or otherwise transient recreational vehicle travelers and includes recreational vehicle parks in this Zoning Code.
- Sec 3.471     **TSCA:** The Toxic Substance Control Act, as amended, 15 U.S.C. 2601 et seq.
- Sec 3.472     **Underground Storage Tank (UST):** Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. Flow-through process tanks and tanks situated in an underground area (such as basement, tunnel or vault) upon or above the surface of a floor are excluded from the definition of underground storage tanks.
- Sec 3.474     **Water Pollution:** The unpermitted release of sediment from disturbed areas, solid waste, or leachate to the waters of the state.



- Sec 3.475      **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, this state or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.
- Sec 3.476      **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.
- Sec 3.477      **Well Field:** A tract of land that contains one (1) or more wells for supplying water.
- Sec 3.478      **Wellhead:** The physical structure, facility or device at the land surface from or through which ground water flows or is pumped from subsurface, water-bearing formations.
- Sec 3.479      **Working Face:** That portion of a sanitary landfill facility where solid wastes are unloaded for final deposit.
- Sec 3.48        **Yard:** An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except eaves, balconies, and unenclosed steps leading to a first floor or basement. In measuring a yard for the purpose of determining a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the building shall be used, starting at the lot line and ending at the nearest portion of the building foundation.
- Sec 3.49        **Yard, Front:** The open space extending across the front of a lot between the lot frontage and the main building or any lot between the lot frontage and the main building or any projection thereof. In determining the front yards for a lot fronting on more than one (1) street, the frontage on all streets shall be considered as front yards.
- Sec 3.50        **Yard, Rear:** The open space extending across the rear of a lot between the side lot lines and being the minimum distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies, or unenclosed porches. On corner lots all yards not fronting on a street shall be considered side yards.
- Sec 3.51        **Yard, Side:** The open space between the main building and the side line of the lot and extending from the front yard to the rear yard. Unenclosed steps and balconies may extend into side yard no more than one-half (1/2) of the required side yard width.
- Sec 3.511      **Yard Waste:** Solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, holiday trees, tree trimmings and/or pruning.
- Sec 3.512      **Yard Waste Composting Facility:** A composting facility receiving only yard wastes, animal wastes incidentally associated therewith, and bulking agents as defined in Section 3.085.
- Sec 3.52        **Zoned:** Any area or areas of the unincorporated territory of Salem Township for which uniform regulation is provided governing the use of buildings and premises, the height of buildings, size of yards, and area of lots as well as areas that are regulated by Planned Unit Development plans approved by the Salem Township Board of Township Trustees.

## **CHAPTER 4**

### **ZONES, OVERLAYS AND BOUNDARIES THEREOF**

Sec 4.01

In order to classify, regulate and restrict the location of trades, industries, residences, recreation and other land uses and the location of buildings designed for specified uses; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and limit the percentages of lot area which may be occupied, setback building lines, sizes of yards and other open spaces within and surrounding such buildings, the density of population; the unincorporated territory of Salem Township, Ohio, is hereby divided into thirteen (13) "zones" and on which four (4) different categories of "overlays" may also be applicable. All such regulations are uniform for each class or kind of building or structure or use throughout each class of zone, except in Planned Unit Developments (see Chapter 18), and said zones and overlays shall be known as:

- "R-1"** Rural Residence Zone
- "R-2"** One- and Two-Family Residence Zone
- "R-3"** Multi-Family Residence Zone
- "B-1"** Neighborhood Business Zone
- "B-2"** General Business Zone
- "M-1"** Light Industry Zone
- "M-2"** Heavy Industry Zone
- "M-E"** Mineral Extraction Zone
- "H"** Resort Zone
- "M-H"** Mobile Home Park Zone
- "T-C"** Travel Trailer Camp Zone
- "T-T"** Travel Trailer Overnight Port Zone
- "S-D"** Solid Waste Disposal Zone
- "F"** Flood Plain Overlay
- "A-P"** Aquifer Protection Overlay
- "W-P"** Wellhead Protection Overlay
- "PUD"** Planned Unit Development Overlay

Sec 4.02

The boundaries of the zones and planned unit developments actually applied to land in the Township are indicated upon the zoning maps of the unincorporated area of Salem Township, Ohio, which maps are made a part of this Code and marked Exhibit Number 1983-1, and are certified by the Clerk of the Board as such. The said zoning maps of such unincorporated area of Salem Township, Ohio, and all the notations, references and other matters set forth by said maps were all fully incorporated herein; which zoning maps are properly attested and are on file in the office of the Salem Township Trustees, and the maps shall be kept by the Clerk of Salem Township in the Township safe-deposit box at the First National Bank of Warren County, Lebanon, Ohio.

Sec 4.03

Whenever a court declares by a judgment or decree that is final (whether because no appeal is taken or no further appeal can be taken from such judgment or decree), that the zoning of a specific lot or tract is unconstitutional or unreasonable because it is too restrictive, the property affected shall automatically revert to the next less restrictive zone; provided, however, that where the court in such judgment or decree declares that the property may be used for a particular use or uses, notwithstanding any provision hereof which purport to permit such use, because the Township Trustees have no right to prohibit such use or uses on the property, then such property shall be subject to the regulation applicable to the most restrictive zone in which the particular use or uses declared proper by the court, are permitted.

## **CHAPTER 5**

### **GENERAL PROVISIONS**

- Sec 5.01        Except as hereinafter provided:
- Sec 5.02        No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this Code for the zone in which the building or land is located.
- Sec 5.03        In any residence zone, parking or storing a trailer as defined in Section 3.45 of this Zoning Code shall be prohibited, except that one (1) travel trailer as defined in Section 3.451 and one (1) boat trailer may be parked or stored in a garage or other accessory building or rear yard, provided that no occupancy by human habitation be maintained or business conducted therein which such trailer is so parked or stored.
- Sec 5.04        In any residence zone, the wheels or any similar transporting devices of any trailer shall not be removed nor shall such trailer be otherwise temporarily or permanently fixed to the ground or attached to any structure, except for the purpose of safety anchoring a mobile/manufactured home at a flood plain location, if permitted in accordance with Section 5.13.
- Sec 5.05        The minimum yards and other open space requirements and the density of population provisions contained in this Code for each and every building existing on the effective date of this Code, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other building.
- Sec 5.06        Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one (1) main residential building on a lot, except as specifically provided hereinafter. A plat of survey by a registered surveyor or registered engineer, showing stakes on lot corners and at building setback shall accompany a request for permission to erect or add to any structure.
- Sec 5.07        Outdoor advertising shall be classified as a business use and shall be permitted, pursuant to the provisions of Chapter 20.5 "Signs", in all industrial and business zones or on lands actively used for agriculture.
- Sec 5.08        Nothing contained in this Code shall prohibit the use of land for agricultural purposes or the construction or use of any building or structure incidental to such agricultural use, and no zoning certificate shall be required for any such agricultural use, building or structure.
- Sec 5.09        No plat for any subdivision of ground (see Section 3.43), in the unincorporated portions of Salem Township covered by this Code shall be accepted or recorded unless determined in compliance with all applicable requirements of the Salem Township Zoning Code, as determined by the Salem Township Zoning Inspector.
- Sec 5.10        In every zone, any structure erected or structure altered, or any permitted use, shall be located on a lot or tract having the frontage required by this Code on a public dedicated, improved street or road.
- Sec 5.11        The required side and rear yard for accessory buildings shall be a minimum of ten (10) feet unless otherwise provided in the regulations of the zone in which the building is located.
- Sec 5.12        Any applicant for a zoning change is encouraged to engage in informal consultations with the Salem Township Zoning Commission, the Salem Township Zoning Enforcement Officer and with the Director of the Warren County Regional Planning Commission; however, no statement or representation made by either such officer is binding upon the Salem Township Zoning Commission, the Salem Township Zoning Inspector, the Warren County Regional Planning Commission, or the Board of Salem Township Trustees.

Sec 5.13      **Flood Plain Regulations:**

Sec 5.13.01      Application: The regulations set forth in this Section 5.13 or set forth elsewhere in the Zoning Code, are the zoning regulations for flood plain areas and shall apply to all lands within the jurisdiction of the Zoning Code.

Sec 5.13.02      Findings of Fact: The flood hazard areas of Salem Township are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare. These flood losses are the result of the cumulative effect of obstruction in flood hazard areas which cause increases in flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Sec 5.13.03      Purpose: The purpose of the flood plain regulations is the prevention of the following: the loss of property and life, and creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base. This is accomplished by:

- A. Regulating uses, activities, and development, which acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
- D. Protecting individuals from buying lands and structures that are unsuited from intended purposes because of flood hazards.

Sec 5.13.04      Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of these regulations is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the flood plain areas, or that land uses permitted within such areas, will be free from flooding or flood damages. These regulations shall not create liability on the part of Salem Township or any officer or employee thereof for any flood damages that result from reliance on this Zoning Code or any administrative decision lawfully made thereunder.

Sec 5.13.05      Basis of Flood Plain Areas: The flood plain shall include all areas subject to inundation by waters of the one hundred (100) year flood. The flood plain is comprised of two (2) parts, the floodway and the floodway fringe. The basis for the delineation shall be the engineering report entitled *Flood Insurance Study, County of Warren, Ohio, Unincorporated Areas*, dated October 15, 1981, prepared by the Federal Emergency Management Agency, Federal Insurance Administration. This study with accompanying maps and any revisions thereto is hereby adopted by reference and declared to be part of this Zoning Code. The Flood Insurance Study is on file in the Office of the Warren County Regional Planning Commission and Salem Township Zoning Inspector. For that area denoted on the Flood Insurance Study maps as "Approximate 100-year Flood Boundary" areas for which no detailed flood profiles or elevations are provided other sources of data may be used such as:

1. U.S. Army Corps of Engineers Flood Plain Information Reports.
2. U.S. Geological Survey - Flood Prone Quadrangles.
3. U.S. Department of Agriculture, Soil Conservation Service - Soil Survey of Warren County, Ohio and Flood Hazard Analysis Studies.

4. Ohio Department of Natural Resources – Flood Hazard Reports and Flood Profile Charts.
5. Known High Water Marks from Past Floods.
6. Other Sources

Where the one hundred (100) year flood elevation cannot be determined for this area using other sources of data, the applicant for the proposed use, development and/or activity shall, if requested to do so by the Zoning Inspector, determine the one hundred (100) year flood elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by registered professional engineers who shall demonstrate that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Salem Township Zoning Inspector, Board of Zoning Appeals, Zoning Commission and Board of Trustees, as respectively applicable.

Sec 5.13.06 Flood Hazard Area Provisions: All uses, activities, and development occurring within any flood plain shall be undertaken only in strict compliance with the provisions of this Zoning Code and with all other applicable codes and regulations of Salem Township, as incorporated by reference in the Zoning Code. Prior to any proposed alteration or relocation of a watercourse, notification of the proposal shall be given to all affected adjacent communities. Copies of such notifications shall be forwarded to the Federal Emergency Management Agency; the Flood Insurance Coordinator, Ohio Department of Natural Resources; and the U.S. Army Corps of Engineers, Louisville District.

Sec 5.13.07 Permitted Uses: In the floodway, no use, activity or any other development shall be permitted except for the following uses, provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of these regulations:

1. Agricultural uses with the exception of any building or structure.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, trap and skeet ranges, and hunting and fishing areas with the exception of any building-or structure.
3. Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipelines, and other similar or related uses with the exception of any buildings.

In the floodway fringe, no development, use, or activity (including fill, grading and/or substantial improvements to structures, etc.), shall be permitted unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses, and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

The following uses and activities, having a low flood damage potential and not obstructing flood flows, are permitted in the floodway fringe, provided the property is zoned properly for the intended use, and the use is not prohibited by any other regulations or paragraph or section of these regulations; and further that no building or structure shall be erected, constructed, reconstructed, altered or moved into a premises unless a Site Plan Review for such use has been approved in accordance with Section 5.15 of the Zoning Code:

1. Agricultural uses.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
3. Summer camp, cabins and trailer camps that provide central management and control to assure seasonal occupancy only between April 15 and October 15.

4. Accessory residential uses such as yard areas, gardens, play areas, and previous parking areas.
5. Accessory industrial and commercial uses such as yard areas and previous parking and loading areas.
6. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar related uses.
7. Extraction of sand, gravel, and other minerals.
8. Temporary uses such as circuses, carnivals, and similar activities.
9. Storage of materials and equipment provided they are not subject to major damage by flooding, and provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
10. Other similar uses and activities; provided they do not cause more than the maximum allowable increase in flood heights and/or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood protection provisions contained in all other applicable codes and regulations.
11. No freestanding sign shall be permitted in the flood plain. All other signs are permitted provided they meet the regulations of Chapter 20.5: Signs, of the Zoning Code.

Sec 5.14 This Zoning Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Zoning Code and another regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

Sec 5.15 **Site Plan Review**

A. Site Plan Requirements:

1. No person shall commence any use or construct or alter any structure without first obtaining approval of a Site Plan, except as provided for in Sec. 5.15 (F) Exemptions From Site Plan Requirements.
2. A Site Plan for development shall be approved prior to the issuance of zoning, building or occupancy permits.
3. No use shall be carried on; no structure shall be constructed or altered, and no other improvement or construction undertaken, except as shown on an approved site plan.
4. This section shall apply to all zones that specifically require an approved site plan, except where a Planned Unit Development is undertaken in accordance with Chapter 18 of the Zoning Code.

B. Site Plan Submission:

1. Prior to the submission of a Site Plan any owner, builder or developer shall first consult with the Zoning Commission and the Zoning Inspector.
2. All site plans shall be submitted to the Salem Township Inspector.
3. The submission of a Site Plan shall occur at least fifteen (15) working days prior to the meeting of the Salem Township Trustees where approval is sought. The site plan may be reviewed at an earlier meeting. The site plan shall be complete and accompanied by all required fees and data.

4. Six (6) identical copies of the site plan shall be submitted. Additional copies may be requested by the Zoning Inspector.
  5. All site plans shall be drawn at a scale of not more than one hundred (100) feet to the inch.
  6. Site plans shall be on one or more sheets that are 24 x 36 inches in size and shall be clearly and legibly drawn.
  7. A filing fee shall be established by the Salem Township Trustees. This fee shall be paid upon the submission of a Site Plan.
- C. Site Plan Contents:
1. Every Site Plan shall be signed by the owner of the land to which the site plan applies; or, if a corporation, by a duly authorized officer of the corporation.
  2. Every Site Plan shall include the following:
    - a. The names, addresses and telephone numbers of the owner, developer and designers.
    - b. Location of the property by Military Survey Number or by Section, Town, Range, as applicable, indicating the names of Township, County and State.
    - c. The legal description of the property included on or with the Site Plan.
    - d. The boundary lines of the property including bearings, dimensions and a reference to a section corner, quarter corner or a point which has been established on a record plat.
    - e. The scale of the Site Plan, a north arrow, date and title.
    - f. The respective zoning classifications indicated for the site plan property and all adjoining properties.
    - g. A vicinity sketch showing the location of the property in relation to the surrounding roadway system.
    - h. The names of all subdivisions and property owners and the location of all property lines within five hundred (500) feet of the property included on or with the Site Plan.
    - i. Locations, widths and names of all existing streets, railroad rights-of-way, easements, permanent buildings, and corporation, township and county lines within five hundred (500) feet of the property indicated on the Site Plan.
    - j. Existing and proposed grades, drainage systems and structures with topographic contours at intervals not exceeding:
      - ...one (1) foot for 0% to 6% slopes
      - ...two (2) feet for 6% to 18% slopes
      - ...five (5) feet for slopes over 18%
    - k. Natural features such as wooded lots, streams, lakes, ponds, marshes and an indication as to whether they are to be retained, removed or altered.
    - l. The types of soils found on the site and seasonal wind directions.
    - m. All flood prone areas using the one hundred (100) year flood plain as a standard.
    - n. The existing and proposed uses of the property and all structures thereon.



- o. The shape, size, location, height and floor area of all existing and proposed structures on the property with their final ground flood elevations and an indication as to whether a structure is to be retained, removed or altered.
  - p. Front, side and rear elevations of all proposed or altered structures.
  - q. The location and associated dimensions of all proposed streets, driveways, parking areas and sidewalks with directional indications for one-way streets and driveways. Design geometrics should be included.
  - r. The location and size of all existing and proposed public and private utilities such as sewer, water, gas and electric facilities with an indication as to whether they will be retained, removed or altered.
  - s. The location, dimensions and other relevant data for all proposed landscaping, fences, walls or similar structures.
  - t. The location, dimensions, lighting and description of all signs.
  - u. The location, intensity and orientation of all exterior lighting.
  - v. A plan that illustrates the manner in which surface drainage will be accommodated. This plan shall include any temporary erosion and sediment control measures to be employed during on-site construction. All drainage areas influencing or influenced by the site shall be identified.
  - w. A time schedule that indicates the anticipated 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.
  - x. Any additional information that may be deemed necessary for proper and complete review when a proposed development presents difficult or unusual problems.
- D. Modification of Requirements.
- 1. The Zoning Inspector or Zoning Commission may modify or eliminate any or all of the requirements of Sec. 5.15 (C.2) if this action does not result in insufficient information for a property site plan review.
  - 2. Any requirement of Sec. 5.15 (C.2) as altered shall be noted in the staff report prepared by the Zoning Inspector.
- E. Site Plan Review:
- 1. All Site Plans shall be reviewed and approved by the Salem Township Zoning Commission and the Salem Township Trustees.
  - 2. Review comments concerning any site plan may be solicited from local, state and federal agencies, including but not limited to: the Warren County Engineer, Salem Township Zoning Inspector, Ohio Department of Transportation, Ohio Department of Natural Resources and the Soil Conservation Service and the Warren County Regional Planning Commission.
  - 3. All Site Plans shall be reviewed for their impact upon the health, safety, morals and general welfare of both the general public and the occupants of nearby properties. Among the factors to be considered include:
    - a. The adequacy and arrangement of vehicular and pedestrian circulation facilities.
    - b. The adequacy, location and arrangement of parking and landing facilities.
    - c. The location, arrangement, size and placement of all buildings, lighting, facilities and signs.

- d. The arrangement of landscaping, fences and walls.
  - e. The adequacy and design of storm water drainage facilities.
  - f. The treatment of environmentally sensitive areas such as woodlands, steep slopes (those greater than eight percent (8%), areas with highly erodible soils and aquifer recharge areas.
  - g. Any other factors necessary for a complete review by the Salem Township Zoning Commission and the Salem Township Zoning Inspector.
  - h. The engineering analysis details in certification of the flood proofing and/or protective design sufficiency and flood impact acceptability of any non-exempt use proposed, as applicable, for installation or renovation in a 100 year flood plain location.
- 4. The Salem Township Zoning Commission may grant approval of a Site Plan subject to conditions that it shall specify. Upon the satisfaction of said conditions as determined by the Zoning Inspector, approval shall be complete.
  - 5. Upon approval of a Site Plan by the Salem Township Zoning Commission, the Zoning Inspector shall endorse two (2) copies, one (1) to be retained by the Zoning Inspector, and one (1) to be returned to the applicant.
  - 6. Minor modifications (as defined by the Zoning Inspector) to an approved site plan may be approved by the Zoning Inspector. All other modifications shall be approved by the Salem Township Trustees. A change in the building, where a site plan has been previously approved may, at the discretion of the Zoning Inspector, be considered a minor modification.
  - 7. An approved Site Plan shall expire one (1) year after the date of its approval unless construction of the project has started.
  - 8. An approved Site Plan shall run with the land and shall not expire due to change in land ownership.
- F. Exemptions from Site Plan Requirements:
- 1. The lawful construction, removal or alteration of a single family or two (2) family dwelling and any associated structures shall be exempt from the Site Plan requirements of Sec. 5.15.
  - 2. Any lawful use, construction, removal or alteration on land used for agricultural purposes shall be exempt from the Site Plan requirements of Sec. 5.15.
  - 4. Any alteration to a building, when confined to the interior of the structure, shall be exempt from the Site Plan requirements of Sec. 5.15.
  - 4. The painting of any structure shall not require the preparation or approval of a Site Plan.
  - 5. Any alteration of any structure upon less than twenty-five percent (25%) of its exterior surface area, and less than twenty-five percent (25%) of its building area (square footage) as measured against the exact condition of an existing structure as of the effective date of this section, shall be exempt from the Site Plan requirements of Sec. 5.15.

## **CHAPTER 5.5**

### **AQUIFER PROTECTION (A-P) AND WELLHEAD PROTECTION (W-P)**

Sec 5.51 The regulations set forth in this Chapter, or set forth in the Zoning Code, are the zoning regulations for the Aquifer Protection "A-P" Overlay and the Wellhead Protection "W-P" Overlay Areas.

Sec 5.52 Purpose:  
The purpose of these regulations is to safeguard the public health, safety and welfare and to provide for the protection and availability of the existing and future potable ground water supply in Salem Township.

Furthermore, it is intended that the protected public water supply wells within designated sole source aquifer boundaries be protected from contamination both by preventing increased risk and by reducing existing risk to the public water supply.

These regulations set forth requirements, standards and criteria for the control of toxic or otherwise hazardous contaminants within the sole source aquifer, primarily through the control of Regulated Substances.

Sec 5.53 Determination of Applicability:

- A. It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of the Salem Township Zoning Code to make a determination of the applicability of these regulations as they pertain to the property and/or business under his ownership or operation and his failure to do so shall not excuse any violations of these regulations.
- B. Nothing contained in these regulations shall be construed so 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.

Sec 5.54 Permitted Land Uses:  
Permitted land uses within the Aquifer Protection "A-P" and Wellhead Protection "W-P" Overlay Areas shall be those of the existing zoning district, excepting those listed below, provided they meet all requirements of these regulations. Landfills comprised of demolition debris, fly ash, foundry sand, or other non-approved matter, junkyards, dry wells and newly sited sanitary landfills are prohibited within the "A-P" and "W-P" Overlay Areas. Septage spraying and sludge spreading without prior approval from the Ohio Environmental Protection Agency and the Warren County Combined Health District are prohibited within those overlay areas. Lagoons used for management of animal waste shall be permitted as approved by the Warren County Soil and Water Conservation District.

Sec 5.55 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 that 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.

Sec 5.56

Technical Consultants & Cost Responsibility:

Upon application for a zoning permit and/or site plan review for a use within the Aquifer Protection "A-P" and Wellhead Protection "W-P" Overlay Areas, the Salem Township Zoning Inspector may obtain such technical expertise as needed to ensure compliance with the provisions of these regulations. The entire costs of obtaining said technical expertise, as needed to ensure compliance with the provisions of these regulations, shall be paid by the applicant.

Sec 5.57

Site Plan Submission:

A. Site Plan Submission Requirements:

The following are submission requirements in addition to those stated in Sec. 5.15, Site Plan Review, for all sites located within the Aquifer Protection "A-P" and/or Wellhead Protection "W-P" Overlay Areas. Exemptions are given as provided for in Sec. 5.15 (F), Exemptions from Site Plan Requirements.

B. Additional Site Plan Contents:

The following shall be necessary contents of the site plan, in addition to those stated in Sec. 5.15 (C), Site Plan Contents:

1. The location(s) where Regulated Substances will be handled and stored, and/or contained in the event of a spill or leak.
2. The location or type of security systems to be installed.
3. Detailed plans of all accidental spill or discharge containment measures.

C. Description of Regulated Substances Operations:

Description of operations, activities and processes to be conducted at the site, emphasizing those involving Regulated Substances.

A list of Regulated Substances and expected quantities shall be furnished.

D. Regulated Substances Management Plan:

Methods to achieve compliance with Sec. 5.70 (C), requirements for use, handling and storage of Regulated Substances, contained herein for Regulated Substances.

- E. Site Ground Water Monitoring Plan:  
Location of both baseline and continuing monitoring wells, specifications for such wells, and schedules for reporting monitoring results as specified in Sec. 5.75.
- F. Emergency Response Plan:  
Procedures and responsibility, including required reporting to appropriate officials, in the event of any accidental or otherwise unauthorized release of any Regulated Substance at the site. This may be submitted at any time prior to the issuance of a Certificate of Occupancy.

Sec 5.58

Spills, Leaks or Discharges:

- A. Any entity or person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the Aquifer Protection "A-P" and Wellhead Protection "W-P" Overlay Areas shall, if such spill, leak or discharge escapes containment, contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the local fire district, local Emergency Planning Committee, and Ohio Environmental Protection Agency within thirty (30) minutes of knowledge of the discharge.

Additionally, the entity or person shall provide the local fire district (at a minimum) the location of the incident, name and telephone number, 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.

- B. Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the County and/or public water system operation in response to such an incident, in addition to the amount of any fines imposed thereof under Ohio 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 reoccurrence 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.
- C. The application of agricultural chemicals, fertilizers, mineral acids, organic sulphur compounds, etc., used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, the Ohio State University Extension, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture, shall not be considered a spill, leak or discharge subject to the reporting provisions of this section.

Sec 5.59

Enforcement:

- A. Application: If any activity or use of a Regulated Substance is deemed by the Salem Township Zoning Inspector to be in violation of these regulations and pose a real and present danger of contaminating surface and/or ground water which would normally enter the public water supply, in accordance with Sec. 303.24, Ohio Revised Code, or other applicable State laws and Chapter 22, Salem Township Zoning Code, the Salem Township Zoning Inspector is authorized to:
  1. cause cessation of said activity or use of the Regulated Substance;
  2. require the provisions of administrative controls and/or facilities sufficient to mitigate said danger; and/or
  3. cause the provision of pollution control and/or abatement activities.
- B. Consideration: When considering the exercise of any of the above authorities or actions, the Salem Township Zoning Inspector shall utilize the services of a technically qualified person in making such determination and shall notify and consult with the owner or designated representative of the potentially affected and/or affected public water supply to 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. The Salem Township Zoning Inspector may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

- C. Inspections: Subject to applicable provisions of law, the Salem Township 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 these regulations to ensure that activities are in accordance with the provisions of Chapter 5.50. Upon request of the entity which is the subject of the inspection, and if permitted by the State Public Records law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the administrative office for the above stated purposes, the administrative officer may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

Sec 5.70

Aquifer Protection "A-P" Overlay Area Standards:

A. Establishment of Aquifer Protection Overlay Area Boundary:

The Aquifer Protection Overlay Area shall be effective within the zoning jurisdiction of Salem Township. It is identified as the area within the Sole Source Aquifer of the Great Miami and Little Miami Buried Valley Aquifer System, defined as Buried Valley, Hydro-geological Setting 7D, of the Ground Water Pollution Potential Map of Warren County, publication dated September 1990. The boundary of the "A-P" Overlay Area shall be determined by encompassing recorded parcels of land that contain a portion of the Buried Valley Hydro-geological Setting within its acreage. The "A-P" Overlay Area boundary shall be established as the boundaries of these parcels as they exist thirty (30) days following the effective date of these regulations.

B. Alternate Criteria for Determining Buried Valley Hydro-geological Setting:

1. Where an owner determines there is sufficient doubt as to the location of the Buried Valley, Hydro-geological Setting 7D, with the boundaries of his tract of land, he may have an assessment of hydro-geological conditions prepared by technically qualified personnel. This data will be submitted to the Warren County Regional Planning Commission, who, after consultation with the Salem Township Zoning Inspector or his designee, will make a final determination as to whether the tract of land in question should be determined as containing the Buried Valley Hydro-geological Setting in the implementation of these regulations.
2. The Hydro-geological Site Assessment shall include the following:
  - a. Literature search for information from previous hydro-geologic investigations on and surrounding the site.
  - b. Hydro-geologic investigations to characterize ground water conditions at the site if required by the Salem Township Zoning Inspector.
  - c. Description of site hydrogeology including soils, ground water/surface water interactions, aquifer type (i.e. sand and gravel, bedrock), aquifer configuration, potential ground water storage, hydraulic parameters, susceptibility to contamination, boundary conditions, ground water flow rate and patterns, and an assessment of existing ground water quality.
  - d. An assessment of existing ground water production patterns and an evaluation of the site with reference to well field zones of contribution, drinking water protection areas, and recharge areas.

3. The hydro-geological site assessment approved by the Warren County Regional Planning Commission shall take precedence in determining the adjustment of Aquifer Protection Overlay Area boundaries.
- C. Use, Handling and Storage of Regulated Substances:  
The use, handling and storage of all Regulated Substances shall be in accordance with the following standards:
1. All underground storage facilities used for Regulated Substances shall be designed and constructed with secondary containment systems that are capable of holding, at a minimum, one hundred ten percent (110%) of the primary container.
  2. All underground storage facilities shall have a monitoring system approved by the Salem Township Zoning Inspector and the Ohio Environmental Protection Agency.
  3. Transfer and/or above ground storage facilities for Regulated Substances shall be equipped with impervious containment and dikes enclosing the entire transfer and/or storage area of the facility. The volume of the diked area shall be capable of holding, at a minimum, at least one hundred ten percent (110%) of the capacity of the largest tank contained therein. Dikes around above ground transfer and/or storage facilities and the entire area enclosed by the dikes, shall be entire area enclosed by the dikes, shall be made impervious to the types of substances expected to be stored in the tanks. Drainage or precipitation from within the diked area shall be controlled in a manner that will prevent any Regulated Substance from entering the ground, ground water or surface waters.
  4. All transfer and/or storage facilities shall have shut-off valves for piping, other conduits, and containers used for Regulated Substances designed in accordance with accepted engineering standards as specified by the Salem Township Zoning Inspector.
  5. The material used in the construction or lining of storage tanks shall be compatible with the substance to be stored. Storage tanks shall be protected against corrosion and designed in a manner approved by the Warren County Zoning Inspector to prevent the release or threatened release of any stored Regulated Substance.
  6. Incompatible materials shall be located in separated areas within all transfer and storage areas on a site.
  7. The placement of any Regulated Substance in direct contact with the surface of the ground shall be prohibited except as otherwise provided for in Sec. 5.58 C. In lieu of placing Regulated Substances in direct contact with the surface of the ground, such substances should be underlain with diked pads or platforms constructed of impervious materials.
  8. Any storage of drums, tanks or other vessels susceptible to weather related damage that contain, or have contained Regulated Substances shall be protected against damage from heat, cold, rust and other weather-related conditions.
  9. All transfer and/or storage areas of a facility where Regulated Substances are used, stored, or handled shall be adequately secured from access by unauthorized persons.
  10. The discharge or disposal of any Regulated Substance into any storm or sanitary sewer, except in accordance with a valid discharge permit, is prohibited.
  11. Pipelines which contain Regulated Substances shall be built or modified to meet secondary containment and monitoring requirements outlined within these regulations.
- D. Other Ground Water Protection Standards:
1. Storm water detention/retention basins shall be equipped with impermeable liners when necessary to prevent excessive infiltration into underlying aquifers.

2. Residential developments not connected to a central wastewater treatment system shall comply with Warren County Combined Health District regulations.
3. All residential wastewater disposal systems within the Aquifer Protection "A-P" Overlay Area shall be required to be inspected annually by the Warren County Combined Health District per its specifications. This requirement shall be implemented within one (1) year of the effective date of these regulations.

All wastewater disposal systems serving non-residential uses and residential uses of four (4) dwelling units or greater, within the Aquifer Protection "A-P" Overlay Area shall, contingent upon agreement with the Ohio Environmental Protection Agency (OEPA), be required to be inspected annually by the Warren County Combined Health District per its specifications. This requirement shall be fully implemented within one (1) year of the effective date of the agreement with OEPA.

4. Abandonment of wells shall be in accordance with requirements of Ohio's Private Water System Rules, Ohio Administrative Code, and Section 3701-28.
5. Bulk storage facilities for road salt shall be equipped with diked pads or platforms and covers constructed of impervious materials.
6. Storage of agricultural chemicals shall be in standard approved packaging, and application of such chemicals to real property shall be in accordance with Best Management Practices, such as those recommended by the Ohio State University Extension or the Warren County Soil and Water Conservation District and applied by the United States Environmental Protection Agency label directions.
7. Mineral extraction activities within the "A-P" Overlay Area shall be regulated according to all applicable Ohio Department of Natural Resource requirements and zoning requirements of the Mineral Extraction "M-E" Zone and Aquifer Protection "A-P" Overlay Area. In cases of differing requirements, the more restrictive regulation shall apply.
8. Livestock operations shall have animal waste management plans approved by the Warren County Soil and Water Conservation District in accordance with the requirements of the Ohio Administrative Code, Section 1501:15-5.

E. Non-Operating Facilities:

No person or entity shall abandon, close, or temporarily cease operating facilities involving Regulated Substances without complying with the following:

1. Any non-residential use of property that becomes unoccupied or has discontinued operation for a period of sixty (60) days or more shall remove all Regulated Substances from the site within ninety (90) days from the date of discontinued use.
2. An underground storage facility which is temporarily taken out of service for a period of six (6) months to one (1) year, but which the operator intends to return to use, shall be subject to the requirements of the State Fire Code dealing with the abandonment of tanks.
3. Underground storage facilities abandoned for a period exceeding three hundred sixty-five (365) days must be removed in accordance with the requirements of the State Fire Code.

Sec 5.75

Ground Water Monitoring Requirements:

The following monitoring provisions may apply to new operations, modification of any existing operations, and/or any change of occupancy of all non-residential uses requiring a building permit and/or a site plan review within Aquifer Protection "A-P" and Wellhead Protection "W-P" Overlay Areas that store or handle Regulated Substances.

Application of agricultural chemicals, etc., as outlined in Sec. 5.58 C., and the existing storage facilities for such applications on land used for agricultural purposes as defined in the Salem



Township Zoning Code, shall be exempted from ground water monitoring requirements. Newly constructed storage facilities of said purposes, erected after adoption of these regulations, may require ground water monitoring, if applicable, per Sec. 5.75 A.

A. Consideration for applicability: The following criteria shall be utilized in determining the necessity of a monitoring system. If it is determined by the Salem Township Zoning Inspector that ground water monitoring is necessary, Sec. 5.75 B., C. shall apply:

1. The nature of the proposed operation.
2. The amount and potential risk of the Regulated Substances to be utilized.
3. The existence and location of current monitoring systems
4. The characteristics of the aquifer in the vicinity of the site.
5. The proximity to a protected public water supply.

B. Baseline Monitoring:

Baseline ground water monitoring shall be required at the proposed site of a new operation for a period of no less than three (3) months prior to the date of issuance of a Certificate of Occupancy. Wells for such monitoring shall be of sufficient number, design and location as specified by the Warren County Combined Health District to determine prevailing hydro-geologic conditions and baseline ground water quality. Parameters for baseline monitoring shall be determined by the Warren County Combined Health District. Baseline monitoring wells shall be sampled at least twice by the Warren County Combined Health District with results forwarded to the Salem Township Zoning Inspector.

C. Continuing Monitoring:

Following baseline monitoring, a program of continuing monitoring shall be required at the proposed site. Wells installed for baseline monitoring shall be used for the continuing monitoring program, along with supplemental monitoring wells installed as directed by the Warren County Combined Health District based on review of the baseline monitoring results. Continuing monitoring wells shall be sampled at least quarterly (once every 3 months) as specified by the Warren County Combined Health District. Parameters for continuing monitoring shall be determined by the Warren County Combined Health District with consultation by qualified water quality professionals as necessary.

1. Supplemental monitoring wells shall be installed at selected locations with the site down gradient of specific sources of Regulated Substances such as storage tanks, loading areas, etc.
2. Results of continuing monitoring shall be submitted at least quarterly and forwarded to the Salem Township Zoning Inspector.
3. When results of continuing monitoring indicate the presence of Regulated Substances not present in baseline monitoring results, or increases in the level(s) of such substance(s), the Warren County Zoning Inspector shall, with assistance from the Warren County Combined Health District, report said findings to the Ohio Environmental Protection Agency and/or consult with owners/officials of the facility or facilities in question to determine the origin of the substance(s) and develop plans for addressing the situation.

D. Other Monitoring Requirements:

Ground water monitoring requirements of other Federal, State and local agencies in effect at the time of application of the provisions of the Salem Township Zoning Code shall also apply in the "A-P" and "W-P" Overlay Areas as appropriate. Where the requirements of such regulations differ from those of this Code, the more restrictive regulations shall apply.

Sec 5.80

Wellhead Protection "W-P" Overlay Area Standards:

Permitted uses in the Wellhead Protection "W-P" Overlay Area shall be subject to the standards in this section in addition to the standards set in Sec. 5.70 through 5.75, except for Sec. 5.70 (A.), Establishment of Boundary. In case of question, the most stringent requirement shall be applied.

A. Process for Establishment of Boundary:

1. The owner of any protected public water supply well or well field may establish a series of Time-of-Travel boundaries through the use of a professional engineer.
  2. Time-of-Travel boundaries must be delineated for one (1) and five (5) year intervals surrounding the well field. The boundaries delineated shall assume maximum pumping capacity from the well field. One (1) of the following methods shall be utilized in producing the Time-of-Travel boundaries: semi-analytical, analytical, or numerical flow/solute transport models, as defined by the Ohio Environmental Protection Agency. If a portion of a property is located within the "W-P" Overlay Area, the entire property shall be governed by Sec. 5.80.
  3. Approval of a Time-of-Travel boundary as a Wellhead Protection Overlay shall be administered by the zoning amendment process, as described in Chapter 28, Salem Township Zoning Code. The owner of the protected public water supply shall be acknowledged as the applicant.
  4. Upon the Salem Township Trustees' approval, the five (5) year Time-of-Travel boundary shall be the boundary of the "W-P" Overlay Area effective thirty (30) days after its approval.
- B. Alterations to the "W-P" Overlay Area Boundary:
1. Where an owner determines there is sufficient doubt as to the location of the time-of-travel boundary within the boundaries of their tract of land, they may make application to the Warren County Regional Planning Commission (RPC). The RPC will, after consultation with the Salem Township Zoning Inspector and the adjacent protected public water supplier, make a final determination as to whether the tract of land in question should be determined as being included within the "W-P" Overlay Area.
  2. An application to exclude a tract of land from a "W-P" Overlay Area should address the following issues:
    - A. Identification of the proximity of the five (5) year time-of-travel boundary in relation to the tract of land.
    - B. Current land uses and existing zoning on the tract of land.
    - C. Review of adjacent hydro-geological site assessments as outlined in Sec. 5.70 B. and time-of-travel boundary computations as outlined in Sec. 5.80 A.
    - D. Evidence of how the removal of a tract of land shall not adversely affect the integrity of the "W-P" Overlay Area.
  7. Exclusion from the Wellhead Protection "W-P" Overlay Area does not necessarily exclude the property from the Aquifer Protection "A-P" Overlay Area Regulations.
- C. Acknowledgment of Outside Time-of-Travel Boundaries:
- In the event similar Time-of-Travel boundaries are created outside the jurisdiction of the Salem Township Zoning Code, utilizing Ohio Environmental Protection Agency Time-of-Travel Transport Models, and one (1) to five (5) year Time-of-Travel boundaries are created and do extend into the jurisdiction of the Salem Township Zoning Code, upon completion of Sec. 5.80 A. of this Code, Salem Township will enforce its "W-P" Overlay Area regulations within this area.
- D. Regulated Substances Maximum Quantities: Use (storage, handling and/or production) of Regulated Substances in conjunction with permitted uses within the "W-P" Overlay Area shall be limited to:
1. At any given time, a permitted zoning use may not exceed the Reportable Quantity for each Regulated Substance used, stored, handled and/or produced at a given site, as established by 40 C.F.R. 302, et. seq.

All unlisted Regulated Substances shall be limited to one hundred (100) pounds or twelve point five (12.5) gallons at any time.

2. The total use, storage, handling and/or production of Regulated Substances may not exceed twelve (12) times the Reportable Quantity for each Regulated Substance as established by 40 C.F.R. 302, et. seq., or for unlisted Regulated Substances, one thousand two hundred (1,200) pounds or one hundred fifty (150) gallons, in any twelve (12) month period.
- E. Limited Exclusions: Limited exclusions from the provisions of Sec. 5.80 are authorized for:
1. Cleaning Agents: Cleaning agents shall be packaged for personal or household use or be present in the same form and concentration as products packaged for use by the general public. In no case shall cleaning agents claimed under this exclusion include hydrocarbon or halogenated solvents.
  2. Construction Materials: Regulated Substances associated with construction for which a zoning permit has been issued, paving or the pouring of concrete shall be excluded from regulation while present on the construction site provided such Regulated Substances do not pose a real and present danger of contaminating surface and/or ground water as determined by the Warren County Combined Health District.
  3. Office Supplies: Office supplies that are used solely for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use.
  4. Agricultural Chemicals: A limited exclusion is authorized for on-site storage of a maximum one (1) year supply of agricultural chemicals to be used for routine on-site agricultural operations, provided such substances are stored in standard approved packaging, under specifications recommended by the manufacturer, and such chemicals are applied to real property under Best Management Practices as indicated by soil tests, the Ohio State University Extension, the Warren County Soil and Water Conservation District and label directions approved by the United States Environmental Protection Agency and Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to real property 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/above ground storage tank protection requirements of the "A-P" and "W-P" Overlay Areas.
- F. Underground Storage Facilities:  
Five (5) years from the effective date of a Time-of-Travel boundary only storage of vehicle fuel and vehicle lubricants and fuel for building and/or process heating may occur in underground storage tank systems in the "W-P" Overlay Area. At that time fuels for non-residential building and/or process heating and vehicle fuel and lubricants shall be secondarily contained and monitored in accordance with plans submitted to and approved by the Salem Township Zoning Inspector and in conformance with rules and regulations of the Ohio Administrative Code, Sec. 1301:7-9. Present underground storage tanks containing fuel of residential building and/or process heating shall be exempt, and future usage in new residential construction shall be highly discouraged.
- G. Existing Businesses/Non-Conforming Maximum Quantities:  
Upon compliance with Sec. 5.18, owners or occupants of any land within the "W-P" Overlay Area, utilizing Regulated Substances at the effective date of any Time-of-Travel boundary shall be "grandfathered" with maximum quantities restricted to existing levels determined by peak business cycles. "Grandfathered" maximum quantities shall run with the land and be administered as a non-conforming use as defined in Chapter 19, Salem Township Zoning Code.
- Existing businesses having non-conforming maximum quantities of Regulated Substances within the "W-P" Overlay Area may make application to the Salem Township Board of Zoning Appeals to approve modifications in operation, changes in specific Regulated Substances, used or stored, and/or increase the maximum quantities of Regulated Substances maintained on site in response to changes in the market and/or need to increase production, provided that:

1. All other methods to respond to changes in the market or increase production without exceeding the maximum quantities of reported Regulated Substances have been exhausted.
2. The business can demonstrate that there shall be no greater hazard and/or threat of hazard to the aquifer and/or ground water as a result of increasing the amount of Regulated Substances.

The Salem Township Board of Zoning Appeals may approve increases to the maximum quantities of Regulated Substances only after review of the application by the Salem Township Zoning Inspector and/or his designee (as outlined in Sec. 5.56), the Warren County Combined Health District and the Warren County Regional Planning Commission.

#### Sec 5.81

##### Reporting Requirements of Regulated Substances:

- A. Any owner or occupant of a site used primarily for non-residential uses other than agriculture in the "W-P" Overlay Area shall file an initial Regulated Substance Inventory Report with the Salem Township Zoning Inspector. Said report shall be filed within one hundred eighty (180) days of the effective date of these regulations and/or the subsequent adoption of a "W-P" Overlay Area by the Salem Township Trustees, a maximum twenty-four (24) month intervals thereafter.
- B. Except as provided in Sec. 5.81 C., any new owner or occupant of any land in the Wellhead Protection Area shall file a Regulated Substance Inventory Report prior to receipt of a Certificate of Occupancy and at twenty-four (24) month intervals following the date of occupancy.
- C. Exclusions beyond initial Inventory Reporting:
  1. Any exclusions set forth in this subsection shall apply provided that any spill, leak, discharge or mishandling shall be subject to the regulations of Sec. 5.58. Any exclusion granted herein shall not remove or limit the liability involved.
  2. An exclusion from Regulated Substance Inventory Reporting is hereby authorized for the transportation of Regulated Substances through the "W-P" Overlay Area provided that the transporting vehicle is in compliance with applicable Federal and Ohio 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 seventy-two (72) hours.
  3. A limited exclusion from Regulated Substances Inventory Reporting is hereby authorized for Inventory Reporting is hereby authorized for Regulated Substances that are contained within tanks that are designed as an integral part of the motor vehicle, and used specifically and solely for the operation of the motor vehicle. Except as provided for in Sec. 5.81 (C.2), in no case shall the tanker portion of a tractor-trailer truck be included in this exclusion.
- D. Entities engaged in agricultural activities that are required to file any SARA Title III, Community Right to Know Reports, shall also file copies of those reports with the Salem Township Zoning Inspector. Said entities shall also maintain records of applications and purchases of agricultural chemicals per state and federal regulations. Such records shall be made available as outlined in Sec. 5.59 C.

## **CHAPTER 6**

### **RURAL RESIDENCE ZONE "R-1" REGULATIONS**

- Sec 6.01      The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code are the zoning regulations for Rural Residence Zone "R-1". It is the intent of these regulations to provide for single-family residential use on lots, sewerred or unsewerred, so as to maintain Salem Township's predominant rural character.
- Sec 6.02      Permitted Uses: A building or lot shall be created and used only for the following purposes if served by central public sewer approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency (OEPA) or by a private on-site septic system for sewage disposal approved by the Warren County Combined Health District and/or the OEPA:
- A. Single family dwellings.
  - B. Home occupation, per provisions specified in Section 26.04.
  - C. Schools, public and private, from nursery schools through colleges having curriculum equivalent to public school curricula.
  - D. Church, Sunday School and other places of worship, shall be one hundred (100) feet from any property line except the front lot line, and buildings shall be at least minimum residential size.
  - E. Community Fire House, provided:
    - 1. Front yard, side yard and rear yard requirements for the zone are met.
    - 2. Main building shall be at least minimum residential size.
    - 3. Enough area is set aside for future parking spaces, for a minimum of forty (40) cars, with a parking space provided at any given time for each member of the fire company. If an assembly hall is included in the building, additional parking spaces shall be provided in accordance with Chapter 20, Zoning Code.
  - F. Hospitals and institutions of an education, religious, charitable or philanthropic nature, provided the site upon which such uses are located shall contain at least five (5) acres, and that such buildings shall not occupy over ten percent (10%) of the total area of the site.
  - G. Rest homes or convalescent homes provided that such buildings shall be located upon a site of five (5) acres or more and shall not occupy more than ten percent (10%) of the total site area.
  - H. **Not Used**
  - I. Clubs, including country clubs, swimming and tennis clubs, provided that any structures, except fences shall be at least fifty (50) feet from any parking areas necessary to the operation and, shall be at least two hundred (200) feet from any adjoining residential zone; the setback from street or streets shall be same as for residences.
  - J. Publicly owned or operated properties including parks, playgrounds and community centers.
  - K. Recreation area, private or charitable, provided a minimum of thirty (30) acres is used and fenced on all sides.
  - L. Public and private forests and wildlife reservations or similar conservation projects, including the usual buildings therefore.
  - M. A private garage or parking spaces. One (1) space either in the garage or parking area but not both, may be occupied by one (1) commercial vehicle. This vehicle, owned or normally

operated by the resident of the premises, shall not exceed sixteen thousand (16,000) pounds gross vehicle weight or one and a half ton (1½) capacity. The parking of such vehicle is only for the regular personal daily commuting of the resident and is not intended that the residence where parked is to serve as a place for the purposes of conducting or operating a business not recognized as a permitted home occupation.

1. No garbage truck, sewage disposal truck, hazardous chemical vehicle, tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment or cement-mixer truck shall be parked in any Rural Residence Zone "R-1", with the exception that a tractor and/or trailer of a tractor-trailer, dump truck, or construction equipment or cement mixer truck may be parked on a tract of five (5) acres or larger provided it is adequately screened and is not parked within 100 feet of a neighboring residence.

2. Any commercial vehicle parked in a Rural Residence Zone "R-1" shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.

N. Cemeteries: Provided any mausoleum therein shall be at least two hundred (200) feet from every property line, and provided further, that any cemetery shall contain an area of twenty (20) acres or more.

O. The keeping of animals as pets, exclusive of swine, roosters, fighting chickens, and more than twelve heads of poultry, provided; however, that any building or shelter built for such pets, with the exception of two(2) adult dogs or two (2) adult cats, shall be at least eighty-five(85) feet from every property line.

P. Stables, private only - no beast or space for hire.

Q. Roadside stands offering for sale only local agricultural products of which at least seventy-five percent (75%) of the total value sold are produced upon the premises. A sign advertising such products not exceeding twelve (12) square feet in area may be used. Ample off-street or off-road parking space shall be provided to take care of all vehicles visiting the roadside stand.

R. Bulletin boards for public, charitable or religious institutions not exceeding twelve (12) square feet area, pursuant to the requirements of Chapter 20.5 Signs.

S. Except in the case of Home Occupations, accessory buildings and uses customarily incidental to any of the above uses, including quarters for servants employed on the premises.

T. Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

U. **Not Used**

V. Solid waste disposal facility for yard wastes in the form of a Class III or Class IV composting operation in accordance with Section 31.53E of this Zoning Code.

W. Bed-and-Breakfast Lodging shall comply with the following requirements as well as the requirements of Chapter 20.5 Signs:

1. No more than four (4) adult persons per room.

2. The use will not adversely affect the safety and tranquility of the neighborhood in which located by creating noise, light or traffic conditions which are offensive or harmful to any residents in the vicinity affected by the use.

3. No exterior alterations are made in the appearance of the principle residence and premises where the use will occur:

a. Other than those which may be required for compliance with applicable building and fire codes to assure the safety of the guests.

of

b. Except in provision of on-premises parking spaces required for the guests per Chapter 20 of this Code.

flat c. Other than a non-illuminated sign no greater than four (4) square feet in area mounted against the dwelling in which lodging service will be provided or on a lamppost next to the driveway which will access the premises of the use.

4. No receptions, private parties or any other type of guest-paid activity shall be permitted.

5. The building and premises for the use shall comply with all applicable codes and regulations.

6. A current register of all guests, including the names, addresses and dates of occupancy of all guests which use the premises shall be maintained.

Sec 6.03 Height of Structures: No non-agricultural building or other structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

Sec 6.04 Yards:

A. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet, provided; however, no front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet of a building.

1. For a lot that has frontage on more than one (1) street, the required front yard shall be provided on all streets.

B. Side Yard: There shall be a total side yard of not less than thirty (30) feet for both sides, with a minimum width of ten (10) feet for either side, except for lots with more than one (1) front yard, in which case the minimum side yard shall be ten (10) feet on the side, if any, not fronting on a street.

C. Rear Yard: There shall be a rear yard having a depth of not less than thirty-five (35) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be twenty (20) feet.

D. Accessory Buildings:

1. A total of three (3) accessory buildings shall be permitted on a property where the principle structure already exists.

2. On properties consisting of less than three (3) acres:

a. No accessory building will be permitted on any property which does not have an existing dwelling, unless a building permit has been issued and the installed footer for the dwelling has been approved by the Warren County Building Inspector.

b. Accessory buildings may be located no closer than five (5) feet from the rear and side property lines and shall not project into the front yard unless a minimum of one hundred and fifty (150) feet is maintained between the road right-of-way and the first contact of the accessory building.

c. If the property is not served by centralized sanitary sewer, accessory buildings shall not be located in conflict with necessary provision of on-site wastewater disposal needs as determined by the Warren County Combined Health District, the Ohio EPA or appropriate authority.

3. On properties consisting of three (3) or more acres:

a. A single accessory building is permitted without the presence of a dwelling under the following conditions:

1. Accessory buildings less than six-hundred (600) square feet in size may be located no closer than ten (10) feet from the rear and side property lines.

2. Accessory buildings six hundred (600) square feet in size or greater may be located no closer than twenty (20) feet from the rear or side property lines.
  3. Accessory buildings may be located no less than one hundred and fifty (150) feet from the road right-of-way from which the property has access. On a panhandle lot, this setback shall not be less than the required front yard setback line, as measured from the front lot line of the body of such lot.
  4. A plot plan showing the location of the proposed accessory building, the location of the future dwelling and the approved location of the future on-site wastewater disposal system (if not sewered), shall be required prior to the issuance of a zoning permit.
- b. If a dwelling exists on the property, an accessory building, regardless of size, may be located not closer than ten (10) feet to the rear and side property lines and shall not project into the front yard unless a minimum of one hundred and fifty (150) feet is maintained between the road right-of-way and the first contact of the accessory building.

Sec 6.05

Intensity of Use:

- A. Every lot or tract of land not connected to a central sanitary sewage system shall have a minimum continuous width and frontage of not less than one hundred and thirty-five (135) feet at any point, except on a cul-de-sac or curve; in which case it shall have a continuous minimum width and frontage at any point of at least sixty (60) feet, a width of one hundred and thirty-five (135) feet at the building line, and a minimum area exclusive of any road or street area of two (2) acres (87,120 square feet).
- B. Every lot or tract of land connected to a central sanitary sewage system shall have a minimum continuous width and frontage of not less than one hundred and thirty-five (135) feet at any point, except on a cul-de-sac or curve; in which case it shall have a continuous minimum width and frontage at any point of at least sixty (60) feet, a width of one hundred and thirty-five (135) feet at the building line, and a minimum area exclusive of any road or street area of one (1) acre (43,560 square feet).
- C. Any existing lot or tract of land on deed of record as of October 1, 1998, shall be connected to or served by a central sewage system approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency. The connection to the central sewage system shall have been completed and in operable condition prior to October 1, 1998.
- D. All lots of record or subdivisions with preliminary plats approved by Salem Township Trustees and the Warren County Regional Planning Commission prior to the effective date of these regulations (which approval has not lapsed by reason of inactivity as provided in the "Warren County Subdivision Regulations") shall be controlled by the Zoning Regulations under which they were approved and shall not be considered as 'non-conforming' to this zone.
- E. For any subdivision of ten (10) or more lots approved on or after the effective date of these regulations, the minimum area and width of any lot(s) within a subdivision may be reduced by fifteen percent (15%), provided that the average area and width of all lots is at least equal to the minimum area and width for this zone and the total number of lots does not exceed the number of lots that would be allowed if all lots were the minimum size.
- F. For land connected to a central sanitary sewage system, cluster development is permitted in accordance with the following regulations:
  1. Subject to Section 2. and 3. below, a cluster development need not meet the minimum lot area and width requirements set out in Section 6.05 A, 6.05 B and the setback requirements of Section 6.04, provided that the development does not exceed a maximum gross density of 1.5 lots per acre, and providing that a minimum of twenty percent (20%) of the total project area shall be set aside as open space, of which at least one-fourth (1/4) shall be active space.



2. Each lot shall have a minimum width at the building line of not less than one hundred (100) feet, except on a cul-de-sac or curve with a centerline radius less than or equal to three hundred (300) feet, in which case it shall have a minimum continuous width of at least sixty (60) feet, a width of one hundred (100) feet at the building line and a minimum area, exclusive of any road or street area, of three-fourths (3/4) of an acre.
3. The minimum setback requirements for each lot shall be established as follows:
  - a) There shall be a front yard having a minimum depth of forty (40) feet.
  - b) There shall be minimum side yards of ten (10) feet, regardless of the size of the lot.
  - c) There shall be a rear yard having a depth of not less than thirty (30) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be ten (10) feet.

- Sec 6.06      Minimum Dwelling Size: Any dwelling shall be 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.
- Sec 6.07      Panhandle lots are not permitted.
- Sec 6.08      Site Plan Review: Approval of a Site Plan shall be required per Section 5.15 for use in this Zone, unless specifically exempted in Section 5.15 (F).

## **CHAPTER 7**

### **ONE- AND TWO- FAMILY RESIDENCE ZONE "R-2" REGULATIONS**

- Sec 7.01      The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Residence Zone "R-2".
- Sec 7.02      Permitted Uses: A building or lot shall be used only for the following purposes, if served by central public sewer approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency (OEPA) or by a private on-site septic system for sewage disposal approved by the Warren County Combined Health District and/or the OEPA.
- A. Any use permitted in Rural Residence Zone "R-1".
- B. Two-family dwellings.
- Sec 7.03      Height Regulations: The height regulations are the same as those in the Rural Residence Zone "R-1".
- Sec 7.04      Yards:
- A. Front Yard: There shall be a front yard having a depth of not less than forty (40) feet, provided; however, no alignment set-back or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
- B. For a lot that has frontage on more than one (1) street, the required front yard shall be provided on all streets.
- C. Side Yard: There shall be a side yard of twenty (20) feet total for both sides, with a minimum width of seven (7) feet, for either side, except for lots with more than one (1) front yard, in which case, the minimum side yard shall be five (5) feet on the side or sides, if any, not fronting on a street.
- D. Rear Yard: There shall be a rear yard having a depth of not less than thirty (30) feet, except for lots with three (3) front yards, in which case, the minimum rear yard shall be twenty (20) feet.
- E. No accessory building shall project into any required front, side or rear yard.
- Sec 7.05      Intensity of Uses:
- A. For a one (1) family dwelling, every lot or tract of land shall have a minimum width of sixty (60) feet at the building line, at least thirty (30) feet frontage, and an area of not less than ten thousand (10,000) square feet.
- B. For a two- (2) family dwelling, every lot or tract of land shall have a minimum width of seventy (70) feet at the building line, at least thirty-five (35) feet frontage, and an area of not less than twelve thousand (12,000) square feet.
- Sec 7.06      Minimum Dwelling Size: Every single-family dwelling shall have a minimum floor area of seven hundred twenty (720) square feet and every two (2) family dwelling shall have a minimum floor area of six hundred (600) square feet of living space, for each dwelling unit, by outside dimensions exclusive of porches, garages and cellars for each family.
- Sec 7.07      Site Plan Review: Approval of a Site Plan shall be required per Section 5.15 for the permitting of any permitted use in this Zone, unless otherwise exempted in Section 5.15 (F).

## **CHAPTER 8**

### **MULTI-FAMILY RESIDENCE ZONE "R-3" REGULATIONS**

- Sec 8.01      The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code are the zoning regulations for Residence zone "R-3".
- Sec 8.02      Permitted Uses: A building or lot shall be used only for the following purposes, if served by central public sewer approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency (OEPA) or by a private on-site septic system for sewage disposal approved by the Warren County Combined Health District and/or the OEPA.
- A. Any use permitted in Zone "R-1" or "R-2".
- B. Multiple dwellings.
- Sec 8.03      Height of Structures: No non-agricultural building or other structure shall exceed three (3) stories or thirty-five (35) feet in height.
- Sec 8.04      Yards:
- A. Front Yard: The front yard regulations are the same as those in zone "R-2".
- B. Side Yard:
1. The side yard regulations for buildings not exceeding two and one-half (2 ½) stories in height are the same as those in Zone "R-2".
2. There shall be a side yard on both sides of a three (3) story building, which side yards shall have a width of not less than thirty (30) feet.
- C. Rear Yard: For buildings not exceeding two and one-half (2 ½) stories in height, the regulations are the same as those in Zone "R-2". For three (3) story buildings, the rear yard shall be at least forty (40) feet, except that for buildings fronting on three (3) streets, the rear yard shall be a minimum of twenty (20) feet.
- Sec 8.05      Intensity of Use:
- A. Every lot or tract of land on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the minimum required front building line, at least twenty-five (25) feet frontage, and an area of not less than ten thousand (10,000) square feet.
- B. Every lot or tract of land on which there is erected a two- (2) family dwelling or a multiple dwelling shall have a minimum width of seventy (70) feet at the minimum required front building line, at least thirty-five (35) feet frontage, and a minimum area of twelve thousand (12,000) square feet, plus an additional area of two thousand five hundred (2,500) square feet for each family over one (1).
- C. Every lot on which there is erected a building for any other use permitted in the Zone "R-3" shall have a minimum frontage and width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet.
- Sec 8.06      Minimum Dwelling Size: The minimum dwelling size for single-family dwelling or a two (2) -family dwelling shall be the same as for Zone "R-2" and the minimum apartment size for multiple dwelling shall be four hundred (400) square feet of living space by outside dimensions, exclusive of unfinished spaces, such as porches, garages and cellars.
- Sec 8.07      Site Plan Review: Approval of a site plan shall be required per Section 5.15 for the permitting of any permitted use in this Zone, unless otherwise exempted in Section 5.15 (F).

## **CHAPTER 9**

### **NEIGHBORHOOD BUSINESS ZONE "B-1" REGULATIONS**

- Sec 9.01      The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Business Zone "B-1".
- Sec 9.02      Permitted Uses: A building or lot shall be created and used only for the following purposes, if served by central public sewer approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency (OEPA) or by a private on-site septic system for sewage disposal approved by the Warren County Combined Health District and/or the OEPA.
- A. Any non-residential use permitted in Zones "R-1", "R-2", and "R-3".
  - B. Any local retail business or service establishment, including grocery, fruit or vegetable store, meat market, drug store, shoe repair shop, hardware store, barber and beauty shop, clothes cleaning and laundry pick-up station, shoe store, furniture store, camera store, mortician, business or professional office and the like, supplying commodities or performing services primarily for the residents of the neighborhood.
  - C. Restaurants and soda fountains, excluding restaurants that provide dancing and entertainment.
  - D. Automobile service stations for minor repair and storage garages.
  - E. Advertising signs are subject to the provisions of Chapter 20.5.
- Sec 9.03      Height of Structures: The height regulations for non-agricultural buildings and other structures are the same as for Zone "R-1"
- Sec 9.04      Yards:
- A. Front Yard: The front yard regulations are the same as for Zone "R-1".
  - B. Side Yard:
    - 1. If the lot adjoins a residence zone, the side yard restrictions are the same as for that residence zone.
    - 2. If the lot adjoins a non-residence zone, no side yard is required.
  - C. Rear Yard:
    - 1. If the rear yard adjoins a residence zone, it shall be a minimum of fifteen (15) feet.
    - 2. If the rear yard adjoins a non-residence zone, it shall have a minimum of ten (10) feet.
- Sec 9.05      Lot Size: The minimum lot size shall be the same as for zone "R-1", as specified in Section 6.05, Intensity of Use.
- Sec 9.06      Site Plan Review: Approval of a site plan shall be required per Section 5.15 for the permitting of any permitted use in this Zone, unless otherwise exempted in Section 5.15 (F).

## **CHAPTER 10**

### **GENERAL BUSINESS ZONE "B-2" REGULATIONS**

- Sec 10.01 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for General Business Zone "B-2".
- Sec 10.02 **Permitted Uses:** A building or lot shall be created and used only for the following purposes, if served by central public sewer approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency (OEPA) or by a private on-site septic system for sewage disposal approved by the Warren County Combined Health District and/or the OEPA.
- A. Any non-residential use permitted in any residence zone or Neighborhood Business Zone "B-1".
  - B. General automobile repair provided all vehicles, parts, or any junk automobiles are kept inside a building or screened from view of persons on contiguous property or persons using public rights-of-way.
  - C. Warehouse, farm implement or motor vehicle sales, animal hospital, veterinary hospital or clinic, laundries, plumbing and heating shop, printing shop, lumber yard and building materials, paint shop, carpenter shop, sheet metal shop, wholesale business and bakery. All machinery shall be enclosed within a building. Commercial and veterinary kennels must be constructed so that all animals are kept inside buildings with outside walls and roof equivalent in sound reduction to an eight (8) inch concrete block wall.
  - D. Drive-in restaurants and restaurants that provide dancing or entertainment, provided that jukeboxes and loudspeakers shall be permitted only for the occupants of the building and do not create a nuisance or disturb the peace. All buildings used for the purpose set forth in Section 10.02 D, shall be one hundred (100) feet from any Residence Zone.
  - E. Hotels and motels, theatres and drive-in movie theatres. For drive-in theaters the screen shall be so located as to not be visible from the road or street, and shall be set back at a distance of not less than two hundred (200) feet from the established right-of-way of any highway and a distance of at least two hundred (200) feet from the property line. Loud speakers shall be permitted only for the occupants of the drive-in movie theater, and if they do not create a nuisance or disturb the peace.
  - F. Commercial baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, bowling alleys or similar recreational uses and facilities. Buildings, pools and any other enclosures shall be one hundred (100) feet from any Rural Residence "R-1" Zone.
  - G. Any other business use which is of a general character of the classes of business permitted above, as determined by the Zoning Inspector.
  - H. Those businesses expressly prohibited in Zone "M-1" and "M-2" are prohibited in Zone "B-2".
- Sec 10.03 **Height of Structures:** Unlimited, except for each foot that a building or structure is taller than forty- five (45) feet in height, the front, side and rear yards of the lot on which located shall be increased by one (1) foot. Buildings and structures shall be outfitted with fire alarms and extinguishers, if required as applicable, in accordance with state and local fire codes.
- Sec 10.04 **Yards:**
- A. **Front Yard:** The front yard shall be the same as required for Zone "R-1".
  - B. **Side Yard:** None is required, except if adjoining a Residential Zone, in which case it shall be ten (10) feet.
  - C. **Rear Yard:** None, however, see Parking and Loading Regulations, Chapter 20.

- Sec 10.05      Lot Size: The minimum lot size is the same as for Rural Residence Zone "R-1".
- Sec 10.06      Site Plan Review: Approval of a site plan shall be required per Section 5.15 for the permitting of any permitted use in this Zone, unless otherwise exempted in Section 5.15 (F).

## **CHAPTER 10.5**

### **REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES**

- Sec 10.51      The regulations set forth in this chapter, or set forth elsewhere in these regulations of the Zoning Code are the zoning regulations for the regulation of Sexually Oriented Businesses.
- Sec 10.52      Establishment and Classification of Businesses:
- A. No person shall cause or permit the establishment of any Sexually Oriented Business on any parcel of land, any portion of which is within five hundred (500) feet of the right-of-way of an interstate highway. In no case shall signage for a Sexually Oriented Business be visible from an interstate highway.
  - B. Sexually Oriented Businesses shall be permitted only in areas zoned in Chapter I Neighborhood Business Zone "B-1"; provided all other requirements of the Zoning Code are met.
  - C. No Sexually Oriented Business shall be established within five hundred (500) feet of another such business or within five hundred (500) feet of a Protected Use.
  - D. The establishment of a Sexually Oriented Business shall be subject to Sec. 5.15 (Site Plan Review of the Zoning Code).
  - E. In no case shall a Sexually Oriented Business engage in the outdoor exhibition of "Specified Anatomical Areas" or "Specified Sexual Activities".
- Sec 10.53      Measurement of Distance:
- A. For the purposes of the regulation of Sexually Oriented Businesses distance shall be measured in a straight, horizontal line without regard to intervening structures.
  - B. 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.
- Sec 10.54      Non-Conformity:
- A sexual 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.
- Sec 10.55      Permit Required:
- A. No Sexually Oriented Business may operate without a valid Sexually Oriented Business Permit issued by the Salem Township Zoning Inspector.
  - B. 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, **Salem Township** Fire Department and the Warren County Combined Health District.

- C. 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.
- D. Applications must be made on a form provided by the Salem Township Zoning Office. Applicants must provide one (1) original and all necessary copies of a sworn application that shall contain the following information and attached documentation:
1. If the applicant is:
    - a) An individual, the legal name, all aliases and proof that applicant is at least eighteen (18) years of age.
    - b) 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.
    - c) 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.
  2. The proposed name of the Sexually Oriented Business as well as any registration documentation.
  3. 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).
  4. 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.
  5. 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.
  6. The proposed location of the business, including a legal description of the property, street address and telephone numbers.
  7. The applicant's business and residential addresses and telephone numbers.
  8. The applicant's driver's license number, social security number, tax identification number and recent photograph.
  9. 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.
  10. In addition to the requirements of Sec. 5.15 (Site Plan Review) 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.

11. The application must be signed:
  - a) By the individual applicant if the applicant is an individual.
  - b) By all partners if the applicant is a partnership.
  - c) By an authorized officer and all shareholders if the applicant is a corporation; and
  - d) In addition to (a), (b) and (c) above, all persons having any ownership interest in the Sexually Oriented Business.
- E. 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.
- F. 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.
- G. A non-refundable application fee, as determined by the Salem Township Trustees, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- H. 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.
- I. 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.
- J. 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.
- K. 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.

Sec 10.56

Application Investigation:

- A. 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.
- B. 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, 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 Warren County.



After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the Zoning Inspector.

Sec 10.57

Approval or Denial of Permit:

- A. 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.
- B. 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.
- C. 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:
  1. An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant, is under eighteen (18) years of age.
  2. 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.
  3. 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.
  4. An applicant, after the notice provided in Sec. 10.55 (F), has failed to provide required information in the application, or has supplied false information.
  5. 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.
  6. The non-refundable permit application fee has not been paid.
  7. An applicant is in violation of or not in compliance with any of the provisions of the Zoning Code.
  8. The issuance of the permit would violate a statute, resolution or court order.
  9. The applicant held a Sexually Oriented Business Permit under the provisions of the Zoning Code that was subsequently revoked.
  10. The applicant has been convicted of a Specified Criminal Act within the time limits specified in Sec. 10.55 (D.3) of the Zoning Code.
  11. An applicant knowingly has in his/her employ an employee without a valid Sexually Oriented Business Employee License as required within the Zoning Code.
- D. 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.

Sec 10.58

Annual Permit Fee:

The annual fee for a Sexually Oriented Business Permit, as determined by the Salem 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.

Sec 10.59

Inspection:

An applicant or permittee shall permit representatives of the Warren County Building Department, the Salem Township Zoning Inspector, Warren County Combined Health District and the applicable fire department to inspect the premises of a Sexually Oriented Business for the purpose of insuring compliance with their respective regulations at the time it is occupied or open for business.

Sec 10.60

Expiration and Renewal of Permit:

- A. 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 Salem 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 effect the current expiration date. An expired permit is not eligible for renewal; however, re-application may be made.

Sec 10.61

Suspension of Permit:

- A. A permit to operate a Sexually Oriented Business shall be suspended by the Zoning Inspector for thirty (30) days or 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.

Sec 10.62

Revocation of Permit:

- A. 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:
1. 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
  2. Knowingly allowed the possession, use or sale of controlled substances on the permit premises; or
  3. Knowingly allowed prostitution on the premises; or
  4. Knowingly operated the Sexually Oriented Business while under permit suspension; or
  5. Been convicted of a Specified Criminal Act for which the time period specified in Sec. 10.55 (D.3) of the Zoning Code has not elapsed; or
  6. Been convicted of tax violations for taxes or fees related to a Sexually Oriented Business; or

7. 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
  8. Operate more than one (1) Sexually Oriented Business under a single roof.
- B. 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.

Sec 10.63

Transfer of Permit:

- A. A permittee shall not operate a Sexually Oriented Business at any location other than the address designated in the application for permit.
- B. A permittee shall not transfer a Sexually Oriented Business Permit unless and until such other person satisfies the following requirements:
  1. Obtains an amendment to the permit from the Zoning Inspector upon satisfactory completion of all permit application requirements.
  2. Pays a transfer fee of fifty (50) percent of the annual permit fee.
- C. 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.
- D. A permit shall not be transferred to another location.
- E. Any attempt to transfer a permit in violation of these provisions is void and the subject permit shall be revoked by the Zoning Inspector.

Sec 10.64

Sexually Oriented Business Employee License:

- A. 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 Salem Township Trustees, to cover reasonable administrative cost. No application shall be accepted without the required fee.
- B. On a form provided by Salem Township, the applicant must provide one (1) original and two (2) copies of a sworn application that shall contain the following information and attached documentation:
  1. Name, inclusive of stage names or aliases;
  2. Age, birth date and birthplace;
  3. Height, weight, hair and eye color;
  4. Current residence and business addresses and phone numbers;
  5. State driver's license or state identification and social security numbers;
  6. Acceptable written proof that the individual is at least eighteen (18) years of age;
  7. 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;
  8. 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;

9. 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.
- C. 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.
- D. 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.
- E. 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:
  1. That the applicant knowingly made any false, misleading or fraudulent statement of a material fact; or
  2. That the applicant is under eighteen (18) years of age; or
  3. That the license is to be used for employment in a business prohibited by these regulations or other local or State laws; or
  4. The applicant has had such license revoked within two (2) years of the date of the current application.

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 Sec. 10.55 (D)(3) 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 Salem 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 effect 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.

#### Sec 10.65

##### Hearing, Revocation, License Denial, Suspension, Appeal:

- A. If the Zoning Inspector determines that probable grounds exist for denial, non-renewal, 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 Salem 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 Salem Township Trustees shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The Salem 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 Salem Township Trustees in the time stated; or, if after the hearing, the Salem Township

Trustees find 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 Salem Township Trustees find that no grounds exist for denial, non-renewal, suspension or revocation of a permit or license, then 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.

- B. 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 Sec. 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.

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 this Chapter 10.5.

Sec 10.66

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 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:

- A. 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.
- B. 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.
- C. It is the duty of the owners and operator of the premises to insure 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.
- D. 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.
- E. It is the duty of the owners, operator and employees present on the premises to insure that the aforementioned unobstructed view shall remain unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area designated for no access by patrons in the application of record.
- F. 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.

- G. 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 any patron is present on the premises.

Sec 10.67      Regulation of Adult Cabarets:

Performers in Adult Cabarets must be located on a stage 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.

Sec 10.68      Advertising and Lighting Regulations:

No Sexually Oriented Business may be operated and:

- A. Advertise the presentation of any activity prohibited by the Zoning Code or other local or State regulation;
- B. 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
- C. Allow any portion of the interior premises to be visible from outside the establishment; or
- D. 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.

Sec 10.69      Minors Prohibited:

- A. No person under eighteen (18) years of age may be admitted, remain, or purchase goods at a Sexually Oriented Business.
- B. No person under eighteen (18) years of age may be employed at a Sexually Oriented Business.

Sec 10.70      Reserved.

Sec 10.71      Violation:

- A. It shall be unlawful, punishable per Chapter 23 of the Zoning Code if:
  - 1. 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
  - 2. There is a failure to allow the inspection of a Sexually Oriented Business by the Warren County Building Department, Salem Township Zoning Inspector, Warren County Combined Health District, Warren County Sheriff's Department or the applicable fire department; or
  - 3. Any person having a duty under Sec. 10.66, Regulation of Sexually Explicit films or videos, knowingly fails to fulfill said duty, or
  - 4. A person operates or causes to be operated a Sexually Oriented Business in violation of Sec. 10.68, Advertising and Lighting; or

5. 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 Sec. 10.69, Minors Prohibited; or
  6. Any person willfully falsifies any material fact on any required application or documentation attached thereto.
- B. 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.
  - C. 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.

Sec 10.72

Exemptions:

It is a defense to prosecution for alleged violation of Sexually Oriented Business provisions of the Zoning Code that:

- A. A person appearing in a state of nudity did so in a modeling class operated:
  1. By a college, junior college or university supported in whole or part by taxation; or
  2. 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
- B. In a structure:
  1. 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
  2. Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
  3. Where no more than one (1) nude model is on the premises at any one (1) time.
- C. A person appearing in a state of nudity did so in a bona fide theatrical production.
- D. 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.

Sec 10.73

Immunity from Prosecution:

All officers, agents and employees charged with 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.

## **CHAPTER 11**

### **LIGHT INDUSTRY ZONE "M-1" REGULATIONS**

Sec 11.01 The regulations set forth in this section, or set forth elsewhere in the Zoning Code, are the zoning regulations for Light Industry "M-1".

Sec 11.02 Permitted Uses: A building or lot shall be created and used only for the following purposes, if served by central public sewer approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency (OEPA) or by a private on-site septic system for sewage disposal approved by the Warren County Combined Health District and/or the OEPA. Any non-residential uses permitted in the "B-1" and "B-2" zoning regulations are permitted in this zone, provided the use(s) will be collateral to existing use(s) of the land in this zone, as specified in the following list:

- A. Creamery, bottling, ice manufacturing, and cold storage plant.
- B. The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- C. The manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wool.
- D. Manufacture of musical instruments, novelties, molded rubber products and molded plastics, but excluding production of plastic compounds.
- E. The manufacture or assembly of electrical appliances, instruments and devices.
- F. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired by electricity or gas.
- G. Laboratories - experimental, film, or testing.
- H. The manufacture and repair of electric signs advertising structures, light sheet metal products, including heating and ventilating equipment.
- I. Blacksmith, welding, or other metal fabricating shop, excluding punch presses over fifty (50) tons rated capacity, drop hammers and the like.
- J. Foundry casting of lightweight, non-ferrous metals or electric foundry not causing noxious fumes or odors.
- K. Enameling, lacquering or japanning.
- L. Crematory, if located not less than two hundred (200) feet from any residence zone.
- M. Concrete mixing, concrete products manufacture.
- N. Sawmill and planing mill.
- O. Manufacture of wood products not involving chemical treatment.
- P. Circus, carnival or similar transient enterprise, provided structure or buildings for same shall be at least five hundred (500) feet from any residence zone.
- Q. Inflammable liquids, underground storage only, not to exceed twenty-five thousand (25,000) gallons, if located not less than two hundred (200) feet from any residence zone.
- R. Truck depots.



S. Any other similar use.

T. Sexually Oriented Business

Sec 11.03 Height of Structures: The height regulations are the same as for Zone "B-2".

Sec 11.04 Yards:

A. Front Yard: The front yard shall be fifty (50) feet.

B. Side and Rear Yard: None, except for a building adjoining a Residence Zone in which case the side and back yard requirements shall be one hundred (100) feet.

Sec 11.05 Minimum lot size: One (1) acre.

Sec 11.06 A residence or house trailer is not permitted except for a caretaker, or equivalent use as approved by the Salem Township Zoning Commission.

Sec 11.07 Site Plan Review: Approval of a site plan shall be required per Section 5.15 for the permitting of any permitted use in this Zone, unless otherwise exempted in Section 5.15 (F).

## **CHAPTER 12**

### **HEAVY INDUSTRY ZONE "M-2" REGULATIONS**

- Sec 12.01 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Heavy Industry Zone "M-2".
- Sec 12.02 Permitted Uses: A building or lot shall be created and used only for the following purposes, as well as for any industrial purpose permitted in the Light Industry M-1 zone, if served by central public sewer approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency (OEPA) or by a private on-site septic system for sewage disposal approved by the Warren County Combined Health District and/or the OEPA.
- A. Abattoirs and slaughterhouses or stock yards,
  - B. Acid manufacture or wholesale storage of acids,
  - C. Distillation of bones,
  - D. Explosive manufacture or storage,
  - E. Fat rendering, fertilizer, gas, or glue manufacture,
  - F. Offal or dead animal reduction,
  - G. Petroleum or petroleum products refining,
  - H. Tar and asphalt storage,
  - I. Manufacture of plastic compounds,
  - J. Smelting or reduction of ores and metallurgical products,
  - K. Junk yard, garbage disposal,
  - L. Race tracks and courses for the conduct of seasonal or periodic racing meets of aircraft, horses, dogs, motor vehicles, and the like.
  - M. Other similar uses as determined by the Salem Township Zoning Inspector.
  - N. Sexually Oriented Business
- Sec 12.03 No zoning permit shall be issued for any use in conflict with any regulation of Warren County or any law of the State of Ohio regarding nuisances.
- Sec 12.04 Height of Structures: The height regulations are the same as for Zone "B-2".
- Sec 12.05 Yards:
- A. Front Yard: Front yards shall be a minimum of twenty-five (25) feet for each street or road on which the property fronts.
  - B. Side Yard: Twenty (20) feet minimum or total of fifty (50) feet for both sides, except that for a lot adjoining a residential zone the minimum shall be forty (40) feet, for any sides adjoining or across a street or road from any residential zone.
  - C. Rear Yard: None required, except that for a lot adjoining a residential zone the minimum shall be forty (40) feet for any sides adjoining or across the street or road from any residential zone.

- Sec 12.06      Lot Frontage: No minimum lot frontage is required except as necessitated by compliance with Section 12.06, but a lot or tract of land shall have an outlet to a dedicated street or road, as described in Section 5.09.
- Sec 12.07      A residence or mobile home is not permitted except for a caretaker or equivalent use as approved by the Salem Township Zoning Commission.
- Sec 12.08      Site Plan Review: Approval of a site plan shall be required per Section 5.15 for the permitting of any permitted use in this Zone, unless otherwise exempted in Section 5.15 (F).

## **CHAPTER 13**

### **MINERAL EXTRACTION ZONE "M-E" REGULATIONS**

- Sec 13.01      The regulations set forth in this chapter, or as referenced elsewhere in the Zoning Code, are the zoning regulations for Mineral Extraction Zone "ME".
- Sec 13.02      Permitted Uses: A tract of land shall be used only for the following mineral extraction and/or processing activities provided a site plan for operation of the one or more activities and reclamation of the land once mined is approved in accordance with Section 5.15, requirements specified in this Chapter and, if applicable, per requirements of Chapter 5.5:
- A. Sand extraction, gravel extraction, rock/stone quarries, or the extraction of any other ore or mineral resource.
  - B. Processing activities, such as, but not limited to: cleaning, washing, grinding, crushing, etc., which are preferably conducted at the same site as where the minerals being processes are extracted.
  - C. Processing activities, as above in (B), include the manufacture of asphalt and/or concrete products, if conducted on a site that is actively engaged in mineral extraction and processing.  
A site proposed exclusively for asphalt manufacturing requires M-2 zoning and the same for concrete manufacturing requires M-1 zoning.
  - D. The M-E Zone regulations apply to mineral extraction operations and processing operations which are for commercial purposes of marketing and selling raw and finished products prepared from the mineral resources extracted on property so zoned, but do not apply to mineral extraction which is purely incidental to routine development of a site for other land use(s).
- Sec 13.03      Non-conforming Uses: All existing mineral extraction and/or processing activities shall be subject to the Non-conforming Uses provision of Chapter 19 of this Code.
- Sec 13.04      Impact Control Objectives: Control objectives for minimizing or eliminating potential adverse impacts from resulting due to mineral extraction and/or processing use activities in Salem Township are applicable outside of the respectively different impact areas specified in regard to controlling impacts of the use(s), within which the following list of impacts, excepting groundwater safeguards, can exceed required control objectives but beyond which the following impact control objectives must be honored.
- A. Noise:
- 1. The impact control area for noise is as follows for mineral extraction and/or processing use(s), inclusive of private accessways for transporting materials and equipment in and out of a site for the use(s):
    - a) Land beyond two hundred feet (200') around an area sought to be actively engaged in mineral extraction and/or processing and from the centerline of any private access way for the use(s), which is not owned by the applicant owner thereof, provided no non-agricultural use on any neighboring property is within five hundred feet (500') of the site for the proposed use(s) and/or centerline of the accessway(s) therefore, in which case the boundary limit of the mineral extraction and/or processing use(s) shall be reduced in size and any accessway for the use(s) relocated further away so to comply with the required noise impact control area setback, unless the owner of the site for the use(s) and the accessway(s) therefore:
      - (i) demonstrates that the application noise levels at the proposed noise impact control area boundary setback, without the use(s) being reduced in size or any accessway therefore having to be relocated further away from neighboring non-agricultural use, as otherwise required, would comply with one of the two noise control compliance options specified in the subsections (2) (a) and (2) (b); or
      - (ii) secures written consent from all surrounding property owners within the non-compliant noise impact control area boundary setback proposed around the site

use(s) and/or accessway (s) therefore, in release of the owner thereof from having to otherwise comply with the noise impact control area setback requirement specified above under (1) (a); or

- (iii) owns the non-agricultural use property(s) which is (are) within the noise impact control area boundary setback specified under (1) (a), in which case compliance therewith shall not be required.

2. Control Objectives: Operation of a mineral extraction and/or processing use(s) shall comply with one of the two noise impact control objectives listed below in Subsections (a) and (b) outside of the permitted noise impact area:

- a. In the absence of any data on the ambient noise levels, the activities of the uses shall not cause the average annual noise to exceed fifty (50) decibels (A scale) at the limit of the noise impact area, and the activities shall not cause the instantaneous noise level at the limits of the noise impact area to exceed fifty-five (55) decibels (A scale).
- b. The applicant may monitor the ambient noise levels that exist at the limits of the zones of influence. The measurements of noise must be made on each of twenty-one (21) days equally spaced during each quarter of the year (i.e., a total of eighty-four (84) monitoring days over a year). The noise data should be obtained only for that portion of each day during which the activities would or do occur. In the case of existing activities the data must be adjusted so as to not reflect the noise generated by existing activities. Based on actual data, activities shall not increase the average noise level during any quarter by more than ten (10) percent and shall not increase the maximum noise level during any quarter at the limits of the zone of influence.
- c. Any activities and/or devices required for safety, such as backup warning beepers or buzzers, as mandated by other applicable laws/regulations shall be exempted from compliance with either of the above required noise impact control objectives.

3. The noise impact control area around a site for active mineral extraction and/or processing use(s) which is adjacent to a residential subdivision which already exists or is formally in process of being planned for development shall necessitate that use(s) shall only be actively operated Monday through Saturday each week during hours between sunrise and sunset and shall always be inactive on Sundays. Development of any non-agricultural use within the noise impact control area (between 200 to 500 feet around mineral extraction and/or processing use(s) and the centerline of private accessways therefore), after the mining use(s) have already been permitted shall not necessitate repermitting or alteration of the noise impact control area boundary, setback or control measures required for the mineral extraction and/or processing use(s).

B. Air Pollution Impact Control:

1. Impact Area

- a) The impact area for air pollution is the same as specified in Subsection (A) (a) regarding noise.

2. Impact Control Objectives

- a) The activities shall not cause any increase in the average dust levels at the limits of the Impact Area. The applicant has the option of measuring the dust level at the limits of the Impact Area for twenty-one (21) days during each quarter of the year; in the absence of such data, it shall be assumed that the dust level at the limits of the zones of influence is zero (0).

C. Visual Impact Control:

1. Impact Area:

- a) The impact area beyond which visual impact control shall be required by means specified in Subsection (C) (2) (a) is the same as specified in Subsection (A) (1) regarding noise, except that controlling visual impacts of private accessways used solely for transporting equipment and materials in and out of a mineral extraction and/or processing site shall not be required.

2. Control Objectives:

- a) Ten (10) feet high landscaped earthen buffer mounds barriers shall be established in effort to minimize the visual impact of the extraction site from any abutting non-industrial use property.

D. Access and Road Impact Control:

1. Impact Area:

- a) The impact area of private accessways for facilitating transport of materials and equipment in and out of a mineral extraction and/or processing site includes the sight-distance determined necessary per Subsection (D) (2) for the purpose of insuring safe locations for intersection(s) of the one or more public roads from which site access is provided. The impact area for access and roads also includes public roads, if any, between accessways of the site and the nearest U.S. and/or State highway, for purpose of determining, what, if any, road and bridge improvements would be necessary to accommodate the regular traffic by trucks and other heavy equipment vehicles which are anticipated to regularly enter and leave the site.

2. When the proposed owner submits the necessary materials in request of a Site Plan Approval for mineral extraction activities, said owner shall include with his submittal a definitive map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation. Upon the submittal of such a map, the County Engineer shall evaluate the roadway conditions along such routes leading from the proposed site to the first State Highway. The County Engineer's evaluation shall include both the road surface and the bridges, and shall indicate the status of these roads and bridges and any improvements necessary to bring them to a condition suitable for use by these vehicles. Prior to the final approval of any proposed operation, these roads and bridges shall be brought up to standards defined by the County Engineer. The applicant for approval of mineral extraction and/or processing use(s) shall submit a detailed map of each site for the use(s) which shows enough of the surrounding land to indicate accessways which will be installed and/or used to provide access in and out of the proposed use site and the public road(s) anticipated to be regularly used by typical hauling and equipment vehicles involved in the use(s), in accessing the nearest U.S. and/or State route. The County Engineer and/or the Ohio Department of Transportation (ODOT), as applicable, will be utilized by the Township to evaluate the sufficiency and safety of the proposed private accessways and public road(s) involved to provide regular access for the mineral extraction/processing use site(s), in determination of what, if any improvements shall be required of the applicant in order to safely facilitate the use(s) per the proposed regular routing or alternate required routing, inclusive road surfacing, widening, bridge repair and/or upgrading, etc. Improvements required shall be completed by the applicant before a zoning permit shall be issued in allowance of the use(s) to commence.

- a) Points of ingress and egress for extraction and/or processing sites shall be located such that vehicles entering or leaving a public roadway or highway are fully visible from a distance of five hundred (500) feet in each direction from the point of ingress or egress or as otherwise approved safe by the Warren County Engineer and/or the Ohio Department of Transportation (ODOT), as appropriate.
- b) Points of ingress and egress shall be at locations where the grade of the public roadway or highway is equal to or less than two (2) percent in relation to the finished pavement elevation of the public road being intersected or as perhaps otherwise found acceptable to the satisfaction of the Warren County Engineer and/or ODOT, as applicable.

E. Surface Water Impact Control:

1. Impact Area:

- a) The impact area of surface water includes any natural or revised drainage runoff area of storm water or pumped groundwater discharge emanating from the extraction and/or processing site.

2. Control Objectives:

- a) The quantity and quality of surface water runoff from an extraction and/or processing site, as evaluated and certified based on on-site testing before the use(s) commence, by a State registered hydrologist, engineer or similar recognized professional so regarding, shall be the same or better compared to evaluation at any time before commencement of the use(s), as confirmed by subsequent testing from monitoring during the life of the use(s) once begun, by methods and according to a schedule found acceptable by the Salem Township Trustees, as recommended and/or overseen by the Ohio Department of Natural Resources, Division of Water and paid for by the use operator.
- b) The pre-mining location and configuration of any surface water drainageway outlet(s) from the mineral extraction and/or processing site shall not be adversely altered, as evaluated before, during and after commencement of the use(s), from site plan review and on-site inspections by the Warren County Soil and Water Conservation District, in consultation with the Salem Township Zoning Inspector and the Ohio Department of Natural Resources (ODNR), Division of Surface Mining, and if applicable involving regulatory floodplain, the U.S. Army Corps of Engineers, with all costs for required review, testing and inspections borne by the use owner/operator.
- c) Surface water runoff from the extraction and/or processing site shall be controlled for all storm events of a 100 year and more frequent occurrence, as to volume and rate of discharge, to the satisfaction of the Warren County Engineer and Warren County Soil and Water Conservation District, without resulting in any adverse impact to any off-site property, regarding quantity and quality of runoff discharged, and with all costs for the flow testing installations and monitoring borne by the use owner/operator.

F. Groundwater Impact Control

1. Impact Area:

- a) The limits of the impact area for groundwater considerations are the same as those described in Subsection 13.04(A) for noise, except that transportation corridors do not apply to groundwater evaluation considerations, unless a spill incident occurs there along, in which case clean-up monitoring and testing shall be required to determine that no adverse contamination exists as a result of such spill.

2. Performance objectives:

- a) The owner(s) of the extraction and/or processing use(s) operation shall be held responsible for maintaining any off-site groundwater supply within the determined effecting range of influence of any groundwater pumping or discharge from the extraction and/or processing site, such that if any adverse impact occurs in the quantity and/or quality such off-site water supply source, the extraction and/or processing use(s) owner(s) shall be required to restore or replace the damaged or destroyed water supplies of the one or more off-site properties so adversely affected.

G. Vibration and Blasting Impact Control:

1. Impact Area:

- a) Impact areas are the same as those described in Subsection 13.04(A) for noise, though excluding private site accessways.

2. Control Objectives:

- a) The operation of stationary and mobile equipment used for the extraction and/or processing use(s) shall not result in vibrations therefrom beyond the limits of the impact area to such regard.
- b) Blasting shall be done in accordance with the applicable laws of the State of Ohio, and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.

H. Slope Stability Impact Control

1. Impact Area:

- a) The impact control area is the same as described for noise in Subsection 13.04(A), except that the transportation corridors do not apply to slope stability considerations, unless so involved in crossing over or traversing along steep slopes (12 percent or greater as to degree of severity) in facilitating private accessways for an extraction and/or processing site.

2. Control Objectives:

- a) The highest top edge ultimately resulting from excavation of any side slope in an extraction site shall be no less than fifty (50) feet from an adjacent off-site property and/or road easement or right-of-way line, unless otherwise consented to in writing by the owner of the adjoining property along such slope, and the slope of such excavation shall be such that it will not result in subsiding or becoming undermined and sliding or sloughing away, such that the required setback specified for the top edge of the slope and would be violated.

The final graded slope proposed to remain after the excavation use of the site is completed shall be sufficiently stable so not to result in any landslide or soil erosion. High-walls (with slopes less than two (2) feet horizontal distance in relation to every one (1) foot vertical rise) shall only be permitted if certified by a registered engineer to be safe against any possibility of a land slide and such remaining high-wall is determined compatible in relation to the ultimate reclaimed condition for reuse of the site after its use for extraction of earthen resources is completed.

- b) Excavated earthen materials stored in piles on an extraction and/or processing site shall be placed so that the natural angle of repose for the material being stored shall not result in being a sloughly or sliding hazard upon any off-site property or on any on-site drainageway that traverses through and discharges from the site.

I. Archeological and Historical Impact Control:

1. Impact Area:

- a) The impact area for archeological and historical importance impact control is any property involved for the present or future proposed mineral extraction and/or processing operations.

2. Preservation Objectives:

- a) An archeological and historical significance survey shall be required for any site proposed for extraction, with or without processing use, and the results of the survey shall be considered in determining what, if any, measures shall be required to preserve and/or protect any found significance. Such survey shall be conducted by an accredited reputable person or firm in the field of such endeavors, with all costs thereof borne by the extraction site owner(s).

J. Trespassing Access Impact Control:

1. Control Area:

- a) The control area for preventing trespassing is any property involved for the present or future proposed mineral extraction and/or processing operations.

2. Control Objectives:

- a) Fencing or other security measures shall be employed so to insure that only authorized access shall occur to extraction and/or processing site and that any other intended or unintended trespassing shall be minimized.

K. Soil Erosion & Sedimentation Control

1. Impact Area:

- a) The Impact area for controlling soil erosion and sedimentation resulting from extraction and/or processing use(s) is the same as specified in Subsection 13.04 (A) for noise impact control and 13.04 (E) regarding surface water impact control.



2. Control Objectives:

- a) Any disturbed or excavated soil in the impact area shall be resoiled wherever necessary, with topsoil over suitable sub-soil and treated with fertilizer, lime and/or other soil amendments, in sufficient quantity to result in a depth capable to raise and maintain a diverse growth of vegetation adequate to bind the soil in such improved and/or reclaimed part of the use(s) site so as to control against soil erosion and sedimentation, as determined to the satisfaction of the Warren County Soil and Water Conservation District for temporary or permanent control of such potential impacts.
- b) A diverse vegetation cover of grass, legumes and/or trees native to and conducive to growing in the southwest Ohio climate region, being naturally self-regenerating and supportive of plant succession, shall be planted and/or maintained on any areas so designated by the Warren County Soil and Water Conservation District necessary for control of soil erosion and sedimentation control as a result of or in relation to extraction and/or processing on a site of such use(s).
- c) Soil erosion sedimentation control basins designed, installed and maintained to the satisfaction of the Warren County Soil and Water Conservation District shall be provided as determined necessary thereby and to the satisfaction thereof for the purpose of adequately preventing or minimizing sediment discharges from an extraction and/or processing site.

L. Impact Control Requirements:

1. Impact Area:

- a) The impact control area for the other requirements subsequently listed below under (2) of this subsection any property involved for the present or future proposed mineral extraction and/or processing operations.

2. Control Objectives:

- a) Any monument marking a boundary, section corner or other type of survey established line of a property or governmental jurisdiction limit or utility route that is removed or distributed by extraction and/or processing use(s) on a site shall be restored at the cost of the use site owner(s).
- b) Mining and reclamation shall be carried out in the sequence and manner set forth in an approved site plan therefore and reclamation measures shall be performed in a timely manner on parts of such use site where mining has been completed. All reclamation of land affected on the site of such use(s) shall be completed no later than three (3) years following the active mining of any given site area, unless the Board of Zoning Appeals is otherwise shown satisfactory cause by the site owner(s) that more time is otherwise necessary for the purpose of preparing the mined-out site area for its future reclaimed use.
- c) During mining, stripped topsoil or overburden material shall be kept in storage on the site in quantities sufficient to complete all backfilling, regrading, contouring, terracing and resoiling which is determined necessary per the approved site reclamation plan, inclusive of stabilizing all sloped embankments in prevention of any potential damage to any adjoining property.
- d) Excavation and/or processing use(s) on sites along the Little Miami Scenic River shall be set back at least two hundred fifty (250) feet from the normal high-water mark of the river.

Sec 13.05

Zoning Approval Process and Requirements: Use of land in Salem Township for mineral extraction and/or processing use(s) shall be subject to compliance with the following application process and requirements in consideration for approval of becoming zoned "M-E" and having initial rezoning (Stage 1), preliminary (Stage 2) and final (Stage 3) site plans for the use(s)

subsequently approved in stages, as specified in Sections 13.06 through 13.08, as well as in accordance with requirements specified in Section 5.15 for site plan review.

Sec 13.06

Rezoning (Stage One) Application Information Required:

- A. In addition to the requirements specified in Sections 5.15 (B) and (C), respective to site plan submission and content, the owner(s) application for rezoning to "M-E" and Stage One site plan approval for mineral extraction and/or processing use(s) shall, at a minimum, provide text and map information indicating the following:
1. The location of the extraction and any related processing activities;
  2. The primary transportation corridors that will be used by trucks hauling the extracted or processed materials, inclusive of the weight limits of bridges and culvert crossings involved;
  3. The limits of the impact control areas specified in Section 13.05 for the site and the transportation corridor;
  4. For extraction activities, the total volume of material to be extracted and the planned extraction rate in tons per year;
  5. For extraction activities, the way in which extraction on the site will proceed over time;
  6. For processing activities, the capacity of the processing per year;
  7. The expected average, maximum, and minimum number of trucks arriving and leaving the site per operating day;
  8. The type of processing system, if any;
  9. The type of extraction process, if any; and
  10. The topography of the site and immediate environs there around, shown on an aerial photograph not more than one (1) year old at the time submitted.

Sec 13.07

Preliminary Site Plan (Stage Two) Information Required:

- A. In addition to the requirements specified in Section 5.15 (B) and (C), respective to site plan submission and content, the site owner(s) shall submit the following with their Stage Two (II) applications for the preliminary site plan approval:
1. The measures to be used to achieve the impact control objectives required in Section 13.04 and the rationale and justification for those measures;
  2. The self-monitoring program that will be carried out to document and report required satisfaction of the impact control objectives; and
  3. The individuals or entities that will be responsible for conducting the required impact control monitoring.
- B. In addition, to the above specified-requirements under Section 13.07 (A), a cover letter shall be provided with the Stage Two (II) Preliminary Site Plan submittal, addressing the following issues:
1. The letter should clearly indicate that a request for a site plan approval is being made, if the application for a site plan approval is being made because a prior request was not granted or revoked, these circumstances must be identified in the letter.
  2. The letter shall provide a clear identification as to who the applicant is, other businesses in which the applicant is directly or indirectly involved, and the direct and indirect ties, if any, between the applicant and other businesses.

3. In the case of an extraction activity, information shall be presented in the letter establishing how the applicant acquired the right to extract the mineral resource from the proposed site. If the right was acquired by other than property ownership, then a copy of the contract regarding purchase of mineral rights, royalty agreements, or whatever arrangements used to acquire the rights to extract, with any reference to financial details blanked out, shall be submitted as an attachment to the letter.
4. All sites within Warren County where the applicant has extraction rights, either directly or indirectly, and where the applicant holds or has options on processing sites shall be specified in the letter and illustrated on a map provided as an attachment to the letter.
5. The involvement of the applicant in mineral extraction and/or processing activities at other locations within Warren County or at locations in other political jurisdictions shall be specifically identified in the letter.
6. The applicant's performance in terms of adhering to requirements governing mineral extraction and/or processing activities at other locations, in Warren County and in other political jurisdictions in Ohio wherein the applicant has a direct or indirect interest, shall be described in the letter, and documentation supporting the statements in the letter shall be made an attachment to the letter; these shall be limited to those operations started since the enactment of the State of Ohio Surface Mining Reclamation law.
7. The financial resources and status of the applicant to undertake and successfully carry out the activities for which a Site Plan Approval is being sought, shall be indicated in the letter.
8. It shall be indicated in the letter that it has been determined through negotiation with the State of Ohio Environmental Protection Agency (OEPA) whether or not an NPDES permit is required. Documentation of the decision by OEPA shall be made an attachment to the letter.
9. It shall be indicated in the letter whether or not a permit application has been made to ODNR. If a permit application has been made to ODNR, Division of Reclamation, documentation of the submittal of the application should be submitted as an attachment to the letter.
10. The letter shall provide for an employee, representative, or agent of Salem Township to have the right to entry to the property for which the Site Plan Approval is being requested.

Sec 13.08      Other Related Issues: All other plan approvals, enforcement, changes, et al., as required by other governmental agencies and authorities for approval of the site plan proposed use(s), not specifically addressed in this chapter, shall be documented in conformance with requirements of those others involved.

Sec 13.09      Final Site Plan (Stage Three) Approval and Revision Requirements, as follows:

- A. A final site plan, submitted in accordance with the same requirements specified for a preliminary site plan and subject to the same process for approval, is required in confirmation of the complying with all preliminary site plan approval conditions.
- B. Any revision to an approved final site plan shall be subject to repeating the preliminary site plan review, per the process and requirements specified in Section 13.07 and Section 5.15, with final site plan submitted for approval in accordance with the purpose specified in this section.

## **CHAPTER 14**

### **RESORT ZONE "H" REGULATIONS**

- Sec 14.01      The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Resort "H" Zone.
- Sec 14.02      Permitted Uses: A building or land situated in Zone "H" shall be used only for the following purposes:
- A. Summer homes, cottages and bathhouses fronting on a dedicated street or road whether improved or not; or fronting on an easement that is at least fifty (50) feet wide and connects to a dedicated street or road whether improved or not.
  - B. Commercial recreation area including driving range, golf course, boat dock, fishing lake, sale of bait and the renting or leasing of recreational equipment, provided any building or illuminated areas will be two hundred (200) feet from any residential zone.
  - C. Accessory buildings and uses customarily incidental to any of the above uses.
- Sec 14.03      Size of lots in said zone shall be the same as in Residence Zone "R-1".
- Sec 14.04      Floor Area: Any summer homes or cabins to be occupied as a permanent residence must have the same minimum floor area as required in Residential Zone "R-2".
- Sec 14.05      Yard Regulations: Same as required in Rural Residence Zone "R-1".
- Sec 14.06      Site Plan Review: Approval of a site plan shall be required per Section 5.15 for the permitting of any permitted use in this Zone, unless otherwise exempted in Section 5.15 (F).

## **CHAPTER 15**

### **MOBILE AND NON-PERMANENTLY SITED MANUFACTURED HOME PARK "M-H" ZONE REGULATIONS**

- Sec 15.01      The regulations set forth in this chapter, and others indicated applicable elsewhere in this Zoning Code are the zoning regulations for the Mobile and Non-Permanently Sited Manufactured Homes Park Zone "M-H". Chapter 3733 of the Ohio Revised Code (ORC), specifically regarding manufactured home parks, specifies that development plans for the location, layout density, construction, drainage, sanitation, safety and operation of such home parks are exclusively under the purview of rules adopted therefore by the Ohio Public Health Council, as subject to review, approval and licensing by the Director of Health or an authorized representative designated thereby, which is the Health Department in the case of Warren County. The same is true regarding recreational vehicle parks, recreation camps, or combined park-camps, as also defined and regulated in that ORC Chapter.
- Sec 15.02      Permitted Uses; a tract of land in this zone shall be used only for the following purposes:
- A. Manufactured homes park for single-family residential use of rented or leased spaces accessed by private streets and driveways as individual sites for temporary placement of mobile homes, or other types of non-permanently sited manufactured homes, as defined in Chapter 3 of this Zoning Code, and including accessory uses and buildings, as indicated below in subpart (B), provided the development plans for the construction, operation and maintenance of all such uses are approved and licensed by and in accordance with applicable rules of the State of Ohio Public Health Council or their otherwise duly designated representative.
  - B. Accessory buildings and uses for a manufactured homes park include a clubhouse, administrative office, laundry and swimming pool, provided such accessory use facilities are for the exclusive use of the park residents and their guests.
- Sec 15.03      Minimum Zone Size, Configuration, Frontage, Setback and Buffering: No parcel or combination of parcels as a site for the permitted uses of this zone shall be considered for rezoning to this zone unless the site:
- A. is at least five (5) acres in size, not including the minimum required setback specified in (D);
  - B. is configured so not to exceed a one-to-five (1:5) ratio of width-to-depth;
  - C. has at least one hundred twenty five (125) feet frontage on a public road;
  - D. is setback at least one hundred (100) feet from any residence property or zone, and
  - E. buffering is the form of evergreen landscaping or solid board fencing, not less than six (6) feet in height, exists or shall be provided in the (D) required zone setback distance, if determined necessary by the Zoning Inspector, so to screen the view from any existing or future residence located within five hundred (500) feet surrounding the site.
- Sec 15.04      Individual Home Sites: No individual home sites in a such park shall be subdivided from or sold as ownable or buildable lots independent of the overall homes park property that they are apart of as a rentable or leaseable space.
- Sec 15.05      Sanitary Sewer, Water Supply and Trash Disposal: Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained in accordance with Ohio Public Health Council rules adopted so regarding, as administered by the Warren County Combined Health District.
- Sec 15.06      Public Road Access: The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Warren County Engineer or the Ohio Department of Transportation, as applicable.
- Sec 15.07      Stormwater Drainage: Stormwater drainage at any point of discharge from land used for the permitted uses of this zone onto adjacent off-site lands must be controlled to the satisfaction of the

Warren County Engineer, per the *Rules and Regulations for the Design of Storm Sewer and Storm Water Management Systems*.

- Sec 15.08      Required Plan Approval & Licensing: All aspects of development internal to a site in this zone are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- Sec 15.09      Fire & Emergency Service Provisions: Use provisions in this zone are subject to the review satisfaction of the local fire and emergency service provider of jurisdiction, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concerns to such regard.
- Sec 15.10      Lighting: The intensity of any exterior lighting relative to any adjacent off-site residential use or zone must not exceed 0.2 foot candles at the border of a site in this zone, unless otherwise specified by the Ohio Department of Health.

## **CHAPTER 16**

### **TRAVEL TRAILER CAMP ZONE "T-C" REGULATIONS**

- Sec 16.01 The regulations set forth in this chapter, and others indicated applicable elsewhere in this Zoning Code are the zoning regulations for the Travel Trailer Camp Zone "T-C", which is for purposes of providing for development and use of the permitted uses of land so zoned, in accordance with the applicable definitions in Chapter 3 of this Code.
- Sec 16.02 Permitted Uses: A tract of land shall be used only for the following purposes but not permitted use will be issued a zoning permit unless a site plan for the use has first been approved in accordance with Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Health Department, or as otherwise delegated thereby for permitting through the Warren County Combined Health District:
- A. Recreation parks, recreation camps and combined park-camps wherein one (1) or more travel trailers, motor homes, truck campers or other types of dependent or self-contained recreational vehicles or otherwise portable camping units, such as tents, can be placed on leased or otherwise contracted spaces for recreation, vacation or business purposes, all as defined in Chapter 3 of this Zoning Code.
  - B. Accessory buildings and uses customarily incidental to any of the above uses including the sale of food and refreshments are permitted provided such accessory facilities are only for exclusive use by the principal permitted use occupants and their guests.
- Sec 16.03 Minimum Zone Size, Configuration, Frontage, Setback and Buffering: No parcel or combination of parcels as a site for the permitted uses of this zone shall be considered for rezoning to this zone unless the site: is at least five (5) acres in size, not including the minimum required setback subsequently specified herein; is configured so not to exceed a one-to-five (1:5) ratio of width-to-depth; has at least one hundred twenty five (125) feet frontage on a public road; is setback at least one hundred (100) feet from any adjoining residence property or zone; and buffering in the form of evergreen landscaping or solid board fencing, not less than six (6) feet in height, exists or shall be provided in the required zone setback distance, if determined necessary by the Zoning Inspector, so to screen the view from any existing or future residence located within five hundred (500) feet surrounding the site..
- Sec 16.04 Duration of Placement or Occupancy: No placement of a recreational vehicle or portable camping unit or occupancy thereof by any same tenant shall exceed one-hundred twenty (120) days in any one twelve (12) month period following the beginning of placement or occupancy, unless otherwise specified by the Ohio Department of Health. Otherwise permanent occupancy of such as a single-family residence is prohibited, except by the managing operator and the immediate family members legally dependent thereon.
- Sec 16.05 Records: The owner or operator of a permitted use facility in this zone shall maintain a constant record of each tenant and visitor, noting their name, date(s) of stay, home address and the make, model, year and license number(s) of their vehicle(s), which record shall be available at any time for inspection by the Zoning Inspector or other law enforcement officer.
- Sec 16.06 No individual camping sites shall be subdivided from or sold as ownable or buildable lots independent of the overall recreation park, camp or combined park-camp property that they are part of as a rentable or leaseable spaces.
- Sec 16.07 Sanitary sewer, water supply and trash disposal provisions shall be designated, installed, operated and maintained in accordance with Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement in Warren County by the Warren County Combined Health District.
- Sec 16.08 Public Road Access: The location and design of any required private driveway entrance from and exit to a public road shall be to the satisfaction of the Warren County Engineer or the Ohio Department of Transportation, as applicable.

- Sec 16.09      Storm Water Drainage: Storm water drainage at any point of discharge from land used for the permitted uses of this zone onto adjacent, off-site lands must be controlled to the satisfaction of the Warren County Engineer, per the *Rules and Regulations for the Design of Storm Sewer and Storm Water Management Systems*.
- Sec 16.10      Required Plan Approval & Licensing: All aspects of development internal to a site in this zone are subject to plan approval and subsequent licensing of the developed use, in accordance with Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- Sec. 16.11      Fire & Emergency Service Provisions: Use provisions in this zone are subject to the review satisfaction of the local fire and emergency service provider of jurisdiction, as to all applicable aspects of site development and use complying with accessibility requirements and any other concerns to such regard.
- Sec 16.12      Lighting: The intensity of any exterior lighting relative to any adjacent off-site residential use or zone must not exceed 0.2 foot candles at the border of a site in this zone, unless otherwise specified by the Ohio Department of Health.



## CHAPTER 17

### TRAVEL TRAILER OVERNIGHT PORT ZONE "T-T" REGULATIONS

- Sec 17.01 The regulations set forth in this chapter and others indicated applicable elsewhere in this Zoning Code are the zoning regulations for the Travel Trailer Overnight Port Zone "T-T", which is for the purposes of providing for development and use of the permitted uses of land so zoned, in accordance with the applicable definitions in Chapter 3 of this Code.
- Sec 17.02 Permitted Uses: Zone "T-T" shall be used only for the following purposes, but no such use will be permitted until a site plan for such use has first been approved in accordance with Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Health Department, or as otherwise delegated thereby for plan approval through the Warren County Combined Health District:
- A. Travel trailer overnight port, facilitated and operated in accordance with requirements of this Zone, for sole use as a parking area in which only self-contained recreational vehicles, as defined in Chapter 3 of this Zoning Code, are for the purpose of providing vacationing travelers or other motoring transients a place for temporary occupancy for a fee or free.
  - B. Accessory buildings and uses such as a clubhouse, laundry, and swimming pool, and other similar site use support facilities, provided such accessory facilities are only for exclusive use on-site by the principal permitted use occupants and their guests.
- Sec 17.03 Minimum Zone Size, Configuration, Frontage, Setback and Buffering: No parcel or combination of parcels as a site for the permitted uses of this zone shall be considered for rezoning to this zone unless the site: is at least five (5) acres in size, not including the minimum required setback subsequently specified herein; is configured so not to exceed a one-to-five (1:5) ratio of width-to-depth; has at least one hundred twenty five (125) feet frontage on a public road; is setback at least one hundred (100) feet from any adjoining residence property or zone; and buffering in the form of evergreen landscaping or solid board fencing, not less than six (6) feet in height, exists or shall be provided in the required zone setback distance, if determined necessary by the Zoning Inspector, so to screen the view from any existing or future residence located within five hundred (500) feet surrounding the site..
- Sec 17.04 Duration of Placement or Occupancy: No single period of trailer placement or occupancy of a trailer on a site shall exceed forty-eight (48) hours, except in the event of a bona fide emergency, due to illness or injury of the occupant(s) or mechanical failure of their vehicle, and excluding three-day weekends that include either a Friday or Monday that is a nationally observed holiday.
- Sec 17.05 Sanitary Facilities:
- A. A travel trailer overnight port shall provide for containment or conveyance of sewage waste from travel trailer holding tanks in accordance with specifications of the Ohio Public Health Council rules so regarding, subject to approval by the Ohio Department of Health.
  - B. Permitting of the plan for installation, operation and maintenance of a sewage disposal containment and/or treatment facility is subject to approval by the Warren County Combined Health District, the Warren County Sanitary Engineer, and/or the State of Ohio Public Health Council, as applicable and shall comply with regulations HE 27.01 - 27.61, inclusive, of the Ohio Sanitary Code.
- Sec 17.06 Public Road Access: The location and design of any required private driveway entrance from and exit to a public road shall be to the satisfaction of the Warren County Engineer or the Ohio Department of Transportation, as applicable.
- Sec. 17.07 Storm Water Drainage: Storm water drainage at any point of discharge from land used for the permitted uses of this zone onto adjacent, off-site lands must be controlled to the satisfaction of the Warren County Engineer, per the *Rules and Regulations for the Design of Storm Sewer and Storm Water Management Systems*.

- Sec 17.08      Erosion & Sediment Control: Must be to the satisfaction of the Warren County Soil & Water Conservation District and comply as determined thereby with the *Warren County Erosion and Sediment Control Regulations*.
- Sec. 17.09      Required Plan Approval & Licensing: All aspects of development internal to a site in this zone are subject to plan approval and subsequent licensing of the developed use, in accordance with Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- Sec. 17.10      Fire & Emergency Service Provisions: Use provisions in this zone are subject to the review satisfaction of the local fire and emergency service provider of jurisdiction, as to all applicable aspects of site development and use complying with accessibility requirements and any other concerns to such regard.
- Sec. 17.11      Lighting: The intensity of any exterior lighting relative to any adjacent off-site residential use or zone must not exceed 0.2 foot candles at the border of a site in this zone, unless otherwise specified by the Ohio Department of Health.

## **CHAPTER 18**

### **PLANNED UNIT DEVELOPMENT ("P.U.D.")**

- Sec 18.01      Purpose: The Planned Unit Development provisions of this chapter are intended to provide permissive, voluntary, and alternative zoning procedures for well-planned welfare in any zone provided for otherwise in this Code.
- Sec 18.02      Permitted Uses: Any use permitted in any zone may be permitted in a Planned Unit Development, whether or not the zoning for the particular tract of land would permit the use allowed by the Planned Unit Development for the particular tract of land; provided that the project shall be planned, developed and operated in accordance with an approved development plan in order that the specific use, uses, structures, and developments will be properly integrated with the surrounding area in such a way as to promote the health, safety, morals, general welfare, and wholesale environment of the general public and of the occupants of nearby real estate, and in order to avoid nuisances to the general public or to the occupants of nearby real estate.
- Sec 18.03      Planned Unit Developments, in Residential Zones: In the event that a Planned Unit Development is proposed by an owner or developer and approved by the Township Trustees, the density provisions set forth in any residential zone, wherein such a Planned Unit Development is located, may be abated to the extent of twenty percent (20%).
- Sec 18.04      Planned Unit Developments, Business and Industry Zones: Planned Unit Developments may be proposed by owners or developers and approved by the Board of Township Trustees for Zones B-1, B-2 and M-1 development in an M-2 Zone, but a Planned Unit Development is required for any "M-2" use.
- Sec 18.05      Application Procedure for Stage One: Any owner or owners seeking approval for a Planned Unit Development shall consult with the Executive Director of the Warren County Regional Planning Commission and the Salem Township Zoning Commission before submitting application to the Warren County Regional Planning Commission.
- A. The Stage One application shall include the following:
1. An area map showing adjacent property owners and existing uses within two hundred (200) feet of parcel.
  2. A legal description of the metes and bounds of the parcel.
  3. A sketch plan(s) approximately to scale; though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following:
    - a) The existing type of topographical features of the site;
    - b) The location of various uses and their areas in acres;
    - c) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private;
    - d) Delineation of the various land use areas with an indication for each such area of its general extent, size, and composition in terms of use and bulk of structures;
    - e) A calculation of residential density in dwelling units per gross acre,                      residential Planned Unit Developments;
    - f) The interior open space system;
    - g) Where portions of the site have been subject to flooding at any time since 1912, the map shall indicate extent and frequency of such flooding;
    - h) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated;

- i) Principal ties to the community at large with respect of transportation, water supply, and sewage disposal shall be indicated;
  - j) If the development is to be staged, a general indication as to how the staging is to proceed. Whether or not the development is to be staged, the sketch plan(s) shall show the intended total project.
4. A general description of availability of other community facilities, such as schools, fire protection services, and cultural facilities, if any, and how these facilities are affected by this proposal.
  5. Evidence of how the developer's proposed land uses meet existing and projected community requirements.
  6. A general statement of how common open space is to be owned and maintained.

The Warren County Regional Planning Commission shall consider the application and transmit its recommendations to the Salem Township Zoning Commission. The Salem Township Zoning Commission shall review the application and transmit its recommendation to the Salem Township Trustees. Hearings shall be held in accordance with the provisions of Chapter 519 of the Ohio Revised Code.

**B. Planned Unit Development Districting:**

If the Salem Township Trustees grant the Planned Unit Development districting, the zoning map shall be so noted. The Salem Township Trustees may, if it feels it is necessary to fully protect the public health, safety, and welfare of the community, attach to its zoning resolution additional conditions or requirements for the applicant to meet.

Planned Unit Development districting shall be conditional upon the following:

1. Final site plan approval in accordance with the procedure set forth in Section 18.07.
2. Compliance with all Salem Township Trustees' conditions and requirements that may be set forth by the Salem Township Trustees in its resolution granting the Planned Unit Development district and compliance with requirements of this Chapter 18. (See Footnote 2)

**Footnote 2**

*Application Procedures for which provision is made in Section 18.07 normally will be undertaken in stages, as the developer progresses with his plans. In the event that a developer is sufficiently far along with his plans; that in his judgment he is able to seek final detailed plan approval when he commences the application procedure, all of the procedures in Sections 18.05, 18.06, and 18.07 may be telescoped into a single application for final detailed plan approval, provided all of the criteria set forth in Sections 18.05, 18.06, and 18.07 are satisfactorily covered in the application and in the plan.*

*Applicants for Planned Unit Development are urged to spend as much time as necessary in conference with the planning staff and members of the planning commission to attempt to eliminate planning problems before the application is sent to the Salem Township Zoning Commission for approval, disapproval, or suggestions.*

**Sec 18.06**

**Site Plan Approval Process: Stage Two Approval:**

- A. Application for a Preliminary Site Plan approval shall be to the Warren County Regional Planning Commission and shall be accompanied by the following information:
  1. An area map showing applicant's entire holding, the portion of applicant's property under consideration and all properties, subdivisions, streets, and easements within two hundred (200) feet of applicant's property.
  2. A topographic map showing contour intervals of not more than five (5) feet of elevation.
  3. A preliminary site plan including the following information:
    - a) Title of drawing including name and address of applicant.

- b) North point, scale, and date.
  - c) Boundaries of the property plotted to scale.
  - d) Existing watercourses.
  - e) A site plan showing location, proposed size and height of all buildings, location of all parking and truck loading areas with ingress and egress drives thereto; location and proposed development of all open spaces including parks, playgrounds, and open spaces, location of outdoor storage, if any, location of existing proposed site improvements, including drains, culverts, retaining walls, and fences; descriptions of sewage disposal and location of such facilities; location and size of all signs; location and design of street and parking lighting; and the amount of building area.
4. Transparent overlay showing all soils, areas, and their classification, and those areas, if any, with moderate to high susceptibility to flooding, and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline description of existing vegetation and tree coverage.
  5. A transparent overlay showing aircraft patterns and seasonal wind direction. Areas of possible noise and odor pollution on or off site shall be indicated.
- B. The Warren County Regional Planning Commission shall review the application and transmit its recommendation to the Salem Township Zoning Commission, which shall review the application and transmit its recommendation to the Salem Township Trustees. After review of Warren County Regional Planning Commission comments, the Zoning Commission shall submit its recommendation to the Salem Township Board of Trustees. Each of these three (3) agencies shall consider the impact of the site plan upon the public health, safety, morals, general welfare, and the environment of the general public as well as the occupants of nearby real estate. Among the factors to be considered are:
1. Adequacy and arrangement of vehicular access and circulation, including intersections, road widths, channelization structures and traffic controls.
  2. Adequacy, location, arrangement, appearance and sufficiency of off-street loading.
  3. Location, arrangement, size and placement of buildings, lighting and signs.
  4. Arrangements of landscape features.
  5. Adequacy of storm water and sanitary disposal facilities.
  6. Adequacy of structures and roadways in areas with moderate to high susceptibility to flooding, ponding or erosion.
  7. Conformance with specific requirements of the Salem Township Trustees, which may have been stated in the resolution which awards to the applicant's real estate, the status of being a Planned Unit Development district.
  8. Recommendations from the Warren County Engineer and other departments or officials of Warren County, as well as representatives of Federal and State agencies including the Soil Conservation Service, and Department of Conservation, the Environmental Protection Agency, and similar agencies.

Approval of the site plan may be conditional upon provisions that are necessary for the protection of public health, safety, and general welfare.

C. Changes in the Sketch Plan:

If, in the site plan development, it becomes apparent that certain elements of the sketch plan, as approved by the Salem Township Trustees are not feasible, or require substantial modification, the applicant shall then present his proposed solution to the Warren County Regional Planning Commission as his preliminary site plan in accordance with the above procedures. This application shall then be processed according to the site plan approval process in this Section 18.06. If, at any stage of the site plan approval process, the change is found to fail to conform to the "intent" of the zoning resolution, the applicant may, if he wishes, produce another site plan in conformance with the approved sketch plan. (See Footnote 2, Section 18.05 B.)

Sec 18.07

Final Detailed Plan; Stage Three Approval:

The owner or developer may make application to the Warren County Regional Planning Commission for final site plan approval after it has received approval of the Preliminary Site Plan, and approval for all necessary permits and curb cuts from State and County Officials. The final detailed site plan shall conform substantially to the Preliminary Site Plan that has received Preliminary Site Plan approval. It should incorporate any revisions or other features that may have been required by the Salem Township Trustees. The Warren County Regional Planning Commission shall review the application for Final Site Plan approval and transmit its recommendation to the Salem Township Zoning Commission. The Salem Township Zoning Commission shall review the application for Final Site Plan approval and transmit its recommendation to the Salem Township Trustees for action. Upon final approval, the Clerk of the Salem Township Trustees shall forward the approved Final Site Plan to the Building Inspector with an endorsement of the approval thereon. The Building Inspector shall not issue a building permit to the applicant until he has received the final approved site plan from the Clerk of the Salem Township Trustees and has received evidence of owner's compliance with Section 18.09 B 7. (See Footnote 2, Section 18.05 B.)

Sec 18.08

Staging and Plan Changes:

Any plan that requires more than twenty-four (24) months to complete shall be constructed in phases, and a phasing plan must be developed. In a phased Plan Unit Development, it is expected that changes in the final plan may be required from time to time. In order to preserve the flexibility that is fundamental to Planned Unit Development, planned changes are permitted subject to the limitations listed below:

1. The changed plan must meet the basic objectives of all regulations and requirements of this resolution.
2. All plan changes must be submitted to the Salem Township Trustees for re-approval.

Sec 18.09

Conditions for Approval:

The Planned Unit Development shall not be approved unless the development plan clearly shows the following:

- A. All applicable requirements in Sections 18.05, 18.06 and 18.07 have been satisfied, and
- B. The following specific conditions are fully met:
  1. The uses proposed will not be detrimental to the present surrounding uses or to the uses authorized under the Zoning Code for the surrounding real estate, but will be harmoniously related to the surrounding area.
  2. Adequate common open space area has been reserved in the event of residential developments.
  3. Any internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and there is adequate ingress and egress to public thoroughfares adjacent to the development.
  4. Any part of the Planned Unit Development not used for structures, parking and loading areas, or streets or walkways shall be landscaped or otherwise improved for the purpose intended and convenient access thereto provided.

5. The development plans is consistent with the intent and purposes of the Zoning Code to promote public health, safety, morals, community stability and the general welfare of Salem Township.
6. The development plan provides adequate safeguards to protect the general public and owners and occupants of nearby real estate from nuisances, noise, air pollution, water pollution, soil pollution, visual blight, or any other environmental contamination and shall provide for the preservation of as many trees as is practical.
7. Final Site Plan approvals shall not be effective until the property owner causes the terms and conditions of the Final Site Plan for the Planned Unit Development to be placed in the chain of title of the real estate to which it applies as a restrictive covenant, running with the land, incorporated in a Deed of Conveyance. This restrictive covenant may be altered with the consent of the property owner and the Salem Township Trustees. *(See Footnote 3)*
8. The development plan may vary from the requirements of the Salem Township Zoning Code and the Warren County Subdivision regulations.

*Footnote 3      The Developer will require the assistance of an attorney to place the terms of the development plan into recordable form so that it may be placed as a matter of record in the records kept by the County Recorder pursuant to Section 317.08 of the Ohio Revised Code.*

**Sec 18.10      Common or Public Open Space:**

A Planned Unit Development(s) with a residential component(s) shall provide for the reservation of a minimum of twenty (20) percent of the overall project area, at least one-fourth (1/4) of which shall be suitable (if not actually utilized) for active recreational use, as defined in Sec. 3.296 of the Zoning Code, as common or public open space, unless, upon recommendation of the Salem Township Zoning Commission and the Warren County Regional Planning Commission, the Salem Township Trustees decide that this requirement is not necessary for the proper execution of the Planned Unit Development.

This common or public open space shall be conveyed to a legally established community trust unless the Salem Township Trustees decide that this requirement is not necessary for the proper execution of the planned unit development and the proper legal documents necessary for such trust shall be prepared by the owner or owners of the tract of land; the common public open space shall be for exclusive use of the occupants of the planned unit development. The area shall not consist of isolated or fragmented pieces of land that would provide no benefit to the occupants of the planned unit development. Buffer strips shall be provided where necessary to protect adjacent property and may be included as part of the required open space. The documents to establish the trust must provide at least the following:

1. A provision for the selection of Trustees from among the occupants of the Planned Unit Development and a definition of their duties.
2. Authority for the Trustees to levy assessments on real property contained in the Planned Unit Development.
3. Authority for the Trustees to allocate funds for the benefit of the common or public open space.
4. That the Planned Unit Development and the covenant which the owner agrees to place in the chain of title in order to make the Planned Unit Development effective as provided in Section 18.09 B 7 above, provided that any purchaser of real estate in the Planned Unit Development acquires title subject to the power of the trust for the maintenance of the common or public open space, to levy assessments upon the real estate covered by the Planned Unit Development. Such assessments, if not paid, shall constitute a lien on the real estate. *(See Footnote 4.)*

*Footnote 4      In very small Planned Unit Developments or in Planned Unit Developments that are under a single ownership or in similar circumstances, the Salem Township Trustees may determine that common*

*open space is not necessary or if common open space be necessary, the establishment of a trust for the preservation of the common open space may not be required. Normally a planned unit development occupied by more than one (1) owner or tenant and consisting of more than one (1) structure will require common open space administered by a trust.*

- Sec 18.11      Enforcement:  
The terms and conditions of the Planned Unit Development, and the covenant that runs with the land shall be enforceable by owners of real estate covered by the Planned Unit Development or of real estate within two hundred (200) feet of the Planned Unit Development or by the Salem Township Trustees. Failure to enforce shall not be deemed a waiver of rights of enforcement. The owner and all subsequent owners take subject to a covenant running with the land whereby they waive the defense of laches against any person or body that has the power to enforce the Planned Unit Development.
- Sec 18.12      Applications in Process:  
Any applications for the approval of planned unit developments or for the change of previously approved planned unit developments shall be subject to the regulations set forth in this Chapter 18.
- Sec 18.13      Hearings:  
Hearings shall be held in accordance with Chapter 519 of the Ohio Revised Code.



## **CHAPTER 19**

### **NON-CONFORMING USES**

- Sec 19.01      The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enactment of this Code or amendments thereto, may be continued although such use does not conform with the provisions of the Code or amendment. If no structural alterations are made, a non-conforming use of a building may be changed to another reasonable, non-conforming use of the same or of a more restrictive use. Whenever a non-conforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use in accordance with the procedure set forth in Section 25.01 D.
- Sec 19.02      In the event that a non-conforming use of any dwelling, building or structure and of any land or premises is voluntarily discontinued for two (2) years or more, any future use thereof shall be in conformity with the provisions of this Code.
- Sec 19.03      No existing building or premises devoted to a use not permitted by this Code in the zone in which such building or premises are located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, or structurally altered unless the use thereof is changed to a use permitted in the zone in which such building or premises is located.
- Sec 19.04      Nothing in this Code shall prevent the construction, repairing, rebuilding or continued use of any existing nonconforming building or structure damaged by accidental fire, arson, accidental explosion, flood or other Acts of God, providing such replacement or repair is completed within two (2) years of occurrence and does not increase the area of the nonconforming use, unless authorized by the Zoning Board of Appeals.
- Sec 19.05      Use of Existing Lots of Record:  
In any zone where dwellings are permitted, a single family dwelling may be located on any lot or tract of ground of official record as of the effective date of this resolution irrespective of its area or width; provided, however, that no lot shall be used if less than forty (40) feet wide in any case and further:
- A. If two (2) or more adjacent lots of substandard width for the zone in which they are located, belong to one (1) owner, they shall be combined into new lot sizes as follows:
    - 1. If total combined width is less than the required minimum width for one (1) lot for the zone in which they are located, they shall be combined to form one (1) lot.
    - 2. If the total combined width is greater than the minimum required width for one (1) lot, for the zone in which it is located, but not a multiple of said width, it shall be divided into equal width lots of such as to result in one (1) more than the number of lots of the minimum width required in the zone in which they are located.
    - 3. A portion of one lot may be added to an adjoining lot provided that neither resulting lot becomes less conforming.
  - B. The sum of the side yard width of any substandard sized lot or plot shall be thirty percent (30%) of the width of the lot and at least ten percent (10%) of the lot width for any one (1) side yard.
  - C. The depth of the rear yard of any substandard sized lot need not exceed twenty percent (20%) of the depth of the lot, but in no case less than ten percent (10%).
- Sec 19.06      Nothing contained in Chapter 18 of this Salem Township Zoning Code shall be of any force or effect with regard to any Planned Unit Developments approved prior to the adoption of this Salem Township Zoning Code.

## **CHAPTER 20**

### **PARKING AND LOADING REGULATIONS**

Sec 20.01 In all zones there shall be provided, at the time any building or structure is erected or structurally altered (except as provided in Section 20.03 and Section 20.04), off-street parking spaces in accordance with the following requirements:

Sec 20.02 Number of Spaces to be Provided:  
In all zones, there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Section 20.03), off-street parking spaces in accordance with the following requirements:

#### **USE**

#### **PARKING SPACES REQUIRED**

Dwellings, one- (1) and two-  
(2) family and summer cottages

Two (2) for each dwelling unit

Multiple dwellings

Two (2) for each dwelling unit

Rooming or Boarding House

One (1) for each two (2) sleeping rooms

Private Club or Lodge

One (1) for each ten (10) members

Church or-Temple

One (1) for each four (4) seats in main auditorium

School (Except High  
School or College)

One (1) for each ten (10) seats in auditorium  
or main assembly room; or, one (1) for each  
classroom and office, whichever is greater

College or High  
School

One (1) plus one (1) additionally for each  
three hundred (300) square feet of floor area in  
excess of two thousand (2,000) square feet

Country Club or Golf Club

One (1) for each five (5) members

Community Center,  
Library, Museum or  
Art Gallery

Ten (10) plus one (1) additional for each  
three hundred (300) square feet of floor in  
excess of two thousand (2,000) square feet

Hospital, Sanitarium,  
Convalescent Home,  
Home for the Aged or  
Similar Institution

One (1) for each three (3) beds

Hotel  
Sleeping rooms or suites,

One (1) for each three (3) plus one (1)  
for each two hundred (200) square feet of  
commercial area contained therein

Tourist Home, Cabin  
or Motel

One (1) for each sleeping  
room or suite

Dance Hall, Assembly,

One (1) for each one hundred

or Exhibition Hall without fixed seats	(100) square feet of floor area used therein
Business or Professional Office, Studio, Bank, Medical or Dental Clinic	Three (3) plus one (1) additional for each four hundred (400) square feet of floor area over one thousand (1,000) square feet
Bowling Alley	Five (5) for each alley
Mortuary or Funeral Home	One (1) for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms
Restaurant, Nightclub, Cafe or similar recreation or amusement establishment	One (1) for each one hundred (100) square feet of floor space
Retail Store or Personal Service Establishment except as otherwise specified herein	One (1) for each two hundred (200) square feet of gross floor area
Furniture or Appliance Store, Hardware Store, Wholesale Establishment, Machinery or Equipment Sales/Service, Clothing or Shoe Repair or Service Shop	Two (2) plus one (1) additional for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
Printing or Plumbing Shop or Similar Service Establishment	One (1) for each three (3) persons employed herein
Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse or Similar Establishment	One (1) for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith

Sec 20.03

In computing the number of parking spaces required, the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area, measured from the exterior surface of exterior walls or from the center line of walls separating buildings, including all such space except porches, garages, or parking area, areas occupied by mechanical equipment, toilet or restrooms, and the basement or cellar space used for storage or incidental purposes.
- B. In hospitals, bassinets shall not be counted as beds.
- C. In the case of benches, pews and similar seating accommodations, each eighteen (18) inches thereof shall be counted as one (1) seat for the purpose of determining the parking requirements.
- D. "Shopping Center" shall mean a group of stores or shops for retail sales and services designed and developed as a unit where the uses of such stores or shops are not otherwise specifically designated.
- E. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

- F. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- G. The requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- H. Whenever a building or use constructed or established after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this resolution is enlarged or changed in use to create a need for an increase of fifty percent (50%) or more in the parking spaces required in Chapter 20 for such a building or use as it existed prior to the enlargement or change, said building or use shall then and thereafter comply with the regulations set forth herein.

Sec 20.04

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments. The required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served (measured from each parking space to the nearest corner of the building served).

Up to fifty percent (50%) of the parking spaces required for:

- A. Theatres, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to one hundred percent (100%) of the parking spaces required for a church may be provided and used jointly by
- B. Banks, offices, retail stores, repair shops, service establishments, schools and similar uses not normally open, used or operated during the same hours as those listed in (A); provided that written agreement thereto is properly executed and filed to assure the retention of the parking spaces for such purposes. Such agreement shall be properly drawn and executed by the parties concerned, approved as to form by the Prosecuting Attorney, and shall be filed with the application for a building permit.

Sec 20.05

Development and Maintenance of Parking Areas:

Every off-street parking space required by these regulations shall be provided with satisfactory access to a street or alley by means of a surfaced driveway and all parking areas shall be developed and maintained in accordance with the following requirements:

- A. Screening:  
Off-street parking areas for ten (10) vehicles or more shall be effectively screened on each side that adjoins or faces premises in any residence zone. Such screening shall consist of a solid masonry wall or solid fence not less than four (4) and not more than six (6) feet in height, or a screen of hardy evergreen may be used. Any such screen shall be maintained in good condition. The space between such screen and the adjoining side or front lot line shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.
- B. Distances:  
No part of a parking area for ten (10) vehicles or more shall be closer than ten (10) feet to the side lot of any lot in a residential zone, except that this limitation shall not apply within the required rear yard. No entrance to or exit from a parking area for ten (10) vehicles shall be closer than fifty (50) feet to any street intersection.
- C. Surface and Lighting:  
All off-street parking areas shall be graded and permanently surfaced to provide a dustless surface and proper disposal of surface water. Any lighting used to illuminate the parking areas shall be arranged to reflect the light away from adjoining premises in any residence zone.

Sec 20.06

Off-Street Loading Requirements:

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

- A. In any zone where permitted, for public buildings, educational, religious and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple dwellings and similar uses, one loading space, plus one (1) additional loading space for each one hundred thousand (100,000) square feet, or major fraction thereof, of floor area in excess of one hundred thousand (100,000) square feet.
- B. In any retail business zone for banks and financial institutions, medical or dental clinics, business or professional offices, business, dancing or commercial schools, theatres, bowling alleys, skating rinks or other places of amusement, one (1) loading space plus one (1) additional loading space for each one hundred thousand (100,000) square feet.
- C. For retail and wholesale stores, eating and drinking places, and all other commercial uses, one (1) loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof, of floor area in excess of ten thousand (10,000) square feet, up to fifty thousand (50,000) square feet, plus one (1) additional space for each one hundred thousand (100,000) square feet of floor area or major fraction thereof in excess of fifty thousand (50,000) square feet.
- D. In light industrial and heavy industrial zones, one (1) loading space plus one (1) additional space for each twenty thousand (20,000) square feet or major fraction thereof, of floor area in excess of twenty thousand (20,000) square feet up to sixty thousand (60,000) square feet plus one (1) additional space for each one hundred thousand (100,000) square feet or major fraction thereof in excess of sixty thousand (60,000) square feet.
- E. Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height and shall be located on the same lot as the use served. All loading spaces shall be permanently surfaced and shall be so placed as to be accessible from a street or alley without interference with traffic.

**CHAPTER 20.5: SIGNAGE STANDARDS AND REQUIREMENTS**

**SEC 20.51** **PURPOSE:** The purpose of Chapter 20.5 is to promote and protect the public health and safety, public convenience, comfort, prosperity, or general welfare, as applicable, by regulating and encouraging the orderly development of signs in recognition of the need to provide for adequate business identification, informational and advertising communication, while maintaining the visual attractiveness of the Township. The regulations of this Chapter are intended to:

- (A) Promote and maintain visually attractive uses in the Township free from signage clutter.
- (B) Complement the scenic and natural beauty of the Township.
- (C) Encourage sign design and placement that minimizes distraction and confusion.
- (D) Establish review procedures to evaluate compliance of signs with these regulations.

**SEC 20.52** **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, and preventative maintenance do not require a permit.

**SEC. 20.53** **GENERAL SIGN STANDARDS:** An illuminated sign shall only emit light of constant

intensity. No sign outside of a building shall be illuminated by or contain flashing or intermittent lights. In no event shall an illuminated sign be placed or directed so as to be a visual nuisance or traffic hazard.

- (A) 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.
- (B) No sign shall contain words, images, or graphic illustrations of an obscene nature.
- (C) No sign, shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
- (D) Regulation of signs along interstates and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted herein.
- (E) Signs not specified within this Chapter shall require approval by the Board of Zoning Appeals (BZA).
- (F) 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).
- (G) Signs shall not obstruct windows, doors, fire escapes, balconies, stairways, ladders, vents, or other means of building ingress/egress.

**SEC 20.54 APPLICATION REQUIREMENTS:** A zoning permit application for a sign shall be reviewed by the Zoning Inspector and sent to the Trustees for final review and determination of approval or disapproval. Submittal requirements include the following:

- (A) Drawing of sign(s). Submit three (3) copies showing size, height, verbiage and number of sign faces.
- (B) Site plan showing location of all signs, setbacks, lot dimensions, building dimensions, all easements and rights-of-way. Submit three (3) copies.
- (C) Three (3) copies of landscape plan, when required.
- (D) Signed permit application.
- (E) Additional information the Zoning Inspector may deem necessary for review.
- (F) The application fee required per Chapter 21

**SEC 20.55 REVIEW PROCEDURES:** The zoning permit for a sign is subject to Zoning Inspector approval in accordance with this chapter. The review of signs submitted in conjunction with a development requiring site plan shall be in accordance with the site plan requirements of this Code.

**SEC 20.56 DESIGN STANDARDS:**

- (A) Ground Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry.
- (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) Ground 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,
- (H) Plywood and unfinished wood are not permitted.

**SEC 20.57 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 20.58 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. 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.

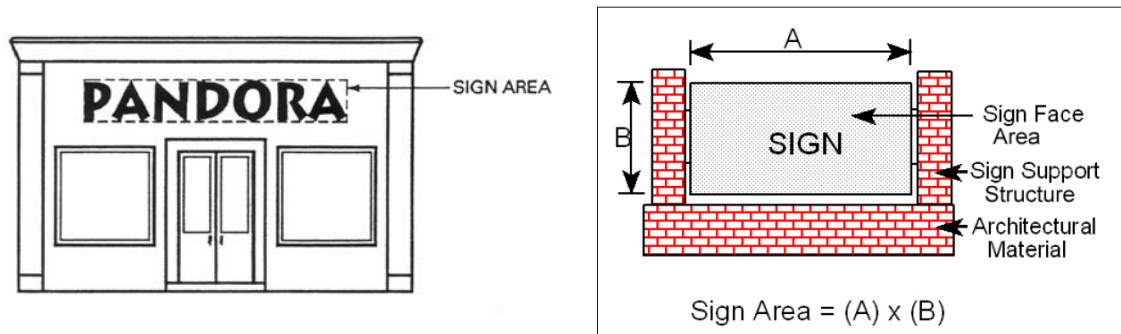


Figure 20.58 - 1: Illustration of sign area calculation for a wall sign (left) and a ground Sign (right).

- (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 from a road shall be measured from the County Thoroughfare Plan right-of-way to the nearest point of the sign, as determined in the field by a registered surveyor if determined necessary by the Zoning Inspector.

**SEC 20.59 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 sign.
- (E) Signs displayed at off-site locations are strictly prohibited in Residential Districts, whether permanent or temporary, and only permissible in non-residential districts when directing traffic to an off-site location.
- (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 thirty (30) days measured in consecutive days is considered abandoned and must be removed.
- (I) Audio message delivery signage.
- (J) Any sign not specifically authorized by this Zoning Code unless approved by the BZA.



**Figure 20.59 -1:** Examples of prohibited sign types.



**SEC 20.60    TEMPORARY SIGNS:**

**(A)    Temporary Signs within Residential Zoning District: Subject to the following:**

- (1) Removed within thirty (30) days, including but not limited to the following: the closing of the sale, rental, or lease of the property; termination of the activity/announcement; or, completion of construction.
- (2) Maximum of one (1) sign per residence or lot.
- (3) Maximum Sign Area and Height:
  - (a) Zoning Districts: R-1: Seven (7) square feet with a maximum height of four (4) feet.
  - (b) Zoning Districts: R-2 and R-3: Twelve (12) square feet with a maximum height of four (4) feet.

**(B)    Temporary Signs within Non Residential Zoning District: Subject to the following:**

- (1) **Portable "A" Frame, Inverted "T" Signs, Banners:** These signs shall be used in accordance with the following provisions:
  - (a) One (1) sign shall be permitted per property or business.
  - (b) The maximum sign area is twelve (12) square feet,
  - (c) Not more than sixty (60) days within a calendar year for banners.
- (2) **Other Sign Types:**
  - (a) Maximum sign area of twenty-four (24) square feet with a maximum height of six (6) feet.
  - (b) Removed within seven (7) days following the termination of the activity, announcement, or event.
  - (c) Promotional balloons suspended from or affixed to a structure, vehicle, or ground.
  - (d) Not more than sixty (60) days within a calendar year.
- (3) **Permit:** Anyone placing a temporary sign on their property must first apply for a zoning permit from the Salem Township Zoning Inspector, as specified in Chapter 21.

**SEC 20.61    SIGNS PERMITTED IN ALL DISTRICTS:**

- (A) **Gateway Signs:** Architectural features with signage 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 or in all other zones subject to Table 20.62 -1 Ground Signs "Maximum Sign Area Per Sign".
- (B) **Changeable Copy Sign:** A changeable copy sign is 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. Non-Advertising signs, such as hours of operation and menus, are not considered changeable copy signs. The use of changeable copy signs shall be permitted subject to the following:
- (1) One (1) 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 and shall be in accordance with the requirements of Section 20.62(C). Any portion of the permitted sign may be used as changeable copy. The total area of a changeable copy sign shall not exceed twenty (32) square feet.
  - (3) Changing of the copy does not require a permit.



Figure 20.61 -1:  
on a brick base

*Illustration of a sign for an institutional use  
with foundation plantings.*

## SEC. 20.62 **NON-RESIDENTIAL DISTRICT SIGNS:**

- (A) **Quantity:**
- (1) **A Single Building with One (1) User:** A maximum of two (2) signs shall be permitted, except as provided in this Section. This may include either:
    - (a) one (1) building-mounted sign and one (1) ground sign or
    - (b) one (1) building-mounted sign and one (1) pole sign.
  - (2) **Multi-Tenant Building or Multiple Buildings on one Parcel:** Each business shall be permitted:
    - (a) one (1) building-mounted sign, and
    - (b) one (1) ground sign or one (1) pole sign.
- (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) **Number of Signs:** One wall sign is permitted per building facade, including side facades;
    - (b) **Sign Area:** A wall sign shall be permitted with an area not to exceed one square foot in area for each one linear foot of building frontage to a maximum size of one hundred fifty (150) square feet.
    - (c) **Signature Wall Signs:** in addition to all other signs permitted by this Section, buildings greater than forty five (45) feet in height shall be permitted one signature wall sign on a wall fronting the interstate highway. Such wall signs shall conform to the following

provisions:

1. 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.
2. 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) One (1) projecting sign per building frontage shall be permitted in addition to other signs allowed.
- (b) Sign area shall not exceed nine (9) square feet.
- (c) Signs shall be installed to achieve a minimum vertical clearance of eight (8) feet from the bottom of the sign to the finished grade.
- (d) Prohibited over a vehicular access way.

(3) **Awnings/Canopy:** One (1) awning/canopy used as a sign may be permitted per address in addition to other signs allowed. Sign area shall not exceed twenty (20) square feet.

(C) **Ground Signs:** The following shall apply to all ground signs and to Gateway Signs in Section 20.61 (A):

Table 20.62 -1: **Height, Size and Quantity of Non-Residential District Signs**

Sign Location	Sign Requirements		
	Maximum Sign Height (Feet)	Maximum Sign Area Per Sign (Sq. Ft.)	Maximum Number of Signs
Signs located in the B-1 and B-2 Districts	6	48	1
Signs located in M-1 and M-2 Districts	8	60	1
Lot is occupied by three (3) or more uses (i.e. shopping center, office building, apartments, etc.) and has an area greater than 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) **Number Of Signs:** One (1) pole sign per street frontage shall be permitted including multiple tenants.

(3) **Sign Height:** No such signs or any portion of the structure that may be integral with, shall exceed twenty (20) feet from grade and shall be at least eight (8) feet off the ground.

(E) **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. If the distance from the road right of way to the face of the building is less than 10 feet a sign may be placed no less than five feet from the right of way. No sign shall obstruct intersection sight-distance. If a property owner cannot comply with the terms of the sign setback due to the building's position, the property owner may place a sign on the face of the building facing the road right-of way.

**SEC 20.64 RESIDENTIAL DISTRICT SIGNS:**

**(A) 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 eight (8) square feet of sign surface area for each fifty (50) 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.

**(B) Pole Signs:** The following shall apply to all pole signs in residential districts.

Table 20.64-1: Height, Size and Quantity of Residential District Signs

Zoning District	Maximum Sign Height (feet)	Maximum Sign Size (sq. ft.)	Maximum Number of Signs
R-1	4	9	1
R-2 & R-3	3	12	1

- (1) 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 not obstruct intersection sight-distance.
- (2) Sign Height: No such signs, or any portion of the structure they may be integral with, shall exceed six (6) feet from grade.

**SEC 20.65 OFF-SITE SIGNS:** Off-site signs for advertising are prohibited.

**SEC 20.66 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.

**SEC 20.67 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,
  - (2) **Intensity:** A constant intensity that does not pose a spot-glare nuisance to any surrounding property or a traffic hazard.
  - (3) **Location:** Shall not constitute a traffic hazard or nuisance to surrounding properties.
- (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 two (2) weeks 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 20.68 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) **Termination:** A non-conforming sign that is not a legal nonconforming sign shall be brought into conformance with this Chapter or removed. A legal non-conforming sign shall be brought into conformance with this Chapter or removed when the sign and structure has been abandoned or is for a use that has not operated for two (2) or more years.

**SEC 20.69 REMOVAL OF SIGNS:**

- (A) The Zoning Inspector may cause the removal of any sign illegally placed within the right-of-way of any public road within Salem Township.
- (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.

**SEC 20.70 EXEMPTIONS AND LIMITATIONS:** The following signs are exempt from this Chapter and do not require a zoning permit

- (1) The flag, emblem or insignia of any nation or political subdivision is exempt from this chapter, except where the proposed flagpole will exceed the maximum elevation of the tallest building by five feet, a permit therefore shall be required. Such permit shall be free, but shall be issued only after approval by the Zoning Inspector.
- (2) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad-crossing signs, signs of public service companies indicating danger and aids to service or safety are exempt from this chapter.
- (3) Memorial signs or tablets, names of buildings and dates of building erection, when cut into the surface or façade of a building, are exempt from this chapter. Religious symbols, commemorative plaques of recognized historical agencies and identification emblems of religious orders or historical agencies are exempt from this chapter, provided that no such symbol, plaque or emblem shall exceed four square feet in area, and provided, thither, that all such symbols, plaques and emblems shall be placed flat against a building.
- (4) Signs clearly in the nature of decorations customarily associated with any national, state, local or religious holiday to be limited to sixty days in any one year, and to be displayed not more than sixty consecutive days. Such signs may be illuminated, provided no safety or visibility hazards are created.
- (5) Signs not exceeding one square foot in area, bearing only property numbers, postal box numbers or names of occupants on premises.
- (6) Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to four (4) square feet in area and three (3) feet in height. Signs shall not interfere with safe traffic circulation nor interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word "In", "Enter", "Entrance", "Out", or "Exit", and/Or arrows indicating desired traffic movement.
- (7) Window signs:not exceeding more than fifty percent (50%) of the window surface.
- (8) 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.

## **CHAPTER 21**

### **FEES AND PERMITS**

- Sec 21.01 Except as provided in Chapter 4, no buildings or other structures shall hereafter be located, constructed, reconstructed, enlarged or structurally altered or shall any work be started upon the same until a Zoning Permit has been issued by the Salem Township Zoning Inspection Department, which permit shall state that the proposed building and use comply with all the provisions of this Code. Permits shall expire six (6) months after date of issue, if work has not been started.
- Sec 21.02 Except as provided in Chapter 5, no land shall be occupied or used, and no building hereafter located, constructed, reconstructed, enlarged or structurally altered shall be occupied or used in part or in whole for any purpose whatsoever until a zoning certificate of occupancy is issued by the Salem Township Zoning Inspection Department, stating that the building and use comply with the provisions of this Code. No change of use shall be made in any building, or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered without a Zoning Permit.
- Sec 21.03 Each outdoor sign, unless exempted in Section 20.70 from requirement of a zoning permit, shall be considered a separate structure for which a zoning permit shall be secured prior to being erected.
- The reasonable fee determined by the Salem Township Trustees shall be submitted for the permit and ongoing inspection of a permanent sign for compliance with the applicable use and maintenance requirements specified in Chapter 20.5.
- A reasonable deposit determined by the Salem Township Trustees shall be submitted with the zoning permit fee for a temporary sign. The deposit is for purpose of ensuring that the temporary sign shall be removed as required at the end of the permit period, at which time the deposit shall be refunded to the permit holder if in compliance with that requirement.
- Sec 21.04 A reasonable fee determined by the Salem Township Trustees shall be charged for each Zoning Permit.
- Sec 21.05 A reasonable fee determined by the Salem Township Trustees shall accompany each application for a change in zoning and for each appeal made to the Board of Zoning Appeals.
- Sec 21.06 A reasonable fee, determined by the Salem Township Trustees, shall accompany each application for a sexually oriented business permit, annual sexually oriented business permit, request for sexually oriented business renewal, request for sexually oriented business permit transfer, application for a sexually oriented business permit transfer, application for a sexually oriented business employee license and request for sexually oriented business employee license renewal.

## **CHAPTER 22**

### **ENFORCEMENT**

- Sec 22.01 It shall be the duty of the Salem Township Zoning Inspector to enforce the Zoning Code.

## **CHAPTER 23**

### **VIOLATIONS AND PENALTIES**

- Sec 23.01 Any person, firm, or corporation violating any regulation, provision, amendment or supplement to the Zoning Code, or failing to obey any lawful order of the Salem Township Inspector issued pursuant thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500), each and every day during which any illegal erection, construction, reconstruction, enlargement, or change of any structure, or use of any location continues. Each violation may be deemed a separate offense.

## **CHAPTER 24**

### **REPEAL**

- Sec 24.01 In any township in which the Zoning Code is in force, the same may be repealed as to said township in the following manner:

The Township Trustees:

A. May adopt a resolution upon its own initiative, or

B. Shall adopt a resolution if there is presented to it a petition signed by a number of qualified voters residing in the unincorporated area of such township equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting that the question of whether or not Rural Zoning Code in effect in said township shall be repealed, to be submitted to the electors residing in the unincorporated area of the township using the Salem Township Zoning Code at the next primary or general election. In the event a majority of the vote cast on said questions in said township is in favor of repeal of said zoning, then said regulations shall no longer be of any force or effect in said township. No more than one (1) such election shall be held in any two (2) calendar years.

## **CHAPTER 25**

### **BOARD OF ZONING APPEALS**

- Sec 25.01 The Board of Zoning Appeals shall have the following powers:

A. Administration: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official, including the Zoning Inspector, in the enforcement of Section 519.01 to 519.25, inclusive, Ohio Revised Code, or any resolution adopted pursuant thereto.

B. Variances: To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to a special condition, a literal enforcement of said code will result in unnecessary hardship, and so that the spirit of the Zoning Code shall be observed and substantial justice done. Under no circumstances shall the Board of Appeals grant a use not permissible by the Zoning Code, in the zone involved.

C. Action of Board of Appeals: In exercising its powers, the Board may in conformity with said Ohio Revised Code, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and it may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers as an officer from whom the appeal is taken.



D. Non-Conforming Uses: The Board shall have the power to authorize the completion, restoration, reconstruction in whole or in part, extension, or substitution of non-conforming uses; taking into consideration the nature of back lines, traffic condition, terrain, and all other factors which, in the opinion of the Board, are pertinent to such completion, restoration, reconstruction, extension or substitution.

## **CHAPTER 26**

### **SPECIAL PROVISIONS**

- Sec 26.01      Private Swimming Pools: A private swimming pool, whether in ground or above ground, but not including farm ponds, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool shall be allowed in any residence zone except as an accessory use and unless it complies with the following condition and requirements:
- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
  - B. It may not be located, closer than twenty (20) feet to any property line of the property on which it is located.
  - C. The swimming pool, or the entire property on which it is located, shall be walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition.
  - D. Any pool for the use of occupants of multiple family buildings containing over three (3) apartments shall meet the structural and sanitary requirements of the Ohio Department of Health.
- Sec 26.02      Restrictions on junk, junk vehicles and other salvageable items:
- A. No person, firm or corporation shall accumulate, collect, deposit, dump, dispose, maintain or store any junk, junk vehicles, salvageable solid waste or construction debris outside of an enclosed area on their property, or allowance of same on any property under their control; or responsibility, unless the property is permitted for a junkyard in accordance with the requirements of this zoning code.
  - B. Violation of Section 26.02 (A) shall be subject to prosecution by Salem Township in the respective court of jurisdiction, unless one (1) or more person, firm or corporation which is responsible for the violation removes or causes removal of the violating items within fourteen (14) 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 or behind a solid fence or walled enclosure on the property where located, which completely blocks the otherwise violating items from being seen off-site.
- Sec 26.03      An antique shop may be operated in the main building of the premises in a residential zone on the same basis as any other home occupation as regulated by Section 3.22, except no non-relative may be employed, and all items in storage or for sale are kept inside the main building of the premises.
- Sec 26.04      Home Occupation Permitting Requirements: For any such home occupations, enough off-street parking shall be provided on the premises to accommodate persons stopping to do business.
- A. Garage/Yard Sales: are allowed provided they meet the following:
    - 1. Sales last no longer than three (3) days.

2. Sales are held no more than quarterly within a calendar year.
  3. Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one (1) of the participants.
  4. No goods purchased for resale may be offered for sale.
  5. No consignment goods may be offered for sale.
  6. All directional and advertising signs shall be approved pursuant to Section 20.57.
  7. The sale of household goods, furnishings, clothing, toys, tools, and books that have been used by members of the family occupying the premises may be advertised and sold on the premises; provided, such a sale does not last longer than three (3) consecutive days and is not held more often than every three (3) months, and the items sold were not specifically acquired for the sale.
- B. Bed-and-Breakfast Lodging is permitted as a home occupation and such use shall comply with the requirements of Sec. 6.02V.

### **C. Home Uses:**

(A) Home Occupations: This sub-section allows limited business uses as a home occupation. There are two (2) classifications of home occupations - Class 1 and Class 2. Class 2 allows for area intensity.

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

(a) The use is clearly incidental and subordinate to the principal residential use;

(b) 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;

(c) The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances;

(d) The use does not exhibit exterior indication of its presence or any variation from residential appearance, except for a sign as permitted per (h);

(e) Display of Goods: No commercial display of materials, merchandise, goods, or equipment is visible from public rights-of-way or surrounding properties;

(f) 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.;

(g) 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;

(h) Signage: Signage is limited to one (1) non-illuminated nameplate sign for identification purposes, not greater than two (2) square feet in area, mounted on the front face or driveway lamp post of the dwelling;

(i) 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,

(j) 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.

**Class 1:**

The following illustrates examples of permitted uses:

- |  |  |
|--|--|
| 1. Accountant  | 27. Journalist   |
| 2. Architect   | 28. Land developer   |
| 3. Baker   | 29. Landscape designer   |
| 4. Barber  | 30. Lawyer   |
| 5. Beauticians   | 31. Manicurist   |
| 6. Builder   | 32. Manufacturer representative  |
| 7. Caterer   | 33. Massager   |
| 8. Cabinet making  | 34. Pedicurist   |
| 9. Chauffeur   | 35. Pet groomer  |
| 10. Cleaning service   | 36. Plumber  |
| 11. Construction contractor  | 37. Professional Office  |
| 12. Contract manager   | 38. Psychologist   |
| 13. Counselor  | 39. Publisher  |
| 14. Dentist  | 40. Realtor  |
| 15. Doctor   | 41. Repair service for watches and clocks, small appliances, computers, electronic devices, gunsmith, jewelry, etc   |
| 16. Draftsperson   | 42. Salesperson  |
| 17. Editor   | 43. Surveyor   |
| 18. Electrician  | 44. Telecommuter or telemarketer   |
| 19. Engineer   | 45. Travel agent   |
| 20. Florist  | 46. Workshop for a dressmaker, tailor, seamstress, weaver, or other light craft or service, such as for lapidary, jewelry making, welding, pottery, toy-making, and wood-working |
| 21. Financial investment broker  | 48. Writer   |
| 22. Graphic designer   |  |
| 23. Hair stylist   |  |
| 24. HVAC installer   |  |
| 25. Instructor for arts, crafts, cooking, dancing, fitness, music, tutoring, and design including studios and workshops for an artist, sculptor, musician, and photographers ,etc. |  |
| 26. Insurance agent  |  |

**Class 2** (a) Development Standards:

1. Business Area: Permitted within the principal residence and/or an accessory structure.

2. Lighting: Subject to the non-residential lighting standards.

**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. 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. Motor vehicles awaiting repairs shall be stored in a completely enclosed structure or a completely screened area;
- e. Bay doors shall be oriented away from public rights-of-way; and,
- f. Requires a buffering in compliance with Landscape guidelines as prescribed by the Zoning Inspector adjacent to surrounding principal structures.

8. Prohibited Home Occupations: The following business uses and activities are prohibited as home occupations:

- 1. Restaurants or any other eating and/or drinking establishment excluding bed and breakfasts.
- 2. Undertaking and funeral parlor.
- 3. Retail sale of products not made on the premises unless permitted by conditional use.
- 4. Adult Entertainment or sexually oriented Businesses.
- 5. Motor vehicle towing, storage, and salvage business.
- 6. Motor vehicle painting unless properly approved by the EPA and other State and Federal agencies.

9. Permit, Issuance and-Maintenance: Home occupations require a zoning permit issued by the Zoning inspector in compliance with Chapter of the Salem Township Zoning Code.

- 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 less 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.

10. 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.

**Class 2:** The following illustrates examples of permitted uses:  
Conditional Permitted Uses:

- |  |   |
|--|---|
| 1. All Class I uses                                | 11. Small Wood Products Maker                       |
| 2. Automotive Repair                               | 12. Construction Contractor                         |
| 3. Service Contractor                              | 13. Upholstery Service Shop                         |
| 4. Machine and or Mold Making Shop                 | 14. Excavation Contractor                           |
| 5. Mechanical, Electrical, HVAC, Plumbing          | 11. Vending off-site Service and Equipment Provider |
| 6. Blacksmithing                                   | 12. Furniture Maker and Repair                      |
| 7. Mulch and Topsoil Service Contractor            | 12. Welder Service Shop                             |
| 8. Catering  | 13. Landscaping Contractor                          |
| 9. Other similar business as determined by the BZA | 14. Well Drilling Service Contractor                |
| 10. Cabinet Maker Service                          | 15. Lawn and Garden Equipment Repair                |

Development Standards:

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 the home that changes the residential character;
4. Customer Visits: Ten (10) or less 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.

Sec. 26.05 Telecommunication Tower:

The location, erection or construction, reconstruction, change or alteration greater than twenty (20) feet, enlargement of a telecommunication tower shall be subject to the following provisions, excepting maintenance or use of such tower.

- A. In those instances where a telecommunication tower is made subject to Salem Township Zoning pursuant to Sec. 303.211 O.R.C. and as the same may, from time to time, be amended, said telecommunication tower shall be located, erected, constructed, reconstructed, changed, altered, or enlarged in accordance with Sec. 26.05 (B) of the Zoning Code.
- B. Siting provisions for telecommunication towers:
  1. Location and collocation or shared use:
    - a. Location of a telecommunication tower shall be subject to Sec. 5.15 (Site Plan Review) of the Zoning Code. Prior to approval of the tower location, the applicant shall provide documentation that the proposed tower has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration or other Federal or State Authority, as applicable.

- b. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but is not limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower unless available space on existing towers, a tower owner's ability to lease space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of collocation versus new construction and any Federal Communication Commission limitations on tower sharing preclude collocation. Applications for collocation on an existing telecommunication tower shall be exempt from Site Plan Review Requirements, per Sec. 5.15 (F) (5).
2. Structural Integrity: All new or altered telecommunication towers shall be certified by an engineer licensed by the State of Ohio, according to current standards of the Telecommunication Industry Association (TIA). To ensure structural integrity and for the health, safety, and general welfare of the public, telecommunication tower inspections shall take place as follows:

Monopole towers at least every ten (10) years; self-support towers at least every five (5) years; and guyed towers at least every three (3) years.

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. Based upon such results, the Salem Township Trustees may require the repair or removal of a telecommunication tower.
3. Lot Size: Lot size shall be at least the minimum for the zoning district in which the telecommunication tower is to be built.
4. Setbacks and Clear Falling Zones: Telecommunication tower setbacks shall establish a clear zone for falling tower debris, ice and/or the collapse of the tower. Towers shall be located such that the distance from the base of the tower to any adjoining property line or supporting structure of another tower is a minimum of one hundred (100) percent of the proposed tower height. No variance shall be granted from this minimum setback requirement. Towers less than one hundred (100) feet in height that cannot satisfy this one hundred (100) percent setback requirement may be approved, provided the applicant presents certification that the tower meets the requirements of the American National Standards Institute (ANSI), the Electronic Industry Association (EIA), and the Telecommunication Industry Association (TIA) 222-F. Equipment buildings while accessory to a particular telecommunication tower(s), shall be set back from adjoining streets and/or property lines, per the minimum requirements for principal structures in the zoning district in which they are proposed.
5. Screening and Landscaping: Existing on-site vegetation shall be maintained to the greatest extent possible. In addition, at a minimum, the perimeter of the site shall be planted with at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height at planting, spaced not more than ten (10) feet on center, in a staggered planting pattern. For towers one hundred (100) feet or greater in height, in addition to the above, additional landscaping and alternative means of screening the base of the tower and any equipment buildings or off-street parking may also be required, subject to Sec. 5.15 (Site Plan Review) of the Zoning Code. Towers shall be painted green below the prevailing treetop level. The applicant or its successor shall provide continuous maintenance on the lot and its' landscaping.

6. Equipment Buildings: Equipment shall be automated to the greatest extent possible to reduce traffic and congestion. These facilities shall not include business offices, long-term vehicle storage, outdoor storage or other uses not necessary to transmission or reception, or broadcast studios, except for emergency purposes. The use of residentially compatible paint colors and materials such as wood, brick or stucco is required to architecturally match the exterior of residential structures in the vicinity.
7. Off-street Parking and Site Access: Off-street parking shall be required only in cases where equipment buildings are staffed. In such cases at least two (2) off-street parking spaces and one (1) additional space shall be provided for every two (2) on-site personnel. Where the site abuts or has access to both a collector street and a local street, access for vehicles shall be exclusively by means of the collector street.
8. Lighting: Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority. When so required, it shall be oriented upwards so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 foot-candles.
9. Security: A six (6) foot tall fence, including a locked gate shall be erected along the perimeter of the site. "NO TRESPASSING" signage shall be prominently posted. If electrified security fencing is employed, signs shall be posted every twenty (20) linear feet reading, "DANGER – HIGH VOLTAGE."
10. Abandonment: The applicant or its successors shall, within thirty (30) days of ceasing operation of a telecommunication tower provide written notice of abandonment to the Zoning Inspector. An unused telecommunication tower may stand no longer than twelve (12) months following abandonment. All costs associated with demolition of the tower and associated equipment buildings shall be borne by the most recent tower operator(s) of record.

Sec. 26.06

Airports and Heliports:

- A. Owners and/or operators of helicopters and/or fixed-wing aircraft must register the proposed landing strip and/or heliport/helipad with the Ohio Department of Transportation, Division of Aviation and provide notification of same with the Federal Aviation Administration, including filing of FAA Form 7480-1, and shall be situated and operated so as to not create a nuisance or hazard to occupants, dwellings, businesses or other structures within the community.
- B. In order to maintain the safety of the occupants of surrounding properties, all heliports, helipads and the center lines of landing strips shall be located a minimum of five hundred (500) feet from any adjacent property and shall be adequately screened from view from that property as well as any public Right of Way. Nothing written herein shall be construed to supercede or otherwise relieve owners or operators of helicopters, aircraft, airports and/or heliports/helipads from the normal requirements of other authorities governing their use including, but not limited to the Federal Aviation Administration (FAA) and the Ohio Department of Transportation (ODOT).
- C. The ends of the useable area of any landing strip shall be clearly marked by brightly colored threshold markers. A 'clear zone' shall begin one hundred (100) feet from the threshold markers and extend one thousand (1,000) feet in all directions.

Sec. 26.07

Shooting Ranges:

Shooting Ranges are governed by the Ohio Department of Natural Resources Division of Wildlife.

A. Any shooting range within the Township shall comply with all applicable laws and regulations including, but not limited to, requirements of the Ohio Environmental Protection Administration for the reclamation and remediation of lead discharged from firearms.

B. The construction, reconstruction, enlargement, remodeling or repair of structures used for shooting ranges shall comply with applicable sections of this code.

C. With respect to use, location and hours of operation, owners and operators of shooting ranges are encouraged to exercise due consideration for the health and welfare of the residents of the Township.

Sec. 26.08

Temporary Uses:

Authorization

A. Temporary Uses as defined in Chapter 3 and as herein specified may be permitted in accordance with the provisions set forth in this chapter.

B. The Zoning Inspector may, upon proper application, issue a Temporary Use Permit for any of the temporary uses below. The Zoning Inspector shall either approve or disapprove such application within ten (10) days of receipt of application and shall notify the applicant in writing of the decision. In the event that the application is disapproved, the Zoning Inspector shall explain in writing the reasons for such disapproval and shall include such explanation with the notice of disapproval. The Zoning Inspector may include additional conditions or restrictions to the issuance of a Temporary Use Permit as necessary to insure public health and safety.

C. Upon approval of a Temporary Use Permit, no fee will be assessed for the first thirty (30) days of such temporary use.

Application

A. Each application for a Temporary Use Permit shall contain the following information:

1. Name, address and telephone number of the applicant.
2. A description of the property where the temporary use is to occur. This description must include the type, size and location of the temporary use being proposed and its relation to other structures, uses, adjoining property lines, adjacent uses and structures.
3. The date on which the temporary use will commence and the anticipated duration of such use, not to exceed thirty (30) days.
4. Temporary Uses requiring more than thirty (30) days may be approved with proper application with the Zoning Inspector.

Permitted Temporary Uses

A. Permits may be issued for the following temporary uses, provided that they meet these requirements and are not otherwise in conflict with the provisions of this chapter.

1. Construction Trailers on construction sites provided that such structures shall be located on the lot on which construction takes place and shall be removed immediately upon completion of construction.
2. The temporary outdoor sale or display of seasonal or holiday merchandise provided such sale or display occur within a Business or Industrial zoning district.
3. Retail sales of goods from vehicles in a Business or Industrial District provided that:
  - a. Written authorization from the owner of record is filed with the Zoning Inspector.
  - b. When not in use, any commercial vehicle from which sales are conducted is to be stored in an enclosed garage or designated, off-street loading space.



- c. Such sales are to be authorized for no more than five (5) days in any thirty (30) day period.
- 4. Farmers markets limited to the sale of food and produce items, raw and improved foodstuffs, plants and cut flowers in a Business, Agricultural or Industrial District during normal growing seasons for such uses.
- 5. The temporary outdoor sale of food and produce items and artwork is permitted only in conjunction with an approved temporary event.
- 6. Carnivals and festivals, not to exceed four (4) days in duration.
- 7. Storage units, such as PODS, trailers and other vehicles, providing they are operable, may, at Zoning Inspector's discretion, be approved as Temporary Uses, provided they meet setback requirements for accessory structures in the district in which they are placed and are properly screened from view of the public.
- 8. Temporary Use during construction: In any Zoning District a mobile home, mobile office or construction trailer may be provided on a lot provided:
  - a. A building permit shall have been filed for the construction of a building or other improvement permitted by the Code;
  - b. The mobile home, office or construction trailer shall be placed on the property no more than thirty (30) days prior to commencement of construction and removed immediately upon completion;
  - c. The mobile home, office or construction trailer shall be placed behind the building. In the event this creates a true hardship for the applicant, the Zoning Inspector may consider alternate locations;
  - d. Prior to occupying such mobile home, office or construction trailer, applicant shall provide evidence to the Zoning Inspector that electrical and sanitary sewer service in compliance with Warren County Standards has been provided;
  - e. If applicable, stairs in compliance with the Ohio Building Code shall be provided;
  - f. The Temporary Use Permit shall be granted for a period of six (6) months and may, at the discretion of the Zoning Inspector, be renewed for an additional six (6) month period;
  - g. The mobile home, office or construction trailer shall be anchored to the ground with substantial anchoring so as to secure it against high wind, rolling or theft.

## **CHAPTER 27**

### **CIVIL PROCEEDINGS AND CONSTITUTIONALITY**

#### Sec 27.01 Civil Proceedings

A. Whenever the Zoning Inspector or any other officer charged with the enforcement of the Zoning Code is satisfied that any provision he is charged to enforce, or any law in the unincorporated portion of the township applicable to the subject matter herein, has been violated or is about to be violated in any respect, or that any order of direction made in pursuance of the enforcement of the Zoning Code has not been complied with, or is being disregarded, and whenever he is satisfied that Civil Proceedings are necessary for the enforcement of the Zoning Code or laws, to restrain or correct the violation thereof, or to prevent the occupancy or use of any building that is being constructed, altered, or maintained in violation of the Zoning Code, he shall apply to the County Prosecutor who is hereby authorized to institute Civil Proceedings.

Such Civil Proceedings shall be brought in the name of the Salem Township Zoning Commission; provided; however, that nothing in this chapter and no action taken hereunder, shall be held to exclude such criminal proceedings as may be authorized by the Zoning Code, or any other laws or resolutions in force in the township or to exempt anyone violating the Zoning Code or any part of said laws from any penalty which may be incurred.

B. Each chapter, and part thereof, is hereby declared to be an independent section and part of a section and the holding of a section or part thereof to be void and ineffective for any cause shall not be deemed to affect any other section or part thereof.

## **CHAPTER 28**

### **AMENDMENTS**

#### Sec 28.01 Amendments or supplements to the Zoning Code may be made in the same manner and for the same purposes provided in Section 519.01 - 519.99 of the Ohio Revised Code.

## **CHAPTER 29**

### **WHEN EFFECTIVE**

#### Sec 29.01 This resolution shall be in full force and effect from and after the earliest period allowed by law and thereupon all prior zoning regulations in conflict herewith shall be void and of no effect.

## **CHAPTER 30**

### **ELECTION**

#### Sec 30.01 The question of whether or not the plan of zoning proposed in this resolution shall be put into effect, shall be submitted to the electors residing in the unincorporated area of the township included in the proposed plan of zoning for their approval or rejection at a special election to be held on November 8, 1983 and this resolution shall be filed with the Board of Elections immediately after the adoption hereof; pursuant to Section 519.11 of the Ohio Revised Code.

## **CHAPTER 31**

### **SOLID WASTE DISPOSAL "S-D" ZONE REGULATIONS**

- Sec 31.51      The regulations set forth in this Chapter (or as referred to elsewhere in the Zoning Code) are the zoning regulations for the Solid Waste Disposal "S-D" Zone and for certain uses identified herein that are permittable in other zones. The purpose of this zone and corresponding regulations is to recognize the need and provide for the allowance of use facilities, operations and activities of, or relating to the processing and disposal of solid waste or relating to the processing and disposal of solid waste and construction/demolition debris at approved locations in Salem Township.
- Sec 31.52      Permitted uses:  
A. Solid waste disposal facility.  
  
B. Construction/demolition debris disposal facility.  
  
C. Central processing facility for solid waste transfer and/or for materials/resource recovery/recycling.
- Sec 31.53      Zone and Use-Specific Location Requirements:  
A. Land shall not be zoned Solid Waste Disposal "SD" for permitted use purpose to permit either a new or expanded existing facility unless it is determined that the land is:  
  
1. Not within regulatory flood plain or a wetland.  
  
2. Not within a sand and gravel pit or an unmined area wherein sand and/or gravel soils exist.  
  
3. Not in a limestone or sandstone quarry or an unmined area wherein limestone and sandstone exists.  
  
4. Not within a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area or other similarly designated purpose area or formally designated candidate area for such purpose.  
  
5. Not within an area formally designated or considered for formal designation as an historic or archaeological site.  
  
6. Not within an area where there is any rare or endangered species of flora, fauna or wildlife dependent on a special habitat therein for their continuing survival.  
  
7. Not within an area that is known to be geologically unstable, where:  
  
a. On-site soil and local soil conditions may result in significant differential settling; or where  
  
b. The down slope movement of soil, rock or other earthen material under gravitational influence occurs; or where  
  
c. The lowering or collapse of the land surface occurs either locally or over a broad regional area within which the land is located.  
  
8. Not within either the Aquifer Protection "AP" Overlay Area or a Wellhead Protection "WP" Overlay Area around a public water supply well. (This restriction shall prevail unless the applicant for Solid Waste Disposal "SD" zoning successfully establishes that all or part of the land involved is not within the "AP" and/or "WP" Overlay Areas. Criteria, procedures and requirements for possible exclusion respective to each area are set forth in Sec. 5.70

B. "Alternate Criteria for Determining Buried Valley Hydro-geological Setting" and Sec. 5.80 B. "Alterations to the "WP" Overlay Boundary".)

9. Not within two hundred (200) feet of a fault that has exhibited evidence of displacement in Holocene Time, where:
  - a. Fault means a fracture along which strata on one (1) side have been displaced with respect to those on the other side.
  - b. Displacement means the relative movement of any two (2) sides of a fault measured in any direction.
  - c. Holocene means the most recent epoch of the Quaternary Period extending from the end of the Pleistocene Era to the present.
1. Not within ten thousand (10,000) feet of an airport serving turbine-powered aircraft or within five thousand (5,000) feet of an airport serving piston-engine type aircraft, and the rezoning application shall include a letter from the administrator of the airport in the vicinity acknowledging that rezoning the property for the proposed solid waste disposal and/or central processing facility will not pose a bird hazard to aircraft. For purposes of this section, "airport" means an aircraft facility certified by the Federal Aviation Administration open to the public without prior permission.

B. A sanitary landfill proposed for solid waste disposal in conformance with Ohio Administrative Code Chapter 3745-27 and for possible disposal of certain residual solid waste as may be approved by the Director of the Ohio Environmental Protection Agency in conformance with Ohio Administrative Code Chapter 3745-30 and as defined accordingly in Chapter 3 of this Zoning Code, is a type of solid waste disposal facility permittable on Solid Waste Disposal "SD" zoned land provided the following requirements, in addition to others listed elsewhere in this Code, are satisfied:

1. The limits of potential solid waste placement are at least one thousand (1,000) feet from a private water supply well or developed spring in existence on the date of the rezoning application was received by the Salem Township Zoning Inspector, unless either of the following conditions are met:
  - a. The well/spring(s) are controlled by the applicant; and
    1. Necessary as a source of non-potable water supply in order to meet operating requirements of the disposal facility; and
    2. There is no other reasonable alternate water source available; and
    3. Developed to prevent ground water contamination and/or restore and monitor ground water quality; or
  - b. The wells/spring(s) are at least five hundred (500) feet hydro-geologically ungradient of the limits of potential solid waste placement or are separated therefrom by a hydro-geologic barrier, as certified by a technically qualified person, agency, firm or consultant.
2. The limits of potential solid waste placement are at least one thousand (1,000) feet from a dwelling unit and three hundred (300) feet from the landfill site property boundary in existence on the date the rezoning application was received by the Salem Township Zoning Inspector, unless lesser respective distances are given written consent by owner(s) of the surrounding effected property or the Director of the Ohio Environmental Protection Agency, as appropriate.
3. The limits of potential solid waste placement are not within two hundred (200) feet of a stream, lake or natural wetland, unless deemed acceptable by the Director of the Ohio Environmental Protection Agency.

4. The isolation distance between the upper most aquifer system underlying the bottom of the recompacted soil liner of the landfill facility is at least fifteen (15) feet of in situ or added geologic material deemed acceptable by the added geologic material deemed acceptable by the Director of the Ohio Environmental Protection Agency for the intended purpose of being a filtration barrier to leachate contamination
  5. Other location criteria listed in Sec. 31.53 (A).
  6. Soils of the proposed landfill site are suitable for the facility proposed.
- B. A composting operation that is determined to be a Class I facility according to Ohio Administrative Code Rule 3745-27-40 and as accordingly defined in Chapter 3 of this Zoning Code is a type of solid waste disposal facility that is permissible in the Solid Waste Disposal "SD" zone or the Light Industry "M-1" zone provided, in addition to requirements elsewhere in this Code as applicable, that the limit of potential waste material placement for composting or stockpiling of compost cured materials is located:
1. At least two hundred (200) feet from a private water supply well or developed spring in existence on the date the rezoning application for the facility was received by the Salem Township Zoning Inspector, unless:
    - a. The well/spring(s) are controlled by the applicant; and
      1. Necessary as the source of potable water supply in order to meet operating requirements of the disposal facility; and
      2. There is no other reasonable alternate water source available; and
      3. Developed to prevent ground water contamination; or
    - b. The well/spring(s) sole exist to restore or monitor ground water quality.
  2. At least one hundred (100) feet from any surface waters of the State.
  3. At least five hundred (500) feet from a dwelling unit in existence on the date the rezoning application was received by the Salem Township Zoning Inspector, unless it is controlled by the applicant.
  4. At least one thousand (1,000) feet from a government owned or managed park, recreation government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area or other similarly designated purpose area or formally designated candidate area for such purpose or from surface waters of the State designated by the Ohio Environmental Protection Agency as either a State resource water, a cold water habitat, or an exceptional warm water habitat.
- D. A composting operation that is determined to be a Class II facility according to Ohio Administrative Code Rule 3745-27-40 and as accordingly defined in Chapter 3 of this Zoning Code is a type of solid waste disposal facility that is permissible in the Light Industry "M-1" Zone provided, in addition to requirements elsewhere in this Code as applicable, that the limit of potential waste material placement for composting or stockpiling of compost cured materials is located:
1. At least two hundred (200) feet from a private water supply well or developed spring in existence on the date the rezoning application for the facility was received by the Salem Township Zoning Inspector, unless:
    - a. The well/spring(s) are controlled by the applicant; and
      1. Necessary as the source of non-potable water supply in order to meet operating requirements of the disposal facility; and
      2. There is no other reasonable alternate water source available; and
      3. Developed to prevent groundwater contamination; or

- b. The well/spring(s) solely exist to restore or monitor groundwater quality.
  - 2. At least one hundred (100) feet from any surface waters of the State.
  - 3. At least two hundred fifty (250) feet from a dwelling unit, in existence on the date the rezoning application was received by the Salem Township Zoning Inspector, unless it is controlled by the applicant.
  - 4. At least five hundred (500) feet from a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area or other similarly designated area or formally designated candidate area for such purpose or from surface waters of the State designated by the Ohio Environmental Protection Agency as either a State resource water, a cold water habitat, or an exceptional warm water habitat.
- C. A composting operation that is determined to be a Class III facility according to Ohio Administrative Code Rule 3745-27-40 and as accordingly defined in Chapter 3 of this Zoning code is a type of solid waste disposal facility that is permissible in the Solid Waste Disposal "SD" zone or the Rural Residence "R-1" zone provided, in addition to other requirements elsewhere in this Code as applicable, that the limit of potential waste material placement for composting and stockpiling of compost cured materials is located:
- 1. In accordance with the same use location criteria stated in Sec. 31.53 D. for a Class II composting facility, and;
  - 2. The portion of the compost operation site that is to facilitate storage of compost cured material is no greater in area than fifteen thousand (15,000) square yards (3.099 acres), and;
  - 3. No sewage sludge is accepted for disposal as part of the compost facility operation and only source-separated yard waste, domestic animal wastes in association therewith, and bulking agents as defined in Chapter 3 of this Code utilized as source materials to supply the composting facility operation.
  - 4. Source-separated yard waste, domestic animal wastes in association therewith, and bulking agents as defined in Chapter 3 of this Code that are deposited for use at the composting facility by someone other than designated personnel of the facility shall be thoroughly examined and evaluated by facility personnel before being accepted or allowed to remain for use in the composting operation.
- F. The filling of land with construction/demolition debris that are defined in Chapter 3 of the Code for allowance to that regard is a type of waste disposal facility and/or operational activity that is permissible according to the following requirements, and others elsewhere in this Code, as applicable:
- 1. Construction/demolition debris disposal proposed as an ongoing facility for such purpose is:
    - a. On land rezoned to Light Industry "M-1" or Solid Waste Disposal "SD" on or after the effective date of this Zoning Code amendment.
    - b. Contingent on fulfilling permit requirements of the Warren County Combined Health District.
    - c. Contingent on satisfying the Warren County Soil and Water Conservation District as to requirements for run-off, erosion and sedimentation impact control.
    - d. Contingent on satisfying the Warren County Building Department and the Salem Township Zoning Inspector when the fill disposal area is proposed or foreseen as a location for building(s) or other form of construction thereon during or after the life of the facility.

- e. Contingent on the construction/demolition debris for disposal being acceptable as to proposed content, composition and configuration on the site, as determined for approval by the Warren County Health District, Warren County Building Department, the Salem Township Zoning Inspector, and the Warren County Soil and Water Conservation District.
  - f. Not within any site area location that could be prohibited as per criteria and restrictions to that regard listed under Sec. 31.53 (A) and (B).
2. Construction/demolition debris disposal proposed as a one-time occurrence for purpose to fill all or part of a site to facilitate building or other allowed improvements is:
- a. Permittable in all zoning districts.
  - b. Contingent on fulfilling permit requirements of the Warren County Combined Health District.
  - c. Contingent on satisfying the Warren County Soil and Water Conservation District as to requirements for runoff, erosion and sedimentation impact control.
  - d. Contingent on satisfying the Warren County Building Department and Salem Township Zoning Inspector where the fill disposal area is proposed as a location for a building(s) or other form of construction.
  - e. Acceptable as to proposed content, composition and configuration on the site, as determined for approval by the Warren County Combined Health District, the Warren County Building Department, the Salem Township Zoning Inspector, and the Warren County Soil and Water Conservation District and other possible government agencies or private consulting authorities as necessary and appropriate.
  - f. Contingent on fulfilling requirements in Sec. 31.53 (F) (3) if any or all of the construction/demolition debris disposal for fill is proposed within regulatory flood plain.
3. Construction/demolition debris proposed as fill material in regulatory flood plain for site elevation improvement is:
- a. Not within the "floodway" designated portion of the regulatory flood plain.
  - b. Within the fringe of the regulatory flood plain wherein filling is allowable in accordance with the rules promulgated to that regard by the Federal Emergency Management Agency as administered and enforced locally by the Warren County Building Department and the Salem Township Zoning Inspector.
  - c. Acceptable as to proposed content, composition, and configuration on the site, determined for approval by the Warren County Combined Health District, the Warren County Building Department, the Salem Township Zoning Inspector, and the Warren County Soil and Water Conservation District.
  - d. Certified by a technically qualified person, agency, consultant or firm to be fillable with construction/demolition wastes of proposed certain content, composition and configuration without becoming a contamination problem to surface or ground water, or a drainage water problem to upstream or downstream property owners.
  - e. Contingent on compliance with requirements in Sec. 31.53 (F) (1) or (F) (2) as applicable.
- G. A solid waste transfer station proposed in conformance with Ohio Administrative Code Chapter 3745-27, Sec. 21 through 24, and as defined accordingly in Chapter 3 of this Zoning Code as well as materials resource recovery facility and legitimate recycling facility also defined in Chapter 3 of this Code are all considered types of a central processing facility for purposes of handling and processing solid wastes that are permittable on land zoned Solid Waste Disposal

"SD" or Light Industry "M-1" provided, in addition to other requirements elsewhere listed in this Code as applicable, the limits of potential waste materials handling on a proposed facility property are located:

1. At least two hundred (200) feet from any surface waters of the State.
2. At least two hundred fifty (250) feet from any dwelling unit in existence on the date the rezoning application was received by the Salem Township Zoning Inspector unless the dwelling(s) within such distance is controlled by the applicant.
3. At least five hundred (500) feet from a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area, or other similarly designated purpose area or formally designated candidate area for such purpose, or from surface waters of the State designated by the Ohio Environmental Protection Agency as either a State resource water, cold water habitat, or an exceptional warm water habitat.

H. An incinerator for the burning of solid wastes proposed in conformance with Ohio Administrative Code Rules 3745-27-50 through 53 and as defined accordingly in Chapter 3 of this Zoning Code is a type of facility for purpose of solid waste disposal that is permissible on land zoned Solid Waste Disposal "SD" provided, in addition to other requirements elsewhere listed in this Code as applicable, the facility inclusive of all waste handling areas involved therewith is located:

1. At least two hundred (200) feet from any surface waters of the State.
2. At least two hundred fifty (250) feet from any dwelling unit in existence on the date the rezoning application was received by the Salem Township Zoning Inspector, unless the dwelling(s) within such distance are controlled by the applicant.
3. At least two hundred fifty (250) feet from a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area, or other similarly designated purpose area or formally designated candidate are for such purpose, or from surface waters of the State designated by the Ohio Environmental Protection Agency as either a State resource water, cold water habitat, or an exceptional warm water habitat.
4. Within enclosed buildings, structures or other methods of cover deemed acceptable by the Ohio Environmental Protection Agency Director and verified functionally complete by the Warren County Combined Health District and the Warren County Building Inspector before allowed for use.

#### Sec 31.54

##### Use Operating Requirements:

In addition to the zone and use location and installation requirements specified under Sec. 31.53, all permitted uses of the Solid Waste Disposal "SD" Zone and inclusive of these permissible in certain other zones as specified must also comply with the following requirements pertinent to use operation:

##### A. Operating Hours for Noise Nuisance Control:

1. If a proposed solid waste disposal or processing facility is one thousand (1,000) feet or less, as applicable respective to location requirements each type of permitted use from any dwelling(s) not controlled by the proposed use applicant, at the time when property is rezoned to permit such use facility or issued a zoning permit where rezoning is not needed, the maximum hours of use operation shall be from sunrise to sunset, irrespective of seasonal adjustment for daylight savings time.
2. All motorized equipment utilized for a permitted solid waste disposal or processing facility use operation shall have mufflers to manufacturer's design specifications and they shall all be kept in good working order at all times when in use.

##### B. Air Pollution and Litter Control:

1. Required air pollution control measures specified for a given solid waste disposal or processing facility operation shall be implemented continually during all hours of operation in order to minimize, to the greatest degree possible, dust on all roads and driveways



throughout the use facility and emissions from all motorized equipment used to facilitate the use operation.

2. Fence screening and/or landscaped mounding of suitable design and installation shall be utilized where required necessary to control against fugitive solid waste from being transported off the site of a permitted use facility by wind or water forces. Any and all solid wastes that escape the use facility site by such means shall be recollected and contained by the owner/operator of the facility for proper required disposal and the use site facility shall be kept in a neat and well kept condition at all times.

C. Transportation Safety and Sufficiency:

Ingress and egress intersections of use facility roads and driveways at public roads shall be designed and located as approved by the Warren County Engineer and/or the Ohio Department of Transportation as appropriate. Approval is contingent on design safety regarding intersection sight-distance and sufficiency of lane provisions and traffic control signals and signage in the effected vicinity of such intersections.

D. Other Requirements:

Any permanent or other form of government boundary, section corner or survey marker or monument that is disturbed or removed from its original placed location or any personal or public property that is damaged or destroyed by a permitted solid waste disposal or processing use facility installation or operation shall be replaced as necessary by and at the complete expense of the use facility owner and/or operator.

Sec 31.55

Applicability and Separability:

A. All of the regulations set forth in this Chapter of the Salem Township Zoning Code and including all definitions established attendant thereto in Chapter 3 of this Code shall apply to newly proposed facilities and expansion of existing facilities for the permitted uses specified in Sec. 31.52 for the Solid Waste Disposal "SD" zone and for certain uses specified in Sec. 31.53 for allowance in other zones that are for the purpose of operations and/or activities involving or related to the handling, transfer, processing, recovery, recycling, and/or disposal of solid and other wastes defined for regulations by this Zoning Code.

B. Notwithstanding the provisions of Sec. 31.53 zone and use-specific location and installation requirements, an expanding existing or proposed new facility or use operation activity for purpose of solid waste disposal or processing shall only be subject to those requirements of the Ohio Administrative Code, the Ohio Revised Code and/or the Warren County Combined Health District, as applicable. All other requirements specified in this Code Chapter that are not addressed thereby shall prevail unless otherwise determined invalid and unenforceable by the court of appropriate jurisdiction.

C. Any portion of this Zoning Code Chapter determined by due process by a court of appropriate jurisdiction to be invalid and unenforceable shall only affect such portion and shall not affect any other portion thereof.

D. For the purpose of this Zoning Code and in accordance with the following restrictions in Ohio Revised Code Section 3734.027:

1. No person shall commingle with any type of solid wastes, hazardous waste, or infectious wastes any low-level radioactive waste whose treatment, recycling, storage or disposal is governed under division (B) of Section 3709.914 of the Ohio Revised Code, and
2. No owner or operator of a solid waste facility, hazardous waste facility or infectious waste treatment facility shall accept for transfer, storage, treatment or disposal or shall transfer, store, treat, or dispose of, as applicable, any such radioactive waste.

E. Except for certain definitions otherwise defined specific for use in this Zoning Code, all present and future statutes contained in Ohio Revised Code Chapter 3734 and other rules promulgated thereunder and as may be amended are hereby incorporated into and made part of this Zoning

Resolution and as applicable shall be complied with before a permitted use regulated by this Chapter shall be permitted to commence or be allowed to continue thereafter.

Sec 31.56

Permitting Requirements:

The owner(s) or duly authorized representative of property proposed for purposes of use(s) permitted on land zoned Solid Waste Disposal "SD" or in certain other zones referenced for regulation in this Chapter shall satisfy the following requirements, as applicable, for application to rezone the property to Solid Waste Disposal "SD" or thereafter to acquire a zoning permit for permitted use(s) of or regulated by this Chapter of the Zoning Code.

A. No property shall be zoned Solid Waste Disposal "SD" and/or no zoning permit for permitted use(s) of or regulated by this Chapter shall be issued unless:

1. The appropriate application and fee is submitted to the Salem Township Zoning Inspector as required according to Sec. 5.15 of this Zoning Code.
2. A site plan prepared in accordance with Sec. 5.15 and applicable added requirements specified under this Section accompanies the appropriate required application for a zoning permit.
3. A cover letter is submitted with the required site plan that clearly indicates the identity of the applicant and that the site plan is being submitted for approval by the Salem Township Zoning Inspector for purpose of acquiring a zoning permit.
4. Application(s) respectively necessary for a permit-to-install from the Ohio Environmental Protection Agency and/or from the Warren County Combined Health District required by and in conformance with the Ohio Administrative Code and the Ohio Revised Code or by the Warren County Combined Health District as applicable for a certain permitted use of or regulated by this Code Chapter shall be submitted to the Salem Township Zoning Inspector and certified approved respectively by those agencies as applicable before the pertinent requested use will be permitted to commence operation.
5. The Salem Township Zoning Inspector certifies the appropriate application and for purpose of issuing a zoning permit, the accompanying site plan is complete and sufficient in satisfying applicable requirements, and in the case of rezoning, the application is approved by resolution of the Salem Township Trustees.

B. Providing copies of the permit-to-install application required as applicable by Ohio Revised Code Section 3734.05 for Ohio Environmental Protection Agency approval and containing information provided in accordance with the following Ohio Administrative Code Sections respective to certain permitted uses of or regulated by this Chapter to the Salem Township Zoning Inspector shall satisfy the site plan submission requirement listed in Sec. 31.56 (A) (2).

1. Ohio Environmental Protection Agency Permit-to-Install Requirements in Ohio Administrative Code Sections by Use Type:

Sanitary Landfill Facility	3745-27-06
Residuals Landfill Facility	3745-30-05
Class I Composting Facility	3745-27-42
Class I Composting Facility	3745-27-42
Class II, III, or IV Composting	
Facility Registration	3745-27-41
Incinerator Facility	3745-27-50
Transfer Station Facility	3745-27-21
2. The same information requirements stipulated in Ohio Administrative Code Rule 3745-27-21 pertinent to applicant preparation and Ohio Environmental Protection Agency approval of a permit-to-install application for a solid waste transfer station facility shall also be utilized for the purpose of preparing a zoning permit application for submission to the Salem Township Zoning Inspector for approval of a Materials Resource Recovery Facility or a Legitimate Recycling Facility. If any type of fuel-fired heat-source is to be used to reduce or dispose of solid waste at a Materials Recovery Facility, the additional information requirements listed in Ohio Administrative Code Rule 3745-27-50 shall also

be followed for site plan preparation for submission to the Salem Township Zoning Inspector for approval of a zoning permit.

C. Other information that is necessary as part of the application for zoning approval and to fulfill reporting requirements thereafter are as follows:

1. The applicant for rezoning or for a zoning permit for a permitted use of or regulated by this Chapter shall provide an aerial photograph(s) that is the same in scale as the facility site plan being submitted and that shows the entire facility site and immediate surrounding environs. Such photograph(s) shall not have been taken more than one (1) year prior to submission of the site plan for zoning permit approval.
2. All reports that are required in accordance with Ohio Administrative Code stipulations respective to the types of solid waste disposal and processing facilities that are permitted uses of or regulated by this Chapter to be submitted to the Ohio Environmental Protection Agency and/or the Warren County Solid Waste District on a regularly scheduled basis or in the event of abnormal, unacceptable, or emergency conditions arising regarding facility operation or the required attendant monitoring of soil, surface water, ground water, explosive gases, air pollution, etc., shall also be provided to the Salem Township Zoning Inspector within no more than thirty (30) days after they are submitted to the Ohio Environmental Protection Agency.
3. The applicant for a proposed use regulated in this Chapter shall, as applicable, provide written verification of the approval by the Ohio Environmental Protection Agency of a permit-to-install and operate the facility and/or any other required permits and/or licenses for the installation and operation of the facility as necessary from the Warren County Combined Health District, the Warren County Soil and Water Conservation District, the Warren County Building Department, the Salem Township Zoning Inspector, the Warren County Solid Waste District and any other involved approving authorities before use facility will be permitted to commence operation and/or be allowed to continue operating after a zoning permit has been issued.

# SALEM TOWNSHIP LANDSCAPING CODE

ADOPTED \_\_\_\_\_



## ACKNOWLEDGEMENTS

### **BOARD OF TRUSTEES**

Richard Kilburn, *Chairman*  
Richard Dare  
Rob Glancy  
Debbie Harper, *Clerk*

### **ZONING COMMISSION**

Lee Short, *Chairman*  
Mark Davis, *Co-chair*  
Alan Cornett  
Rick Lovins  
Mike Kassalen

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## **SECTION 32.01**

## INTENT AND SCOPE OF REQUIREMENTS

**A) Intent and Purpose:** The intent of this Code is to improve the appearance of vehicular use areas and property abutting public rights of way; to require buffering between non-compatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

Our physical environment can have a dramatic effect upon our feelings and behavior and upon the way in which we view the behavior of others. Thus, it is also the purpose of this Code to introduce changes to the physical environment to reduce crime and the fear of crime. Crime prevention through environmental design (CPTED) suggests that the form and arrangement of buildings and open spaces can either encourage or discourage crime. CPTED attempts to reduce crime and fear by reducing criminal opportunity and fostering positive social interaction among the legitimate users of a space. Three generally recognized CPTED principles will be used throughout this Code: territoriality, natural surveillance, and access control.

It is further the purpose of this Code to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscaping as an ease between certain land uses to minimize the opportunities of nuisances. In the event there is a conflict between the requirements of this Landscape Code and any other Salem Township Ordinance or regulation or with any state or federal law or regulation, the more restrictive regulation shall apply.

**B) Minimum Requirements:** The requirements in this Code are minimum requirements, and under no circumstance shall they preclude the developer and/or applicant and the Township from agreeing to more extensive landscaping.

**C) Design Creativity:** Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in staggered formation depending on the designer's or Zoning Commission's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties. Design creativity shall not, however, be used to circumvent the minimum landscaping requirements.

**D) Regulatory Conflicts:** This Landscape Code is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Code.

However, where the regulations of this Landscape Code are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Code shall govern. Likewise, whenever two or more regulations contained herein apply, the most stringent requirement shall be enforced.

## SECTION 32.02

### DEFINITIONS

**A) Construction of Language:** The following rules of construction apply to the text of this Code:

- 1) The particular shall control the general.
- 2) In case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.
- 3) The word "shall" or "will" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- 4) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 5) The word "structure" includes "building"; the word "dwelling" includes "residence"; the word "lot" includes the words "plot" or "parcel".
- 6) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- 7) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
  - a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or").
  - c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 9) The terms "abutting" or "adjacent to" include property "across from", such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
- 10) The term "this Landscape Code", "this Landscape Ordinance", or "this Code" includes this Landscape Code and any amendments thereto.
- 11) Terms not herein defined shall have the meaning customarily assigned to them.

**B) Definitions:** For the purpose of this Chapter, certain terms are herewith defined.

**ABORICULTURE OR TREE PRESERVATION:** means and includes the treating, spraying, pruning, maintaining and any other care of work intended for the strengthening of trees, and the removal and prevention of tree pests, blights and diseases of any and all kinds.

**ACCESS CONTROL:** Access control denies or restricts access to a crime target. By controlling access, we funnel people into buildings or sites at specific points that can be more easily watched. It also helps to increase the risks perceived by offenders by controlling or restricting their movement and placing them under **NATURAL SURVEILLANCE**.

**ACCESSORY USE OR SERVICE STRUCTURE:** means a use or structure subordinate to the principal use of the land or building on the same lot and serving a purpose customarily incidental to the principal use or structure.

**BUFFER ZONE:** A strip of land required between certain zoning districts and reserved for plant material, earth mounds, walls, or fencing to serve as a visual barrier (See Figure 1).



**AMENITY LANDSCAPING:** Any landscaping that is provided or required in addition to the screening requirements of this Ordinance to further improve the aesthetics and safety for pedestrians, guests, residents, and employees of a development.

**BUILDING PERIMETER LANDSCAPING:** means the required unpaved area located around a building that contains landscaping (See Figure 1).

**DRIPLINE:** An imaginary vertical line extending from outermost circumference of the branches of the tree to the ground.

**EARTH MOUND:** A continuous, raised berm with sloped sides, capable of supporting live landscape materials, and with a height, width, and a slope which complies with the requirements of this Code.

**EPIPHYTIC:** means the sudden and destructive development of a plant disease, usually over large areas. It corresponds to an epidemic of a human disease.

**GROUND COVER:** Plants grown for their low growth and spreading capabilities for the protection of soils, to prevent the growth of weeds and for aesthetic purposes.

**INTERIOR LANDSCAPING:** means the use of landscape materials within the vehicle use area and around the building(s) (See Building Perimeter and Vehicular Use Area Landscaping in Figure 1).

**LANDSCAPE ISLAND:** means any unpaved area located within or protruding into a vehicular use area that is demarcated by concrete curb or concrete curb and gutter. The area of a landscape island is measured from back of inside curb to back of inside curb.

**LANDSCAPING:** means any living organic plant material including trees, shrubs, flowers, ground cover, vines or grass.

**LANDSCAPE BUFFER ZONE AND/OR BUFFER ZONE:** means a strip of land located adjacent to any vehicular use area, road rights-of-way or along common boundaries in which the perimeter landscape requirements are to be met (See Figure1).

**LANDSCAPING ADJACENT TO RIGHTS-OF-WAY:** means the required unpaved area and landscape material located on private property adjacent to road and rail rights-of-way (See Figure 1).

**LANDSCAPE CODE:** means the Landscaping Code codified as Chapter 32 of the Salem Township Rural Zoning Code.

**LANDSCAPE PLAN, FINAL:** The final landscape plan shall include a landscape schedule, which indicates plant symbol (graphic or abbreviation), scientific and common name, installation size, quantity, and planting instructions or notes (See Figure 2).

**LARGE TREE:** any tree species which normally attains a full-grown height equal to or greater than fifty feet.

**MEDIUM TREE:** any tree species normally attaining a full-grown height of between thirty and fifty feet.

**NATURAL SURVEILLANCE:** In order for people to defend property or to prevent crime they must be able to see illegal acts taking place. Surveillance puts the offender under threat of being observed, and therefore identified. Natural surveillance can be very subtle: pedestrians on an adjacent pathway, a lunch counter placed at a large window facing a parking lot, a resident sitting on the front porch, etc. Residents who regularly walk through their neighborhoods provide free, natural surveillance in these areas. The intensity with which people will watch over a particular site can be very dependent on their concern for the location and on their territorial (see **TERRITORIALITY**) investment for the location.

**OPACITY:** means an imaginary vertical plane extending from the established grade to a required height of which a required percent of the vertical plane shall be visually screened from adjacent property.

**PARKING LOT OR STRUCTURE:** An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

**PARKING SPACE OR AREA:** An area of land with a paved surface of asphaltic concrete or concrete, suitable in thickness and size to permit the parking or storage of one motor vehicle and which area is connected by a paved driveway to street or alley of sufficient width to permit ingress and egress of an automobile or other larger motor vehicles.

**PERIMETER LANDSCAPING:** means the use of landscape materials within the required landscape buffer zone to achieve the required screening (See Property and Vehicular Use Area Perimeter Landscaping on Figure 1).

**PERSON:** means any person, corporation, partnership, company, contracting firm or other entity, including those employed by the Township or under a contract with the Township.

**PUBLIC PLACE:** means any public street, public highway, public park, cemetery or any property owned or held by the Township within the boundaries of the Township.

**SMALL TREE:** means tree species which normally attains a full-grown height of under thirty feet.

**TREE:** means any tree (See Figure 3).

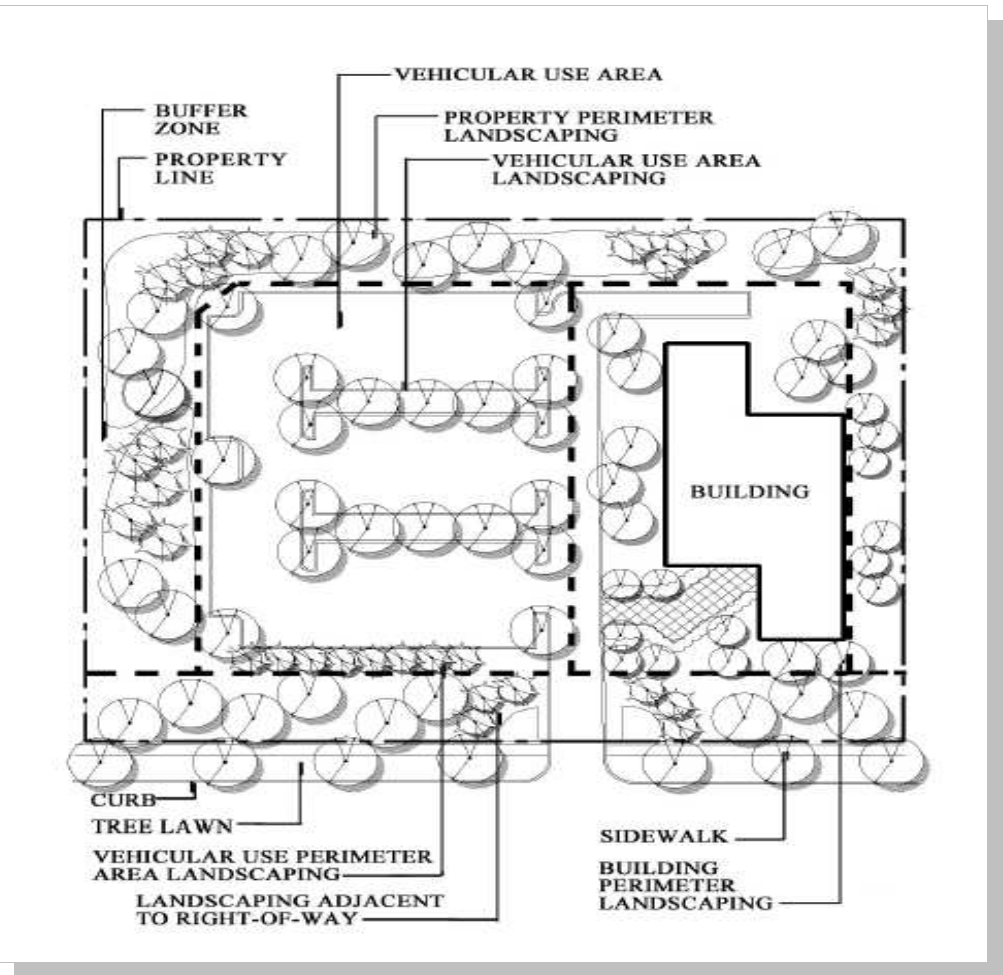
**TERRITORIALITY:** suggests that people have an innate desire, or even a compulsion, to protect or defend space (territory), which they occupy. The extent to which someone will defend territory depends on their personal investment in or responsibility for that property. Territoriality involves establishing "ownership" of space. A well maintained space that appears to be "owned" by someone will attract legitimate law abiding users, while discouraging illegitimate or disruptive users. Conversely, a disorderly, dirty environment that appears to not be "owned" by anyone will attract disruptive persons, while discouraging use by law abiding persons. Places that are unwatched or are not cared for make excellent locations for littering, vandalism, graffiti, selling drugs, and committing robberies. Clean, well lighted places encourage positive social behaviors.

**TREELAWN:** means that part of a street not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic (See Figure 1).

**VEHICULAR USE AREA:** means any area used by vehicles, excluding lots used for single-family and two-family dwellings in the R-1 through R-3 Residential Districts.

**VEHICULAR USE AREA LANDSCAPING:** any landscaping required or located in landscape islands in vehicular use areas (See Figure 1).

#### **FIGURE 1: LANDSCAPE TERMINOLOGY:**



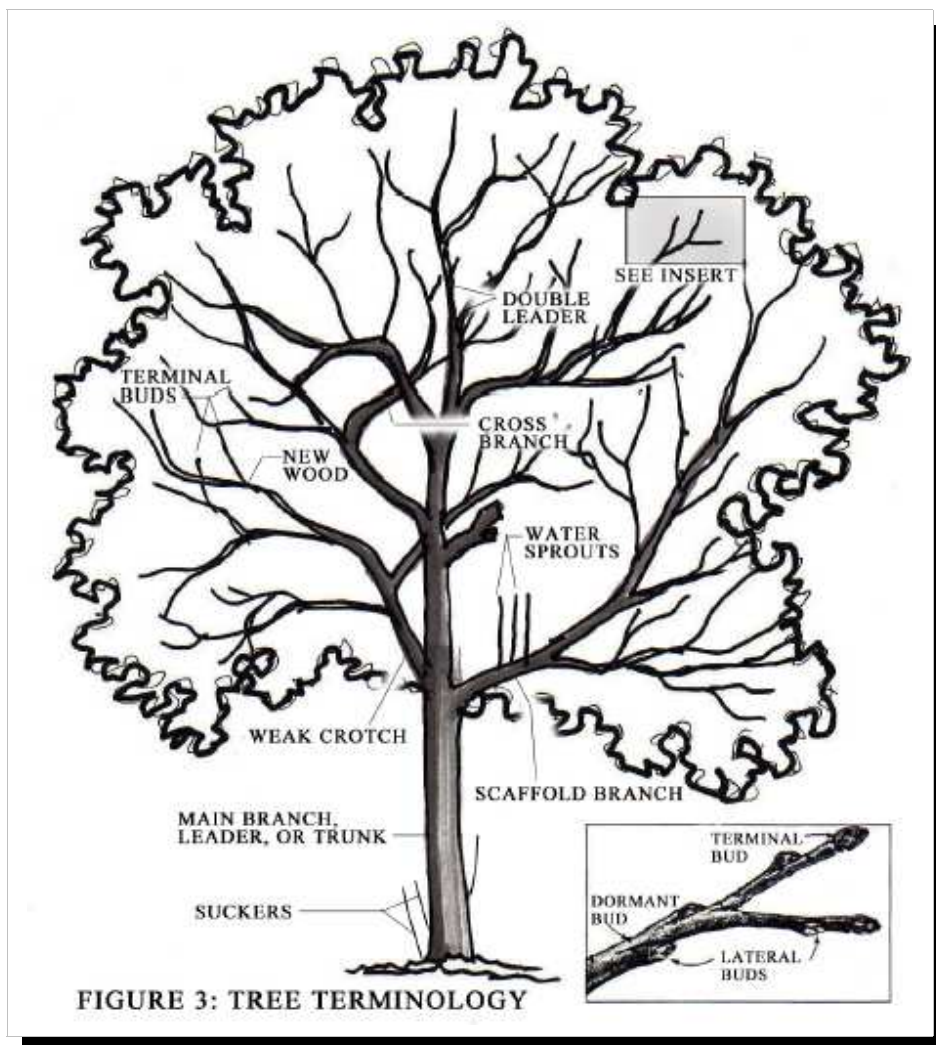
**FIGURE 2: EXAMPLE OF LANDSCAPE SCHEDULE/PLANT LEGEND**

SYMBOL	DESCRIPTION (BOTANICAL NAME/ COMMON NAME)	UNIT	QUANTITY	COMMENTS
HD	Hemerocallis, 'Stella D' Oro' Daylily	1 gal	13	18" o.c.
PAB	Plantanus x acerifolia, 'Bloodgood' London Planetree	2-2.5" caliper	3	Matched crowns, B&B
PAD	Pennisetum Alpecuroides, Dwarf Fountain Grass 'Hameln'	1 gal	5	24" o.c.

The diagram shows a landscape plan with various plants and signs. The plants are represented by symbols and labeled with their respective codes and quantities:

- HD 13**: Hemerocallis, 'Stella D' Oro' Daylily (13 units)
- PAD 5**: Pennisetum Alpecuroides, Dwarf Fountain Grass 'Hameln' (5 units)
- PAB 3**: Plantanus x acerifolia, 'Bloodgood' London Planetree (3 units)

The signs are represented by a circle with a cross and labeled as **SIGN**.



### SECTION 32.03

#### SITES AFFECTED

Except as provided by this Section, all property within the Township is subject to the requirements of this Landscape Code. The following lots and uses shall be exempt from compliance with this Chapter, or such parts as designated:

- A)** Lots in R-1, R-2 & R-3 Residential Zones which are used for single-family or two-family dwellings, unless those lots are approved as part of a new PUD. All landscaping requirements herein shall apply to any single-family or two-family dwelling when approved as part of a PUD.
- B)** Any lot used for a single-family or two-family dwelling which is a valid nonconforming use in a nonresidential district.
- C)** Golf courses, parks, playgrounds and similar types of uses, except that any new golf course, park, playground or similar type of recreation use shall provide the required parking lot and perimeter landscaping.

### SECTION 32.04

#### GENERAL LANDSCAPE REQUIREMENTS

This section describes the minimum requirements that shall be met in regard to perimeter landscaping for non-compatible land use areas, landscaping for vehicular use areas, landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of the land.

**A) General Site Requirements:** All unpaved and unbuilt portions of any site in any zoning district shall be planted with grass, ground cover, shrubbery or other suitable live plant material, which shall extend to any abutting street pavement edge.

**B) Perimeter Landscaping:** Perimeter landscaping shall include the required landscaping and buffer yard in the (1) Property Perimeter, (2) Landscaping Adjacent to Rights-of-Way, and (3) Vehicular Use Perimeter Landscaping areas. Unless otherwise provided, it is the intent that landscape materials shall be installed to provide a minimum of approximately fifty percent (50%) winter opacity and approximately seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, or earth mound immediately after installation. To achieve opacity, a continuous opaque barrier consisting of tree and hedge plantings and earth mounds or any combination thereof shall be provided where required. No single material shall be used for more than 150 lineal feet. A decorative fence or wall may be used to achieve the required opacity when and where the Zoning Commission determines adequate area does not exist to plant and maintain the required landscape materials.

1) Property perimeter landscape requirements: Where required, minimum landscape buffer zone requirements, including the required landscaping to achieve opacity, shall be met as required in Section 32.05 Specific Landscape Standards for Zoning Districts.

a) Landscape buffer zone: The landscape buffer zone and property perimeter landscaping required adjacent to any property under this Chapter shall be provided by the property owner. When adjacent to other common boundaries, the landscape buffer zone and property perimeter landscaping materials:

- i) May be placed on either adjoining parcel, or astride the boundary, if both owned and being processed by the same owner; or
- ii) Shall be placed on the applicant's property when adjoining parcels with different owners; or
- iii) May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Board of Trustees and Warren County Planning Commission, as a public record; or
- iv) Shall be placed on the parcel being processed when adjoining property is already developed, except when the applicant's property is adjacent to a freeway or arterial street prohibiting driveways or railroads; or
- v) Shall not be required along the common boundary if the requirements of this Chapter have been fully complied with on the adjoining property, in fulfillment of the requirements of this Chapter; or
- vi) Where the requirements of this Chapter are partially met on adjoining property, the applicant or property owner shall provide the difference between the required landscaping requirements and what is provided on adjoining property; or
- vii) In the case of a zoning or use change, the property of the newly created zone or use change will provide the buffer zone.

b) Landscape buffer zone conflicts: The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half (2½) feet, and curbs shall be required around the perimeter of vehicular use areas.

to a

Trees shall not be planted within five (5) feet from water and sanitary sewer mains located in any buffer zone.

c) Existing landscape material: Existing landscape material in good shape shall be shown on the required plan with provisions to protect existing trees, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Zoning Commission, such material meets the requirements and achieves the objectives of this Chapter.

2) Landscaping adjacent to rights-of-way: Where required, the minimum landscape buffer zone area and landscape material requirements required to achieve opacity, shall be met as required in Section 32.05 Specific Landscape Standards for Zoning Districts.

a) Landscape buffer zone: The landscape buffer zone and landscaping adjacent to any right-of-way shall be placed on private property and provided by the property owner.

b) Existing landscape material: Existing landscape material in good shape shall be shown on the required plan with provisions to protect existing trees, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Zoning Commission, such material meets the requirements and achieves the objectives of this chapter.

c) Landscaping at driveway and street intersections: To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street or road intersections or intersections of driveways with streets (See Figures 4 & 5). Within this sight triangle, landscape materials, fences, walls and parked vehicles are prohibited, except for required grass or ground cover. Within certain sections of the intersection sight triangle, landscape material, structures, walls and fences shall be permitted as long as cross-visibility is maintained between a height of thirty (30) inches and five (5) feet above the lowest point of the intersecting roads (See Figures 4 & 5).

i) Driveway intersection sight triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point and connecting these points See Figure 4).

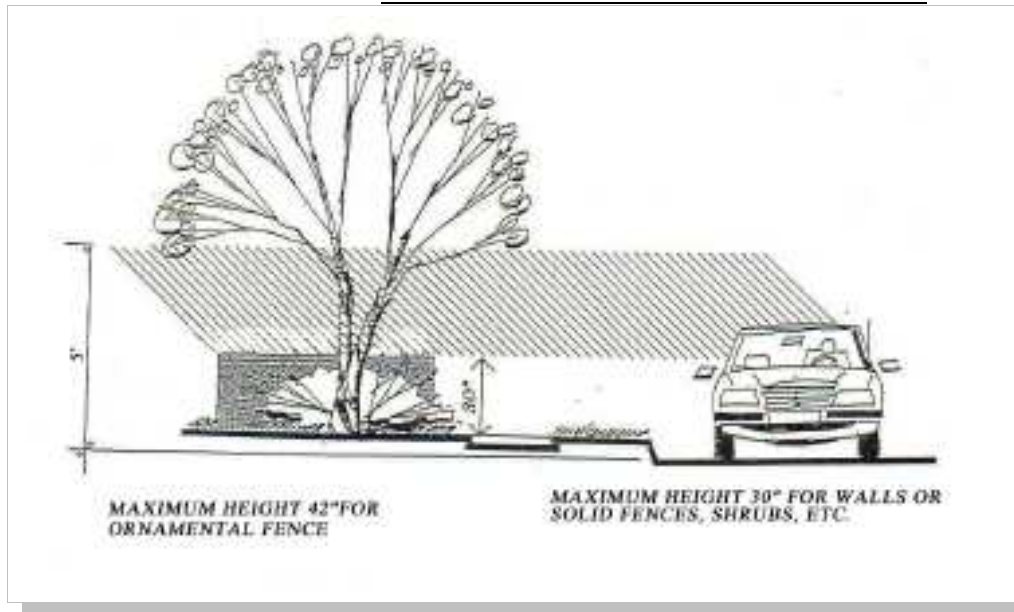
ii) Street intersection sight triangle. At street-intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting these points. Within the first twenty (20) feet of the street intersection sight triangles, no landscaping material is permitted except required ground cover. Within the portion of sight triangle that is located between twenty (20) feet and thirty-five (35) feet, trees shall be permitted only when the tree trunk is the only part of a tree that is visible between the ground and five (5) feet above the ground, or otherwise does not present a traffic visibility hazard and low growing landscape materials, provided that the plant material does not grow any higher than thirty (30) inches tall at full maturity (See Figure 5).

3) Vehicular use area perimeter requirements: All vehicular use areas with five (5) or more parking spaces, including vehicular sales lots, that face any property in any zone or any public or private street right-of-way or access road or service road shall be screened from view as required in Section 32.05 Specific Landscape Standards for Zoning Districts to achieve the required opacity.

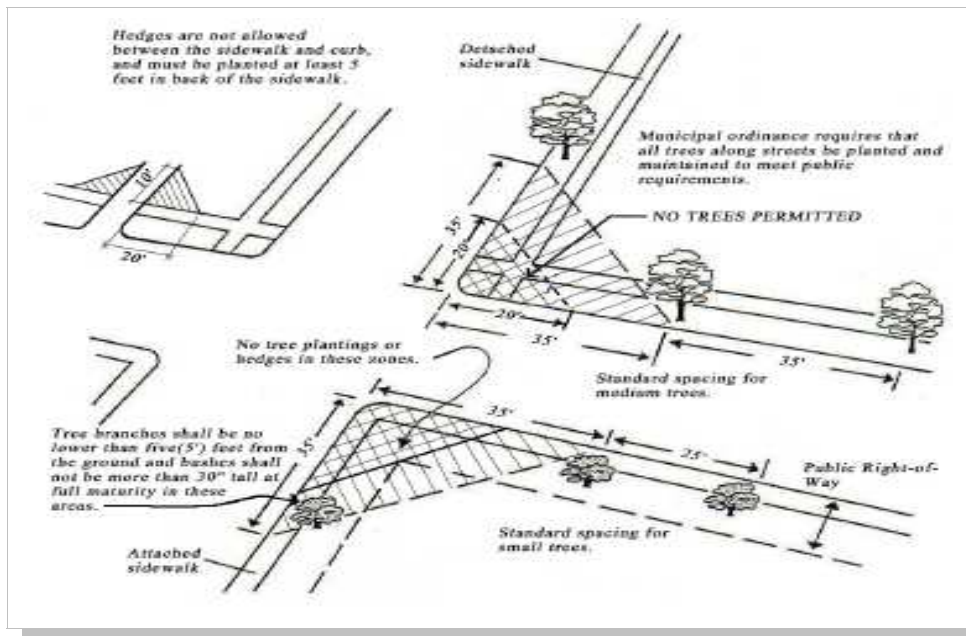
To achieve opacity, a continuous thirty (30) inch high opaque barrier shall be provided that consist of plantings, hedges, decorative or ornamental fences, walls or earth mounds or any combination thereof.

Zoning Commission may modify or waive the vehicular use area perimeter landscaping requirements if the provided property perimeter landscaping and landscaping adjacent to rights-of-way adequately screens the parking lot from view from adjacent properties and roads.

**FIGURE 4: SIGHT CLEARANCE ZONES**



**FIGURE 5: CLEAR VISION ZONES**



**C) Landscaping in Road Rights-of-Way:** Where required, trees shall be planted in the tree lawn or other required areas in road rights-of-way as required in Section 32.05 Specific Landscape Standards for Zoning Districts. Trees planted in the tree lawn shall be installed by the applicant requesting development approval and maintained as required in Section 32.07 Street Tree Requirements.

**D) Interior Landscaping for Vehicular Use Areas:** Any open vehicular use area, excluding loading, unloading and storage areas in an industrial zone, or business zone, containing more than twelve (12) vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsula or island types.

- 1) Landscape area: Five percent (5%) of all Vehicular Use Areas, including drive aisles, shall be provided.

**Sample Calculation to Determine the Minimum Landscape Area  
in Square Feet in Vehicular Use Areas\***

$$(20,000 \text{ SF} \times .05) = 1,000 \text{ SF minimum landscape area}$$

*\*Based on a 20,000 sq. ft. vehicular use area. Vehicular use areas include the area of vehicular use spaces and internal maneuvering aisles.  
SF means square footage or square feet.*

- a) Protection: All landscaped areas shall be protected from vehicles through the use of concrete curb. Landscape areas shall be elevated above the pavement.
- b) Minimum dimension: Landscape areas in vehicular use areas shall be no less than eight (8) feet in any single dimension, measured from back of curb to back of curb.
- c) Minimum area: The minimum landscape area permitted shall be 140 square feet.
- d) Maximum contiguous area: In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size in vehicular use areas under 30,000 square feet, and no individual area shall be larger than 700 square feet in vehicular use areas over 30,000 square feet. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.

**Sample Calculations to Determine the Number of Required  
Landscape Areas in Vehicular Use Areas\***

$$1,000 \text{ SF}^* / 140 \text{ SF}^{**} = 7.14 \text{ or } 7 \text{ Landscape Areas, or}$$

$$1,000 \text{ SF}^* / 350 \text{ SF}^{***} = 2.85 \text{ or } 3 \text{ Landscape Areas}$$

\*Based on a 20,000 SF vehicular use area [(20,000 SF x .05) = 1,000 SF

*\*\*140 SF equals the minimum area for a landscape area in this example.  
\*\*\*350 SF equals the maximum area for a landscape area in this example.  
SF means square footage or square feet.*

- 2) Required landscaping: A minimum of fifty (50%) percent of every landscaped area within a vehicular use area shall be planted with live plant material, such as shrubs, ground cover or turf grass to a maximum height of thirty (30) inches at maturity. The remaining area of the landscaped island shall be covered with organic mulch. The following minimum is required, based upon total ground coverage of vehicular use areas:

- a) Minimum trees: One tree per 2,750 square feet of vehicular use area or part thereof, each with a minimum trunk size of 2½" caliper planted in vehicular use area islands or peninsulas. Trees shall have a clear trunk of at least five (5) feet above the ground.

**Sample Calculation to Determine the Minimum Number of Trees\***



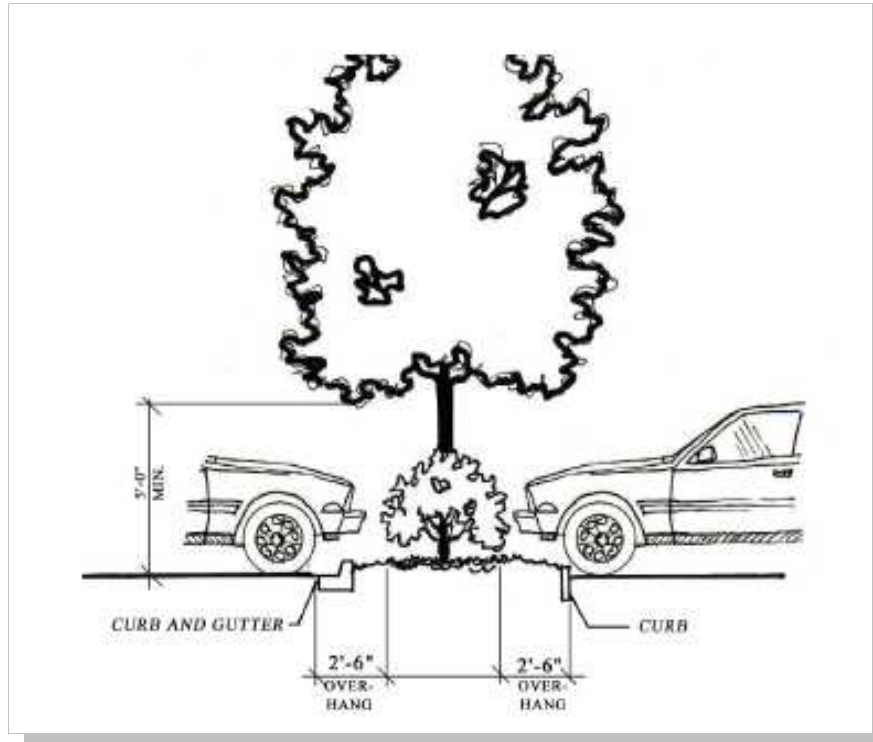
$$20,000 \text{ SF} / 2,750 \text{ SF} = 7.27 \text{ or } 7 \text{ trees}^{**}$$

*\*Based on a 20,000 SF vehicular use area.*

*\*\*Trees should be equally distributed within the required landscape areas in vehicular use areas*

3) Vehicle overhang: Parked vehicles may hang over the interior landscaped area no more than two and one-half (2 1/2) feet, as long as concrete curb is provided to insure no greater overhang or penetration of the landscaped area (See Figure 6).

**FIGURE 6: VEHICLE OVERHANG**



**E) Landscaping for Service Structures:** Service structures shall be screened from view from all adjacent property and zoning districts and from road rights-of-way in all zoning districts. For the purposes of this section, service structures shall include, but are not limited to, fuel tanks, dumpsters, transformers, utility vaults, which extend above the surface and other equipment or elements providing service to a building or a site, but shall not include water meter pits, and fire hydrants. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures.

1) Location of screening: A continuous (having one hundred percent (100%) opacity) planting, hedge, fence, earth mound, which would enclose any service structure on all sides unless such structure must be frequently moved, in which case the above screening materials are required on all but one side. The fourth side shall also screen the service structure through the use of an opaque gate. The height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed ten (10) feet in height.

Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. The building material of the screening wall shall be compatible with the main building, and chain link fence is not a permitted screening material. No interior landscaping shall be required within an area screened for service structures.

2) Trash receptacle screening: Trash receptacles shall be located in side or rear yards screened on three sides by a durable material that is consistent with the building material used on the facade of the principal structure. The screen walls shall be at least six (6) feet in height or at least one (1) foot above the height of the enclosed trash receptacle. The fourth side of the trash enclosure shall be screened with a lockable opaque gate that is the same height of the other three screen walls. Bollards shall be installed at the enclosure opening to prevent damage to the screen walls or gate. Chain link fences or gates are not permitted screening materials for trash receptacle screening. Evergreen plant materials shall be planted around the trash receptacle screen wall to further screen the trash receptacle and screen wall from view.

**F) Landscape Requirements as a Screen Around Service Areas and Particular Accessory Uses:**

1) Screening of service and storage areas: For all property which is subject to the requirements of this Code, all areas used for service, storage and loading/unloading activities shall be screened from all adjacent property and public rights-of-way. Screening shall consist of continuous decorative walls, fences, natural vegetation, earth mound, or acceptable combination of these elements, provided that screening must be at least six (6) feet high or one (1) foot above the height of the structure or activity, whichever dimension is greater, and located not less than three (3) feet from the property line. Building material of the screening wall shall be compatible with materials used to construct the principal building. The provided screening shall provide one hundred percent (100%) opacity.

Fences or walls shall be located not less than twelve (12) inches from the property line. Natural vegetation shall have a minimum opaqueness of seventy five percent (75%) during full foliage when viewed from between two (2) and five (5) feet from the ground. Full opacity shall be achieved not more than three (3) years from immediately after planting. The use of year-round vegetation, such as pines, spruce, fir and evergreens, is encouraged. No interior landscaping shall be required within a service and storage area.

2) Screening and landscaping of accessory uses: In all Districts, except lots used for single-family and two-family dwellings in the R-1 through R-3 Residential Zones, the following accessory uses shall be screened or landscaped so as to shield them from direct view from adjacent properties and public rights-of-way and/or to enhance their appearance:

a) Prefabricated metal or wood storage sheds.

b) Satellite dish-type antennas or receivers larger than eighteen (18) inches. Such landscaping shall consist of plantings of not less than six (6) feet in height. The use of year-round vegetation, such as pines, spruce, fir and evergreens, is encouraged.

c) Above-ground swimming pools. Such landscaping shall consist of plantings of not less than six (6) feet in height. The use of year-round vegetation, such as pines, spruce, fir and evergreens, is encouraged.

**G) Interior Landscaping Requirements**: All new developments, regardless of type and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site. It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting of such trees on a lot.

1) Preservation of existing landscaping materials: All trees having a trunk diameter (caliper) at breast height of six (6) inches or greater as measured four (4) and one-half (½) feet from ground level should be preserved unless such trees are exempted as follows:

a) Trees within public rights of way or utility easements, or a temporary construction easement as approved by the Trustees, Zoning Inspector or Zoning Commission.

b) Trees within the building footprint of proposed structures or within twelve feet from the perimeter of such structures.

c) Trees that in the judgment of the Trustees are damaged, diseased, over mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.

d) Trees removed for necessary drainage purposes as approved by the Trustees.

e) Trees within required vehicular use areas.

2) Preservation of wooded areas: Effort must be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further required that heavily wooded areas shall be maintained as natural areas to the greatest extent possible.

Wooded areas shall be shown on the Landscape Plan and clearing limits are to be marked and fenced off in the field according to the Landscape Plan before construction or clearing can begin.

3) Preservation of individual trees: Individual trees outside of a wooded area with a caliper of 6 (six) inches or greater, measured at 4.5 feet above grade, shall be labeled on the Landscape Plan as either "To Be Removed" or "To Be Saved". Trees labeled "To Be Saved" on the Landscape Plan shall be protected from construction equipment by installing fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

4) Building perimeter requirements: Where required, the minimum building perimeter landscape requirements, including required areas and landscaping, shall be provided next to and around the building as required in Section 32.05 Specific Landscape Standards for Zoning Districts.

Required plantings are encouraged to be located in planting beds close or adjacent to the principal building. Hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings are encouraged in the building perimeter landscape area.

**H) Crime Prevention Through Environmental Design (CPTED)**: Crime Prevention Through Environmental Design (CPTED) "is proper design and effective use of the built environment which can lead to a reduction in the incidence and fear of crime and an improvement in the quality of life" (*National Crime Prevention Institute*, 1986). CPTED assists in the creation and maintenance of a built environment that increases the perception of safety for a normal user and the perception of risk for a would-be offender. Four basic principals govern the CPTED program:

1) Natural surveillance: The placement of physical features, activities and people in such a way as to maximize visibility (e.g. the lighting of public spaces and walkways at night).

2) Natural access control: The physical guidance of people coming and going from a space by the judicious placement of entrances, exits, fencing, landscaping, and lighting.

3) Territorial reinforcement: The use of physical attributes that express ownership, such as fences, pavement treatments, art, signage, and landscaping.

4) Maintenance. Routine maintenance allows for the continued use of a space for its intended purpose, serves as an additional expression of ownership and prevents reduction of visibility from landscaping overgrowth and obstructed or inoperative lighting.

5) CPTED landscaping requirements. Implementation of the CPTED principals is handled through the landscape plan and site plan review and approval process, and through building code enforcement and law enforcement assistance. The following guidelines shall be incorporated into site design review:

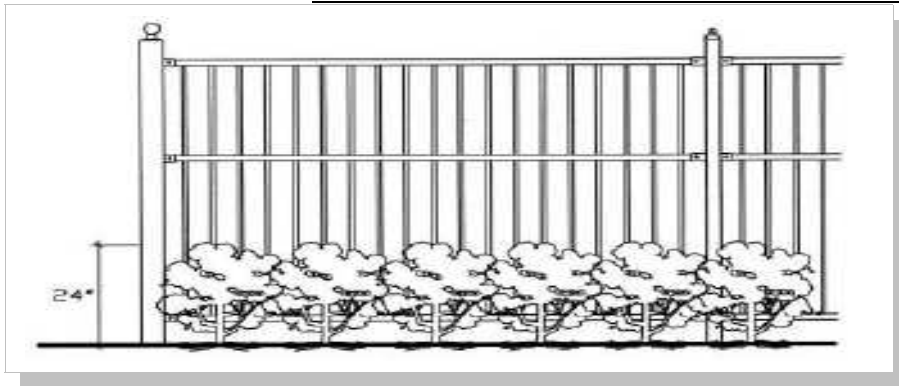
- a) All landscape shrubs and hedges located adjacent to public rights-of-way shall not exceed thirty (30) inches high. This will allow for natural surveillance of the front yard, building, or home.
- b) Landscaping above thirty (30) inches, which is directly adjacent to a bicycle path or public sidewalk, shall have a clearance zone of five (5) feet on either side of the path or sidewalk to allow for natural surveillance by pedestrians.
- c) All landscape areas adjacent to pedestrian walkways, paths, and routes shall be well lighted to provide both a secure and aesthetically pleasing environment. Lighting shall be directed downward and shielded from adjacent residential properties and roadways.
- d) All trees adjacent to buildings, walkways or sidewalks shall have a minimum of five (5) foot trunk clearance (ground to branches).
- e) Solid barriers (brick and stone knee walls) that are used to separate public rights-of-way from parking lots and yards shall not exceed thirty (30) inches in height.

**I) Urban Design Guidelines:**

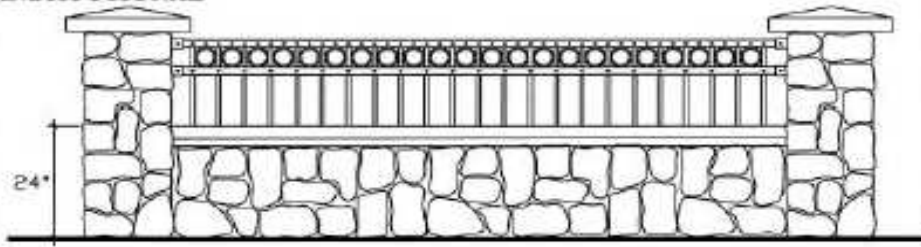
1) Buffers and screens: Physical buffers and visual screens between different, adjoining land uses are critical design elements that should be utilized to reduce undesirable visual impacts. In more developed areas, visual screens should be a combination of structural elements (walls and fences) and non-structural, natural elements such as berms and plantings (See Figure 8).

- a) Structural screens should appear as extensions of a building's design repeating architectural features including building materials, textures and colors. These screening walls should not be painted, but constructed from high quality, long-lasting materials (such as brick, stone, and decorative block).
- c) A combination of structural screens and natural landscape plant materials should be provided between parking lots and sidewalks or other pedestrian use areas.

**FIGURE 7: BUFFER & SCREEN ILLUSTRATIONS**



*INSTITUTIONAL*



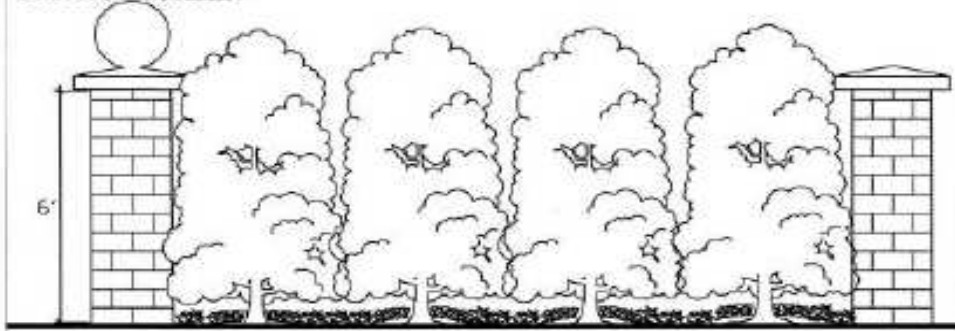
LOCATIONS: PARKS, COURTYARDS, PARKING LOTS, MUNICIPAL FACILITIES

*LIVING KNEE WALL SCREEN*



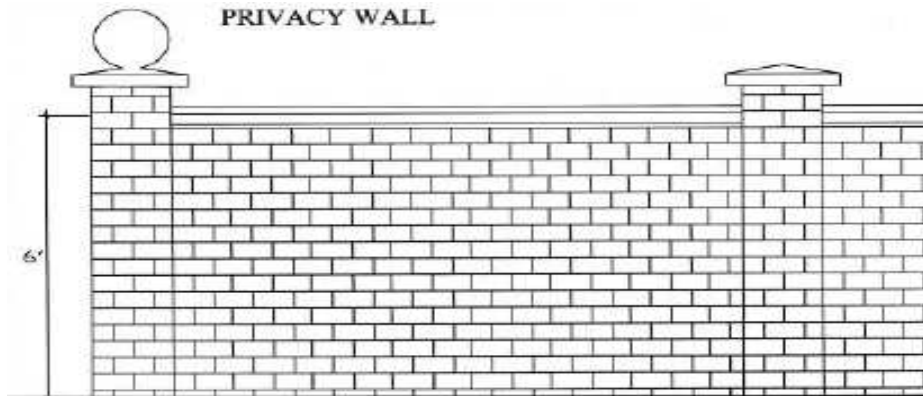
LOCATIONS: PARKS, COURTYARDS, PARKING LOTS, MUNICIPAL FACILITIES

*PRIVACY SCREEN*



LOCATIONS: REAR YARDS, BETWEEN COMMERCIAL & RESIDENTIAL LAND USES, SCREENING

**PRIVACY WALL**



**SECTION 32.05**

## SPECIFIC LANDSCAPE REQUIREMENTS FOR ZONING DISTRICTS

**A) R-1, R-2, and R-3 Residential Zoning District Standards:**

1) Property perimeter landscape requirements: When housing units are developed under an approved plat in an R-1, R-2, and R-3 Residential Zoning District, the minimum property perimeter landscape requirements shall comply with the requirements found in the following table:

When development in an R-1, R-2 or R-3 Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Multiple Family, Condominium or Landminumum Development or R-2 or R-3 Zoning District.	30' wide with a continuous 6' high screen consisting of an earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/20 lineal feet of the required buffer zone or fraction thereof.	A, B, or D, with a minimum of 40% from D.
Mobile Home Park	30' wide with a continuous 6' high screen consisting of an earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B, or D, with a minimum of 40% from D.
Any business or industrial use (B-1, B-2, M-1, M-2 Zone)	40' wide with a continuous 6' high screen consisting of an earth mound, evergreen planting, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B or D, with a minimum of 50% from D.

2) Landscaping adjacent to rights-of-way: All development in the R-1, R-2, and R-3 Zones shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When development in an R-1, R-2 or R-3 Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Arterial or collector street.	50' wide with a continuous 6' high screen consisting of an earth mound, evergreen planting, decorative wall, or any combination thereof.	1 tree/20 lineal feet of the required buffer zone or fraction thereof.	A, B, C, or D with a min. of 10% from C & 30% from D.

3) Building perimeter landscape requirements: One tree per 1,000 square feet, or fraction thereof, of living area or occupied area for all structures, each having a minimum of 2 ½" caliper in size. Street trees are counted in the total number of the required trees. A minimum of two (2) trees are required in the front yard, except for corner lots, which shall have two (2) trees per street.

4) Vehicular Use Area (VUA) perimeter requirements: VUA's located in an R-1, R-2, or R-3 Zone with more than five (5) parking spaces shall meet the minimum opacity requirements to screen automobiles from adjacent property and road rights-of-way. The minimum VUA perimeter landscape requirements shall comply with the requirements found in the following table:

When vehicular use area in an R-1, R-2 or R-3 Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups

Any property in any zoning district or any public or private street right-of-way, access road or service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, or decorative wall adjacent to the side of the Vehicular Use Area that faces adjacent property and/or public or private street rights-of-way.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C
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5) Interior landscaping for vehicular use areas: Vehicular use areas located in an R-1, R-2, and R-3 Zone with more than twelve (12) parking spaces shall meet the minimum interior vehicular use area landscape requirements as required in Chapter 32.04 D).

6) Landscaping in road rights-of-way: Land developed in a R-1, R-2, or R-3 Zone shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Zoning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree (Group B) be planted for every thirty-five (35) feet of tree lawn or one small street tree (Group C) be planted for every twenty-five (25) feet of tree lawn. See Appendix C for more information about tree groups. For the purposes of computing the length of the tree lawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 32.07 Street Tree Requirements.

7) Requirements for non-residential uses in R-1, R-2, and R-3 Zones: Any non-residential use developed in an R-1, R-2, and R-3 Zones shall meet the following requirements:

a) Property Perimeter Landscape Requirements: All non-residential uses developed in the R-1, R-2, and R-3 Zones shall meet the property perimeter landscape requirements found in the following table:

When a non-residential use in an R-1, R-2, or R-3 Zoning District is adjacent to or abuts...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Any residential zoning district, use, or property.	30' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a minimum of 50% from D.

b) Landscaping adjacent to rights-of-way: All non-residential uses developed in the R-1, R-2, and R-3 Zones shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When a non-residential use is in a R-1, R-2, or R-3 Zoning District and is adjacent to or abuts...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Arterial or collector street.	20' wide with a continuous 3' screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, C, or D with a min. of 10% from C & 30% from D.

c) Building perimeter landscaping: There shall be building perimeter landscaped areas equal to twenty (20) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area.

d) Vehicular use perimeter landscaping: Vehicular use perimeter landscaping shall be provided as required in Section 32.05 A) 4) above.

e) Interior landscaping for vehicular use areas: Vehicular use areas located in an R-1, R-2, and R-3 Zoning District with more than twelve (12) parking spaces shall meet the minimum interior VUA landscape requirements as required in Section 32.04 D).

f) Landscaping in road rights-of-way: The required treelawn and street trees shall be provided as required in Section 32.05 A) 6) above.

g) Minimum open space: At least twenty (20) percent of the site shall be maintained as landscaped open space planted with grass, ground cover, shrubs and trees.

8) General Development Standards: Buildings and uses in R-1 Single Family Residential Zones shall be subject to all applicable standards and requirements set forth in this Code.

**B) B-1 Neighborhood Business, B-2 General Business, and H Resort Zoning District Standards:**

1) Property perimeter landscape requirements. Land developed in a B-1, or B-2 Zone shall comply with the minimum property perimeter landscape requirements as found in the following table:

When development in a B-1, B-2 or H Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Residential Zoning District or residential use.	40' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a min. of 50% from D.
Any non-residential Zoning District.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a min. of 30% from D.

2) Landscaping adjacent to rights-of-way: All development in the B-1, B-2 and H Zoning Districts shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When development in a B-1, B-2 or H Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Arterial or collector street.	20' wide with a continuous 3' screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, C, or D with a min. of 10% from C.

3) Building perimeter landscaping: There shall be building perimeter landscaped areas equal to twenty (20) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area.

4) Vehicular use area (VUA) perimeter requirements: VUA's located in any Zoning District with more than five (5) parking spaces shall meet the minimum opacity requirements to screen



automobiles from adjacent property and road rights-of-way. The minimum VUA perimeter landscape requirements shall comply with the requirements found in the following table:

When a vehicular use area in a B-1, B-2 or H Zoning District is adjacent to or abuts...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Any property in any zoning district or any public or private street right-of-way, access road and service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C
Vehicular sales facility adjacent to a public or private street right-of-way, access road, or service road.	15' wide plus a continuous 30" high screen consisting of a continuous planting, hedge, fence, wall, or earth mound along at least 75% of the street frontage. The remaining street frontage shall include a 12" high vegetative planting adjacent to the side or sides of the vehicular use sales area that faces the public or private street.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B or C

5) Interior landscaping for vehicular use areas: Vehicular use areas located in a B-1, B-2 or H Zoning District with more than twelve (12) parking spaces shall meet the minimum interior VUA landscape requirements as required in Section 32.04 D).

6) Landscaping in road rights-of-way: Land developed in any B-1, B-2 or H Zoning District shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Zoning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree (Group B) be planted for every thirty-five (35) feet of tree lawn or one small street tree (Group C) be planted for every twenty-five (25) feet of tree lawn. For the purposes of computing the length of the tree lawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 32.07 Street Tree Requirements.

7) General development standards: Developments in the B-1, B-2 and H Zoning Districts shall be subject to all applicable standards and requirements set forth in this Code, including the following: Section 32.04 General Landscaping Requirements, Section 32.06 Landscape Materials and Section 32.07 Street Tree Requirements.

**C) M-H Mobile Home Park, T-C Trailer Camp & T-T Travel Trailer Standards: (Same as above (B))**

**D) M-1 Light Industry, M-2 Heavy Industry and M-E Mineral Extraction Zoning District Standards:**

1) Property perimeter landscape requirements: Land developed in an M-1, M-2 or M-E Zoning District shall comply with the minimum property perimeter landscape requirements as found in the following table:

When development in an M-1, M-2 or M-E Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups

Residential zoning district or residential use.	50' wide with a continuous 6' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/15 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a min. of 50% from D.
Any non-residential Zoning District.	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, hedge, decorative wall, or any combination thereof, adjacent to all common boundaries.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B and D, with a min. of 30% from D.

2) Landscaping adjacent to rights-of-way: Land developed in the M-1, M-2 or M-E Industrial Zoning District shall provide the minimum buffer zone and landscaping adjacent to rights-of-way requirements as found in the following table:

When development in an M-1, M-2 and M-E Zoning District is adjacent to or abuts a...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Arterial or collector street.	20' wide with a continuous 3' screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, C, or D with a min. of 10% from C.
Railroad	20' wide with a continuous 3' high screen consisting of a earth mound, evergreen planting, or decorative wall.	1 tree/40 lineal feet of the required buffer zone or fraction thereof.	A, B, or D, with a min. of 30% from D.

3) Building perimeter landscape requirements: There shall be building perimeter landscaped areas equal to thirty (30) square feet for every 1,000 square feet of building ground coverage areas, or fraction thereof. Building perimeter landscaped areas shall contain one (1) tree and twelve (12) shrubs for every one-hundred (100) square feet of required building perimeter landscape area.

4) VUA perimeter requirements: Vehicular use areas located in an M-1, M-2 or M-E Zoning District with more than five (5) parking spaces shall meet the minimum opacity requirements to screen automobiles from adjacent property and road rights-of-way. The minimum VUA perimeter landscape requirements shall comply with the requirements found in the following table:

When a vehicular use area in an M-1, M-2 or M-E District is adjacent to or abuts...	the landscape buffer zone shall be...and contain...	planted with...	tree groups
Any property in any zoning district or any public or private street right-of-way, access road and service road.	10' wide with a continuous 30" high screen consisting of a earth mound, planting, hedge, decorative wall, or any combination thereof.	1 tree/30 lineal feet of the required buffer zone or fraction thereof.	A, B, or C

5) Interior landscaping for vehicular use areas: Vehicular use areas located in an M-1, M-2 or M-E Zoning District with more than twelve (12) parking spaces shall meet the minimum interior VUA landscape requirements as required in Section 32.04 D).

6) Landscaping in road rights-of-way: Land developed in an M-1, M-2 or M-E Zoning District shall provide street trees in the tree lawn adjacent to public or private streets in such a manner, type, quantity and location as approved by the Zoning Commission provided that one large street tree (Group A) be planted for every forty-five (45) feet of tree lawn or one medium street tree (Group B) be planted for every thirty-five (35) of tree lawn or one small street tree (Group C) be planted for every twenty-five (25) feet of tree lawn. See Appendix C for more information on tree groupings.

For the purposes of computing the length of the treelawn, openings for driveways and sidewalks shall not be counted. Street trees shall be planted and maintained in the tree lawn as required in Section 32.07 *Street Tree Requirements*.

7) General development standards: Developments in the M-1, M-2 and M-E *Industrial Zoning Districts* shall be subject to all applicable standards and requirements set forth in this Code, including the following: Section 32.04 *General Landscaping Requirements*, Section 32.06 *Landscape Materials* and Section 32.07 *Street Tree Requirements*.

#### **E) Planned Unit Development Standards:**

1) Purpose and intent: The purpose of this PUD landscaping section is to encourage better site design through the use of innovative and creative landscaping that: encourages innovation and diversity in landscape design and development; enhances and compliments the site and surroundings; softens large uninteresting building walls and facades; breaks up large expanses of pavement; promotes safe and functional off-street vehicular and pedestrian circulation; improves the visual and aesthetic quality of the development and community; and augments and preserves natural landscaping to the greatest extent possible. Further, flexibility in landscape design is encouraged in Planned Unit Developments in order to achieve a higher quality design and built environment than can be achieved through conventional zoning.

2) Applicable base regulations: Unless waived or modified in accordance with Section 32.05 F)3) below, Planned Unit Developments shall meet the landscape requirements contained in this Code and the Rural Zoning Code. Planned Unit Development with mixed uses shall comply with the regulations applicable for each individual use, except that if regulations are inconsistent with each other, the regulations applicable to the most restrictive requirements shall apply.

3) Regulatory flexibility: To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from the landscape regulations may be permitted, subject to review and approval by Zoning Commission. Modifications should not be granted to circumvent the minimum requirements, intent, purpose or spirit of this Code; rather, modifications may be permitted only if they result in a higher quality of development than would not be otherwise possible.

4) PUD landscaping design standards: In addition to the required minimum landscaping, the following design standards shall be incorporated into Landscaping Plans for Planned Unit Developments:

a) Property perimeter landscaping timing: Business, Industrial, Multiple-family Residential and mixed use Planned Unit Developments shall provide Property Perimeter Landscaping adjacent to any single-family residential district before buildings are erected, excluding building foundations, unless building construction commences outside of the normal planting season.

b) Irrigation: Irrigation systems are strongly recommended for all landscape areas. All irrigation water shall be retained on-site. Run-off shall collect in swales or run to larger holding areas, catch basin, other landscaped areas or drywell.

#### **c) Vehicular Use Areas (VUA):**

i) General. Interior portions of vehicular use areas which are not specially designed as parking spaces or maneuvering lanes shall be planted and permanently maintained with trees and shrubs, and finished with ground cover.

ii) Termination of parking rows. Each row of interior parking spaces shall be terminated at each end by a landscape island, which shall be a minimum of 160

square feet with a minimum dimension of eight (8) feet. A tree shall be planted in each required landscape island.

iii) Maximum number of continuous parking spaces. To provide a break from long, uninterrupted rows of parking spaces, Planned Unit Developments shall exhibit one of the following standards:

A landscape area shall be provided for every twelve (12) continuous parking spaces, which has a minimum dimension of eight (8) feet and a minimum area of 150 square feet. One tree shall be planted for each landscape area; or

As an alternative to the above standard, a landscape area with a minimum width of five (5) feet can be provided between two rows of parking that runs the entire length of the parking row. If this alternative is chosen, every other double row of parking shall have a landscape median. One (1) tree shall be planted for every 30 lineal feet of required landscape median.

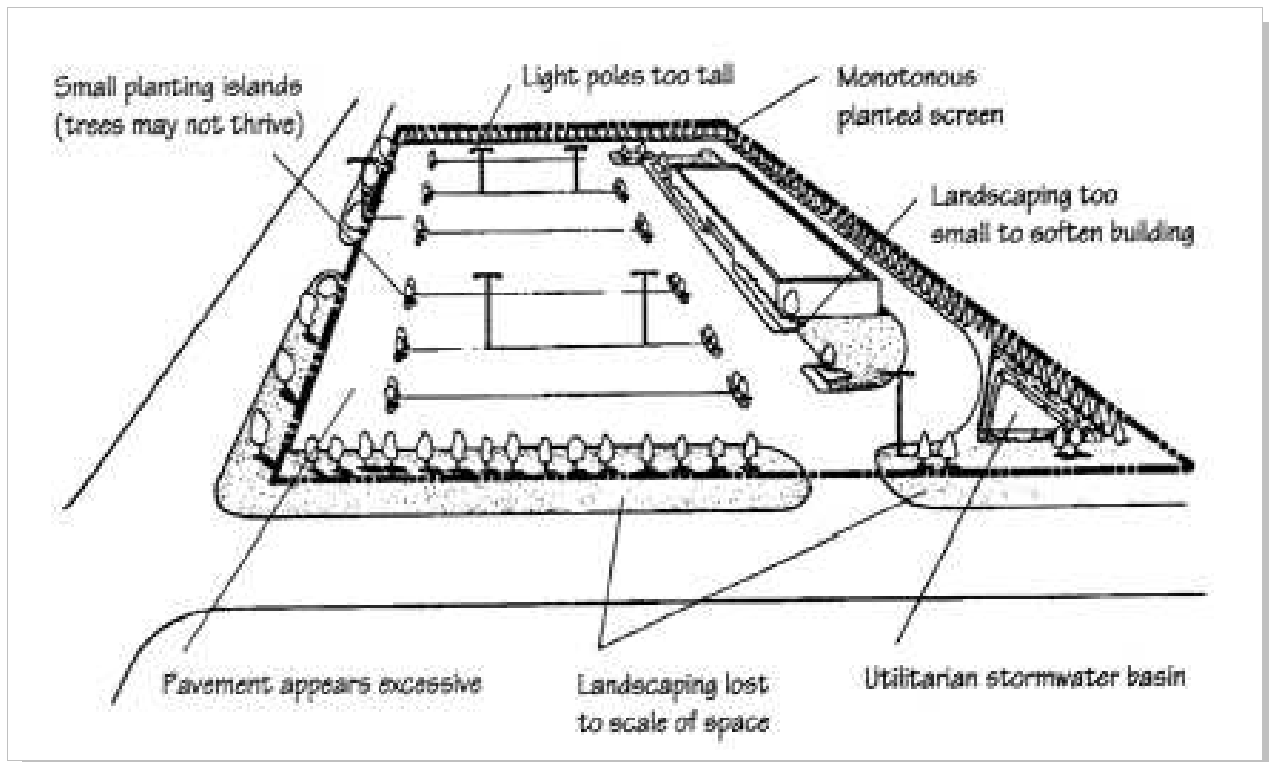
d) Building perimeter landscaping: A ten (10) foot wide planting strip is required between the building and the vehicular use area along fifty (50) percent of the length of the facade and any building walls visible from adjacent road rights-of-way. Such landscape areas shall be planted with a variety of trees, shrubs, grasses, vines, perennials and annuals. Deciduous trees may be integrated into the sidewalk adjacent to the building, instead of the planting strip, to emulate street trees. For commercial developments with 30,000 square feet of gross floor area or more, thirty (30) percent of the required deciduous trees shall be enlarged at least one (1) inch in caliper and evergreen trees shall be enlarged at least one (1) foot in height.

e) Pedestrian amenity landscaping: Pedestrian amenity landscaping is any landscaping that further enhances the visual appeal of the development and community and benefits residents, guests, employees or patrons of the development. Examples include, but are not limited to public assembly areas including: plazas, formal gardens, patios, playgrounds and courtyards; decorative and natural looking water features and fountains; and pedestrian walkways and sidewalks made of decorative materials and colors. Each area shall provide benches and other amenities designed to attract pedestrians as a place to rest, congregate and socialize. Each planned development shall have two or more of the above mentioned or other amenity landscaping.

5) General development standards: Developments in a PUD Planned Unit Development Zoning District shall be subject to all applicable standards and requirements set forth in this Code, including the following: Section 32.04 General Landscaping Requirements, Section 32.06 Landscape Materials and Section 32.07 Street Tree Requirements.

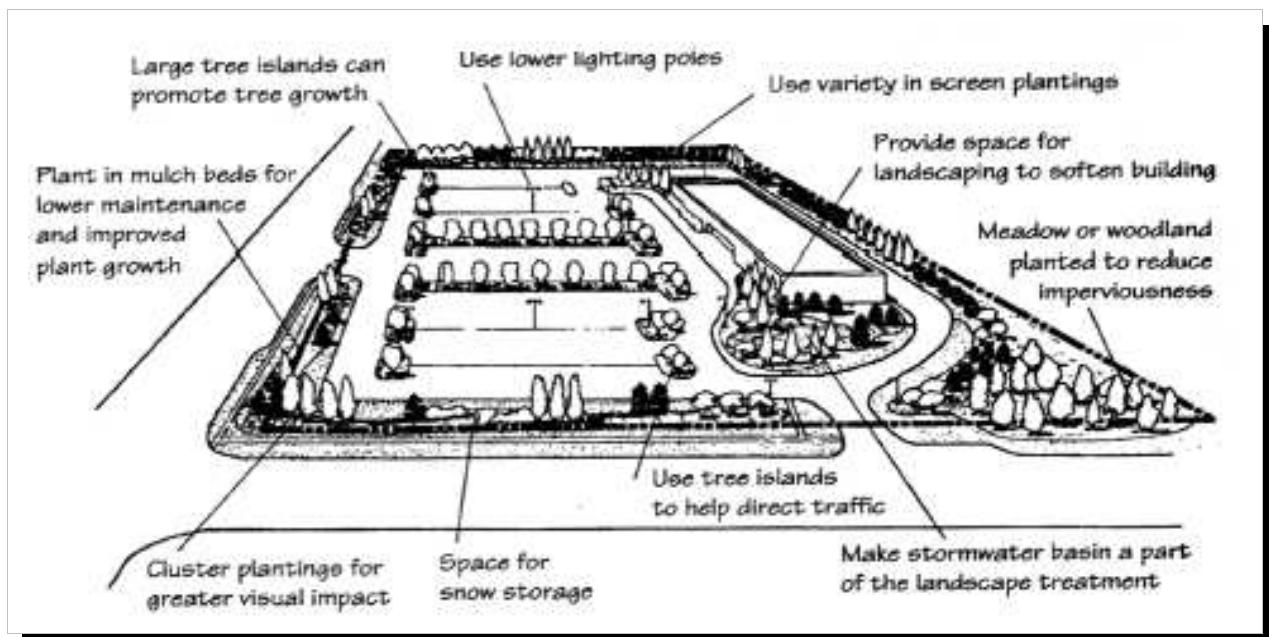
Figure 9 demonstrates the design creativity that is expected in a Planned Unit Development Landscaping Plan. It demonstrates the difference between a conventional Landscape Plan and a Planned Unit Development Landscape Plan. Figure 9 is illustrative only and neither graphic in Figure 9 represents required or specific landscaping requirements found in this Code.

**FIGURE 8: EXAMPLE OF CONVENTIONAL AND PUD LANDSCAPE PLANS**



Example Conventional Landscape Plan

Example Planned Unit Development Landscape Plan



## **SECTION 32.06**

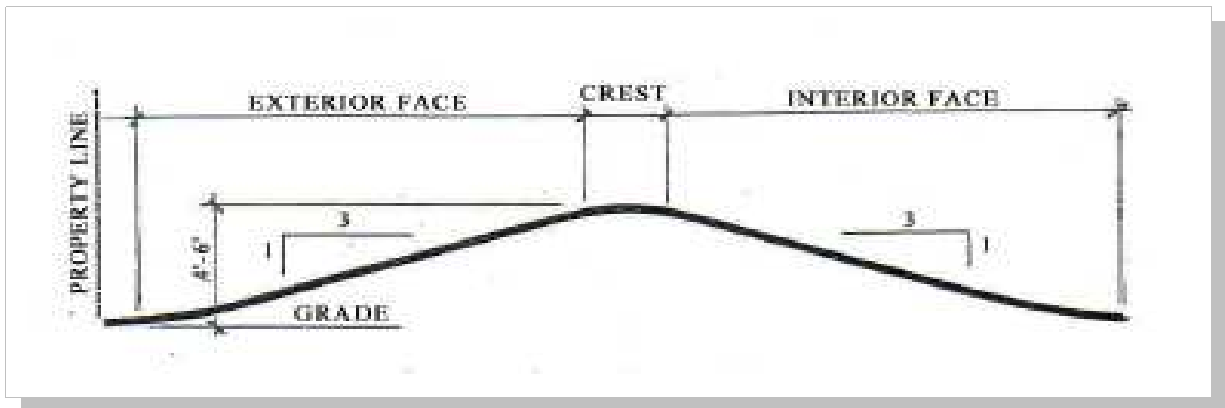
## LANDSCAPE MATERIALS

The required and proposed landscape materials shall complement the form of the existing trees and plantings, as well the development's general design and architecture. The type of shade or sun shall be considered in selecting plant materials.

**A) Earth Mounds:** Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

1) Dimensions. The height of the required earth mound shall be measured from: (1) existing grade located next to but not on the earth mound when provided next to a common property line; (2) the grade of the parking lot when used to screen vehicular use areas; and (3) from the centerline of the road or center of the railroad tracks when used to screen property from adjacent rights-of-way. Earth mounds shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with a preferable two (2) foot wide crest on top of the mound (See Figure 10). Earth mounds may undulate in height and from side-to-side, provided that the minimum opacity requirements are met.

**FIGURE 9: TYPICAL EARTH MOUND DESIGN**



2) Protection from erosion: All required earth mounds shall be planted with sod, ground cover, or other suitable live plant material to protect the earth mound from erosion so that it retains its height and shape.

**B) Plants:** All plant materials shall be living plants and shall meet the following requirements:

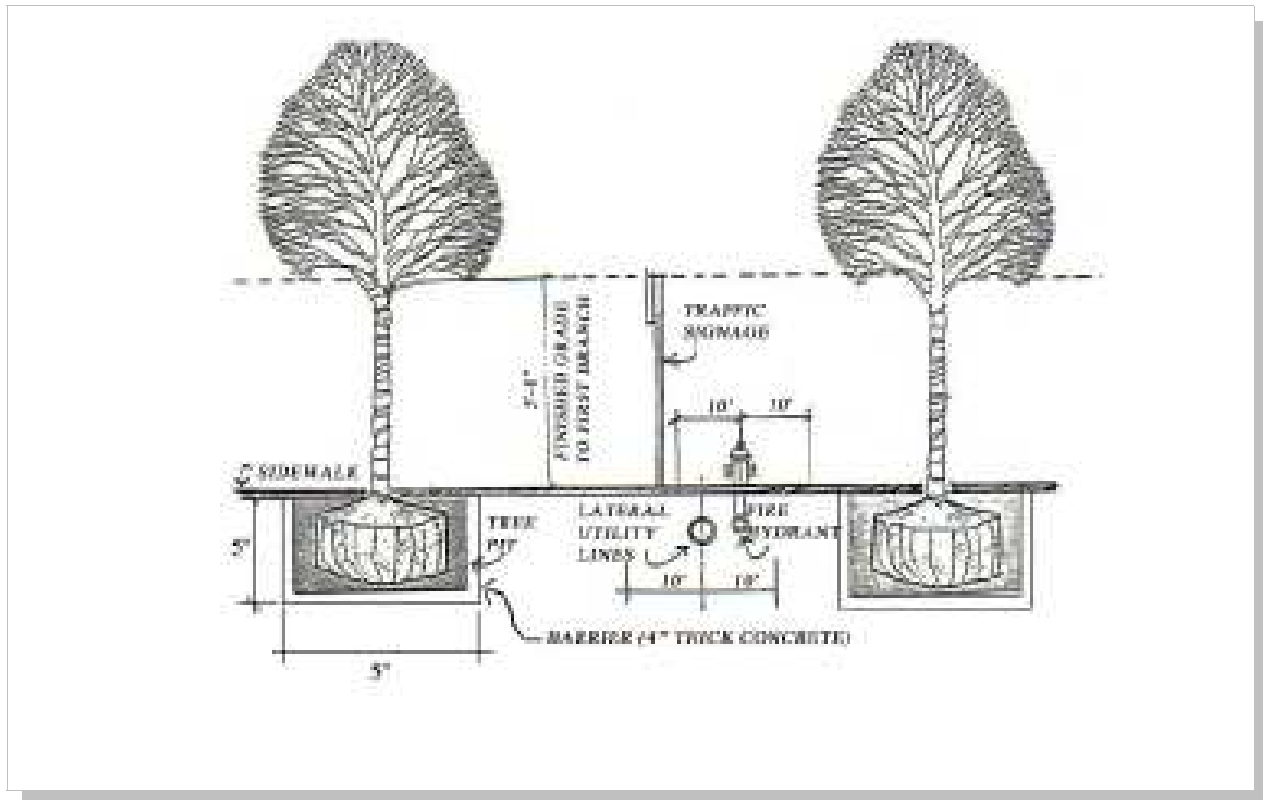
1) Quality: Plant materials used in conformance with provision of this Chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

2) Deciduous trees: Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen (15) feet in Southwest Ohio and having trunks which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. Group A and Group B trees shall have a minimum caliper of two and one-half (2 1/2) inches measured six (6) inches above grade. Group C trees shall have a minimum caliper of two (2) inches measured six (6) inches above grade. Trees planted within driveway and street sight triangles shall have a minimum of five (5) feet of clearance between grade and the first branch.

Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing

dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four inch thick, reinforced concrete (See Figure 11).

**FIGURE 10: TREE SPACING ADJACENT TO UTILITIES**



3) Evergreen trees: Evergreen trees shall be a minimum of six feet high.

4) Shrubs and hedges: Shall be at least two (2) feet for Vehicular Use Area Perimeter Landscaping and three (3) feet for Property Perimeter Landscaping, in average height when planted.

5) Shrubs & Hedges: Shall be at least two (2) feet for Vehicular Use Area Perimeter Landscaping and three (3) feet for Property Perimeter Landscaping, in average height when planted.

6) Vines: Shall be at least fifteen (15) inches in length at planting, and are generally used in conjunction with walls or fences.

7) Grass or ground cover: Grass of the fescue (*Gramineae*) or bluegrass (*Poaceae*) family shall be planted in species normally grown as permanent lawns in Southwest Ohio, and may be sodded or seeded; except in sales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clear and free of weeds and noxious pests or disease. Ground cover shall be planted in such a manner as to present a finished appearance and seventy five percent (75%) of complete coverage after complete growing seasons.

#### **Summary of Plant Material Specifications**

Plant Type	Minimum Caliper*	Minimum Height	Minimum Spread	Minimum Length

Deciduous Trees**, *** Group A Group B Group C	2½ in. 2½ in. 2 in.	5 ft. to first branch 5 ft. to first branch 4 ft. to first branch	– – –	– – –
Evergreen Trees	3 inches	6 feet	3 feet	–
Shrubs & Hedges**** Property Perimeter VUA Perimeter ***** VUA Interior *****		3 feet 2 feet 2 feet		
Vines				15 inches

\* Measured 6 inches above grade.

\*\* Five (5) feet of clearance required between ground and first branch in site clearance zones in driveway and street intersection site triangles.

\*\*\* The height of the first branch of any tree in landscape islands in vehicular use areas shall be at least five (5) feet.

\*\*\*\* Bushes and shrubs planted within five (5) feet of sidewalks, pedestrian paths or similar routes shall not exceed thirty inches in height at full maturity.

\*\*\*\*\* "VUA" means Vehicular Use Area.

### C) **Maintenance and Installation:**

1) **Water:** Irrigation is encouraged but not required. All landscape areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within 100 feet of all landscape material to be established and maintained.

2) **Off-season planting requirements:** If an approved development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee, such as a bond or a letter of credit, to ensure installation of required landscaping in the next planting season.

3) **Design:** Continual maintenance and upkeep of buildings and grounds are necessary to realize the full benefits of good site design. The selection of materials in site and building design is perhaps one of the most important phases in the design process. Materials shall be selected for their longevity, durability and ease of maintenance as well as their appearance. Detailed site and building design shall be considered, avoiding design configurations and features that may accumulate debris, leaves, trash, dirt and rubbish.

4) **Maintenance and replacement:** All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. The owner of the property shall also maintain the landscape design and materials in quantity and quality according to the Landscape Plan approved by the Zoning Commission. All unhealthy, dead, or defective plant material shall be replaced within thirty (30) days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. Violation of these installation and maintenance provisions shall be grounds for refusal to grant a building occupancy permit.

**D) Pruning and Growth Inhibitors:** Landscaping materials used to fulfill these Code requirements, or conditions or approval, as authorized by the Trustees, Zoning Commission, Board of Zoning Appeals, or other appropriate body may not be pruned or otherwise treated so as to reduce overall height or level of opacity required. Landscape materials are intended to grow, spread and mature over time; and pruning and other inhibiting measures including removal may only be practiced to insure the public safety, to maintain a neat and attractive appearance and top reserve the relative health of the material involved.



The use of growth inhibitors is not permitted to be used on any plant material used to fulfill Ordinance requirements or conditions of approval.

## **SECTION 32.07**

### **STREET TREE REQUIREMENTS**

**A) Control of Trees Invested in the Trustees:** The Board of Trustees, or its designee, are hereby given full jurisdiction, authority, control, supervision and direction of all trees which now or which may hereafter exist upon any public place in the Township, and over all trees which exist upon any private property in the Township when, in its opinion, such trees reasonably constitute a menace to public property, public safety or public welfare of the Township. The Trustees are also given full jurisdiction, authority and control in connection with the issuing of permits hereinafter provided for. In the exercise of any or all of the powers herein granted, the Trustees shall have the authority to delegate all or such part of his power and duties with respect to supervision and control of trees to its subordinates and assistants in the employ of the Township as they may determine from time to time.

**B) Street Tree and Public Tree Requirements:** The following are requirements for the planting, pruning and removal of trees within Township-owned property. For the purposes of this section, Township-owned property shall include all public rights-of-way, streets, alleys, parks, cemeteries or other property owned by the Township. It shall be required that all subdividers or developers plant trees along public or private streets of their developments in such a manner, type, quantity and location as approved by the Zoning Commission and as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development.

- 1) The tree to be planted shall not be an undesirable tree species, as those listed in Appendix B.
- 2) Street trees shall be spaced and located within the treelawn as indicated in the following table and requirements:

<b>Mature Tree Height</b>	<b>Minimum and Maximum Planting Interval</b>	<b>Minimum Distance Between Tree and Street</b>	<b>Minimum Distance Between Tree and Sidewalk</b>	<b>Minimum Distance Between Tree and Bike Path</b>
Group A (Large Tree > 50 ft.)	45 ft. - 50 ft.	2.5 ft.	2 ft.	5 ft.
Group B (Medium Tree 35 ft. to 50 ft.)	35 ft. - 40 ft.	2 ft.	2 ft.	5 ft.
Group C (Small Tree < 35 ft.)	25 ft. - 30 ft.	1.5 ft.	1.5 ft.	5 ft.

- a) The minimum spacing between this and other trees shall be forty-five (45) feet for large trees, thirty-five (35) feet for medium trees and twenty-five (25) feet for small trees.
- b) The maximum spacing between trees shall be fifty (50) feet for large trees, forty (40) feet for medium trees, and thirty (30) feet for small trees.
- c) The minimum distance between the tree and the edge of the street shall be two and one-half (2½) feet for a large tree, two (2) feet for a medium tree and one and one-half (1½) feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two (2) feet for a large tree, two (2) feet for a medium tree and one and one-half (1½) feet for a small tree. Trees shall be planted five (5) feet from the edge of an existing or proposed bike path.

3) The tree location shall be at least twenty (20) feet from street intersections and ten (10) feet from fire hydrants or utility poles (see Figure 4, Figure 5, and Figure 11).

4) Small trees shall be used when planting within ten (10) feet of overhead utility wires. Small or medium trees shall be used when planting between ten (10) and twenty (20) feet of overhead utility wires.

5) The developer shall be required to maintain the trees for one (1) year after the street trees and the road right-of-way are dedicated to the Township. The same developer shall replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such one (1) year period. Another one (1) year guarantee period shall recommence for any and all trees that are replaced within the original one (1) year guarantee period. Upon completion of a street tree planting and prior to the dedication of the street trees to the Township, the developer shall contact the Township for a preliminary inspection. A final inspection shall be made at the end of the one (1) year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Township's final inspection, shall be promptly replaced at the expense of the developer.

6) The same tree genus and species shall be planted continuously down both sides of each street. Adjoining or intersecting streets shall be planted with a different tree genus and species to provide variety and prevent widespread disease.

7) The caliper measured at six (6) inches above the ground for all street trees shall be no less than two and one-half (2½) inches, except for Group C trees, which shall be no less than two (2) inches.

**C) Tree Topping:** No person shall, as a normal practice, top any tree within the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**D) Stone or Concrete Adjacent to Tree Trunk Prohibited:** No person shall place or maintain upon the ground in any public place any stone, concrete, brick or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree upon any public place in the Township, without first having obtained the written permission of the Trustees. Unless otherwise provided for, there shall be maintained about the base of the trunk of each such tree at least nine (9) square feet of open ground for a tree (three (3) inches in diameter), and for every two (2) inches of increase of such diameter, there shall be an increase of at least one (1) square foot of open ground (See Figure 12).

**E) Protection of Trees During Building Activity:** No person in charge of, or responsible for, the erection, alteration or removal of any building or structure in the Township shall permit any tree in any public place in the vicinity of such operation to stand without a good and sufficient guard or protection as shall prevent injury, damage or defacement to such tree arising out of, in connection with or by reason of such operation. The sufficiency of such guard or protection shall be determined by the Board of Trustees, or its designee, at the time of such erection, alteration or removal (See Figure 13).

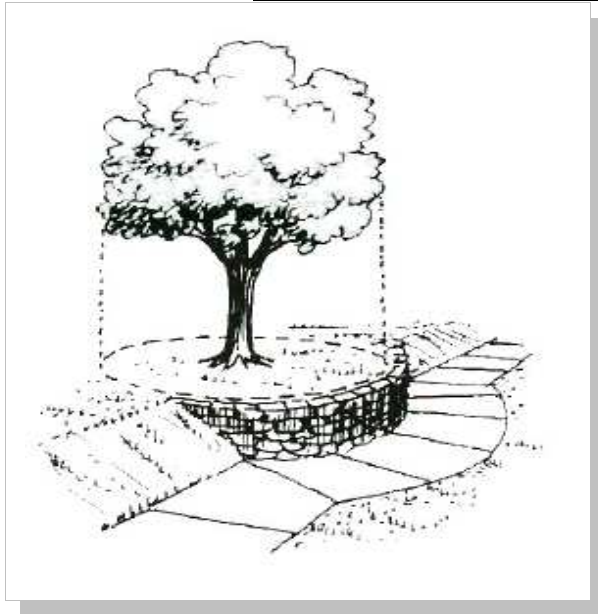
**F) Moving or Removing of Trees:** All moving or removing of trees in any public place in the Township made necessary by the moving of a building, structure or any other private enterprise shall be done with the written permission of the Trustees, and at the expense of the applicant or person seeking the moving or removal of such tree. The applicant, as one of the conditions to obtaining such permission, shall post a bond with the Township such sum as the Trustees may determine and specify to be reasonably necessary to cover all of the cost of moving and/or replacing such tree (See Figure 14).

**G) Height of Limbs over Sidewalks and Streets:** Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than five (5) feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent fourteen (14) feet above street level) that no portion of the same shall interfere with the normal flow of traffic (See Figure 15).

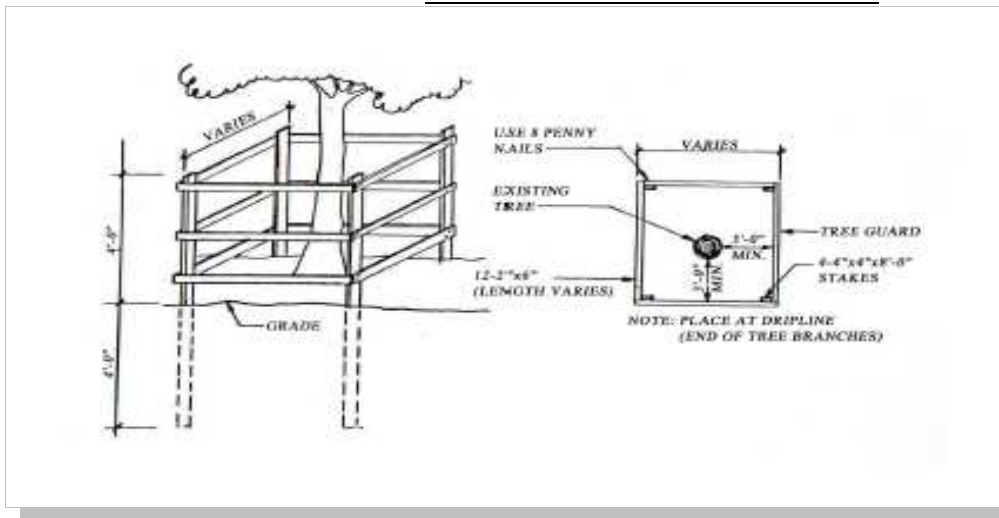
**H) Township Rights:** The Township shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes and other public grounds as may be necessary to insure public safety or to preserve or enhance the environmental quality and beauty of such public grounds. Written permission shall be obtained from the Trustees prior to commencement of work. The Township may cause or order to be removed any tree or part thereof which is in an unsafe condition or

which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any planting of street trees by adjacent property owners provided that the selection and location of the trees is in accordance with the terms of this section.

**FIGURE 11: TREE / SIDEWALK CONFLICT RESOLUTION**



**FIGURE 12: TREE PROTECTION**



**FIGURE 13: TRANSPLANTING TREE GUIDELINES**

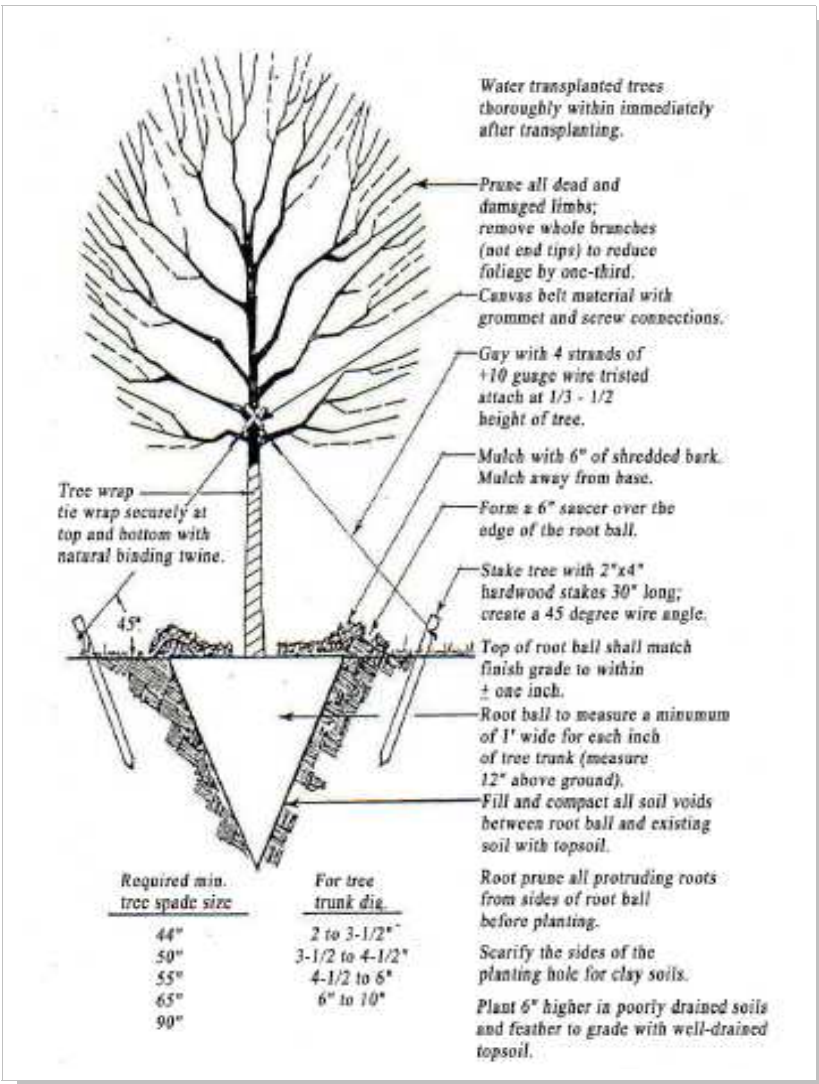
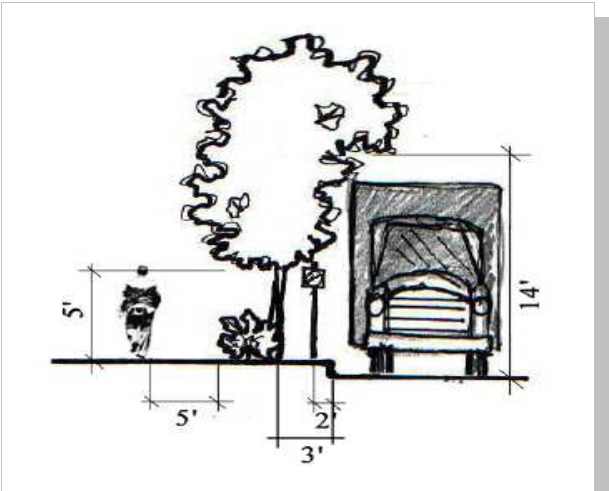


FIGURE 14: HEIGHT OF TREE LIMBS OVER SIDEWALKS AND STREETS



**1) Reducing Treelawn.** No person shall by any type of construction reduce the size of a treelawn without first procuring permission from the Trustees.

**J) Interfering With Authorized Work:** No person shall interfere with the Board of Trustees or its subordinates or assistants while engaged in or about the carrying out of the provisions of this Chapter or the doing of any of the work ordered by the Trustees to be done hereunder.

**K) Approval Requirements:**

1) No person, contractor or Township department shall hereafter plant, remove, prune, or treat with growth inhibiting measures, any tree or shrub upon any public way, street, alley, park, cemetery or other property owned by the Township without obtaining approval from the Trustees or its designee. Approval shall specify number of trees or shrubs, size, type, species, and location to be planted, pruned or removed.

2) The Trustees, shall have the authority to deny approval to any person or contractor who proposes to plant any tree or shrub upon a public way, street, alley, park or other property owned by the Township, of a size, type or species determined to be undesirable for the proposed location, or if the location is determined to be unsuitable.

3) Approval shall be valid for a maximum period of sixty (60) days unless otherwise specified. All work approved shall be completed in the time specified and in the manner described. Approval shall be considered void if the terms are violated.

4) Each location subject to approval shall be field inspected by the Zoning Inspector prior to approval or rejection. All approval for pruning of public trees shall show conformance with the *National Arborist Association Pruning Standards for Shade Trees*.

5) Utility companies shall provide written evidence to the Trustees of adherence to established guidelines (as recommended by the National Arborists Association) for line clearance work. These guidelines shall cover the following areas:

- a) Tree trimming/pruning.
- b) Tree removal.
- c) Brushing.
- d) Right-of-way clearance for new transmission conductor on private right-of-way.
- e) Chemical brush control and appropriate precautions.

6) Removal, replanting and replacement in public places:

a) Wherever it is necessary to remove a tree(s) or shrub(s) from a treelawn or other public place, as defined, in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley, or highway used for vehicular traffic, or any other reason, the Township shall endeavor to remove and replant such trees or shrubs, or replace them. No tree over twelve (12) inches in caliper or thirty (30) years in age shall be removed without prior review by the Trustees.

b) No person or adjacent property owner shall remove a tree or shrub from any Township-owned treelawn, or other public place, as defined, for any purpose.

7) Abuse or mutilation of public trees:

a) Unless specifically authorized by the Trustees, no person shall intentionally damage, cut, carve, transplant, or remove any tree or shrub; attach any rope, wire, nails, advertising posters, or other contrivance to any tree or shrub, allow any gaseous, liquid or solid

substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub.

b) No person shall excavate any ditches, tunnels, trenches, or install a driveway or sidewalk within a radius of ten (10) feet from the trunk of any public tree or shrub without first obtaining written approval from the Trustees.

8) Public tree care: The Township shall have the right to plant, prune, maintain and remove trees, plants and shrubs or portions thereof within the rights-of-way of all streets, alleys, avenues, lanes, and other public grounds, as may be necessary to insure public safety or to preserve or enhance the health of the plant material or the beauty of such public grounds.

a) The Board of Trustees or its designee may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reasons of its nature is injurious to sewers, electric power lines, gas lines, waterlines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the permission of the Trustees or designee has been granted.

b) The Township shall have the right to enter private property to access trees adjacent to public areas for the purposes of proper pruning, after reasonable prior notice has been given to the property owner. To insure that street trees thrive, private property owners are encouraged to confer with the Trustees and water the trees as needed.

9) Dead or diseased tree removal on private property: The Township shall have the right to cause the removal of any dead or diseased tree(s) located on private property within the Township and/or cause the removal of branches of trees located on private property within the Township which overhang public property, when such trees constitute a hazard to life and property, or harbor an epiphytotic disease which constitutes a potential threat to other trees within the Township. The Board of Trustees or an appropriate designee shall notify, in writing, the owners of such trees. Removal shall be done by such owner at their own expense within sixty (60) days after the date of service of written notice, unless a longer period is agreed to in writing by the Trustees or a designee, to allow time to attempt to treat and cure a salvageable, diseased tree. In the event of failure of owners to comply with such provisions, the Township shall have the authority to remove any such tree(s) and charge the cost of removal to the owner's property tax notice.

10) Removal of stumps: All stumps of street and park trees shall be removed twelve (12) inches below the surface of the ground. Stumps shall be removed or ground at the site. All residual material shall be removed from the site when the tree is removed and the site shall be

restored.

11) Contractor's Insurance: Each individual or company shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000) for bodily injury and one hundred thousand dollars (\$100,000) property damage indemnifying the Township or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

12) Workman's Compensation: Each individual, contractor or subcontractor shall provide to the Trustees or its designee evidence of Workman's Compensation Insurance.

13) OSHA Guidelines: All work in a public place or right-of-way shall be executed pursuant to OSHA guidelines and with due consideration to the safety of the workers and general public.

## **SECTION 32.08**

### **LANDSCAPE PLAN SUBMISSION AND APPROVAL**

A) Subdivision Preliminary Plats: Any developer or property owner submitting a preliminary plat for approval of a subdivision of property which is required to comply with all or part of this Landscape Code shall indicate

on the preliminary plat the landscape buffer zone and treelawn area(s) with conceptual plant materials. The developer or property owner is not required to submit the final landscape plan required by this Chapter until it applies for final plat approval.

**B) Landscape Plan Required:** For all property which is subject to the requirements of this Landscape Code, the property owner or developer shall prepare a Landscape Plan for submittal to the Zoning Commission, or as otherwise permitted, to the Board of Trustees. Final residential, commercial, office, and industrial Landscape Plans shall be submitted with, and at the same time as, an application for final plat approval, site plan approval, Planned Unit Development approval, conditional use permit applications or other matters which must be approved by Zoning Commission and the Trustees.

**C) Plan Content:** The content of the plan shall include the following:

- 1) Plot plan, drawn to an easily readable scale no smaller than one inch equals forty (40) feet; showing and labeling by name and dimensions, existing and proposed property lines, right-of-way, easements, bicycle paths, sidewalks, size and location of all buildings and structures, vehicular use areas including parking stalls, driveways, service areas, utility boxes, and dumpster pads; existing and finished grades; locations of structures on adjoining parcels and adjacent zoning; water outlets or other method of irrigation; earth mounds, walls, and fences; proposed landscape material including common and scientific name, installation size, on center planting dimensions where applicable, and quantities for all plants used; all existing trees with a caliper of six (6) inches or greater be labeled as either "To be Removed" or "To be Saved"; large clusters of trees designated by a tree line on the plan and labeled as either "To be Removed" or "To be Saved;" and the tree clearing limits and method of tree protection around trees to be saved.
- 2) Typical elevations and/or cross sections as may be required at a larger scale to adequately convey the aspects of the plan. Elevations and cross sections typically include earth mounds, decorative walls, trash enclosures, landscape islands, and building mass.
- 3) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, generally orient plan so that north is to top of plan and zoning district.
- 4) Notes shall appear on the plan stating the approved landscape materials will be maintained to meet Township standards, in good repair, and that the property owner will replace all dead and diseased plant material that were installed as part of an approved landscape plan.

**D) Building Permit and Certificate of Occupancy:** Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Zoning Inspector, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted. If the required landscaping has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.

**E) Posting of Bond or Irrevocable Letter of Credit:** After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six (6) months after the date of posting the bond or irrevocable letter of credit. The bond amount is to be determined by the Trustees, or their designee. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

**F) Procedure:** The procedure for Landscape Plan Approval shall be as follows:

- 1) Informal Procedure: Persons desiring to make alterations or additions less than twenty-five percent (25%) of the square footage, up to a maximum of 3,000 square feet, in or on existing buildings, structures or uses which are subject to this Landscape Code, shall apply to the Zoning Commission by submitting a Landscaping Plan of the property or reasonably accurate drawings of the proposed work, and such other accurate information pertaining to the proposed work as may reasonably be requested by the Zoning Commission. Under these circumstances, the landscaping to be provided is only required to the extent of the alteration or expansion and not for

the entire property. Upon receipt of such plan, drawings and information, the Zoning Commission shall, within thirty (30) days of receipt:

- a) Make a determination as to whether the applicant meets the requirements for the informal procedure.
- b) Determine that the proposed plan presents a unique or particularly complex question, in which case he shall so advise the applicant and require the applicant to submit his application to the Zoning Commission for the Formal Procedure below.
- c) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the Zoning Commission, is in conformance with this Landscape Code, and issue a written approval of the plan.
- d) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the Zoning Commission, is not in conformance with this Landscape Code and deny approval of the plan and send written notice of denial to the applicant along with the reasons for denial. The applicant shall then have such right to appeal the Zoning Commission's determination to the Board of Zoning Appeals.

2) **Formal Procedure:** For all property which is subject to the requirements of this Landscape Code, and which exceeds the restrictions for the Informal Procedure above, landscaping shall be required for the entire lot or lots, and the procedure for Landscape Plan approval shall be as follows:

- a) **Final plat approval:** For property which is otherwise subject to the requirements for final plat approval required by Warren County Rural Planning Commission, Final or Record Plat Procedures and Requirements, the landscaping plan shall be submitted along with the final plat and shall be reviewed as part of the final plat review.
- b) **Site plan approval:** For property which is otherwise subject to the requirements for site plan approval, the Landscaping Plan shall be submitted along with the application for site plan approval and shall be reviewed as part of the site plan review.
- c) **Conditional use approval:** For property which is otherwise subject to the requirements for a conditional use permit, the Landscaping Plan shall be submitted along with the application for the conditional use permit and shall be reviewed as part of the conditional use permit application.

## **SECTION 32.09**

### **APPEALS AND MODIFICATIONS**

**A) Appeals:** If Zoning Commission and the Board of Zoning Appeals disapproves a landscape plan submitted by any person, such person may appeal such decision within thirty (30) days of such decision by filing a petition with the Court of Common Pleas of Warren County, Ohio as an appeal pursuant to the Ohio Revised Code provisions regarding administrative appeals.

**B) Modifications:** Upon the request of any person, the Zoning Commission may approve applications of submitted landscape plans from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter would detract from the



stated purpose of this Chapter. A request for a modification shall be submitted to the Zoning Commission and shall be heard at a regularly scheduled Board of Trustees meeting. Zoning Commission shall decide the issue within a reasonable time after the hearing. In evaluating a request for a modification, the Zoning Commission shall include, but not be limited to, the following criteria:

- 1) Specific condition(s) exist which are unique to the applicants land;
- 2) The manner in which strict application of this Chapter would deprive the applicant a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone;
- 3) The unique conditions and circumstances are not self-created after the adoption of this Chapter; and
- 4) Reasons that the variance shall preserve, not harm the public safety and welfare, and shall not alter the essential character of the neighborhood.
- 5) The fact that the agreed upon landscape plan substantially complies with the terms and stated purpose of this Chapter.

### **SECTION 32.10**

#### **VIOLATIONS AND ENFORCEMENT**

**A) Violations and Enforcement:** No person shall use, construct, change, modify or maintain any property in violation of the provisions of this Chapter. Without limitation, the Township shall enforce compliance with the provisions of this Chapter by criminal action, civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, refusal of occupancy permit and any other enforcement procedure or measure available to the Township under law.

### **SECTION 32.11**

#### **PENALTY**

**A) Penalty:** Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100.00 for each offense. Each and every day during or on which a violation occurs or continues shall be deemed to be a separate offense.

## **APPENDIX A**

### **PLANTING MANUAL FOR STREET TREES**

**PURPOSE:** The purpose of the Planting Manual is to describe planting techniques which will increase the success of street tree establishment. This guide will provide information to landscape contractors, nurserymen, horticulturists, residents, developers and landscape architects.

**TIME OF YEAR:** The time of planting is critical to take advantage of the vigorous state of the tree's roots and available soil moisture. Acceptable planting periods are from March 1 to December 31.

**PLANT QUALITY:** Plants shall be nursery grown under good horticultural practices in similar climatic conditions to Salem Township, Ohio and meet current standards set by the *American Association of Nurserymen*. The certificate of origin must be available upon request. Trees shall exhibit outstanding form, be free of diseases, insects and/or damage. Trees shall be handled carefully, avoiding bruising and scarring of the trunk. Each tree shall be labeled indicating genus, species and cultivar. The label shall be removed after planting.

**TREE PLACEMENT:** Street trees shall be placed in accordance with the requirements of Chapter 32, meeting space requirements and minimum size of the tree lawn. The spacing between large, trees (mature height > 50') is 45'-50', medium trees (mature height 30'-50') is 35'-40' and small trees (mature height 10'-30') is 25'-30'. Tree location shall be at least 20' from street intersections and 10' from fire hydrants or utility poles. Tree lawn size must accommodate the mature size of the tree planted. Large trees shall be placed in tree lawns of > 7', medium trees in tree lawns of 4'-7', and small trees in tree lawns of 3'-4' in width.

**UNDERGROUND UTILITIES:** The Ohio *Utilities Protection Service* shall be notified two (2) working days before street tree planting begins. Call toll free 1-800-362-2764.

**PLANTING TECHNIQUES:**

1. Size of the Planting Pit: The planting pit shall be 12" larger than the rootball on all sides and approximately the same depth as the rootball dimensions.
2. Positioning the Tree: The pit shall be dug to a depth which positions the tree approximately the same grade level at which the tree was grown. In heavy clay soils, trees shall be planted 1-3" higher than grade level. The tree shall be straightened and stabilized.
3. Backfill: Backfill shall consist of 3/4 soil excavated from the planting pit and 1/4 granulated peat moss or aged compost marbled throughout.
4. Water: The planting pit shall be flooded with clean water when 2/3's of the pit is backfilled and again when backfilling is completed to insure proper root-to-soil contact.
5. Saucer: An earthen saucer shall be constructed on the outer edge of the rootball.
6. Mulch: The entire saucer shall be covered with 2" to 3" of bark mulch. Bark mulch shall be kept away from the base of the tree.
7. Pruning: Approximately 1/4 of the crown shall be removed to compensate for root loss. Pruning shall maintain the natural shape of the tree. Under no circumstances shall the central leader of the trunk be cut back. Street trees shall be limbed up so as not to interfere with pedestrian or vehicular traffic. Each pruning cut shall be properly made, leaving the branch collar intact.

**GUARANTEE:** Street trees shall be maintained and guaranteed for a period of one (1) full year by the subdivision developer. The one (1) year guarantee period shall commence on the date the road right-of-way is dedicated. Upon completion of a street planting, the landscape contractor shall contact the Zoning Inspector for inspection. The Final Inspection shall be made at the end of the one (1) year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Zoning Inspector, shall be promptly replaced at the expense of the developer.

**CARE:** All routine maintenance, including watering, fertilizing, insects and disease control, tightening guy wires or straightening trees shall be the responsibility of the developer during the guarantee period. Once the street tree planting has passed the Township's Final Inspection at the end of the one (1) year guarantee period, the property owner shall assume responsibility for all trees along their frontage within the public right of way.

**APPENDIX B****UNACCEPTABLE TREES FOR STREET TREE USE**

<b>COMMON NAME</b>	<b>SCIENTIFIC NAME</b>
Box Elder	<i>Acer negundo</i>
Norway Maple	<i>Acer plantnoides</i>
Black Alder	<i>Alnus plutinosa</i>
Silver Maple	<i>Acer saccharinum</i>
Buckeye Horsechestnut	<i>Aesculus species</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Paper Birch	<i>Betula papyrifera</i>
European White Birch	<i>Betula pendula</i>
Northern Catalpa	<i>Catalpa Specopsa</i>
Ginko (female)	<i>Ginko Biloba</i>
Osage-orange	<i>Maclura pomifera</i>
Apple	<i>Malus pumila</i>
Mulberry	<i>Morus species</i>
Popular	<i>Populus species</i>
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>
Upright English Oak	<i>Quercus robur 'fastigiata'</i>
Black Locust	<i>Robinia pseudoacacia</i>
Willow	<i>Salix species</i>
European Mountain Ash	<i>Sorbus aucuparia</i>
Moline American Elm	<i>Ulmus americana 'Moline'</i>
Siberian Elm	<i>Ulmus pumila</i>

**APPENDIX C****RECOMMENDED TREES FOR SALEM TOWNSHIP**

Recommended Trees for Salem Township, Ohio is designed to encourage an imaginative selection of landscape trees. Careful selection will prevent an over-dependence on a few species. This compilation will be useful to residents, nurserymen, horticulturists, landscapers, developers and landscape architects. Planting and maintaining a diverse urban forest is the goal of the Township's tree programs. This idea is reflected in Landscape Plan approval by Salem Township Zoning Commission.

Along an individual street, uniform street tree plantings are desirable. However, over-use of a few species is inevitable without a conscious effort to vary plant species and families. Diversity is achieved in the Township by varying species selected for each street. Deviations from the recommended list are permitted with the approval of Zoning Commission.

This list is divided into three size categories: large trees which mature at a height of 50 feet or more (Group A); medium trees reaching a mature height of between 30 and 50 feet (Group B); and small trees which range from 10 to 30 feet at maturity (Group C). Treelawn sizes must accommodate the tree size planted: Group A (>7 ft.); Group B (4-7 ft.); and Group C (3-4 ft.). Use under utility lines is limited to small trees, although medium trees may be planted as close as 10 lateral feet to utility lines.

The approximate mature height and diameter of each tree's crown are given.

Trees are alphabetized by their scientific name with the common name given. Cultivars best suited to Southwest Ohio are also provided. An asterisked entry indicates a tree which is unsuitable for planting within 15 lateral feet of a sidewalk, bicycle path or street. Habit refers to the three-dimensional form of the tree.

The tree's relative tolerance to insects, diseases, pollution, and soil conditions are signified by either a "Y", meaning yes, it is tolerant; "N" meaning no, it is not tolerant; or "-", meaning no information is available from these sources. These comments also pertain to any other notable characteristic of the tree.

**Number of Varieties per Street:** As a rule, streets are more attractive when they contain only one kind of tree. In new allotments where an entire street is to be planted, it is suggested that the property owners agree on a single variety. Although the planting along one street may be of a single variety, any one community should have a dozen or more kinds. The use of several varieties adds interest to the street-tree plantings of the Township and insures against the loss of all trees in case of an epidemic disease striking any one species. The International Society of Arboriculture's "Diversification Formula" will be used as a guideline to prevent over-planting of a single tree species or family. This formula states that, out of the total tree planting, no more than ten percent (10%) should be from one family, and no more than five percent (5%) should be of one species.

**Where to Obtain Trees:** The Township recommends that trees be nursery grown in accordance with good horticultural practices, and grown under climatic conditions similar to those in Southwest Ohio for a minimum of two years. Trees shall meet current standards set by the American Association of Nurserymen and shall be freshly dug, have outstanding form and be free of disease, insects and/or damage.

**Planting and Care:** It will be more satisfactory to engage a nurseryman, arborist or someone familiar with tree care to do the planting. If the property owner does the planting, he/she should familiarize himself/herself with the requirements of successfully transplanting trees. Information on shade tree planting and care can be obtained from, the *Ohio Department of Natural Resources, Division of Forestry, Columbus, Ohio*; the *Agricultural Extension Service, The Ohio State University, Columbus, Ohio*; or the *Ohio Agricultural Research and Development Center, Wooster, Ohio*. Proper watering is extremely important for trees the first two years following transplanting. During dry periods, add enough water to soak the soil to root depth once a week. Transplanted trees can be over watered; if the soil is heavy and drains poorly, the trees can be injured by too much water as well as too little. Bark mulch applied to the soil around the tree will help conserve moisture.

### **LARGE DECIDUOUS TREES (50 FT. OR GREATER) - Group A**

Common Name	Scientific Name	Cultivar	Height (ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/diseases	Pollution	Dry Soil	Damp Soil	
Red Maple	<i>Acer rubrum</i>	'Autumn Flame' 'October Glory' 'Red Sunset'	40-60	40-50	ovoid to globular	Y	N	N	Y	suffers in urban environment; outstanding fall color
Sugar Maple	<i>Acer saccharum</i>	'Green Mountain' 'Legacy'	60-75	50-60	ovoid to globular	Y	N	N	N	attractive fall color
Sugar Hackberry	<i>Celtis laevigata</i>		60-80	50-60	globular	Y	Y	Y	Y	smooth bark

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Katsura Tree	<i>Cercidiphyllum japonicum</i>		40-60	30-50	obovoid	Y	Y	N	Y	single or multi-stemmed; fall color an interesting apricot
Hardy Rubber Tree	<i>Eucommia ulmoides</i>		40-60	40-70	conical to globular	Y	Y	Y	Y	dark green canopy
White Ash	<i>Fraxinus americana</i>	'Autumn Applause' 'Autumn Purple'	50-80	40-70	irregular to globular	N	-	N	Y	beautiful fall color
Green Ash	<i>Fraxinus pennsylvanica</i>	'Marshall's Seedless' 'Summit'	50-60	30-40	irregular to globular	N	-	Y	Y	
Autumn Gold Ginkgo	<i>Ginkgo biloba</i>	'Autumn Gold'	50-80	30-60	conical -globular	Y	Y	Y	Y	a male variety which does not fruit
Kentucky Coffee Tree*	<i>Gymnocladus dioica</i>		60-75	40-50	irregular to ovoid	Y	Y	Y		fruit may be objectionable; coarse texture
Sweetgum	<i>Liquidambar styraciflua</i>	'Moraine'	60-75	40-50	conical - globular	Y	N	N	Y	messy star-shaped fruit
Larch	<i>Larix decidua</i>		70-75	20-30	conical	N	N	N	Y	deciduous conifer
Swamp White Oak	<i>Quercus bicolor</i>		50-60	50-70	ovoid	Y	Y	Y	Y	attractive scaly bark
Scarlet Oak	<i>Quercus coccinea</i>		70-75	40-50	globular	N	N	Y	N	red fall color
Shingle Oak	<i>Quercus imbricaria</i>		50-60	50-70	conical	Y	Y	Y	Y	leaves retained into winter
Red Oak	<i>Quercus rubra</i>		60-75	40-50	ovoid to globular	Y	Y	Y	Y	russet-red fall color
Shumard Oak	<i>Quercus shumardii</i>		70-75	40-50	ovoid to globular	Y	Y	Y	Y	a replacement for pin oak
Sassafras	<i>Sassafras albidum</i>		30-60	25-40	Conical-irregular	Y	Y	Y	Y	<b>outstanding fall color</b>
Bald Cypress	<i>Taxodium distichum</i>		50-70	20-30	conical	Y	Y	Y	Y	characteristic knees develop in wet soil
Redmond Linden	<i>Tilia americana</i>	'Redmond'	40-60	25-30	ovoid	N	Y	Y	Y	Japanese beetles may attack foliage
Silver Linden	<i>Tilia tomentosa</i>		50-70	30-40	ovoid	N	Y	Y	Y	Japanese beetles may attack foliage
Lacebark Elm (Chinese Elm)	<i>Ulmus parvifolia</i>		40-50	30-40	obovoid	Y	Y	Y	Y	exquisite mottled bark; resistant to Dutch Elm disease
Urban Elm	<i>Ulmus X</i>	'Urban Elm'	50-70	25-40	obovoid	Y	Y	Y	Y	resistant to Dutch Elm disease

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**MEDIUM DECIDUOUS TREES (30 - 50 FT.) - Group B**

Common Name	Scientific Name	Cultivar	Height (ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/disease	Pollution	Dry Soil	Damp Soil	
Hedge Maple	<i>Acer campestre</i>		25-35	20-35	globular	Y	Y	Y	Y	dense canopy
American Yellowwood	<i>Cladrastis lutea</i>		30-50	40-55	obovoid	N	N	Y	-	white flowers; select those with wide branch angles
Turkish Filbert*	<i>Corylus colurna</i>		40-50	30-40	ovoid to conical	Y	Y	Y	Y	produces nuts in a sticky husk that are a delicacy to squirrels

## SALEM TOWNSHIP LANDSCAPE CODE

Thornless Honeylocust	var. inermis <i>Glenditsia triacanthos</i>	'Imperial' 'Moraine' 'Shade master' 'Skyline'	35-50	20-35	irregular to globular	N	Y	Y	Y	over planted, use moderately; delicate form
Goldenraintree	<i>Koelreuteria paniculata</i>		30-40	30-50	globular	Y	Y	Y	Y	course texture
Black Gum (Sour Gum)	<i>Nyssa sylvatica</i>		30-50	20-30	conical to ovoid	Y	-	Y	Y	brilliant fall color
American Hophornbeam (Ironwood)	<i>Ostrya virginiana</i>		25-40	20-35	conical	Y	-	Y	Y	transplant in spring
Amur Cork Tree	<i>Phellodendron amurense</i>		30-45	30-50	obovoid	Y	Y	Y	Y	Plant male only; broad-spreading
Sargent Cherry	<i>Prunus sargentii</i>	'Columnaris'	40-50	30-45	globular	Y	-	-	-	stately bark; lovely early pink blossoms
Callary Pear	<i>Pyrus calleryana</i>	'Aristocrat' 'Chanticleer' 'Red Spire'	30-50	20-35	conical to ovoid	Y	Y	Y	Y	commonly planted 'Bradford' exhibits poor branch structure leading to splitting
Sawtooth Oak	<i>Quercus acutissima</i>		35-45	35-45	ovoid to globular	N	-	Y	N	chestnut-like leaf shape

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### **SMALL DECIDUOUS TREES (10-30 FT.) - Group C**

Common Name	Scientific Name	Cultivar	Height (ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/disease	Pollution	Dry Soil	Damp Soil	
Trident Maple	<i>Acer buergerianum</i>		20-30	20-25	globular	Y	Y	Y	N	dark green leaf
Amur Maple	<i>Acer ginnala</i>		15-20	10-20	ovoid to globular	Y	Y	Y	Y	grown multi-stemmed or as a single trunk
Paperbark Maple	<i>Acer griseum</i>		20-30	10-30	globular to ovoid	Y	-	N	Y	unequaled bronze, exfoliating bark

SALEM TOWNSHIP LANDSCAPE CODE

Serviceberry	<i>Amelachier arborea</i>		15-25	7-10	obovoid	Y	N	Y	Y	early white flowers; delicate form; single or multi-stemmed
Fringe Tree	<i>Chionanthus virginicus</i>		10-20	10-20	obovoid	Y	Y	Y	Y	fragrant, white flowers; lovely tree when single-stemmed
Thornless Cockspur* Hawthorn	<i>var. inermis Crataegus crus-galli</i>	'Crusader'	20-30	20-35	globular	N	Y	Y	Y	most cockspurs are dangerous, however, this one lacks thorns
Lavalle Hawthorn*	<i>Crataegus lavellei</i>		15-30	10-25	globular	N	Y	Y	Y	nearly thornless; showy red fruit
Washington Hawthorn*	<i>Crataegus phaenopyrum</i>		25-30	20-25	globular	N	Y	Y	Y	thorns; red fruit persists into winter
Dotted Hawthorn*	<i>Crataegus punctata</i>	'Ohio Pioneer'	25-30	25-35	globular	N	Y	Y	Y	few thorns; attractive bark; large 1" fruit
Winter King Hawthorn*	<i>Crataegus viridis</i>	'Winter King'	20-30	15-30	globular	N	Y	Y	Y	few thorns; fruit persists into winter; attractive bark
Crabapple	<i>Malus</i>	'Adams'	20-25	-	globular	Y	Y	-	-	reddish pink flowers; red fruit
		'Spring Snow'	20-25	-	obovoid	Y	-	-	-	white flowers; red fruit
		'Sugar Tyme'	18	15		Y	Y	-	-	profuse white flowers; orange-red fruit; fire-blight in nearby states
		'Snow Drift'	15-25	-	globular					
Japanese Tree Lilac	<i>Syringa reticulata</i>	'Ivory Silk'	20-30	15-25	obovoid	Y	Y	N	N	dark green leaf
Blackhaw Viburnum	<i>Viburnum prunifolium</i>		12-15	8-12	globular	Y	Y	Y	Y	blue-black fruit; prune to a tree form

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**EVERGREEN TREES - Group D**

Common Name	Scientific Name	Cultivar	Height (ft.)	Spread (ft.)	Habit	TOLERANCE				Comments
						Insect/disease	Pollution	Dry Soil	Damp Soil	
Norway Spruce	<i>Picea abies</i>		80-100 ft.		conical	-	-	N	Y	
Serbian Spruce	<i>Picea onorika</i>		70-90 ft.		conical	-	-	-	-	
Colorado Spruce	<i>Picea pungens</i>		50-60 ft.		conical	-	-	Y	-	Very hardy

SALEM TOWNSHIP LANDSCAPE CODE

Austrian Pine	Pinus nigra		50 ft.		conical	-	-	-	-	Dense habit
Red Pine	Pinus resinosa		60-75 ft.		conical	-	-	Y	N	
Eastern White Pine	Pinus strobus		80-100 ft.		conical	-	-	-	-	
Canadian Hemlock	Tsuga canadensis		90 ft.		conical	-	-	-	Y	