

**CIRCLEVILLE TOWNSHIP  
PICKAWAY COUNTY, OHIO**

**ZONING RESOLUTIONS**

**Adopted January 21, 1992**

**Revised March 15, 2004**

**Revised November 2022**

**CIRCLEVILLE  
T O W N S H I P  
ZONING RESOLUTION**

# CIRCLEVILLE

## T O W N S H I P

### ZONING RESOLUTION

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**PART ONE**  
**GENERAL PROVISIONS**

**ARTICLE I**

**AUTHORIZATION AND PURPOSE**

**Section 1.01 Title**

This Resolution shall be known and may be cited as the:

**ZONING RESOLUTION of  
CIRCLEVILLE TOWNSHIP, PICKAWAY COUNTY, OHIO**

Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Resolution as those governing the interpretation of the Ohio Revised Code.

**Section 1.02 Purpose**

The Board of Township Trustees hereby find it necessary, and beneficial to the residents of Circleville Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare by the following:

- regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein
- restricting the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers
- controlling the bulk, height, density, and location of buildings
- securing the most appropriate use of land
- protecting and preserving existing natural resources.
- assuring the orderly growth and development of lands,

all in accordance with existing and adopted plan(s) for the Township and as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

**Section 1.03 Applicability and Limitations**

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Circleville Township, Pickaway County, Ohio.

**Section 1.04 Interpretation and Consistency**

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal,

amend, modify, alter or change any other law, resolution or regulation of Circleville Township, or part thereof, not specifically repealed, amended, modified, altered or changed herein.

#### **Section 1.05      Limitations and Exceptions**

Pursuant to Section 519.21 of the Ohio Revised Code (ORC), the zoning authority of Circleville Township shall be limited as follows:

- A. Except as otherwise provided in Article XXVI of this Resolution, nothing contained herein shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.
- B. Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for operation of its business.
- C. Nothing contained in this Resolution shall be interpreted to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- D. Nothing contained in this Resolution shall be interpreted to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

#### **Section 1.06      Relationship to Private Covenants and/or Restrictions**

The standards and requirements of this Resolution are separate and independent from any private covenants, deed restrictions or other private contractual arrangements relating to the development of land within Circleville Township. Circleville Township is in no way responsible for the enforcement of such private covenants or restrictions, and nothing in this Resolution shall be interpreted to imply any such responsibility.

#### **Section 1.07      Separability**

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

**PART TWO**  
**ADMINISTRATION AND ENFORCEMENT**

## ARTICLE II

### DEFINITIONS

#### Section 2.01 Interpretation

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". Terms such as "he", "she", "him" and "her" shall be interpreted as "he/she" and "him/her" and otherwise considered gender neutral.

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

#### Section 2.02 Definitions

**"Accessory use"** means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

**"Accessory building"** or **"accessory structure"** means a building or structure occupied by an accessory use.

**"Administrative and business offices"** means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

**"Agricultural use"** means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**"Building"** means a structure with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

**"Height of building"** means the vertical distance from the average grade surrounding the building to the highest point of the roof.

**"Building line"** means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly

from the front lot line, defining the limits of a front yard in which no building or structure may be located.

**“Business services”** means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

**“Cemetery”** means land used or intended to be used for the burial of human dead.

**“Clinic, Human”** means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

**“Conditional use”** means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article IX of this Resolution.

**“Development”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**“District”** means a part, portion, zone or geographic area within Circleville Township within which certain development standards, as delineated by this Resolution, apply.

**“Dwelling”** or **“residence”** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**“Single family dwelling”** or **“single family residence”** means a building designed for or occupied exclusively by one family.

**“Two-family dwelling”** or **“two-family residence”** means a building designed for or occupied exclusively by two families living independently.

**“Multiple-family dwelling”** or **“multiple-family residence”** means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

**“Federal Emergency Management Agency (FEMA)”** means the agency with the overall responsibility for administering the National Flood Insurance Program, including the local Pickaway County Flood Plain Administrator.

**“Flood”** or **“flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

**“Flood Insurance Rate Map (FIRM)”** means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Circleville Township and/or Pickaway County

**“Floodway”** means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**“Floor area”** of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

**“Frontage”** or **“lot frontage”** means the distance of that portion of the lot that directly abuts the street, and has direct access thereto.

**“Group Residential Facility”** means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

**“Class I group residential facility”** means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

**“Class II group residential facility”** means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

**“Home occupation”** means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 26.03 of this Resolution.

**“Hospital”** means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

**“Lot”** means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

**“Corner lot”** means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

**“Lot coverage”** means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

**“Front lot line”** means that lot line which runs along the frontage boundary line of the lot.

**“Rear lot line”** means that lot line which is opposite and furthest removed from the front lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

**“Side lot line”** means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

**“Lot of record”** means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Pickaway County, Ohio, as of the effective date of this Resolution.

**“Minimum area of lot”** means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**“Lot width”** is the width of a lot as measured along the front lot line that abuts a publicly dedicated and improved thoroughfare.

**“Manufactured Home”** shall mean a building unit or assembly of closed construction fabricated in an off-site facility, that 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* and has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**“Manufactured Home Community”** shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

**“Modular Home”** means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes

**“Mobile Home”** shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the *Federal Manufactured Housing Construction and Safety Standards Act of 1974*, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

**“Nonconforming use”** means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

**“Nursery”** or **“Day care center”** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

**“Nursing home”** includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

**“Off-street parking space”** means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

**“Portable Storage Unit”** means a non-permanent, non-habitable, self-contained unit, including open top dumpsters and bagsters, designed for placement on and subsequent removal from a property which can be transported by vehicle and left on-site for the purpose of facilitating the storage of personal property.

**“Permanent foundation”** means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

**“Permanently-sited manufactured home”** shall mean a manufactured home that meets all of the following criteria:

- (1) the structure is affixed to a permanent foundation as defined above and is connected to appropriate facilities, and
- (2) the structure, excluding any additions, has a width of at least twenty-two (22) feet at one point, a length of twenty-two (22) feet at one point, and a total living area of at least 900 square feet, excluding garages, porches and/or attachments, and
- (3) the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering, and
- (4) the structure was manufactured after January 1, 1995, and
- (5) the structure is not located in a manufactured home community.

**“Person”** means any individual, corporation, company, business, partnership, association or legal entity.

**“Personal services”** means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

**“Professional offices”** means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

**“Recreational facilities”** means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

**“Restaurant”** means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

**“Retail store”** means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

**“Right-of-way”** means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges. Utility easements shall not be considered rights-of-way for determining front, side or rear setbacks or lot coverage in the various zoning districts.

**“Similar use”** means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Resolution.

**“Street”, “road” or “thoroughfare”** means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

**“Structure”** means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. “Structure” does not include fences, but shall include mobile or manufactured buildings.

**“Structural alteration”** means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

**“Telecommunications Tower”** Any free standing structure or any structure to be attached to a building or other structure that meets all the following criteria

- (1) The free-standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211 (i.e. 10/31/96).

- (2) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- (3) The free-standing or attached structure is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use. Areas zoned for residential use shall include all land located with the following Zoning Districts: Farm Residential District (FR-1); Low Density Residential District (R-2); and Multi-Type Residential District (R-3).
- (4) The free standing structure is proposed to top a height that is greater than forty-eight (48) feet. In the case of an attached structure, such structure is proposed to top at a height that is eight (8) feet greater than the height of the building or other structure to which it is to be attached.
- (5) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

**"Township"** means Circleville Township, Pickaway County, Ohio.

**"Use"** means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

**"Variance"** means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**"Yard"** means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

**"Front yard"** means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

**"Rear yard"** means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

**"Side yard"** means that portion of a lot that is located between the side lot line and the nearest building or structure.

**“Zoning certificate” or “zoning permit”** means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

**“Zoning District”** means a portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

**“Zoning District Map” or “Zoning Map”** means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees, and established pursuant to Section 12.02 of this Resolution.

**“Zoning Inspector”** means the enforcement officer, hired by the Board of Township Trustees, who is charged with enforcing the provisions of this Zoning Resolution.

## ARTICLE III

### ADMINISTRATIVE BODIES AND THEIR DUTIES

#### Section 3.01 Zoning Inspector

##### 3.01.01 Office of Zoning Inspector Established

The Zoning Inspector shall enforce this Resolution. The Zoning Inspector shall be hired by the Board of Township Trustees and shall be considered an employee of the Township. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Resolution.

##### 3.01.02 Relief From Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution, is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Resolution.

##### 3.01.03 Duties of Zoning Inspector

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B. Investigate all complaints received from residents alleging illegal activity, provided such complaints are filed in writing, and report findings to the Township Trustees.
- C. Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met, or refuse to issue same in the event of noncompliance.
- D. Collect designated fees as, established by separate resolution, for zoning certificates, appeals, variances and conditional uses.
- E. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of

violation of the Zoning Resolution and action taken on same.

- F. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.
- G. Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.

**Section 3.02 Zoning Commission**

**3.02.01 Establishment**

Pursuant to Ohio Revised Code Chapter 519.04, there is hereby established a Zoning Commission in and for Circleville Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year.

Any vacancies on the Commission shall be filled by the Board of Township Trustees, consistent with the provisions of ORC 519.04.

**3.02.02 Removal of Members**

Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding the charges, and after a copy of the charges has been served upon the member so charged at least ten days before the hearing, either personally, by registered mail, or by leaving the copy at the member's usual place of residence. The hearing shall occur within sixty days after the charges are filed. The member shall be given an opportunity to be heard and answer the charges. Upon the approval of a majority of the board of township trustees, the member may be suspended from participating as a member of the zoning commission during the period of up to sixty days before the pending hearing on the removal. Vacancies shall be filled by the board and shall be for the unexpired term. A suspension authorized by this section is not a vacancy for purposes of this section.

**3.02.03 Alternate Members**

The Board of Trustees may appoint two (2) alternate members to the Zoning Commission for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board

of Trustees. An alternate member shall meet the same appointment criteria as a regular member and shall be removable upon grounds and under the same procedures as regular members. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

3.02.04 Proceedings

The Zoning Commission shall elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission, as determined by majority vote. All meetings shall be open to the public. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required for action on any specific business.

The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record, and shall be immediately filed in the office of the Commission.

3.02.05 Zoning Secretary

The Board of Township Trustees may appoint a Zoning Secretary, who shall record the minutes of the Zoning Commission and Board of Zoning Appeals, confirm information on zoning applications, maintain zoning records, assist the Zoning Inspector, and perform other such duties relating to this Resolution as deemed appropriate by the Board of Township Trustees. The Zoning Secretary shall be compensated at rates established from time to time by the Board of Township Trustees.

3.02.06 Powers and Duties

For the purposes of this Resolution, the Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

**Section 3.03 Board of Zoning Appeals**

3.03.01 Establishment

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through

519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Circleville Township, Pickaway County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

For the purposes of this Resolution, the members of the Board of Zoning Appeals existing on the effective date of this amended Resolution shall remain in office; however, the expiration dates of the terms of such members shall be arranged so as to comply with the above. Any vacancies on the Board shall be filled by the Board of Township Trustees, consistent with the provisions of ORC Sections 519.13 through 519.15.

#### 3.03.02 Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other just cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified for the members of the Zoning Commission in Section 3.02.02 above.

#### 3.03.03 Alternate Members

The Board of Trustees may appoint two (2) alternate members to the Board of Zoning Appeals for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member and shall be removable upon grounds and under the same procedures as regular members. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

#### 3.03.04 Proceedings

The Board shall organize annually and elect a Chairman. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Zoning Secretary, as established above, shall be responsible for keeping minutes and performing other administrative duties for the Board as required.

The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

3.03.05 Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, decision, or determination as ought to be made. To that end the Board shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution, or to affect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VII of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in Article V of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.06 of this Resolution

**Section 3.04 Board of Township Trustees**

The powers and duties of the Board of Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a majority vote.

**Section 3.05 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Building and Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts pursuant to Chapters 2505 and 2506 of the Ohio Revised Code.

## ARTICLE IV

### ENFORCEMENT AND PENALTY

#### Section 4.01 Zoning Certificate Required

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the Zoning Inspector until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following, subject to the limitations of Section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration, or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion, or other change of a lawful nonconforming use as regulated by Article V.

#### Section 4.02 Application for Zoning Certificate

Three (3) copies of an application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Pickaway County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is presently located.
- F. Plans in triplicate drawn to approximate scale, showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Height of proposed buildings.
- H. Number of proposed dwelling units.

- I. An approval by the Pickaway County Health Department of the proposed method of water supply and the proposed disposal of sanitary wastes prior to approval by the Zoning Inspector.
- J. Documentation that a permit for driveway installation can be obtained from the Ohio Department of Transportation or other applicable authority, if required by the specific zoning district regulations in this Resolution.
- K. Such other material and information as may be requested by the Zoning Inspector to determine conformance with, and enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application when the proposed action warrants.

**Section 4.03 Approval of Zoning Certificates**

Within thirty (30) days after receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Resolution, unless the provisions of Section 4.04 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All residential zoning certificates shall be conditional upon the commencement of work within ninety (90) days. Zoning certificates for commercial, office, industrial and institutional projects shall be conditional upon commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application.

**Section 4.04 Submission to the Director of the Department of Transportation**

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, the Zoning Inspector shall give notice, by registered or certified mail, to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition of the land is needed for such highway project, then the Zoning Inspector shall refuse to issue the Zoning Certificate for such property. If the Director of the Department of Transportation notifies the Zoning Inspector within one hundred twenty (120) days that acquisition at this time is not in the public interest, or if notification of action is not received by

the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

**Section 4.05 Record of Zoning Certificates**

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

**Section 4.06 Expiration of Zoning Certificates**

If the work described in any residential zoning certificate has not begun within ninety (90) days from the date of issuance thereof, or has not been completed within one (1) year from the date of issuance thereof, said certificate shall expire. If the work described in any commercial, office, industrial and/or institutional zoning certificate has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said certificate shall expire. For the purposes of these regulations, a building or structure shall be considered complete when a Certificate of Zoning Compliance, pursuant to Section 4.07 below, has been issued. In cases where a zoning certificate has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or an extension has been granted by the Board of Zoning Appeals.

**Section 4.07 Certificate of Zoning Compliance**

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution. Such certificate of zoning compliance may be processed as an indication of final approval on the zoning certificate.

**Section 4.08 Schedule of Fees, Charges and Expenses**

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. Copies of the schedule of fees shall be retained by the Zoning Inspector and posted in the Township offices, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

**Section 4.09 Void Zoning Certificate**

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.

Written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

**Section 4.10 Violation and Penalty**

4.10.01 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03.

4.10.02 Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and, upon finding that a violation exists, shall notify the property owner of the violation and the course of action the Zoning inspector requires of the property owner. The property owner shall have ten (10) days from the date of receipt of such notice to respond to the Zoning Inspector and take such action as may be required to remedy the violation. If such violation continues, the Zoning Inspector shall take such appropriate action thereon as may be necessary and provided for by this Resolution.

4.10.03 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each offense, and in addition shall pay all costs and expenses involved in the case. After receipt of notice of violation, each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part

thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

## **ARTICLE V**

### **NONCONFORMITIES**

#### **Section 5.01 Intent**

Within the districts established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these nonconformities to continue until they are removed and to permit reasonable extensions and improvements as allowed by law.

#### **Section 5.02 When Permitted**

##### **5.02.01 Existing Land or Buildings**

Any use of land or buildings existing on the effective date of this Resolution may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning resolution in effect in the Township at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Resolution.

##### **5.02.02 Construction Commenced**

A nonconforming building, structure or use purchased or acquired in good faith prior to the adoption of this Resolution, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Resolution, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken. Such work shall be completed within one (1) year from the date of adoption of this Resolution or amendment thereto making said use nonconforming.

#### **Section 5.03 Discontinuance**

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

**Section 5.04 Substitution**

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification. However, in any residential district, no change shall be authorized by the Board of Zoning Appeals to any use which is not a permitted or conditional use in the SR-2 District.

**Section 5.05 Extension**

No nonconforming use or structure shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit, on a one-time basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Resolution, or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure, along with the yards and other open spaces provided, are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided it meets the requirements of the adjacent or most proximate residential district.
- D. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

**Section 5.06 Damage and/or Destruction of a Nonconforming Building or Use**

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and

that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 5.05.

#### **Section 5.07 Maintenance and Repair**

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. When required by law.
- B. To convert to a conforming use.
- C. To improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements, or which would extend into any yard required in the district in which such building is located.

#### **Section 5.08 Nonconforming Lots of Record**

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Pickaway County Board of Health, and further provided that the owner of such lot does not own adjacent property, and did not own such property at the time this Resolution became effective.

If the owner(s) of such lot owns adjacent property, or owned such property at the time this Resolution became effective, then the owner(s) shall redivide such property to provide for the lot area and width requirements of the district in which the lot is located. However, if the width of the lots resulting from such redivision would exceed the required lot width in the district by more than twenty percent (20%), such redivision may be made so as to provide one (1) more lot than would otherwise be permitted.

In cases where building on a nonconforming lot occurs pursuant to the requirements above, the front, side and rear yards shall be as close as possible to the prevailing standards of the district within which the lot exists. The Board of Zoning Appeals shall have the authority to determine if the yards to be utilized are consistent with this requirement.

## **ARTICLE VI**

### **DISTRICT CHANGES AND AMENDMENTS**

#### **Section 6.01 Intent**

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

#### **Section 6.02 Initiation of Zoning Amendments**

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

- A. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

#### **Section 6.03 Contents of Application**

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and telephone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 500 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Pickaway County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other pertinent information as may be reasonably requested by the Zoning Inspector to determine conformance with, and provide for enforcement, of this Zoning Resolution.
- I. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant.

#### **Section 6.04 Submission to Pickaway County Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Pickaway County Planning Commission. The Pickaway County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

#### **Section 6.05 Public Hearing by Circleville Township Zoning Commission**

##### **6.05.01 Date of Public Hearing**

The Circleville Township Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

##### **6.05.02 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required, notice of such hearing shall be given by the Township Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days prior to the date of such hearing. The notice shall set forth the following information:

- a. The time and place of the public hearing.
- b. A statement that the hearing is being conducted by the Circleville Township Zoning Commission.
- c. A statement indicating that the proposed action is an amendment to the zoning resolution.
- d. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- e. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.

- f. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,
- g. The name of the person responsible for giving notice of the public hearing.
- h. Any other information requested by the Zoning Commission.
- i. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

#### 6.05.03 Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days prior to the date of the hearing, to all owners of property within 500 feet, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list, as provided by the applicant in Section 6.03 (F) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02 above.

#### **Section 6.06 Recommendation by Zoning Commission**

Within thirty (30) days after the hearing required in Section 6.05 above, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

#### **Section 6.07 Public Hearing by the Board of Township Trustees**

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.05 above.

#### **Section 6.08 Action by the Board of Township Trustees**

Within twenty (20) days after the public hearing required in Section 6.07 above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the majority vote of the Board of Township Trustees is required.

**Section 6.09      Criteria**

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A.      Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
- B.      The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C.      The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

**Section 6.10      Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election. Such petition must be signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected,.

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

## **ARTICLE VII**

### **APPEALS**

#### **Section 7.01 Appeals**

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

#### **Section 7.02 Notice of Appeal**

A notice of appeal may be filed with the Fiscal Officer of the Township by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Fiscal Officer of the Township shall transmit said notice to the Board of Zoning Appeals.

#### **Section 7.03 Action by the Board of Zoning Appeals**

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give ten (10) days notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Pickaway County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

## ARTICLE VIII

### VARIANCES

#### Section 8.01 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals may authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in any other districts shall be considered grounds for issuance of a variance.

- a) Public Notice – Any owner, or his/her agent may request a variance by filing a written application with the Township Zoning Inspector. The Zoning Inspector shall forward the application to the Board of Zoning Appeals. Upon receipt of the variance application, the Board of Zoning Appeals shall fix a reasonable time for the hearing of the variance, give ten (10) days written notice to the parties in interest, give notice of such hearing by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing and render a decision on the variance within a reasonable period of time following the conclusion of the hearing. The notice shall set forth the time and place of the public hearing. Parties in interest is defined as the owner of the property in question and all owners of property contiguous to, directly across the street from and within 200 feet of the property in questions, all as appearing on the Pickaway County Auditor's current tax list.
- b) Hearing and Decision – The Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate safeguards and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector who shall forward such a copy to the applicant.
- c) Approval of Variance – Except as otherwise provided for area variances in subsection (d) below, the Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:

- i) That such variance or modification will not be contrary to the public interest; and
- ii) That owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship; and
- iii) That the approval of such variance or modification thereof is consistent with the spirit of this Zoning Resolution, and substantial justice shall be done thereby.

In making the findings listed in this section, the board of Zoning Appeals shall consider all relevant factors including, but not limited to, the following:

- i) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
  - ii) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution; and
  - iii) That the special conditions and circumstances do not result from the actions of the applicant; and
  - iv) That granting the variance requested will not confer on the applicant the same effect as rezoning to another zoning district classification; and
  - v) That granting the requested variance will conform to the Circleville Township Comprehensive Plan and the spirit and intent of the Circleville Township Zoning Resolution; and
  - vii) That the requested variance is the minimum variance necessary to accomplish the purpose of the request; and
  - viii) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to persons or property in such vicinity, or injurious to private property or public improvements in the vicinity.
- d) Area Variance - The Board of Zoning Appeals shall not grant an area variance unless the property owner has encountered practical difficulties

in the use of such owner's property. The Board of Zoning Appeals shall consider all relevant factors in determining whether the applicant has encountered practical difficulties in the use of such property including, but not limited to:

- i) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- ii) Whether the variance is substantial.
- iii) Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- iv) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
- v) Whether the property owner purchased the property with knowledge of the zoning restriction.
- vi) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- vii) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

#### **Section 8.02 Application for Variance**

Any owner, or his/her agent, may file an application to obtain a variance. An application for a variance shall be filed with the Zoning Inspector. Ten (10) copies of the application for a variance shall be provided to the Zoning Inspector. The Clerk shall forward such application to the Secretary of the Board of Zoning Appeals upon receipt of the completed application.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Pickaway County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.

- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.
- F. A narrative statement explaining the following:
  - 1. The use for which variance or appeal is sought.
  - 2. Details of the variance or appeal that is applied for, and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
  - 3. The specific reasons why the variance is justified, according to Section 8.01 above.
- G. Fee(s) as established by the Board of Township Trustees.

**Section 8.03 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals may hold a public hearing within thirty (30) days after receipt by the Secretary of an application for a variance. If such a hearing is held, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. An applicant or party in interest may seek relief of the Board of Zoning Appeals decision through the Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506.

## **ARTICLE IX**

### **CONDITIONAL USES**

#### **Section 9.01 Authority and Purpose**

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as "conditional uses" within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

#### **Section 9.02 Application for Conditional Use**

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward a copy to the Secretary of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Pickaway County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

- I. Fee(s) as established by the Board of Township Trustees.

### **Section 9.03 General Standards for Conditional Uses**

In addition to the specific requirements for conditional uses as specified in the district regulations, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards. The Board of Zoning Appeals may grant a conditional use upon adequate evidence that such use at the proposed location meets all of the following requirements:

- A. The use is in fact a conditional use as established under the district regulations.
- B. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The use will not pose a discernible hazard to existing adjacent uses.
- D. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- E. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. The use will be consistent with the objectives of this Zoning Resolution and any adopted comprehensive plan for the area.

### **Section 9.04 Supplementary Conditions**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution.

### **Section 9.05 Public Hearing by the Board of Zoning Appeals**

The Board may hold a public hearing within thirty (30) days from the receipt of the application specified in Section 9.02. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution.

### **Section 9.06 Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 9.05, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. An

applicant or party in interest may seek relief of the Board of Zoning Appeals decision through the Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506.

**Section 9.07      Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions**

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within one (1) year after date of approval. Violations of the terms and conditions of a conditional use shall constitute a zoning violation and shall be subject to penalties as specified in Section 4.10 of this Resolution.

**ARTICLE X**

**RESERVED FOR FUTURE USE**

**PART THREE**  
**ZONING DISTRICTS**

## ARTICLE XI

### STANDARD ZONING DISTRICT REGULATIONS

#### Section 11.01 Regulations for the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

#### Section 11.02 Rules of Application

##### 11.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

##### 11.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
  - 1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article VI of this Resolution.
  - 2. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 11.02.05 of this Article.
- B. In no case shall there be more than one (1) principal building used for residential purposes on any single lot of record.

##### 11.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations and the requirements of this Resolution.

##### 11.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or

adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.

#### 11.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

#### 11.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

#### 11.02.07 Development Plan

For particular uses in specific districts, a *Development Plan* will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time the property is zoned into the

district, or at the time of the application for a zoning certificate, which ever is appropriate.

The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features, including underground drainage systems. In addition, the Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent residential property. The Development Plan shall contain specific information identifying such impacts, including, but not limited to storm runoff and traffic, and how such impacts will be addressed in development of the property.

If required, the Development Plan shall be reviewed by the Zoning Commission (in the case of a zoning amendment) and/or the Board of Zoning Appeals (in the case of a conditional use). Such Development Plan must be approved as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission and/or Board of Zoning Appeals shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The applicant has clearly shown that the location, design and operation of the proposed use can be developed as shown on the Development Plan and is generally compatible with the surrounding area.

In reviewing the Development Plan, the Zoning Commission or Board of Zoning Appeals has the authority to seek the recommendation of the Soil and Water Conservation District (SWCD), Pickaway County Engineer and/or other sources for input on specific issues.

**ARTICLE XII**

**ZONING DISTRICTS AND ZONING DISTRICT MAP**

**Section 12.01 Zoning Districts Established**

The following zoning districts are hereby established for Circleville Township:

- (FR) FARM RESIDENTIAL DISTRICT**
- (SR-1) SUBURBAN RESIDENTIAL DISTRICT**
- (SR-2) SUBURBAN RESIDENTIAL (HIGHER DENSITY) DISTRICT**
- (LB) LIMITED BUSINESS DISTRICT**
- (GB) GENERAL BUSINESS DISTRICT**
- (HB) HIGHWAY BUSINESS DISTRICT**
- (GE) GENERAL EMPLOYMENT DISTRICT**
- (GI) GENERAL INDUSTRIAL DISTRICT**
- (SU) SPECIAL USE DISTRICT**
- (FP) FLOOD PLAIN OVERLAY DISTRICT**

**Section 12.02 Official Zoning Map**

The districts established above in Section 12.01 of this Resolution are shown on the Official Zoning District Map which, together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning District Map shall be identified by the signatures of the Board of Township Trustees and the Clerk and shall be on file in the Township offices.

**Section 12.03 Interpretation of Zoning District Boundaries**

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the zoning map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

## **ARTICLE XIII**

### **(FR) FARM RESIDENTIAL DISTRICT**

#### **Section 13.01 Purpose**

The Farm Residential District is established to promote the continuance of agricultural activity and provide areas for the construction of low density single family residences and other non urban types of residential development, while preserving the rural environmental character of Circleville Township.

#### **Section 13.02 Permitted Uses**

- A. Agricultural uses, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling.
- B. One-family detached non farm dwellings.
- C. Public parks and/or conservation or natural areas, provided such areas are enclosed by perimeter fencing designed to control movement of wild animals into adjacent areas.
- D. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- E. Greenhouses and nurseries.

#### **Section 13.03 Accessory Uses**

- A. Accessory uses customarily associated with and incidental to a permitted use, including the following:
  - 1. Accessory buildings or structures customarily associated with residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools, and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located.
  - 2. Lakes or ponds for the primary use of the occupants of the principal residence. A zoning certificate shall be required for construction of a lake or pond.
  - 3. Temporary roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 519.21 (C).
- B. Home occupations, subject to the regulations of Section 26.03 of this Resolution.

#### **Section 13.04 Conditional Uses**

- A. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least 200 feet from any adjacent property.

- B. Churches and similar places of public assembly, including accessory uses such as day care centers and private schools that are clearly associated with and secondary to the primary use of the property. The seating of the main sanctuary shall not exceed 400 persons.
- C. Cemeteries, provided that a distance of not less than 200 feet is maintained from burial plots and any structures to any adjacent property line.
- D. Bed and Breakfast establishments, provided the facility is owned and operated by the resident of the property.
- E. Facilities for the boarding of animals, including but not limited to dogs and horses, including facilities for the exercise and training of such animals.
- F. Telecommunications towers, subject to the requirements of Article 26.08 of this Resolution.

**Section 13.05 Development Standards**

13.05.01 Lot Area

For each principal permitted use, the lot area shall not be less than one (1) acre, or such size as determined by the Pickaway County Health Department, whichever is larger. Conditional uses shall have a lot area as prescribed by the Board of Zoning Appeals.

13.05.02 Minimum Lot Width

All lots shall have at least continuous frontage on a dedicated, improved street or highway according to the following schedule:

|                               |          |
|-------------------------------|----------|
| Less than two (2) acres       | 150 feet |
| 2 acres but less than 4 acres | 200 feet |
| 4 acres but less than 5 acres | 250 feet |
| Five acres or larger          | 300 feet |

In addition, lot width shall be sufficient to maintain a length to width ratio of not greater than 3:1

13.05.03 Minimum Front Yard Depth

130 feet from the center line of any road or highway.

13.05.04 Minimum Side Yard Width

- A. Single-Family Detached Non-Farm Dwellings  
Twenty-five (25) feet.
- B. Other Permitted Uses and Conditional Uses  
Fifty (50) feet.

- 13.05.05 Minimum Rear Yard Depth  
Eighty (80) feet for principal structures;  
Fifteen (15) feet for accessory structures.
- 13.05.06 Height of Buildings  
Thirty-five (35) feet
- 13.05.07 Minimum Building Area  
1,000 square feet on ground floor for single story structures;  
800 square feet on ground floor for multiple story structures
- 13.05.08 Maximum Lot Coverage  
Twenty-five percent (25%) for structures.
- 13.05.09 Permit for Driveway Installation Required  
Before any zoning certificate is issued in the FR District the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Pickaway County Engineer, Ohio Department of Transportation or other applicable authority, consistent with Section 26.05 of this Resolution.

**ARTICLE XIV**

**(SR-1) SUBURBAN RESIDENTIAL DISTRICT**

**Section 14.01 Purpose**

The Suburban Residential District is established to allow for the development of low density suburban type growth in selected rural areas. It is intended that home sites would be served by central water and sewer.

**Section 14.02 Permitted Uses**

- A. One-family detached dwellings.
- B. Public parks and/or conservation or natural areas, provided such areas are enclosed by perimeter fencing designed to control movement of wild animals into adjacent areas.

**Section 14.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Resolution. Swimming pools shall also comply with the requirements contained in Section 26.06.
- B. Home occupations, subject to the requirements of Section 26.03 of this Resolution.

**Section 14.04 Conditional Uses**

- A. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least 200 feet from any adjacent property.
- B. Bed and Breakfast establishments, provided the facility is owned and operated by the resident of the property.

**Section 14.05 Development Standards**

14.05.01 Lot Area

For each principal permitted use, the lot area shall not be less than 20,000 square feet. Conditional uses shall have a lot area as prescribed by the Board of Zoning Appeals.

14.05.02 Minimum Lot Width

All lots shall have at least 100 feet of continuous frontage on a dedicated, improved street or highway. Lots in this district

larger than 20,000 square feet shall have lot width according to the following schedule:

|                               |          |
|-------------------------------|----------|
| Less than two (2) acres       | 150 feet |
| 2 acres but less than 4 acres | 200 feet |
| 4 acres but less than 5 acres | 250 feet |
| Five acres and over           | 300 feet |

14.05.03 Minimum Front Yard Depth

100 feet from the center line of any road or highway.

14.05.04 Minimum Side Yard Width

Ten (10) feet.

14.05.05 Minimum Rear Yard Depth

Twenty-five (25) feet for principal structures;  
Six (6) feet for accessory structures

14.05.06 Height of Buildings

Thirty-five (35) feet

14.05.07 Minimum Building Area

1,000 square feet on ground floor for single story structures;  
800 square feet on ground floor for multiple story structures.

14.05.08 Maximum Lot Coverage

Thirty percent (30%) for structures.

14.05.09 Permit for Driveway Installation Required

Before any zoning certificate is issued in the SR-1 District the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Pickaway County Engineer, Ohio Department of Transportation or other applicable authority, consistent with Section 26.05 of this Resolution.

## **ARTICLE XV**

### **(SR-2) SUBURBAN RESIDENTIAL (HIGHER DENSITY) DISTRICT**

#### **Section 15.01 Purpose**

The Suburban Residential (Higher Density) District is established to allow for a diversity of housing opportunity and choice within Circleville Township by providing areas for alternative forms of residential development, including higher density housing. The SR-2 District may be used in those cases where particular and specific conditions warrant the creation of home sites at higher densities than those allowed under SR-1 standards. Circleville Township recognizes that such housing may have unique characteristics that require special treatment related to location, placement and land use compatibility. The higher residential densities allowed in the SR-2 District mean that the district is to be used in areas served by central water and sewer systems.

#### **Section 15.02 Permitted Uses**

- A. One-family detached dwellings, subject to the development standards below.
- B. Manufactured housing not meeting all the criteria for permanently sited manufactured homes, as defined in Article II of this Resolution, on individual lots.
- C. Public parks and/or conservation or natural areas, provided such areas are enclosed by perimeter fencing designed to control movement of wild animals into adjacent areas.

#### **Section 15.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, and similar facilities for primary use by occupants of the principal use of the property on which the principal use is located.
- B. Home occupations, subject to the regulations of Section 26.03 of this Resolution.

#### **Section 15.04 Conditional Uses**

- A. Manufactured home communities, provided that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.
- B. One-family detached dwellings, including manufactured housing not meeting all the criteria for permanently sited manufactured homes, on lots of less than 10,000 SF in area, provided that the lot is provided with public water and sewer, a Development Plan is submitted and specific approval is granted by the Board of Zoning Appeals.

- C. Cluster and zero lot line housing, provided that the overall density of the development does not exceed four (4) dwelling units per acre, the lot is provided with public water and sewer, a Development Plan is submitted and specific approval is granted by the Board of Zoning Appeals.
- D. Multiple-family housing, provided that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.
- E. Group residential facilities, as defined in Article II of this Resolution, and subject to the provisions of Section 26.09 of this Resolution and submittal and approval of a Development Plan by the Board of Zoning Appeals.
- F. Churches and similar places of public assembly, including accessory uses such as day care centers and private schools that are clearly associated with and secondary to the primary use of the property. The seating of the main sanctuary shall not exceed 400 persons.

**Section 15.05 Development Standards**

A. Permitted Uses

Permitted Uses within the SR-2 District shall comply with the Development Standards of the SR-1 District as cited in Sections 14.05.01 through 14.05.09 above.

B. Development Plan

A Development Plan pursuant to the requirements of Section 11.02.07 of this Resolution shall be required for all conditional uses in the SR-2 District. Such Development Plan shall be submitted to the Board of Zoning Appeals and approved prior to issuance of any zoning certificate.

In reviewing the Development Plan required above, the Board of Zoning Appeals has the authority to seek the recommendation of the Soil and Water Conservation District (SWCD), Pickaway County Engineer and/or other sources for input on specific issues. In the event such input is deemed necessary, the costs of such assistance shall be paid by the applicant.

C. Water and Sewer

Any development or individual lot shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a central water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

D. Minimum Lot Area

The minimum lot area for any conditional use shall be 10,000 square feet. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area, and the maximum gross density shall not exceed six (6) dwelling units per acre. For multiple family housing, a minimum of 4,000 square feet of aggregate lot area per dwelling unit shall be provided.

E. Minimum Lot Width

The minimum lot width for any manufactured home community or multiple family project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than forty (40) feet. The minimum lot width for any other use shall be not less than eighty (80) feet.

F. Minimum Front Yard

The minimum front yard depth for any manufactured home community or multiple family project shall be not less than 200 feet from the center line of any roadway. The minimum front yard depth for any other use shall be not less than 100 feet from the center line of any roadway.

G. Minimum Side Yard Width

The minimum side yard width for any manufactured home community or multiple family project shall be not less than fifty (50) feet from any adjacent property line. The minimum side yard width for any individual lot within a manufactured home community or other use shall be not less than ten (10) feet.

H. Minimum Rear Yard Depth

The minimum rear yard depth for any manufactured home community or multiple family project shall be not less than eighty (80) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet. The minimum rear yard depth for any other permitted use shall be not less than thirty (30) feet.

I. Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities,

such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

J. Off-Street Parking

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

K. Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

L. Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the standards and requirements of the Pickaway County Subdivision Regulations. The proposed layout of such streets shall be shown on the required Development Plan and approved by the Board of Zoning Appeals. In making such determinations, the Board may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant.

M. Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited unless approved by zoning variance pursuant to Article VIII of this Resolution. The proposed methods to address standing water and excessive surface runoff shall be

submitted by the applicant and approved by the Pickaway County Engineer, or his/her designated agent. All costs associated with such approvals shall be paid by the applicant.

N. **Underground Utilities**

All utility lines, including electricity, telephone, and cable television shall be located underground.

**ARTICLE XVI  
(LB) LIMITED BUSINESS DISTRICT**

**Section 16.01 Purpose**

The purpose of the Limited Business District is to provide for the orderly development of neighborhood-oriented small businesses, particularly those serving the personal service needs of residents. Because commercial establishments within the LB District are closely associated with the residential land uses, more restrictive requirements related to size and scale, traffic control and landscaping are needed than in other commercial districts.

**Section 16.02 Permitted Uses**

- A. Administrative, business or professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
  - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
  - 2. Insurance agents and brokers and associated services.
  - 3. Real estate sales and associated services.
  - 4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
  - 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
  - 6. Accounting, auditing and other bookkeeping services.
- B. Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. Examples include:
  - 1. Restaurants, but not including restaurants with drive-through facilities.
  - 2. Banks, savings and loans, and credit agencies.
  - 3. Barber and beauty shops, having no more than four work stations.
  - 4. Funeral services.
  - 5. Human medical and/or dental clinics.
  - 6. Commercial photography.
  - 7. On-premises duplication services.
- C. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.
- D. Nursery schools and day care facilities.
- E. Churches and similar places of public assembly, including accessory uses such as day care centers and private schools that are clearly associated with and secondary to the primary

use of the property. The seating of the main sanctuary shall not exceed 400 persons.

**Section 16.03 Conditional Uses**

A Development Plan, pursuant to the standards of Section 11.02.07 of this Resolution, shall be required for all conditional uses within the LB District. Such Development Plan shall be approved by the Board of Zoning Appeals prior to issuance of a zoning permit.

- A. Veterinary offices, not including outside boarding of animals.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure; and not including drive-through establishments or businesses selling gasoline or similar fuels. Examples include:
  - 1. Food and food products.
  - 2. Proprietary drug and hardware stores.
  - 3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, electronics, optical goods, and other retail stores which conform to the purpose and intent of the LB District.
- C. Similar small business uses consistent with the purposes of the LB District, subject to the approval of the Board of Zoning Appeals, pursuant to Section 11.02.05 of this Resolution.
- D. Class I Type A group residential facilities, subject to the requirements of Section 26.09 of this Resolution.
- E. Class II Type A or B group residential facilities, subject to the requirements of Section 26.09 of this Resolution.

**Section 16.04 Development Standards**

16.04.01 Lot Area

A minimum lot area of one (1) acre is required; however, lot area shall also be adequate to provide the required parking and yard areas.

16.04.02 Lot Width

A minimum lot width of 150 feet is required; however, all lots shall have adequate width to provide for required parking and yard areas, and shall abut an improved public street designated as having not less than secondary collector status.

16.04.03 Minimum Front Yard Setback

A. Buildings

100 feet from the right-of-way of any state or federal highway; 130 feet from the centerline of any county or township road.

B. Signs and Parking Areas

Signs and/or parking areas may be located within the front yard, but in no case shall be located less than fifty (50) feet from the right-of-way of any state or federal highway, or eighty (80) feet from the center line of and county or township road.

16.04.04 Minimum Side Yards

Twenty-five (25) feet, unless adjacent to any district where residences are a permitted use, wherein the side yard shall be no less than forty (40) feet.

16.04.05 Minimum Rear Yards

Thirty (30) feet, unless adjacent to any district where residences are a permitted use, wherein the rear yard shall be no less than forty (40) feet.

16.04.07 Maximum Building Size

Individual uses within LB District shall have usable floor area of not more than 5,000 square feet, even if such uses occupy more than one building. Any single building containing multiple uses within the LB District shall have a usable floor area of not more than 15,000 square feet.

16.04.08 Building Height

Thirty-five (35) feet.

16.04.09 Maximum Lot Coverage

Structures and paving shall cover not more than fifty percent (50%) of the lot area. Structures shall cover not more than thirty percent (30%) of the lot area.

16.04.10 Lighting

Lighting fixtures within the LB District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

16.04.11 Parking and Loading

Parking and loading requirements shall be as specified in Article XXVII of this Resolution. Generally, parking areas shall be arranged so as to minimize the visual and functional impacts of business-related parking on any adjacent residential areas. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between structure(s) and any parked vehicle.

All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

16.04.12 Landscaping and Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such landscaping shall consist of mounding, dense natural vegetation, walls, fences, or a combination of these elements, capable of attaining a minimal height of six feet (6') and 75% opacity during full foliage. A landscaping plan shall be provided by the applicant for a zoning certificate, along with a written description of how the proposed landscape buffer will comply with the intent of this District.

16.04.13 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

**Section 16.05 Off-Site Impacts**

No land or structure in the LB District shall be used or occupied in such a manner so as to create any dangerous, injurious, or noxious impact on adjacent or proximate property. Such impacts may result from noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such standards may be required from the owner by the Board of Zoning Appeals. In cases of doubt, Circleville Township shall have the authority to select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the applicant.

A. Fire and Explosion Standards

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshall. All standards enforced by the Occupational

Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA)

B. Air Pollution

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

D. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration and Noise

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises. Noise standards of the OEPA shall be adhered to.

F. Odors

The applicable standards of the OEPA shall be adhered to.

G. Storm Drainage and Runoff

Excessive water runoff from the developed site shall be addressed in a manner that minimizes the impact of such runoff on adjacent property. Generally, it will be necessary to route such storm water to a watercourse, stream or existing storm system that has the capacity to accommodate the additional flow, or other acceptable on-site water retention methods.

**ARTICLE XVII**

**(GB) GENERAL BUSINESS DISTRICT**

**Section 17.01 Purpose**

The General Business District is established to provide areas for business uses that typically generate business activity dependent on high traffic volumes. The intent of the GB District is to encourage such business growth while promoting a compatible relationship between permitted uses and overall traffic movement, and minimizing negative impacts on adjacent land uses.

**Section 17.02 Permitted Uses**

- A. Uses cited as permitted or conditional uses in Sections 16.02 and 16.03 of this Resolution, with the exceptions of 16.03 D. and E.
- B. Commercial and community recreational facilities such as swimming pools, skating rinks, bowling alleys, physical fitness centers.
- C. Public and private schools and colleges.
- D. Carry out food and beverage establishments with drive-through facilities.
- E. Self-service storage facilities.

**Section 17.03 Conditional Uses**

A Development Plan, pursuant to the standards of Section 11.02.07 of this Resolution, shall be required for all conditional uses within the GB District. Such Development Plan shall be approved by the Board of Zoning Appeals prior to issuance of a zoning permit.

- A. Self-service car washes.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.
- C. Lumber, home improvement and garden centers, including outside display and storage of inventory.
- D. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.

**Section 17.04 Development Standards**

**17.04.01 Lot Area**

A minimum lot area of one (1) acre is required; however, lot area shall also be adequate to provide the required parking and yard areas.

17.04.02 Lot Width

A minimum lot width of 150 feet is required; however, all lots shall have adequate width to provide for required parking and yard areas, and shall abut an improved public street designated as having not less than secondary collector status.

17.04.03 Minimum Front Yard Setback

A. Buildings

Seventy (70) feet from the right-of-way of state or federal highway; 100 feet from the centerline of any county or township road.

B. Signs and Pavement Areas

Signs and/or pavement areas may be located within the front yard, but in no case shall be located less than forty (40) feet from the right-of-way of any state or federal highway, or seventy (70) feet from the center line of any county or township road. Driveways are permitted within any yard setback areas if they connect to a public road(s) or other parcel(s).

17.04.04 Minimum Side Yards

Twenty (20) feet for pavement. Fifty (50) feet. for buildings

17.04.05 Minimum Rear Yards

Twenty (20) feet for pavement unless adjacent to any district where residences are a permitted use, wherein the rear yard pavement setback shall be no less than fifty (50) feet. thirty (30) feet for building, unless adjacent to any district where residences are a permitted use, wherein the rear yard building setback shall be no less than seventy (70) feet.

17.04.06 Building Height

Thirty-five (35) feet.

17.04.07 Maximum Lot Coverage

Structures and paving shall cover not more than seventy percent (70%) of the lot area.

17.04.08 Lighting

Lighting fixtures within the LB District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

17.04.09 Parking and Loading

Parking and loading requirements shall be as specified in Article XXVII of this Resolution. Parking spaces shall be designed to allow a minimum of five (5) feet between structure(s) and any parked vehicle.

All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

17.04.10 Landscaping and Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such landscaping shall consist of mounding, dense natural vegetation, walls, fences, or a combination of these elements, capable of attaining a minimal height of six feet (6') and 75% opacity during full foliage. A landscaping plan shall be provided by the applicant for a zoning certificate, along with a written description of how the proposed landscape buffer will comply with the intent of this District.

17.04.11 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

17.04.12 Off-Site Impacts

The performance standards cited in Section 16.05 of this Resolution shall apply in the GB District.

## **ARTICLE XVIII**

### **(HB) HIGHWAY BUSINESS DISTRICT**

#### **Section 18.01 Purpose**

The HB District is established to provide for larger scale and higher intensity regional oriented commercial and quasi-industrial development along regional access arterial thoroughfares (specifically US 23) along with businesses directly serving such regional projects. Such projects are characterized by a mixture of large scale uses, large volumes of traffic and increased needs for accessibility and visibility. Any project in the HB District must be served by central water and sewer facilities, or an on-site system approved by the Ohio Environmental Protection Agency.

#### **Section 18.02 Permitted Uses**

- A. Uses specified above in Section 17.02 A through E and 17.03 A through C of this Resolution.
- B. Multiple permitted businesses in an integrated physical setting such as a shopping center or office building.
- C. Hotels and motels.
- D. Facilities for the storage of personal or corporate property offered on a rental basis.
- E. Outdoor advertising, subject to the requirements of Article XXVIII of this Resolution.
- F. Large-scale businesses. Examples include: supermarkets, department stores, general merchandise stores, warehouse clubs, sporting goods stores, apparel stores, home improvement stores, electronic stores, and variety stores.
- G. Motor vehicle fuel stations with or without convenience stores but with no motor vehicle service.
- H. Motor vehicle service establishments limited to minor repair such as tire, battery and lube businesses.
- I. Retail stores featuring outdoor display and storage provided that such store(s) are part of a shopping center and that such display and storage area is incidental to the primary business.

#### **3. Section 18.04.03 – Minimum Lot Width**

**Section 18.03 Conditional Uses**

- A. Retail stores featuring outdoor display and storage which are not part of a shopping center or where such display and storage are not incidental to the primary business.
- B. Motor vehicle sales and major service establishments (such as engine, transmission, body work, etc.), provided that any inoperable, unlicensed or unused vehicles stored or parked outside the principal buildings shall be subject to the requirements of Section 18.04.10 below, if adjacent property is not located in the HB District.
- C. Billboards and digital display signs, subject to the requirements of Article XXVIII of this Resolution.
- D. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.

**Section 18.04 Development Standards**

**18.04.01 Development Plan**

A Development Plan, pursuant to the standards of Section 11.02.07 of this Resolution, shall be required for all permitted and conditional uses within the HB District. Such Development Plan shall be approved by the Board of Zoning Appeals prior to issuance of a zoning certificate. The Development Plan shall clearly show the location, size and type of structures and signage on the site, as well as how parking and traffic circulation will be managed on the site.

**18.04.02 Minimum Lot Area**

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

**18.04.03 Minimum Lot Width**

All lots shall have frontage on an arterial highway listed on the federal primary system or frontage roadway except that lots without such frontage shall be permitted if the lots are part of a larger commercial or office development if such development has such frontage elsewhere in the development. All lots shall have either (i) direct access onto such public road or (ii) shall have indirect access on to such road if the lot is part of a larger development and the larger development has direct access onto such road. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes.

18.04.04 Minimum Front Yard Setback

Eighty (80) feet from the right-of-way of any arterial federal highway and fifty (50) feet from any other dedicated and improved roadway for buildings. Thirty-five (35) feet from the right-of-way of any arterial federal highway and twenty (20) feet from any other dedicated and improved roadway for pavement. Driveways are permitted within any yard setback area if they connect to a public road or adjacent parcels.

18.04.05 Minimum Side Yard

Twenty-five (25) feet for buildings, ten (10) feet for paved areas, subject to the requirements of Section 18.03 above.

18.04.06 Minimum Rear Yard

Forty (40) feet for buildings, ten (10) feet for paved areas, subject to the requirements of Section 18.03 above.

18.04.07 Height of Structures

Forty-five (45) feet.

18.04.08 Parking and Loading

Parking and loading spaces shall be provided as required in this Resolution. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

18.04.09 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

18.04.10 Exterior Storage

Exterior Storage includes the outdoor storage of raw or finished goods (packaged or bulk) including building materials, packing materials, salvage goods, machinery, equipment, damaged vehicles, etc. Exterior storage shall be permitted in the HB District if an acceptable plan for screening such storage is submitted to and approved by the Board of Zoning Appeals.

**ARTICLE XIX**

## **(GE) GENERAL EMPLOYMENT DISTRICT**

### **Section 19.01 Purpose**

The GE District is established to provide for areas for a range of office, quasi-retail/commercial business, and light industrial activities which generate employment opportunities. More intensive purely industrial activity is limited and, therefore, the GE District is appropriate for selected areas which are adjacent or in close proximity to environmentally sensitive areas, such as well fields and wetlands. This District is primarily intended for areas that are currently undeveloped, but serviceable by centralized water and/or sewer.

Permitted uses within the General Employment District must operate in accordance with the following standards:

- A. primarily within enclosed structures.
- B. with minimal adverse environmental or economic impact on adjacent properties.
- C. free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.

Conditional uses will require the submittal and approval of a Development Plan to the Board of Zoning Appeals prior to issuance of a zoning certificate.

### **Section 19.02 Permitted Uses**

- A. Administrative and business offices including real estate, insurance sales and associated services and/or brokers or dealers in securities.
- B. Professional offices engaged in providing services to the general public, including professional, medical, legal, engineering/consulting, accounting/bookkeeping services.
- C. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.
- D. Retail stores engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided storage and display of merchandise shall be primarily within the principal structure, and not including drive-through facilities.
- E. Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal

property, except for motor vehicles. Examples include barber and beauty shops; banks, savings and loans, and credit agencies; cafes and restaurants, but not including restaurants with drive-through facilities; human medical and/or dental clinics; commercial photography studios.

- F. Commercial recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.
- G. Institutions for human medical care, including hospitals, clinics, sanitariums and homes for the elderly, provided that any building or parking/service area be located not less than 200 feet from any adjacent property.
- H. Light manufacturing, fabrication, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the GE District as specified in Section 19.01 above.
- I. Outdoor advertising, subject to the requirements of Section 28.07A of this Resolution.
- J. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 19.01 of this Resolution.

### **Section 19.03 Conditional Uses**

A Development Plan, pursuant to the standards of Section 11.02.07 of this Resolution, shall be required for all conditional uses within the GE District. Such Development Plan shall be approved by the Board of Zoning Appeals prior to issuance of a zoning permit.

- A. Warehousing, distribution and related uses, including truck and transfer terminals. A Development Plan, pursuant to Section 11.02.07, shall be required.
- B. Carry out food and beverage establishments with drive-through facilities, provided a Development Plan is provided by the applicant and is approved by the Board of Zoning Appeals. Such Development Plan must include specific proposals for accommodating vehicular ingress and egress and movement on the site, as well as parking.
- C. Establishments selling gasoline, kerosene and/or diesel fuel, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property, and that a specific plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.

- D. Retail establishments such as lumber yards and/or garden centers in which a significant portion of the inventory is displayed or stored outdoors. A Development Plan, pursuant to Section 11.02.07, shall be required.
- E. Facilities for the storage of personal or corporate property, offered on a rental basis.
- F. Motor vehicle sales and service establishments, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property. Any inoperable or unused vehicle shall not be stored outside the principal building for a period of time exceeding twenty-four (24) hours.

**Section 19.04      Development Standards**

19.04.01    Minimum Lot Area

A minimum lot area of one (1) acre is required; however, lot area shall be adequate to provide for the required parking and yard areas, and be approved by the Pickaway County Health Department or Ohio Environmental Protection Agency.

19.04.02    Minimum Lot Width

Continuous frontage on a publicly dedicated and improved highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes, but in no case shall be less than 150 feet.

19.04.03    Minimum Front Yard Depth

- A.            Buildings  
100 feet from the right-of-way of any state or federal highway; 130 feet from the centerline of any county or township road.
- B.            Signs and Parking Areas  
Signs and/or parking areas may be located within the front yard, but in no case shall be located less than fifty (50) feet from the right-of-way of any state or federal highway, or eighty (80) feet from the center line of and county or township road.

19.04.04    Minimum Side Yard

Fifty (50) feet

19.04.05    Minimum Rear Yard

Eighty (80) feet

19.04.06 Height

Forty (40) feet

19.04.07 Parking and Loading

Parking and loading spaces shall be provided as required in this Resolution. Parking spaces shall be designed to allow a minimum of ten (10) feet between any structure and any parked vehicle. Commercial and/or industrial developments involving one or more structures, each exceeding 10,000 square feet in gross floor area shall be subject to the following requirements:

All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

19.04.08 Landscaping and Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such landscaping shall consist of mounding, dense natural vegetation, walls, fences, or a combination of these elements, capable of attaining a minimal height of six feet (6') and 75% opacity during full foliage.

19.04.09 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

19.04.10 Lighting

Lighting shall be arranged so as not to shine directly on adjacent properties.

19.04.011 Distance from Residential Districts.

All newly developed structures, service areas and parking areas in the GE District shall be located not less than 200 feet from any district where residences are a permitted use.

19.04.12 Off-Site Impacts

The performance standards cited in Section 16.05 of this Resolution shall apply in the GE District.

## **ARTICLE XX**

### **(GI) GENERAL INDUSTRIAL DISTRICT**

#### **Section 20.01 Purpose**

This district provides areas for a wider range of purely industrial activities, including some uses that might have greater potential for adverse impacts on adjacent property. The GI District is primarily intended for areas that are currently undeveloped, but serviceable by centralized water and/or sewer. Property within the GI District should be located distant or well-buffered from residential areas.

#### **Section 20.02 Permitted Uses**

- A. Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site.
- B. Industrial service, consisting of firms engaged with the repair or servicing of industrial, business or consumer machinery, equipment or products.
- C. Industrial product sales, consisting of firms involved with the sale, rent or lease of products generally intended for industrial or commercial users. Emphasis is on on-site order-taking and may include display areas, with products typically delivered to the customer.
- D. Vehicle service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles.
- E. Warehousing and distribution, consisting of firms involved with the movement, storage and/or sale of goods for themselves or other firms. Goods are generally delivered to other firms for final sale.
- F. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity.
- G. Outdoor advertising, subject to the requirements of Section 28.07A of this Resolution.

**Section 20.03 Conditional Uses**

A Development Plan, pursuant to the standards of Section 11.02.07 of this Resolution, shall be required for all conditional uses within the GI District. Such Development Plan shall be approved by the Board of Zoning Appeals prior to issuance of a zoning permit.

- A. Motor vehicle storage and salvage yards, provided those uses meet applicable State requirements related to fencing and other standards.
- B. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- C. Quarrying or mining operations, provided that all State and Federal regulations are met and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
- D. Structures and sites associated with drilling for oil and/or natural gas.
- E. Sanitary landfills, recycling establishments and similar facilities for the processing, recycling and/or disposal of waste materials, provided that all required licenses and permits are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
- F. Other uses of an industrial nature determined by the Board of Zoning Appeals to be similar to those listed in 20.03 A through E above.

**Section 20.04 Development Standards**

20.04.01 Minimum Lot Area

A minimum lot area of one (1) acre is required; however, lot area shall be adequate to provide for the required parking and yard areas, and be subject to approval by the Pickaway County Health Department or Ohio Environmental Protection Agency.

20.04.02 Minimum Lot Width

Continuous frontage on a publicly dedicated and improved highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes, but in no case shall be less than 150 feet.

20.04.03 Minimum Front Yard Depth

Any structure or paved area must be located not less than 200 feet from the center line of the road or highway on which the use has frontage.

20.04.05 Minimum Side Yard

100 feet

20.04.06 Minimum Rear Yard

100 feet

20.04.07 Height

Fifty (50) feet

20.04.08 Parking and Loading

Parking and loading spaces shall be provided as required in this Resolution. Parking spaces shall be designed to allow a minimum of ten (10) feet between any structure and any parked vehicle. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

20.04.09 Distance from Residential Districts

All newly developed structures, service areas and parking areas in the GI District shall be located not less than 500 feet from any district where residences are a permitted use. If there are existing residences within 500 feet from such development, structures, service areas and parking areas shall be screened and buffered from such residences, pursuant to the standards of Section 19.04.08 of this Resolution.

20.04.10 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

20.04.11 Off-Site Impacts

The performance standards cited in Section 16.05 of this Resolution shall apply in the GI District.

**ARTICLE XXI**

*RESERVED FOR FUTURE USE*

**ARTICLE XXII**

**(SU) SPECIAL USE DISTRICT**

**Section 22.01 Purpose**

The Special Use District is established to provide for suitable locations for particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District use the zoning redistricting process to promote the compatibility of the use with adjoining residential uses, and ensure that the location of such facilities will provide for adequate and efficient access and service provision.

**Section 22.02 Permitted Uses**

Buildings and land used for purposes specified on the following schedule shall require zoning in the SU District:

| PRIMARY BUILDINGS AND USES  | ACCESSORY USES   |
|---|--|
| 1. Public buildings, meeting halls, churches, schools, libraries, museums, and similar places for public assembly   | Parking areas  |
| 2. Monuments and sites recognized by a local historical society, including prehistoric earthworks   | Walking paths and signs                                  |
| 3. Cemeteries, including mausoleums having more than 200 grave sites  | Sexton's or caretaker's dwellings                        |
| 4. Commercial facilities such as stadiums, amphitheaters, racetracks or similar facilities for conducting sporting events, concerts, and similar outdoor events | Parking areas, administrative and maintenance structures |
| 5. Commercial recreational areas such as golf courses, gun clubs, sportsmen's clubs, summer camps and similar entertainment uses                                | Parking areas, maintenance structures                    |
| 6. Campgrounds where fees are charged for the temporary parking of recreational vehicles, erection of tents, or similar camping equipment.                      | Customary maintenance and/or support structures          |

### **Section 22.03 Development Plan Required**

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Resolution, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed project including setbacks, any signage, an analysis of facility's impact on any adjacent residential area, and explanation of the methods proposed by the applicant to alleviate or minimize these impacts, as well as any other information deemed necessary to determine compliance with this Resolution.

The Development Plan shall be reviewed by the Zoning Commission and considered in making its recommendations to the Township Trustees. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Article VI of this Ordinance. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed use has incorporated measures to address, lessen and/or alleviate adverse impacts on adjacent areas and to protect the residential character of such areas.

### **Section 22.04 Development Standards**

- A. Lot and Area Requirements

The area or parcel of land for a special use shall not be less than that required to provide space adequate for off-street parking areas, yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 22.03.

- B. Front Yard

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

- C. Side and Rear Yards

Where any special use abuts a district where residences are a permitted use, a side yard of not less than fifty (50) feet and a rear yard of not less than eighty (80) feet shall be maintained. In addition, a landscaped buffer shall be installed in such yard. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

**Section 22.05 Action by Board of Township Trustees**

In approving the redistricting of land into the SU District, the Board of Township Trustees may specify appropriate conditions and/or safeguards. Violation of these conditions or safeguards shall be considered as a violation of the provisions of this Resolution, subject to the penalties as specified in Article IV.

**Section 22.06 Compliance with Development Plan**

The construction of all buildings and the development of the site within the SU District shall be in conformity and compliance with the approved Development Plan. The approval of SU zoning on a particular property authorizes only the use, configuration and layout of the proposed building and development as shown on the approved Development Plan. Any subsequent change in such use, configuration or layout shall require the specific approval of a revised Development Plan.

**ARTICLE XXIII**

**(FP) FLOOD PLAIN OVERLAY DISTRICT**

**Section 23.01 Finding of Fact**

Specific areas adjacent to streams and watercourses within Circleville Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, and/or disruption of commerce, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and the cumulative effect of obstructions in flood plains, causing increased flood heights and velocities.

**Section 23.02 Purpose**

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of flood waters in Circleville Township by:

- A. restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. controlling the filling, grading, dredging and other development which may increase flood damage; and
- C. controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

**Section 23.03 Scope and Application**

23.03.01 Applicable Lands

This Article shall apply to all lands within Circleville Township shown as within the 100 year flood plain, as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map Numbers and dates as follows:

|                       |                             |
|-----------------------|-----------------------------|
| <i>39129 C 0200 H</i> | <i>(September 30, 2009)</i> |
| <i>39129 C 0302 H</i> | <i>(September 30, 2009)</i> |
| <i>39129 C 0306 H</i> | <i>(September 30, 2009)</i> |
| <i>39129 C 0329 H</i> | <i>(September 30, 2009)</i> |

The above Flood Insurance Rate Maps with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments to the above maps, are hereby adopted by reference and declared to be a part of this Article.

23.03.02 Overlay District Designation

The areas of special flood hazard identified on the Official Zoning District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, as shown on the Official Zoning District Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Article shall supersede those of the base district.

23.03.03 Interpretation of Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Maps referenced in Section 20.03.01 above.

Actual boundaries may also be determined by use of the flood elevation profile information provided in the referenced Flood Insurance Study and topographic survey of the site in question.

23.03.04 Warning and Disclaimer of Responsibility

The degree of flood protection required by this Article is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damage. This Resolution shall not create liability on the part of Circleville Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

**Section 23.04 Development Standards**

- A. Uses shall be permitted within the FP District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district, and provided those uses do not require structures, fill or the storage of material or equipment pursuant to the requirements of this Section.
- B. No structure shall be permitted within the flood plain and no use shall be established which would unduly restrict the

capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.

- C. No grading or filling within the FP District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such proposal, the Board shall obtain a recommendation from the Pickaway County Emergency Management Agency, or other agency so authorized to administer floodplain requirements within Pickaway County.

ARTICLE XXIV

*RESERVED FOR FUTURE USE*

**PART FOUR**  
**ADDITIONAL ZONING REQUIREMENTS**

**ARTICLE XXV**

**GENERAL DEVELOPMENT STANDARDS**

**Section 25.01 Lot Width**

**A. Frontage Required**

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved road within the Township except that in the HB District lots without such frontage shall be permitted if the lots are part of a larger commercial or office development if such development has such frontage elsewhere in the development.

**B. Lot Width**

Lot width shall be measured along the front lot line that abuts such road as designated in Section 25.01A above, and at the minimum front yard setback. Any lot shall have the full required lot width along the entire distance of the front yard depth.

Notwithstanding the above, if a lot fronts along a thoroughfare with a center line degree of curvature greater than thirty (30) degrees (such as a cul-de-sac, lot width shall be measured at the front yard setback line.

**Section 25.02 Front Yards**

**A. Front Yard Measurements**

Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution.

**B. Front Yards on Corner Lots**

Lots fronting on more than one street shall provide the required front yard on the sides with frontage as defined in this Resolution in Sections 2.02 and 25.01 A. Any new building or structure shall not be located closer to the centerline of an adjacent highway or road, at any point, or right-of-way, as the case may be, than the front yard setback for the district in which the property is located.

**Section 25.03 Side Yards**

A. Measurement

Side yard width shall be measured from the nearest side lot line to the building line.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a side yard, subject to requirements of Article XXVI of this Resolution.

**Section 25.04 Rear Yards**

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXVI of this Resolution.

**Section 25.05 Yard Requirements**

All front, side and rear yards shall be maintained in a neat and orderly state, and be kept free of any trash, junk or debris.

**Section 25.06 Open Porches and Architectural Features**

In a residential district, an open, uncovered porch, deck or terrace and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features may project into a required side or rear yard, as established in the district, not more than ten (10) feet so long as a minimum of three (3) feet is maintained to any adjacent property line.

**Section 25.07 Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to a primary structure, so long as such height does not interfere with the safe landing, takeoff or other operations of any established airport or landing strip. No windmills, aerials, antennae, flag poles or towers shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

**Section 25.08    Drainage**

All construction shall be accomplished in a manner consistent with maintenance of proper drainage. In all improvements, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent properties is maintained.

In order to preserve proper drainage and prevent surface flooding, the filling of established roadside ditches is prohibited, unless specific written approval is obtained from the Township Trustees.

## ARTICLE XXVI

### ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

#### Section 26.01 Regulation of Agriculture on Specific Lots

Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.

- A. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
- B. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre, but not greater than five (5) acres, if such lots meet the standards of ORC 519.21(B) above, and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation, or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Resolution.

#### Section 26.02 Manufactured Housing

Permanently sited manufactured homes, as defined in Article II of this Resolution, shall be considered as a permitted use in any district that permits single-family dwellings. Manufactured homes not meeting the standards for permanently sited manufactured homes are addressed as a permitted use in the SR-2 District. Mobile homes, as defined in Article II of this Resolution, shall not be considered as a permitted or conditional use in any zoning district.

#### Section 26.03 Home Occupations

"Home occupation" means an activity, profession, occupation, service, craft, or revenue-producing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the building or buildings on the premises without any significant adverse impact upon surrounding properties. Home

occupations shall be regulated as accessory or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be conducted by the owner/occupant of the premises, and such use shall be clearly incidental and secondary to residential use of the dwelling, and not more than twenty-five percent (25%) of dwelling unit floor area shall be devoted to the home occupation. The size of any accessory building used totally or in part for a home occupation shall meet the requirements for accessory structures in Section 26.04 below.
- B. The home occupation shall primarily occur entirely within the confines of the dwelling unit and/or accessory structures. Any proposed outside storage of materials and/or equipment used in the home occupation shall be subject to approval by the Board of Zoning Appeals.
- C. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- D. External indication of such home occupation shall be limited to one non-illuminated sign not more than six (6) square feet.
- E. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- F. The home occupation business activity shall be conducted primarily during daylight hours.
- G. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

**Section 26.04 Accessory Structures**

**A. Location**

A detached accessory structure shall be located within any side or rear yard to the rear of the principal structure, but not closer to any side or rear lot line than the distance required for principal structures in the specific district.

**B. Permitted Area and Height**

The total area of all accessory uses or structures shall not exceed two percent (2%) of the area of the lot on which the structure or use is located. These area requirements shall not apply to lakes, ponds, swimming pools and tennis courts. The provisions of this subsection 26.04 shall not apply to property in the FR District.

## **Section 26.05 Driveways**

All driveways serving residential structures must comply with the following standards:

- A. The driveway shall not have a grade, as measured from the pavement level of the roadway to the residential structure, exceeding eight percent (8%). No portion of the driveway shall have a grade exceeding ten percent (10%).
- B. The entrance to the driveway from the public roadway shall be designed so as to prevent surface runoff from the driveway from flowing onto the public roadway.
- C. If any driveway crosses a drainage swale, stream or ditch, same shall be bridged by a pipe or structure as required to permit the unobstructed flow of surface water as generated by the five (5) year frequency storm. The pipe shall extend not less than three (3) feet beyond the toe of the slope of the fill over such pipe, unless a properly designed headwall is installed. Any such bridge or structure spanning a stream or ditch shall be designed to HS 15 loading. The Township reserves the right to require the applicant to provide certification by a Professional Engineer that such standards are met.
- D. All new residential driveways shall conform to the driveway standards as adopted by the Pickaway County Engineer and/or the Circleville Township Board of Trustees, as may be subsequently amended.
- E. Driveways serving multiple family residential structures shall comply with the surfacing requirements of Section 27.03 A of this Resolution.

## **Section 26.06 Private Swimming Pools**

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to a depth, at any point, greater than one and one-half (1 1/2) feet. No such swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than five (5) feet to any property line or structure.

- C. The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- D. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than six (6) feet in height, maintained in good condition, and affixed with an operable gate and lock.
- E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

**Section 26.07 Fences and/or Hedges in Particular Districts**

- A. Unless otherwise indicated, the provisions of this Section shall apply only to non-agricultural fences and/or walls in the FR, SR-1 and SR-2 Districts. "Fence" means any above-ground structure composed of wood, metal, stone, brick or other material (including hedges or other plants) erected in such a manner and location so as to enclose, partially enclose, or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. A trellis or other structure for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose, or divide any premises or any part of premises shall also be considered a fence.
- B. In the above districts, a fence not exceeding seventy-two inches (72") in height may be erected in any portion of the lot except beyond the front plane of the dwelling. A fence or wall not exceeding forty-eight (48) inches in height may be erected beyond the front plane of the building. A fence or wall not exceeding forty-eight (48) inches in height may be erected on any vacant lot.
- C. No person shall erect or maintain any fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges in the FR, SR-1 or SR-2 Districts.
- D. No fence, hedge, or wall shall be erected on any lot in any district in such a manner so as to effectively limit the vision of motorists approaching a street intersection.

- E. No fence, hedge, tree or shrub shall be planted on any lot in any district which will interfere with any drainage tile. No fence, hedge, tree or shrub shall be planted on any lot in any district within any roadway right-of-way.

#### **Section 26.08 Telecommunications Towers**

Telecommunications towers, as defined in Article II of this Resolution, may be allowed as a conditional use in the FR District. The process to be used in processing an application for such a tower shall be as specified in Section 519.211 of the Ohio Revised Code. Telecommunications towers shall be subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
- D. The minimum lot size for the site of the tower shall be one (1) acre.
- E. Security fencing at least ten (10) feet in height, and affixed with an operable lock, shall be provided to prevent uncontrolled access to the tower site.
- F. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G. The tower shall not be lighted except to assure safety or as required by the FAA.
- H. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- I. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower. In addition, the applicant shall certify that removal of the tower shall occur within 180 days after the site's use is discontinued, and that all notifications have been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
- J. The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (*14 CFR Part 77*)

If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

**Section 26.09 Group Residential Facilities**

"Group residential facilities" shall be defined and classified in Article II of this Resolution. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the SR-2 or LB Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the LB District subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining rooms or kitchens.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- G. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

**Section 26.10 Governmental Functions**

Any local, state or federal governmental use shall not be prohibited in any zoning district. Such local, state or federal governmental bodies proposing a use of land or construction of a building incidental to their governmental functions and responsibilities shall make a good faith effort to comply with this Zoning Resolution.

**Section 26.11 Sale or Use of Alcoholic Beverages**

The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. (ORC 519.21)

**Section 26.12 Outdoor Advertising**

Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, trade or lands used for agricultural purposes. (ORC 519.20)

**Section 26.13 Farm Markets**

Farm markets that derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the farm market operator in a normal crop year are permitted in any zoning district, subject to the following regulations:

- 1) Temporary and seasonal buildings, tents, trailers and other structures associated with a seasonal and temporary farm market shall be placed outside of the road right-of-way and located at least twenty-five (25) feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer off-street parking. Seasonal and temporary farm markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a farm market. If a culvert is required in order to obtain access to a seasonal and temporary farm market, then the farm market operator shall obtain a driveway permit from the appropriate governmental agency. Temporary and seasonal farm markets are farm markets that are open to the public and operate for no more than a total of ninety (90) calendar days in a calendar year. Any temporary and seasonal buildings, tents, trailers and other structures associated with a farm market remaining for more than ninety (90) days in a calendar year shall be considered structures associated with a permanent farm market and shall comply with the provisions of Subsection B(2) below.
- 2) All buildings and structures associated with a permanent farm market shall comply with the applicable setback requirements for the underlying zoning district. Parking for permanent farm markets shall be graveled or paved. Operators of a permanent farm market shall obtain a driveway permit from the appropriate governmental agency. Off-street parking shall be provided at a ratio of one (1) space for each one hundred (100) square feet of farm market. Permanent farm markets are farm markets that are open to the public and operate for more than ninety (90) calendar days in a calendar year.

- 3) No more than one sign for a permanent or temporary and seasonal farm market denoting the name and address of the operator, denoting produce or products for sale on the premises and denoting membership in organizations may be permitted on a property. Farm market signs shall all the applicable sign requirements for the underlying zoning district.

### **Section 26.13 Potable Storage Units**

Portable Storage Units may be permitted as a temporary use in any zoning district only in conjunction with and not to exceed the times listed for the following activities:

- 1) Temporary use for construction sites as accessory to and in association with an on-going construction project at such site for a period of up to one hundred twenty (120) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs sooner.
- 2) Temporary use, including open top dumpsters, when the occupant of the property on which the portable storage unit is located is relocating for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.
- 3) Temporary use to facilitate temporary activities not described in Section 26.13 1 or 2, above, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.

Portable storage units shall be subject to the following requirements:

- a) A portable storage unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.
- b) Not more than one (1) portable storage unit shall be permitted on any property at any time.
- c) No portable storage unit shall be located in a public right-of-way.
- d) Portable storage units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.
- e) Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever.
- f) The placement of portable storage units shall be in such manner as not to create a public nuisance.
- g) A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.
- h) A Temporary Use Permit shall be obtained prior to the placement of a portable storage unit on a property. For

the activities listed in Section 26.13 1 and 2, no more than two (2) Temporary Use Permits may be issued for the same property during any three hundred sixty-five (365) consecutive day period.

#### **Section 26.14 Medical Marijuana**

Pursuant to R.C. §§ 519.21(D) and 3796.29, cultivators, processors, and retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, are prohibited within the unincorporated territory the Township.

#### **Section 26.15 Small Wind Projects Less than %MW**

Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or siting of a Small Wind Project less than 5MW, including the wind turbine generator or anemometer or any parts thereof, shall be a Conditional Use in all Standard Commercial Zoning Districts, Planned Commercial Districts, Industrial Districts and Planned Industrial Districts. Wind Projects are prohibited in all other Zoning Districts. The following conditions shall be met for a Conditional Use Permit:

1) Development Standards for all Small Wind Projects.

- a) Height: The maximum height of any turbine shall not exceed 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- b) Setbacks: Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at.
- c) Maintenance: Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused tower wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months shall be removed by the owner within thirty (30) days of issuance of zoning violation. Removal

includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

- d) Decibel Levels: Decibel levels shall not exceed those provided by the manufacturer as requested in Section 2. a) v. below.
- e) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.
- f) Warning Signs: Appropriate warning signs to address voltage shall be posted.
- g) Fencing: Security fencing shall be provided to prevent uncontrolled access to the Wind Turbine and related Accessory Structure.
- h) Building Permits: All Small Wind Projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.
- i) Ownership: Where the Wind Turbine and related Accessory Structures are located on property which is not owned by the wind turbine operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property.

2) Conditional Use Application Requirements.

- a) A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
  - i) A site plan containing the proposed location, type, total size and height of the Wind Turbine and related Accessory Structures
  - ii) If applicable, the total size and depth of the unit's foundation structure as well as soil and bedrock data.
  - iii) A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
  - iv) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
  - v) The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.

- vi) Hazardous materials containment and disposal plan.
  - vii) Location of all public and private airports in relation to the location of the wind turbine.
  - viii) A site plan showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
  - ix) Evidence of an established setback of 1.1 times the height of the wind turbine and "clear fall zone."
  - x) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
- b) As part of the conditional use process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

**Section 26.16 Agritourism**

In the interest of the public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied:

- 1) The agritourism provider shall provide evidence the farm on which the agritourism operation is proposed is ten (10) acres or more in area. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- 2) The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.
- 3) The agritourism provider shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.
- 4) The size and setback for any structure used primarily for agritourism activities shall be determined by the Board of Zoning Appeals per township regulations.
- 5) The agritourism operator shall provide off-street parking as determined by the Zoning Inspector in accordance with off-street parking regulations.

- 6) The agritourism operator shall provide ingress and egress in a manner necessary to protect public safety as determined by the Fire Department.
- 7) The following definitions apply to this section:
  - a) **Agritourism:** An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity
  - b) **Agritourism Provider:** A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
  - c) **Farm:** Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
  - d) **Agricultural Production:** Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

- e) Conservation Practices: Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

## ARTICLE XXVII

### OFF-STREET PARKING REQUIREMENTS

#### Section 27.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Circleville Township, and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

#### Section 27.02 Provision for Parking Required

Unless otherwise indicated in this Resolution, off-street parking in all zoning districts shall be addressed in accordance with the provisions of this Article.

#### Section 27.03 General Requirements

##### A. Surfacing and Drainage

All driveways and off-street parking areas for commercial, public facility, multi-family residential, or industrial projects shall be properly graded, marked and surfaced so as to provide a hard, durable and dustless surface. The finished surface shall be constructed of any surfacing material approved by Ohio Department of Transportation. Gravel shall not be permitted as an approved surface, and chip seal will only be permitted where used to extend the life of existing concrete or asphalt surfaces.

All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

##### B. Lighting

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

##### C. Location of Parking Spaces

A five foot (5') clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas

shall be so designed and arranged so as not to allow the protruding of any vehicle, or portion thereof, over the clear zone.

D. Parking of Inoperable or Disabled Equipment or Vehicles.

The exterior parking or storage of inoperable, unlicensed or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.

Circleville Township reserves the right to remove junk cars from private property, consistent with the standards and procedures cited in ORC Section 4513.65.

E. Parking of Recreational Equipment

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers, and similar recreational equipment shall be subject to the following requirements:

1. Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
2. Recreational equipment shall not be used for permanent occupancy.
3. Recreational equipment may be used for temporary occupancy for a period of time not exceeding three (3) months.

**Section 27.04 Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule.

## Section 27.04

### SCHEDULE OF REQUIRED OFF-STREET SPACES

| <i>USE</i>  | <i>NUMBER OF REQUIRED SPACES</i>   |
|---|--|
| <b>A. Residential</b>   |  |
| 1. Single or multiple- family residences  | Two (2) per dwelling unit  |
| 2. Institutional housing, other residential uses  | One (1) per three (3) occupants plus two (2) for each main work shift  |
| <b>B. Commercial</b>  |  |
| 1. Professional, administrative and business offices  | One (1) for each 400 S.F. of gross floor area  |
| 2. Food, department, general merchandise, hardware, drugs, or other retail sales                                      | One (1) for each 300 S.F. of gross floor area  |
| 3. Eating or drinking establishments <i>without</i> drive-through facilities  | One(1) for each 100 S.F. of gross floor area   |
| 4. Eating or drinking establishments <i>with</i> drive-through facilities   | One (1) for each 75 S.F. of gross floor area plus stacking spaces as required in Section 27.05.  |
| 5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities | One (1) for each 300 S.F. of gross floor area.   |
| 6. Personal services, including banks, savings and loans, and similar services <i>with</i> drive-through facilities   | One (1) for each 300 S.F. of gross floor area. plus stacking spaces as required in Section 27.05.  |
| 7. Barber and beauty shops  | Two (2) for each work station  |
| 8. Gasoline and service stations, automobile service  | Two (2) for each service bay plus one (1) for each pump, plus one (1) for each employee during the main shift  |
| 9. Medical and dental offices, human clinics veterinary clinics, animal hospitals                                     | Four (4) for each doctor or dentist  |
| 10. Hotels, bed-and-breakfast establishments  | One (1) for each sleeping room plus one (1) for each employee during the main shift  |
| 11. Funeral homes   | One (1) for each 400 S.F. of gross floor area  |
| <b>C. Industrial</b>  |  |
| 1. Any manufacturing, processing, packaging, warehousing, distribution or service industry                            | Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises |

## Section 27.04

### SCHEDULE OF REQUIRED OFF-STREET SPACES *(continued)*

| <i>USE</i>   | <i>NUMBER OF REQUIRED SPACES</i>  |
|--|---|
| <b>D. Institutional</b>  |   |
| 1. Churches and places of public worship   | One (1) for each four (4) seats in main sanctuary   |
| 2. Public or private elementary or secondary school  | Four (4) for each classroom, or one (1) for each in main auditorium, whichever is greater   |
| 3. Business, trade, or technical school, college or university                               | One (1) for each two (2) students and one (1) for each faculty member                       |
| 4. Nursery school/day care   | One (1) for each fifteen (15) students  |
| 4. Libraries, museums, community centers and similar facilities                              | One for each 400 SF of gross floor area   |
| 5. Civic, social and fraternal organizations   | One (1) for each three (3) persons allowed in main meeting room at full capacity            |
| 6. Hospitals, nursing facilities   | One (1) for each four (4) beds plus one (1) per employee on main shift                      |
| <b>E. Recreational</b>   |   |
| 1. Baseball, softball, football, soccer or similar organized sport playfield                 | Twenty (20) for each playfield, plus one for each six (6) seats in stands                   |
| 2. Tennis, handball or racquetball courts  | Three (3) for each court  |
| 3. Bowling alleys  | Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants |
| 4. Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools | One (1) for each four (4) seats   |

### Section 27.05 Required Number of Off-Street Parking Spaces

In addition to the parking spaces required in Section 27.04, uses which have drive-through service shall provide a motor vehicle stacking area. Unit means drive-through units. The table below lists the total number of stacking spaces needed for the use. The total number of spaces may be divided among the different units if multiple units are utilized. An eating/drinking establishment which has multiple windows but only one window used for the pick-up of food/drinks shall constitute one unit.

| <b>Drive Through Stacking Spaces Table</b> |  |         |         |          |
|--|--|---------|---------|----------|
|  | Total Number of Stacking Spaces Required |         |         |          |
|  | 1 Unit                                   | 2 Units | 3 Units | 4 Units+ |
| Eating and/or Drinking Establishments      | 8  | 12      | 16      | 20       |
| Banks                                      | 4  | 6       | 8       | 10       |
| Pharmacies, ATMs and Other Uses            | 3  | 5       | 6       | 7        |

## ARTICLE XXVIII

### SIGNS

#### Section 28.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems in Circleville Township. It is the intent of these regulations:

- to control the size, location and design of signs so that the overall appearance of such signs will be aesthetically harmonious with their surroundings
- to reduce sign clutter
- to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic
- to prevent signs from becoming a nuisance to adjacent properties or uses
- to encourage the development of signage that promotes a healthful economic and business environment and thereby protect the general health, safety, and welfare of the citizens of Circleville Township.

#### Section 28.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product.
- B. Other Definitions
  1. "Billboard" means an off-premises outdoor advertising sign that is more than two-hundred (200) square feet in area.
  2. "Changeable copy sign" means a sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs, but does not include digital display signs, as defined below.
  3. "Digital display sign" means a sign which uses digital technology to produce a bright clear image which automatically changes on a programmed interval.
  4. "Directional sign" means any off-premises sign which indicates the direction or specific location of an institution,

organization or business, which does not include advertising or any information regarding product lines or services offered.

5. "Flashing sign" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
6. "Freestanding sign" means a sign which is wholly independent of any building for support.
7. "Moving sign" means any sign, all or any part of which physically moves or is animated so as to give the appearance of movement.
8. "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
9. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for a time period in excess of 120 days.
10. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes, and shall include signs that are constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.
11. "Projecting sign" means a sign which extends outward perpendicular to the building face.
12. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of 120 days or less.
13. "Wall sign" means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
14. "Window sign" means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

#### **Section 28.03 Signs Excluded from Regulations**

The following signs are excluded from the regulations and requirements of this Article:

- A. Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on

mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.

- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
- C. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable entities. Such signs shall be removed not later than seven (7) days after the scheduled activity.
- D. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- E. Signs which are in the nature of cornerstones, commemorative tables, and historic designations, provided such signs are less than nine (9) square feet in size and not illuminated.
- F. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- G. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion, and provided that not more than four (4) such flags or banners are displayed at any one time.
- H. Signs identifying agricultural commodities or products used on the premises.

**Section 28.04 Prohibited Signs**

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Signs mounted on motor vehicles or semi trailers that are parked in a manner and location so as to serve as a sign.
- B. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display.
- C. Flashing or high intensity lights mounted on a sign.

- D. Any sign that obstructs any part of a doorway, exit or fire escape.
- E. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
- F. Any sign attached to a utility pole or fence or otherwise extending into the right-of-way of any public street or highway.

**Section 28.05 Sign Permits and Administration**

**A. Permit Required**

No permanent or temporary sign, except as exempted in Sections 28.03 or 28.06 of this Resolution, shall hereafter be erected, constructed or maintained within Circleville Township unless a permit for the same has been issued by the Zoning Inspector.

**B. Contents of Application**

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his/her agent. The fee shall be established by separate Resolution. Each application for a sign permit shall be made on forms provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
  - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols. If more than one sign face is proposed, separate information on each face shall be provided.
  - b. The exact location of the sign in relation to the building and property.
  - c. The method of illumination, if any.
3. Details and specifications for the construction, erection and attachment of the sign.
4. Name, address and telephone number of the sign contractor or company.
5. Other information as may be required by the Zoning Inspector to ensure compliance with the provisions of this Ordinance.

C. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. The fee for a sign permit shall be doubled if the construction or physical alteration for which the permit is sought was commenced prior to the application for the permit. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

D. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Board of Zoning Appeals in the manner set forth in Article VII of this Resolution.

**Section 28.06 Signs Which Do Not Require a Permit**

The following signs may be erected without a permit. Such signs, however, shall be subject to all other provisions of this Article:

- A. Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than ninety (90) days prior to election, and to be removed no later than fifteen (15) days after such election, subject to penalty. Such signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition, such sign shall not be located in any manner so as to create a safety or visibility hazard. Signs that exceed the standards of this Section shall require a sign permit.
- B. Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One such sign shall be allowed per street front. Such signs shall not be located in a public right-of-way.
- C. Temporary window signs which promote special business sales, promotions or occasions. No business shall display such signs for more than thirty (30) days per calendar year.
- D. Signs, which are less than fifteen (15) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located, and which has individual and separate entries.
- E. Temporary signs not exceeding fifty (50) square feet in area erected on a site owned or controlled by a non-profit organization or group,

including but not limited to sites used for sporting or similar community events.

- F. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- G. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed sixteen (16) square feet in area, and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- H. Signs determined by the Board of Zoning Appeals to be similar to those specified in A-G above.

#### **Section 28.07 General Requirements**

Temporary and/or permanent signs erected after the date of this Resolution shall comply with the following standards and requirements:

##### **A. Off-Premises Signs and Outdoor Advertising**

Outdoor advertising and other signs promoting a product or service not located on the premises shall be considered a business use and shall be allowed in and subject to the development standards of the GB, HB and GE Districts, and the following:

1. All off-premises signs other than directional signs specified in Section 28.07 A(2) below, shall conform to all yard and setback requirements for the zoning district in which it is located.
2. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located elsewhere. Each such directional sign shall not exceed four (4) square feet in area.
3. The height of an outdoor advertising sign shall not exceed fifteen (15) feet above natural grade and shall not exceed 200 square feet in area. Outdoor advertising signs that exceed this standard shall be considered billboards and subject to the additional provisions of Section 28.07 B below.

4. All permitted outdoor advertising signs shall be licensed or permitted as may be required by other local, federal or state agencies.
5. Outdoor advertising signs shall be located not less than 200 feet from any adjacent residential zoning district.
6. No outdoor advertising shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.

**B. Billboards**

Billboards, as defined in Section 28.02B, are considered as a conditional use in the HB and GE Districts, requiring approval by the Board of Zoning Appeals, and shall be subject to the following conditions:

1. Billboards shall be allowed only on properties having direct frontage on arterial federal highways designated as on the primary system. Not more than one (1) billboard shall be allowed on any single property existing as of the effective date of this amendment. The erection of all billboards shall comply with all federal and state requirements.
2. Any billboard shall maintain a maximum height of thirty-five (35) feet. The maximum display area for any billboard shall not exceed 300 square feet per side.
3. Said billboard structures must be set back from the established right-of-way of any roadway not less than one hundred (100) feet.
4. At a property at any intersection, any billboard structure shall not be located less than two hundred (200) feet from the established right-of-way line of each highway or thoroughfare, or in such other manner as to interfere with, or obstruct clear vision of such intersection in any direction for a distance of 250 feet.
5. No such billboard structure shall be permitted which faces the front or side lot line of any lot or parcel of land in any FR, SR-1 or SR-2 District, and is within three hundred (300) feet of such lot line. No billboard shall be located less than 1,000 feet from any residence.
6. No billboard shall be erected within 1,000 feet from any other billboard.

C. On-Premises Signs

Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the LB, GB, HB, GE, GI and SU Districts. In the HB and SU Districts, the location of such sign must be in strict compliance with the Development Plan submitted as part of the approval process. The permitted number, structural type, area and height of permanent on-premises signs shall be as specified in **TABLE I**, which is hereby made a part of this Resolution.

**SECTION 28.07 C / TABLE I  
PERMITTED NUMBER AND STRUCTURAL TYPE OF SIGNS  
(PERMANENT ON-PREMISES SIGNS)**

| <b>USE / DISTRICT</b>   | <b>PERMITTED SIGN TYPES</b>   | <b>MAXIMUM NUMBER OF SIGNS</b>  |
|---|---|---|
| <b><i>Institutional</i></b>   |   |   |
| Schools, churches, hospitals and other public facilities in all districts | Wall, freestanding window   | 1 per frontage  |
| <b><i>Commercial/Office</i></b>   |   |   |
| Permitted / conditional uses in the LB District                           | Wall, freestanding, window,   | 2 per frontage (only one freestanding)  |
| Business / professional offices in the GB District                        | Wall, window, projecting, freestanding  | 2 per frontage (only one freestanding)  |
| Other commercial uses in the GB District                                  | Wall, freestanding, window, projecting, awning, canopy  | 2 per frontage (only one freestanding)  |
| Permitted / conditional uses in the HB District                           | Wall, freestanding, window, projecting, awning, canopy  | 2 per frontage (only one freestanding)  |
| <b><i>Industrial</i></b>  |   |   |
| Permitted / conditional uses in the GE and GI Districts                   | Wall, freestanding, window  | 2 per frontage  |
| <b><i>Institutional</i></b>   |   |   |
| Schools, churches, hospitals and other public facilities in all districts | 40 (all signs)<br>32 per sign   | 15 (wall)<br>10 (freestanding)  |
| <b><i>Commercial/Office/</i></b>  |   |   |
| Permitted / conditional uses in the LB District                           | 32 (all signs)<br>10 (freestanding)   | 10  |
| Business / professional offices in the GB District                        | 32 (all signs)<br>10 (freestanding)   | 10  |
| Other commercial uses in the GB District                                  | 64 (all signs)<br>10 (freestanding)   | 15  |
| Permitted / conditional uses in the HB District                           | 3 per lineal foot of bldg. frontage; 100 S.F. maximum all signs, subject to Section 28.07 F below; 32 (freestanding) subject to Section 28.07 below | 20 (freestanding)<br>15 (other types)<br>30 (wall signs for buildings over 25,000 S.F. floor area)<br>All above subject Section 28.07 F below |
| <b><i>Industrial</i></b>  |   |   |
| Permitted / conditional uses in the GE and GI Districts                   | 3 per lineal foot of bldg. frontage; 100 S.F. maximum all signs 32 (freestanding)   | 15  |

## NOTES / TABLE I:

- *For the purposes of calculating the number of permitted signs, "frontage" shall be interpreted as frontage on a publicly dedicated and improved street or roadway. It is understood that some shopping centers may have buildings in which the front façade does not parallel the "frontage". Such buildings are entitled to the same signage as if the facades were parallel to the frontage.*
- *Plans for signage in particular districts must be submitted with the required Development Plan, as specified in the zoning district regulations; the Planning and Zoning Commission may impose additional requirements.*
- *See Section 26.03 for signage requirements for home occupations.*
- *Not more than one (1) sign per business per street frontage in any district shall be a freestanding sign.*
- *No on-premises freestanding sign shall be erected closer than fifteen (15) feet to the road right-of-way.*
- *Buildings or single developments with multiple business occupants sharing a common entrance from the street, i.e., shopping centers, shall be permitted one (1) joint identification sign in addition to signage permitted above. Such joint identification sign shall meet the requirements of Section 28.07F, below. Shopping centers in excess of 250,000 square feet of gross floor area in size shall be permitted two (2) such signs.*
- *No individual business (users) within a shopping center shall use a separate freestanding sign except for freestanding outparcel buildings located within the shopping center.*
- *In the event that two or more outparcel-type uses share an entrance for purposes of access management, each outparcel shall be entitled to a free-standing ground sign.*
- *In addition to the designated number of permitted signs, nonresidential uses along arterial or collector highways within the GB, HB, GE and GI Districts shall be allowed a maximum of two (2) directional signs, each not exceeding two (2) square feet in area. Such directional signs shall clearly be for the purpose of designating entrances and/or exits and directing customers to the internal circulation network on the site.*
- *Joint Identification Signs in the LB, GB, HB, GE and GI Districts are permitted pursuant to the provisions of Section 28.07.F.*

D. Portable Signs

Portable signs, as defined in Section 28.02B 10, shall be permitted as temporary signs, so long as the gross sign area for the property, as specified in Section 28.07C above, is not exceeded.

E. Permanent Subdivision Identification Signs

Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision.

F. Joint Identification Signs

Joint identification signs shall be limited to wall or freestanding signs, on premises where there are two (2) or more uses located on one (1) property (e.g., a shopping center) on one (1) or more public street(s). A joint identification sign in the LB District shall not exceed twenty (20) square feet and ten (10) feet in height. A joint identification sign in the GB, GE and GI Districts shall not exceed thirty-two (32) square feet and fifteen (15) feet in height. A joint identification sign in the HB shall not exceed seventy-five (75) square feet and thirty (30) feet in height.

G. Total Sign Area in HB District

The total sign area of all signs associated with an individual user in the HB District shall not exceed: 100 square feet for users with a gross building area of less than 10,000 square feet, 125 square feet for users with a gross building area greater than 10,000 square feet and less than 25,000 square feet, 150 square feet for users with a gross building area greater than 25,000 square feet and less than 50,000 square feet, 175 square feet for users with a gross building area greater than 50,000 square feet and less than 75,000 square feet and 200 square feet for users with a gross building area greater than 75,000 square feet. The total area of all signs for buildings or single developments with multiple business occupants sharing a common entrance (e.g., shopping center), shall not be greater than three (3) square feet per lineal feet of building frontage on a public street or road and parking areas, not to exceed two (2) building sides.

H. General Requirements for all Signs

1. When a sign is proposed to be illuminated, such illumination shall be from a concealed or indirect light source, and shall not flash, blink, fluctuate in intensity, travel, move, or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of

illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

2. Moving signs, and/or signs that change or alter the display surface using mechanical, electronic or any other available technology shall be considered as a conditional use within the GB and HB Districts, and shall require specific approval of the Board of Zoning Appeals.
3. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard.
4. No sign nor part of any of a sign shall be placed in, over, or extend onto any public right-of-way, nor shall any part of a sign be placed over, or extend above the roof of any structure.
5. No sign shall be located so as to hinder clear sight within fifty (50) feet in both directions at the intersection of any roadway with a federal or state highway.

#### **Section 28.08 Measurement of Sign**

For the purposes of this Resolution, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face(s) of all the display area(s) of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design. Unless otherwise indicated in these regulations, where a single sign has two or more display faces which are situated back-to-back, the area of a single face of the sign shall be used to determine the permitted area of the sign.
- B. The area of signs consisting of letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area within.

#### **Section 28.09 Nonconforming Signs**

- A. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.

2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
  - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
  - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his/her agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately. The removal of an abandoned sign shall be the responsibility of the owner of the property.

**B. Relocation or Replacement**

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section.

**C. Maintenance**

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In the event that damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

## ARTICLE XXIX

### ADULT ENTERTAINMENT BUSINESSES

#### Section 29.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare of the residents of Circleville Township through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods, and to prohibit the establishment of such businesses within close proximity to schools, churches, residential areas, parks and playgrounds within the Township.

#### Section 29.02 Definitions

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories:
1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
  2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
- B. "Specified Sexual Activities" means any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.

3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. "Specified Anatomical Areas" mean any of the following:
    1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
    2. Human male genitals in a discernible turgid state.
  - D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist, or which is limited in edition to 1,000 or less.
  - E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
  - F. "Visibly displayed" means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

#### **Section 29.03 Exceptions**

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

#### **Section 29.04 Location**

Adult Entertainment Facilities shall be considered a conditional use in the GB District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.

- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

ARTICLE XXX

*RESERVED FOR FUTURE USE*