

Mercer County Zoning Code

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Zoning Code

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PREAMBLE

A RESOLUTION OF MERCER COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF THE OHIO REVISED CODE, DIVIDING THE COUNTY INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION; DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREFTER; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY AND MORALS.

THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MERCER COUNTY, STATE OF OHIO, ALL OF THE MEMBERS THERETO CONCURRING ON AUGUST, 23, 2001, EFFECTIVE SEPTEMBER 22, 2001:

1121.00 GENERAL PROVISIONS

1121.01 Title

This Resolution shall be known and may be cited to as the “Zoning Code of Mercer County”, except as referred to herein, where it shall be known as “this Zoning Code”.

1121.02 Intent

The intent of this Zoning Code is to promote and protect the public health, safety, and morals of the County, in accordance with the Comprehensive Land Use Plan and planning process that is reflected in the contents of this Zoning Code and in the zoning map of the County by:

- A. Dividing the County into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.
- B. Regulating the intensity of land use through the control of the amount of lot area on which construction is authorized and through a determination of the area of open space surrounding any man-made improvements upon the land.
- C. Facilitating the orderly, efficient, and appropriate growth and development within the County.
- D. Protecting agricultural, residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety and morals.
- E. Regulating certain nonconforming uses of land, buildings, and structures.
- F. Promoting a pattern of rational land use relationships among agricultural, residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety and morals.
- G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

The intent is to implement these land use regulations in accordance with the Comprehensive Land Use Plan for Mercer County, as manifested in this Zoning Code and its companion zoning map, Mercer County Design Criteria, and Construction Standards and Drawings, and in various planning studies, which have been, or will be, approved by the Commissioners from time to time.

1121.03 Interpretation

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, order, prosperity, and general welfare. Except, as otherwise provided in Section 1121.05 Repeal of Conflicting Resolutions, it is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or Resolution, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or Resolution, or by such rules, regulations, or permits, the provisions of this Zoning Code shall prevail and control.

1121.04 Separability

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

1121.05 Repeal of Conflicting Resolutions

All Resolutions in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect.

1123.00 DEFINITIONS

1123.01 Construction of Language

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- A. The word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The singular number includes the plural, and the plural number includes the singular.
- D. The word "SHALL" is mandatory, and the word "MAY" is permissive.
- E. The word "BUILDING" includes the word "STRUCTURE."
- F. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- G. The word "lot" includes the words "plot" or "parcel."
- H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- I. Regardless of capitalization, definitions are standard.

Terms, not herein defined, shall have the meaning customarily assigned to them.

1123.02 Definitions

ACCESSORY STRUCTURE or USE

A use, object or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object or structure, and which is subordinate to or serves the principal object or structure, is subordinate in the area to the principal object or structure, and is customarily incidental to the principal object or structure. Among other things, "accessory structure" includes anything of a subordinate nature attached to or not attached to a principal structure, such as, fences, satellite dishes, antennas, signs, parking lots, decks, sheds, detached private garages and detached carports. Except as otherwise required in this Zoning Code "accessory structures" customarily associated with the principle use shall be permitted. (See Section 1129.03)

ADULT ENTERTAINMENT

(See Section 1129.20)

AGRICULTURE

The use of land for the purpose of farming, dairying, pasturage, horticulture, viticulture, animal, and poultry husbandry and limited processing and sale of agricultural products from land under same ownership. The Ohio Revised Code confers no power on any County zoning commission, board of County Commissioners, or board of zoning appeals to 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. No zoning certificate shall be required for any such building or structure except any platted subdivision consisting of 15 or more lots of 1 acre or less.

ALLEY

(See Thoroughfare)

ALTERATION

Any change, addition, or modification in construction use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

ANIMAL GROOMING

(See Pet Shops and Animal Grooming)

ANIMAL HOSPITAL OR CLINIC

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

ASSISTED LIVING FACILITY

A residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry, and gathering areas shared in the facility.

AUTOMOBILE FILLING STATION

A place where gasoline, or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil, and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

AUTOMOBILE PAINTING AND BODY SHOPS

Places where the following services may be carried out: collision service such as body, frame, or fender straightening and repair, and overall painting, undercoating, rust protection, paint protection, and fabric protection of automobiles.

AUTOMOBILE SALES

The display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

AUTOMOBILE SERVICE

Places where the following services may be carried out: the sale of engine fuels, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles

AUTOMOBILE WASHING FACILITIES

Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

BARS, TAVERNS, AND NIGHTCLUBS

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

BASEMENT

A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. (See "Story") (See Illustration, Exhibit "C" following this Section.)

BED AND BREAKFAST INNS

A residential, single-family dwelling or portion thereof, which is owner-occupied, that has as a secondary use of the structure, which is one to five guestrooms for rent. Guests shall not stay longer than 14 consecutive days. Breakfast shall be the only meal served. The operator of the Inn shall live on the premises.

BILLBOARD

Outdoor advertising, which directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered elsewhere than on the lot where it is displayed. It is on only incidentally on such lot. (See Section 1139.12 and Illustration – Exhibit H.)

BLOCK

Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, un-subdivided acreage, waterway, or between any of the foregoing and any other barrier to the continuity of development or boundary lines of the County.

BOARD OF ZONING APPEALS (BZA)

Mercer County Board of Zoning Appeals hereinafter referred to as "BZA".

BUILDING

A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface. The height of agricultural buildings, church spires, public service facilities, chimneys, conveyors, flag poles and similar structures are exempt from the building height regulations for each district.

BUILDING LINE

(See Setback Line)

BUILDING LOT

Any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately, but shown on the county's tax maps as owned by the same owner.

BUILDING; PRINCIPAL

A building, in which conducted, is the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING AND RELATED TRADES

A building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.

BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES

Uses that include, but are not limited to, corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services.

CAMPGROUND

A tract of land upon which five or more portable camping units and/or self-contained recreational vehicles are located, as defined in and in compliance with Ohio Administrative Code Chapter 3701-25.

CAR WASH

(See Automobile Washing Facilities)

CARRYOUT

A place of business where food and beverages are purchased for consumption on or off the premises.

CEMETERY

Land used, or intended to be used, for the disposition of deceased persons and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHANNEL

A natural or artificial watercourse of perceptible extent with bed and banks to confine or conduct water.

CLINIC

(See Medical Offices and Clinics)

CLUB

An association organized and operated not for profit for a social, literary, political, educational, fraternal or recreational purpose for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associations are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws.

COMMERCIAL ENTERTAINMENT FACILITIES

Any profit-making activity, which is generally related to the entertainment field. These facilities include motion picture theaters; sports arenas; tennis, racquetball, and handball courts; health clubs; bowling alleys; arcades; pool halls and similar entertainment activities.

COMMISSIONERS

The Board of County Commissioners of Mercer County, Ohio

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY

A state licensed or authorized home for children or adults, which is operated by the state or a political subdivision or pursuant to a license issued by or to a contract with the state or a political subdivision. Community-oriented residential social service facilities include the following categories: agency group homes for children or adults, residential homes for children or adults, or residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

COMPOSTING

Commercial composting of organic materials as regulated in Section 1129.27.

COMPREHENSIVE LAND USE PLAN

A plan, which may consist of several maps, data, policies, and other descriptive matter, for the physical development of the County which has been adopted by the County to indicate the general location for proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites, and other similar information.

CONDITIONAL USE

A use that is permitted, but only by application to the BZA in each specific instance, and after determination by the BZA that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the BZA may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, convenience, order, prosperity, and general welfare. (See Chapter 1131)

CONDOMINIUM

A building or group of buildings in which units are individually owned, but the structure, common areas, and facilities are owned on a proportional, undivided basis by all of the owners.

CORNER LOT

(See Lot)

DAY CARE FACILITY

A building or structure where daytime care, protection, and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes Child Care Facilities that address and pertain to the care of children up to, and throughout, school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.

DAYS

Calendar days, unless stated otherwise.

DENSITY

A unit of measurement; the number of dwelling units per acre of land.

- A. Gross Density - the number of dwelling units per acre of the total land to be developed.
- B. Net Density – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DEVELOPMENT PLAN

(See Comprehensive Land Use Plan)

DISTRICT

A portion of the County within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

DRIVE-IN COMMERCIAL USES

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the "drive-in" service. Examples include, but are not limited to fast food restaurants, drive-thru carryouts, drive-up banks, photo kiosks and freestanding automatic teller machines.

DWELLING

Any building or structure which is wholly or partly used, or intended to be used, for living or sleeping by one or more human occupants.

DWELLING; EFFICIENCY APARTMENT

A dwelling unit in a two family, or multi-family, building without a separate distinct room for sleeping, having a minimum floor area of 300 square feet.

DWELLING, FARMSTEAD

A single family dwelling on a tract of land of 80 acres or more in an A-1 district, or of 20 acres or more in an A-2 district.

DWELLING; MULTI-FAMILY

A dwelling consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

DWELLING; PERMANENTLY-SITED MANUFACTURED HOME

A building manufactured in an off-site facility designated for, or occupied exclusively by, one family shall be considered a single-family dwelling, provided it meets all of the following criteria:

- A. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
- B. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
- C. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure has a permanent label, or tag, certifying that it was constructed in conformance with all applicable federal construction and safety standards.

DWELLING; SINGLE-FAMILY

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space, including permanently-sited manufactured homes as defined herein.

DWELLING; TRIPLEX

A dwelling consisting of three dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING; TWO-FAMILY

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING UNIT

A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping, and sanitation facilities.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EDUCATIONAL INSTITUTIONS

Public, private, and/or religious schools including grades K through 12, colleges and universities.

ERECTED

Includes the terms built or constructed, altered, or reconstructed. "Erected" also includes moving of a building or structure onto a lot or any physical operations on the premises, which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

ESSENTIAL SERVICES

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

FAMILY

A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a bed and breakfast inn or a hotel.

FARM AND HEAVY EQUIPMENT RENTAL, SALES, SERVICE, AND STORAGE

These facilities include rental, sales, service, and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

FENCE

Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

FINANCIAL INSTITUTIONS

These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

FLOOD, REGIONAL

Large floods which have previously occurred, or which may be expected to occur, on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year flood.

FLOODPLAIN

That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOODWAY

That portion of the floodplain, including the channel, which is reasonably required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE

That portion of the floodplain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING
(To be Used in Calculating Parking Requirements)

The floor area of the specified use, excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

FLOOR AREA OF A RESIDENTIAL BUILDING

The sum of the gross horizontal area of all floors of a residential building, excluding garages, basement floor areas, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FOOD PROCESSING

The preparation or processing of food products, excluding restaurants, for wholesale distribution.

FRONT LOT LINE

(See Lot)

FRONT YARD

(See Yard)

FUNERAL HOME

A building, or part thereof, used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

GAS STATION

(See Automobile Filling Station)

GRAIN ELEVATORS AND FEED MILLS

A building, structure, or premises used for the storage and sales of grain and other related agricultural supplies and products.

GROUP HOME

Any licensed residential facility designated to allow not more than eight persons, needing specialized care, on-going medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.

HEAVY EQUIPMENT RENTAL, SALES, SERVICE, AND STORAGE

(See Farm and Heavy Equipment Rental, Sales and Storage)

HOME OCCUPATIONS

An accessory use such as an activity, profession, occupation, service, craft, or revenue-enhancing hobby, which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within a residence without any significant adverse effect upon the surrounding neighborhood. (See Section 1129.17)

HOSPITAL

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL/MOTEL

A building occupied as the temporary abode of individuals who are lodged, with or without meals, in which there are six or more sleeping rooms. A "hotel" may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

INDUSTRIAL; ENCLOSED

A use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance

performance standards as set forth in Section 1129.18 Environmental Performance Standards, of this Zoning Code.

INDUSTRIAL; OPEN

A use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in 1129.18 Environmental Performance Standards, of this Zoning Code.

INTERIOR LOT LINE

Any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.

JUNK

“Junk” includes but is not limited to: old scrap copper, brass, rope, rags, trash, or waste; old and used building materials, batteries, paper, or rubber; junk, dismantled, or wrecked motor vehicles, or parts thereof; old or discarded household furniture or appliances; iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK MOTOR VEHICLES

Any vehicle shall be deemed a junk motor vehicle if it is 3 or more years old, apparently inoperable, having a fair market value of \$1500 or less, and is extensively damaged, including but not limited to, missing wheels, tires, motors or transmissions.

JUNK YARD OR SALVAGE YARD

An open area where junk, waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area used for storage, keeping, or abandonment of junk.

KENNELS

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets.

LANDFILL

The use of land for the disposal of household, commercial, construction or other refuse by burying. (See 1129.25)

LAND USE PLAN

The long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.

LIBRARIES

A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference.

LOADING SPACE

A loading space is an off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOCK AND STORE WAREHOUSE (or Store and Lock)

(See Self-Service Storage Facilities)

LOT

For the purposes of this Zoning Code, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

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

LOT COVERAGE

The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures including swimming pools, accessory structures or any part thereof, excluding projecting roof eaves. No more than 5% of the lot area used in this calculation may be permanently submerged unless such submerged land is part of a storm water retention basin planned and approved exclusively for the lot under consideration.

LOT LINE

(See Illustration, Exhibit "B" following this Section.)

- A. Front - A street right-of-way line forming the boundary of a lot.
- B. Rear - The lot line that is most distant from, and is, or is most parallel with, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line.
- C. Side - A lot line that is neither a front lot line nor a rear lot line.

LOT MEASUREMENTS

A lot shall be measured as follows:

- A. Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

- B. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the required front building setback line.

LOT; MINIMUM AREA OF

The total horizontal area within the lot lines of a lot, which is computed exclusive of any portion of the right-of-way of any public or private street. No more than 5% of the required minimum lot area may be permanently submerged, unless such submerged land is part of a storm water retention basin, planned and approved exclusively for the lot under consideration.

LOT OF RECORD

A lot, which is part of a subdivision recorded in the office of the Mercer County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES

Terminology used in this Zoning Code with reference to corner lots, interior lots, and through lots is as follows:

- A. Corner Lot - A lot located at the intersection of two or more streets. (See Illustration, Exhibit "A" following this Section).
- B. Interior Lot - A lot with only one front yard on a street. (See Illustration, Exhibit "A" following this Section).
- C. Through Lot - A lot other than a corner lot with a front yard on more than one street. Through lots abutting two streets may be referred to as double frontage lots. (See Illustration, Exhibit "A" following this Section).

LUMBER YARDS AND BUILDING MATERIALS SALE AND STORAGE

Buildings or premises used for the storage and sale of lumber and building materials.

MANUFACTURING

The mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.

MARINAS

A business primarily engaged in the sale and/or repair of pleasure boats. Docking, boat slips, fuel sales, off season boat storage and the sale of marine supplies and accessories may supplement the primary business.

MEDICAL OFFICES AND CLINICS

Offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

MERCER COUNTY PROSECUTING ATTORNEY

The Mercer County Prosecuting Attorney, his or her designee, or in the case of a waiver from the Mercer County Prosecuting Attorney, an attorney hired by the Commissioners to provide counsel.

MINERAL EXTRACTION, STORAGE, AND PROCESSING

Any mining, quarrying, or processing of stone, shale, clay, coal, sand, and gravel or other minerals. (See Section 1129.28)

MINI-WAREHOUSE

(See Self-Service Storage Facility)

MINING, COMMERCIAL QUARRIES, SAND, AND GRAVEL PITS

(See Mineral Extraction)

MIXED USE

A combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Board of Appeals, in the same building or on the same premises.

MOBILE HOME OR TRAILER

Any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

MOBILE HOME PARK

Any plot of ground upon which three or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes are parked, either free of charge or for revenue purposes. This definition includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of the park. A tract of land that is subdivided and the individual lots front roadways dedicated to the public and are not for rent or rented, but are for sale or sold for the purpose of installing mobile homes on the lots is not a mobile home park even though three or more mobile homes are parked thereon. For all purposes of this zoning code, mobile home parks shall be as defined in and in compliance with Ohio Administrative Code Chapter 3701-27.

MOTEL

(See Hotel)

MULTI-FAMILY DWELLING (See Dwelling; Multi-Family)

NIGHTCLUB

(See Bars, Taverns, and Nightclubs)

NONCONFORMITIES

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NURSERIES AND GARDEN SUPPLIES STORES

A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME

An establishment that provides necessary health and related services to those unable to care for themselves.

OFF-STREET PARKING

The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OIL AND GAS WELLS

Oil and Gas Wells used for the production of fuel to be sold, as opposed to similar facilities used solely for the for the operation of plants operated by an industrial firm that owns or leases the land on which such wells are located.

OPEN SPACE

That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot and shall not be used for storage or parking.

OUTDOOR ENTERTAINMENT

Music, either live or recorded, or other audible entertainment as an accessory use to a club, restaurant or tavern approved by the Board of Zoning Appeals and conducted in conformance with Section 1129.18, Environmental Performance Standards.

OUTDOOR ENTERTAINMENT AREA

An area devoted to outdoor entertainment not to exceed 50% of the area of the principle building.

PARENT TRACT

A tract of land as described in the deed of record of the owner thereof at the effective date of the comprehensive amendment to these regulations (September 22, 2001).

PARKING LOT

An area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

PARKING SPACE; OFF-STREET

For the purpose of this Zoning Code, an off-street parking space shall consist of an area adequate for parking a passenger vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be

located totally outside of any street or alley right-of-way. See Section 1137.03 for specific requirements.

PERMITTED USE

A use that is permitted outright in a district, for which a zoning certificate shall be issued by the Zoning Inspector, provided that the applicant meets the applicable requirements of this Zoning Code.

PERSONAL SERVICES

Services of a personal nature including, beauty and barber shops; individual laundry and dry-cleaning establishments; laundromats; photo studios and photo finishing; tailoring; clothing rental; and other services performed for persons or their apparel.

PET SHOPS AND ANIMAL GROOMING

Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies, including domestic pet hygiene including washing, brushing, shearing, and nail cutting.

PETROLEUM REFINING AND STORAGE

A facility designed to separate and remove impurities from oil or gas and storage of such fuels or distribution.

PLANNED UNIT DEVELOPMENT (PUD)

Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans, and design principles for all buildings intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. (See Section 1135.00 Planned Unit Developments.)

PLANNING COMMISSION

The Mercer County Regional Planning Commission.

POOL; SWIMMING

(See Swimming Pool)

PRINCIPAL USE

The primary or predominant use of any land or improvement on it.

PRIVATE LANDING STRIPS OR HELIPORTS

A site built to the current FAA recommendations where aircraft arrive and depart.

PROFESSIONAL OFFICES

(See Business, Professional, and Administrative Offices)

PUBLIC OFFICES AND PUBLIC BUILDINGS

Establishments for local, county, regional, state, or federal government agencies.

PUBLIC SERVICE FACILITY

The erection, construction, alteration, operation, or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.

PUBLIC WAY

An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

REAR LOT LINE

(See Lot Line)

REAR YARD

(See Yard)

RECONSTRUCTED

Any change, addition, or modification in construction use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; the consummated act of which may be referred to herein as "altered".

RECREATION FACILITIES; COMMERCIAL

Recreation facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, boat docks, fishing piers, boat launching, and other commercial recreation areas and facilities or recreation centers, including commercial swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.

RECREATION FACILITIES; NONCOMMERCIAL

Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, gun clubs and shooting ranges, golf courses, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.

RECREATION FACILITIES, PUBLIC

Publicly owned parks, playgrounds, golf courses, sports arenas, gymnasiums, fairgrounds community centers, swimming pools, skating rinks, riding centers, gun clubs and shooting ranges, tennis, courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and arid wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

RECREATION VEHICLE

Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.

REGIONAL PLANNING COMMISSION

Mercer County Regional Planning Commission. Sometimes referred to as County Planning Commission.

RELIGIOUS PLACES OF WORSHIP

An institution that a congregation of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denominations are held.

RESTAURANT; FAST FOOD

A Drive-in Commercial Use where the principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises, as a carry-out order; and whose principal method of operation includes the following characteristics: food and/or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

RESTAURANT; STANDARD

An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

RETAIL BUSINESS

Any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale, not to include adult entertainment separately defined in Section 1129.20. (*Amd. Res. 04-800, Effective 8/21/04.*)

RIGHT-OF-WAY

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.

SATELLITE SIGNAL RECEIVER

Dish-type Satellite Signal-Receiving Antennas, earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.
- C. Not including telecommunications towers.

SCHOOLS, PRIVATE AND COMMERCIAL

Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools other than Educational Institutions.

SCIENTIFIC RESEARCH FACILITY

A building or buildings in which scientific research, investigation, testing, or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.

SCREENING

The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

SEASONAL STORAGE FACILITY

A facility for the storage of seasonal vehicles such as boats, recreational vehicles, and motor vehicles.

SEAT

For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITY

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or materials.

SETBACK LINE

A line established by the Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no portion of any principal structure, other than accessory building, may be located except as may be provided in said Zoning Code. No submerged portion of a lot shall be counted toward the required setback. (See Yard)

SEWERS, CENTRAL OR GROUP

An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single-development, County, or region.

SHOPPING CENTER

A grouping of retail and service uses on a single site that is developed, owned, and managed as a unit with off-street parking and loading as an integral part of that unit.

SIDE LOT LINE

(See Lot Line)

SIDE YARD

(See Yard)

SIGN

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section 1139.00 Signs and Billboards.)

SINGLE-FAMILY DWELLING

(See Dwelling; Single-Family)

STORY

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See Illustration, Exhibit "C" following this Section.)

STREET

(See Thoroughfare)

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SUPPLY YARDS

A commercial establishment storing and offering for sale, building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

SURVEY

A description of land prepared by a professional, licensed surveyor.

SWIMMING POOL

A structure constructed or placed below ground or above ground, which contains water in excess of 30 inches in depth and is suitable or utilized for swimming or wading.

TAVERN

(See Bars, Taverns, and Nightclubs)

TEMPORARY USE OF BUILDING

The temporary use of land or a building permitted by the Zoning Inspector for construction, or for special events. (See Section 1129.15 Temporary Uses.)

THOROUGHFARE

The full width between property lines bounding every Public Way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley - A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
- C. Collector Street - A thoroughfare, whether a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

THROUGH LOT

(See Lot)

TRAILER PARK

(See Mobile Home Court)

TRANSFER STATION

A facility where collected residential, commercial or industrial refuse is held temporarily for transfer to a landfill or other disposal site. (See Section 1129.26)

TRANSPORT TRUCKING TERMINAL

Any business, structures, or premises, which primarily receives or distributes goods by tractor-trailer or similar vehicle.

TWO-FAMILY DWELLING

(See Dwelling; Two-Family)

USE

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

UTILITY SERVICE COMPANIES

Utility buildings, telephone exchanges, and may include supply yards, maintenance crew buildings, and uses other than general offices.

VARIANCE

A modification of the strict terms of this Zoning Code 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 the action of the applicant, a literal enforcement of this Zoning Code which would result in unnecessary and undue hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

VEHICLE

Automobiles, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles, and boats

VEHICLE SALES, RENTAL, AND SERVICE

The sales, service, and rental of new and used cars, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles, and boats. This does not include semi-tractor trailers, farm equipment, and construction equipment.

VISION CLEARANCE ON CORNER LOTS

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street right-of-way lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot. (Refer to Mercer County Construction Standards and Drawings)

WAREHOUSE

A building used principally for the storage of goods and materials.

WHOLESALE BUSINESS

An establishment that is engaged in the sale of merchandise to businesses, rather than to consumers.

WIRELESS TELECOMMUNICATION FACILITIES

(See Section 1129.23 for definitions and regulations)

YARD

An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this Zoning Code. (See Illustration - Exhibit "B" following this Section.)

- A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard. (See Illustration Exhibit "B" following this Section)
- B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building. (See Illustration Exhibit "B" following this Section)
- C. Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from

the nearest point of the side lot line to the nearest point of the main building. (See Illustration Exhibit "B" following this Section)

No more than 5% of a required minimum yard may be comprised of permanently submerged land, unless such submerged land is part of a storm water retention basin planned and approved exclusively for the lot under consideration.

ZONE

Zone means the same as District.

ZONING CERTIFICATE OR PERMIT

The document issued by the Zoning Inspector authorizing the use of land, structures, uses of land and structures, and the characteristics of the uses consistent with the terms of this Zoning Code and for the purpose of carrying out and enforcing its provisions.

ZONING COMMISSION

Mercer County Rural Zoning Commission as provided in Section 303.04 of the Ohio Revised Code and appointed by the Commissioners.

ZONING INSPECTOR

A person appointed by the Commissioners to handle the administration of the Zoning Code. (See Sections 1145.03-.04)

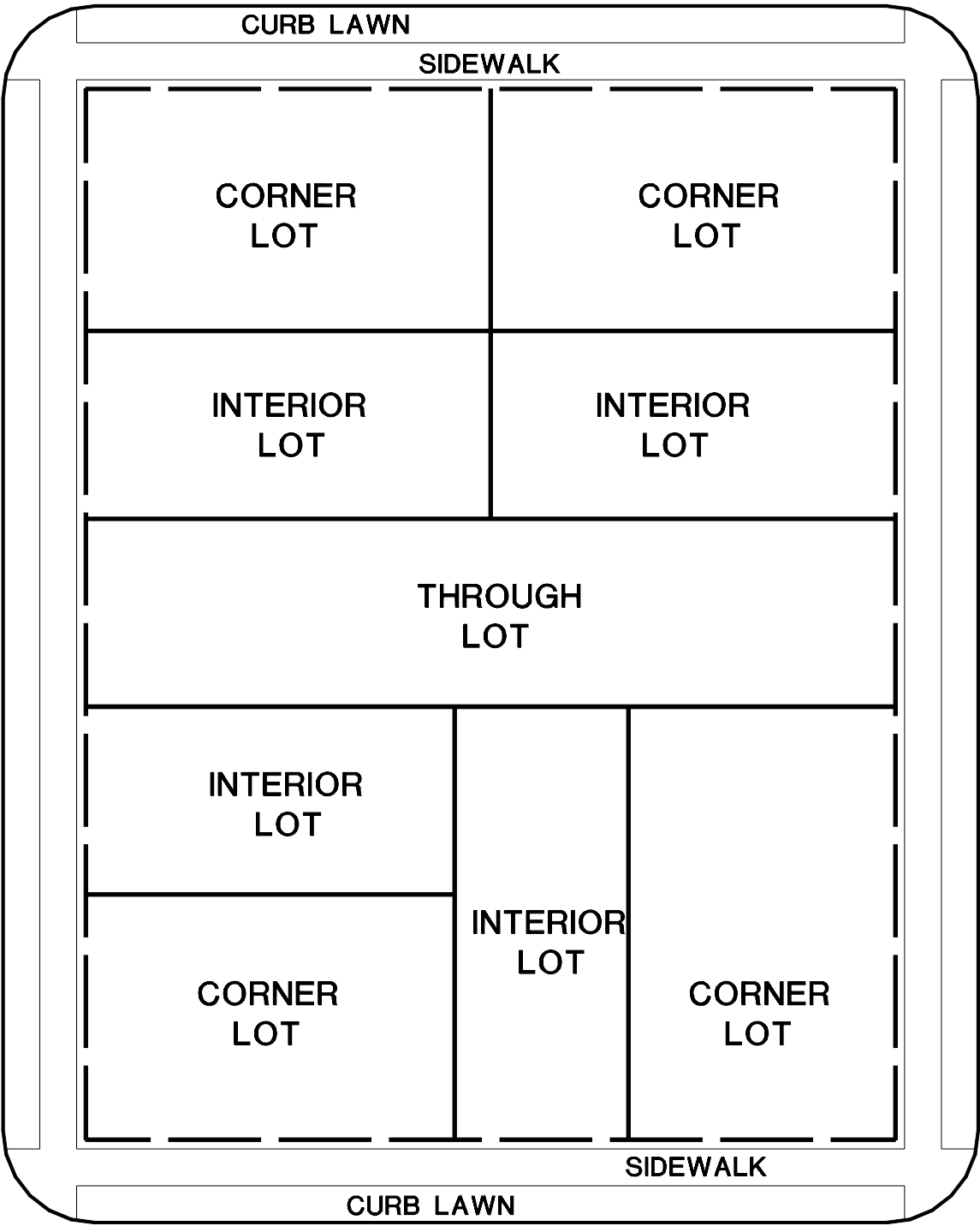
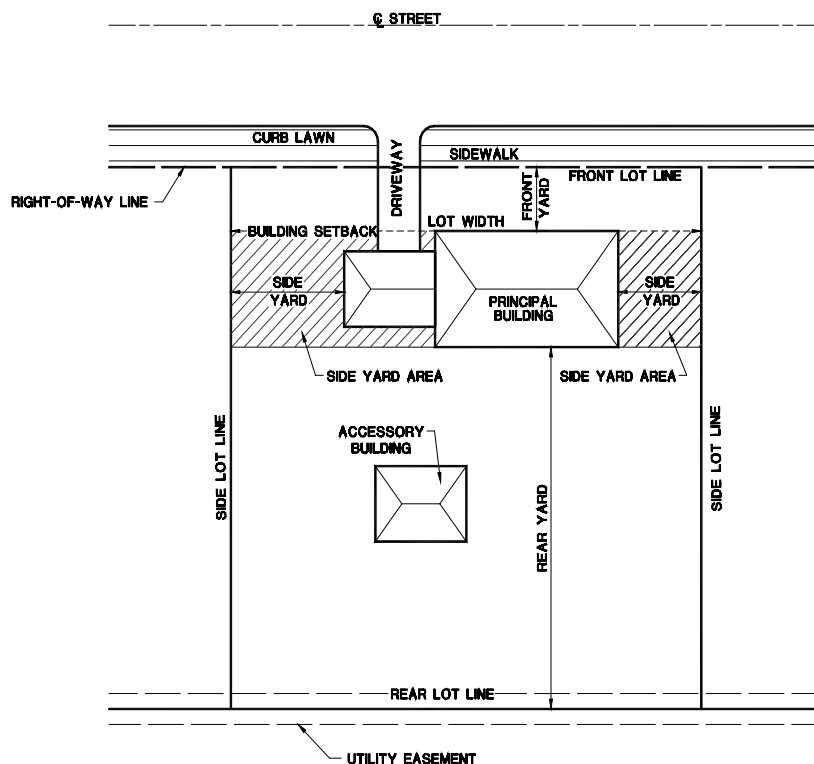


ILLUSTRATION - EXHIBIT "A"

TYPES OF LOTS



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY

LOT WIDTH - MEASURED AT THE REQUIRED BUILDING SETBACK LINE

LOT COVERAGE – PERCENT OF LOT OCCUPIED BY BUILDING

ILLUSTRATION – EXHIBIT “B” BUILDING - PRINCIPAL AND LOT TERMS

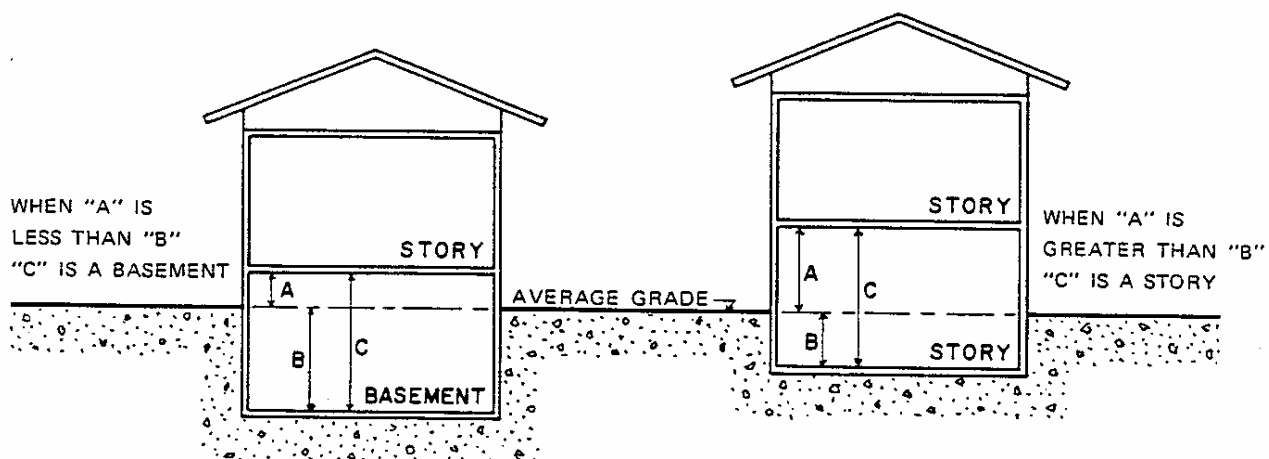
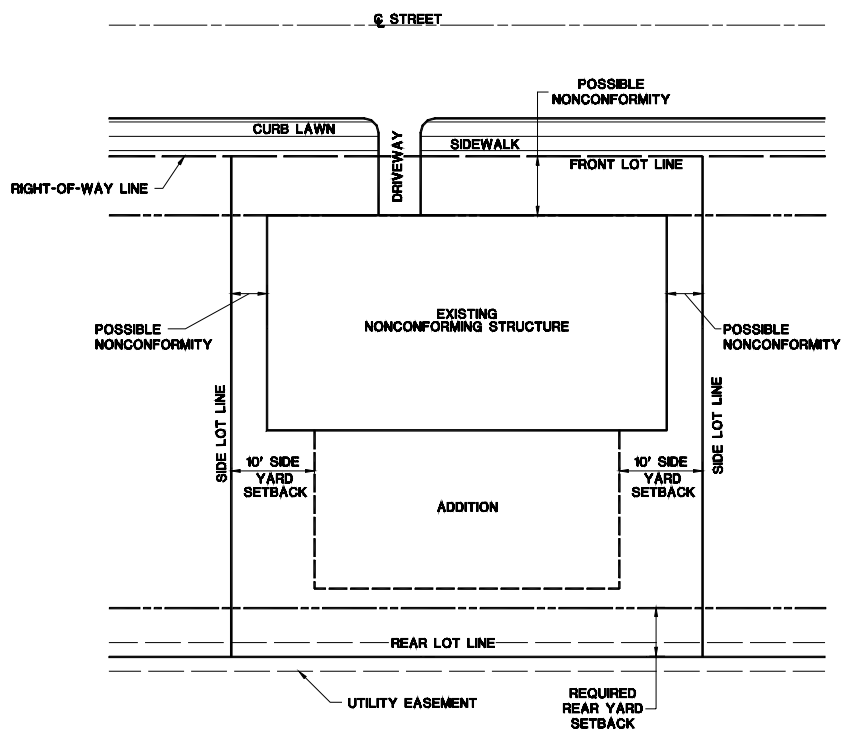


ILLUSTRATION - EXHIBIT "C"
BASEMENT AND STORY



ALL DISTRICTS EXCLUDING A - AGRICULTURE

ILLUSTRATION – EXHIBIT “D”
EXAMPLES FOR ADDITIONS TO NONCONFORMING STRUCTURES
SEE SECTION 1133.02B NONCONFORMING STRUCTURES

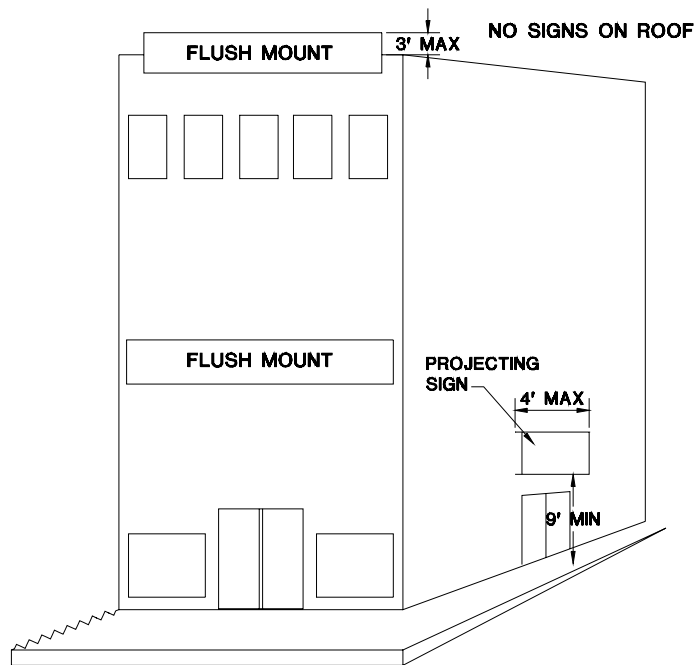


ILLUSTRATION – EXHIBIT “E”
SEE SECTION 1139.09A ATTACHED SIGNS

- A. No sign attached, detached, or portable shall be permitted in the right-of-way of any street or alley, except attached signs, which may extend 4 feet from face of building.
- B. Total area of all attached signs shall not exceed 1 times the linear foot of the lot frontage.

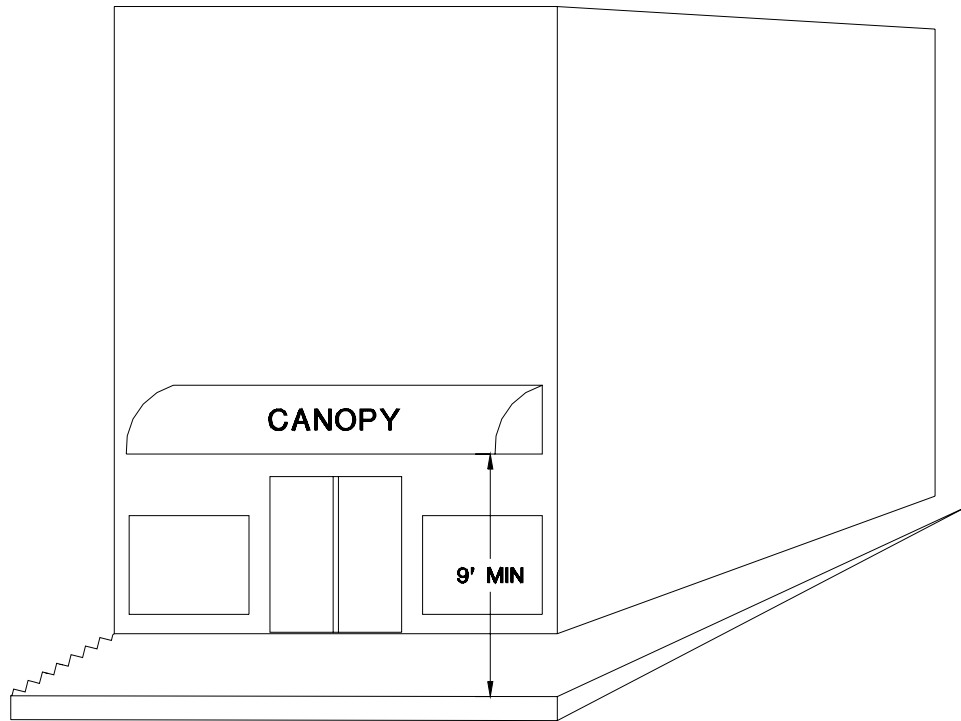
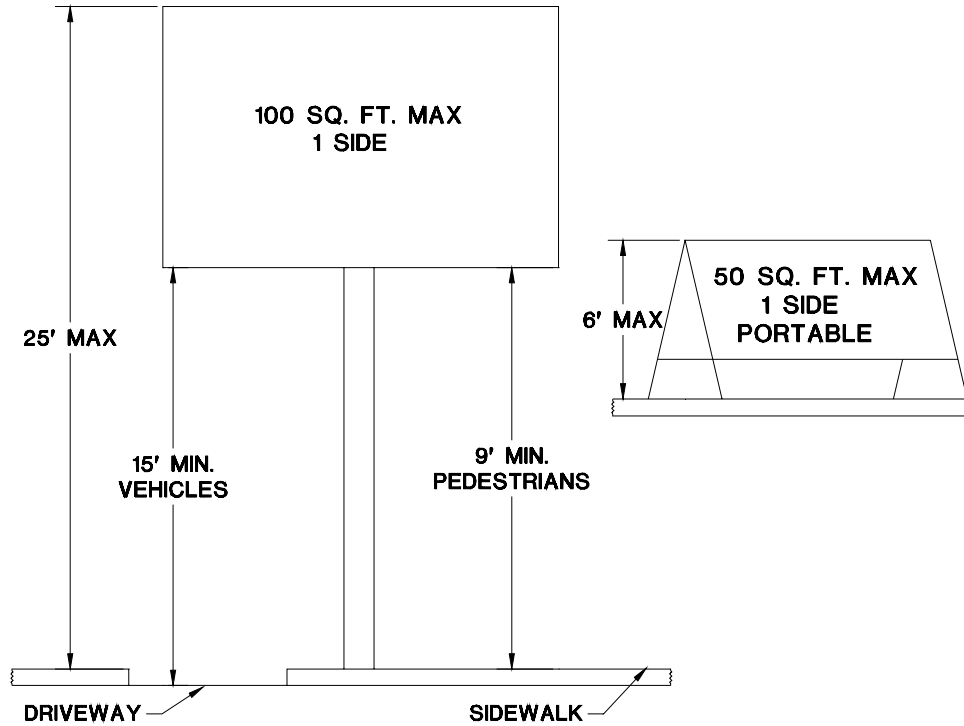


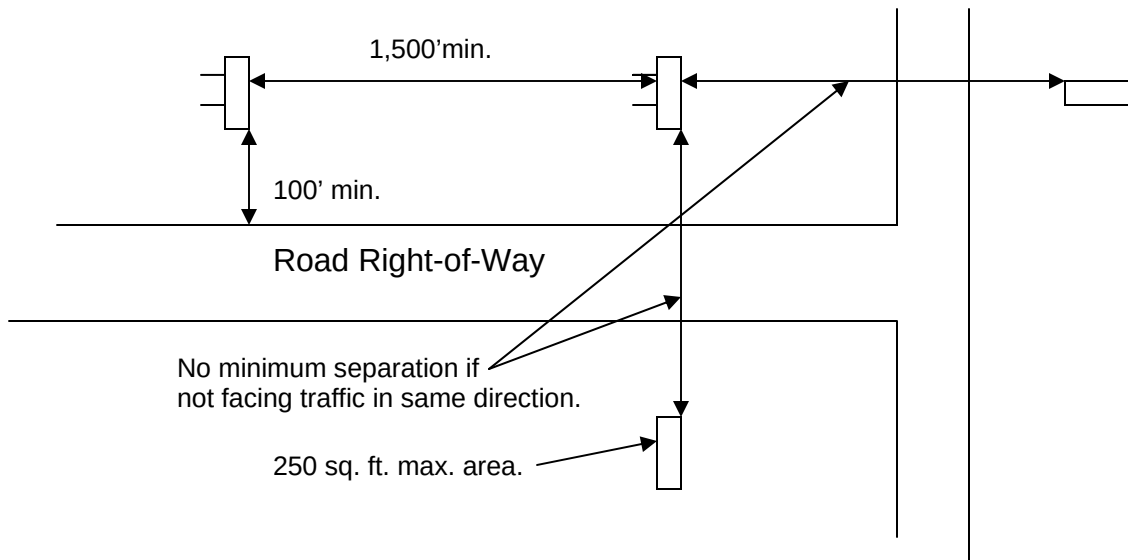
ILLUSTRATION – EXHIBIT “F”
SEE SECTION 1139.09C ARCHITECTURAL CANOPY SIGNS

- A. Signs shall not be located on or project over any right-of-way except in a Commercial District in which it may extend 4 feet from face of building or 3 feet off the back of curb.
- B. Signs shall not be permitted to obstruct or adversely affect traffic visibility.
- C. Signs shall not be closer than 25 feet to the adjacent lot.



SEE SECTION 1139.09B DETACHED SIGNS

- 1) Fixed/Permanent Signs:
 - a) Shall not be located on, or project over, any right-of-way or required setbacks;
 - b) Shall not obstruct or adversely affect vision clearance or traffic visibility;
 - c) Shall not be closer than 25 feet to the adjacent lot
- 2) Portable/Temporary signs:
 - a) Not allowed in the right-of-way of any street or alley.
 - b) Shall not exceed 50 square feet.
 - c) Not more than one per lot.
 - d) Remove such signs when the time limit for the sign has expired.
 - e) The maximum height for a temporary or portable sign shall be 6 feet and such signs shall not obstruct or adversely affect traffic visibility.
 - f) Portable and/or temporary business signs shall be permitted for a period not to exceed 3 weeks, a maximum of 4 times per year.



**ILLUSTRATION – EXHIBIT “H”
SEE SECTION 1139.12 BILLBOARDS**

1. Maximum Height 25 feet above the grade of the street or roadway, measured at the closest point to the billboard.
2. No billboard shall be located closer than 1500 feet to another billboard facing traffic flowing in the same direction.
3. The maximum sign area permitted for a freestanding billboard shall not exceed 250 square feet of total area. The maximum sign area for a wall billboard shall not exceed 10% of the wall area or 200 square feet of total area whichever is less.
4. All freestanding billboards shall be set back from right-of-way lines a minimum distance of 150 feet along all roadways.
5. No billboard shall be located closer than 500 feet to any residential zoning district or 200 feet from any existing residential dwelling.

1125.00 ESTABLISHING DISTRICTS AND ZONING MAP

1125.01 Intent

The intent of this article is to establish zoning districts in order to realize the general purpose set forth in the Preamble of this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

1125.02 Establishment of Districts

The following zoning districts are hereby established for Mercer County, Ohio:

A-1	Prime Agriculture District
A-2	Agriculture District
A-R	Agriculture/Residential District
R-1	Low-Density Residential District
R-2	Medium-Density Residential District
R-3	High-Density Residential District
R-4	Multi-Unit Residential District
R-C	Resort Commercial District
C	Commercial General Business District
C-L	<i>Commercial Light District (Amd. Res. 04-800, Effective 8/21/04.)</i>
C-I	Commercial and Industrial District
I	Industrial District
Q	Quarry/ Mining
SP	Special/Parks District

1125.03 Zoning District Map

- A. The districts established above, as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. The signature of the Commissioners and Clerk of the Board of Mercer County Commissioners shall identify the official zoning map. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within 30 normal working days after effective date of the amendment.
- C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the office of the Board of Mercer County Commissioners, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in Mercer County.

1125.04 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official zoning map.

- A. Where district boundaries are so indicated as approximately following the centerlines of streets, or street right-of-way lines, such centerlines, street lines, or right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the centerline of the stream, or in the case of a lake the property line nearest to shore, unless otherwise indicated.
- F. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G. Whenever any street, alley, or other public way is vacated by official action of the County Commissioners, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth, be subject to all regulations appropriate to the respective extended districts.

The Zoning Commission shall resolve all questions and disputes concerning the exact location of zoning district boundaries.

1127. 00 DISTRICT REGULATIONS

1127. 01 Compliance with Regulations

The Regulations for each district set forth by this Zoning Code shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- B. Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than required in its district, or in any other manner be contrary to the provisions of this Zoning Code.
- C. No parcel of land described by meets and bounds description, nor any lot created as part of a new subdivision, shall hereafter be created which does not conform to, and meet the requirements of, the district in which it is located.
- D. Except as otherwise provided in this Zoning Code, no yard existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth for its district. Yards created after the effective date of this Zoning Code shall meet the minimum requirements set forth for its district.

MERCER COUNTY ZONING CODE
Summary Illustration of Dimensional Requirements

Zoning District	Minimum Lot Area (1)	Minimum Lot Width (2)	Minimum Front Yard Setback (3)	Minimum Side Yard Setback (4)	Minimum Rear Yard Setback (5)	Maximum Building Height	Max. Percent Lot Coverage (6)
A-1 PRIME AGRICULTURE	80 acres**	300’**	75’**	50’**	60’**	35’	N/A
A-2 AGRICULTURE	20 acres**	200’**	75’**	50’**	60’**	35’	N/A
A-R AGRICULTURE/RES.	1 acre	150’	50’	20’	30’	35’	20%
R-1 LOW-DENSITY RESIDENTIAL	20,000 sq. ft. single-family 1 acre other	100’	40’	15’	40’ principal 15’ accessory	35’ principal 18’ accessory	25%
R-2 MEDIUM-DENSITY RESIDENTIAL	10,800 sq. ft. single-family 7,000 sq. ft. per unit 2,3 fam. 1 acre other	80’ single-family 140’ two-family 150 feet other	30’ residential 40’ other	10’ residential 15’ other 10’ accessory	30’ residential 40’ other 10’ accessory	35’ principal 18’ accessory	30%
R-3 HIGH-DENSITY RESIDENTIAL	6,000 sq. ft. single-family 5,500 sq. ft. per unit two-family 4,000 s.f. per unit multi family 20,000 s.f. other	60’ single-family 110’ two-family 150’ other	25’ residential 40’ other	8’ single-family 10’ other residential 15’ other 8’ accessory	25’ residential 40’ other 10’ accessory	35’ principal 18’ accessory	35%
R-4 MULTI-UNIT RESIDENTIAL	1acre and 2,500 s.f. per unit multi family 3 acres mobile home park	150’	50’	30’	40’	45’ principal 18’ accessory	40%
RC RESORT COMMERCIAL	20,000 sq. ft. w/ central sewer 1 acre without	100’	40’	15’ principal 10’ accessory	20’ principal 10’ accessory	35’ principal 20’ accessory	40%
C COMMERCIAL GENERAL BUSINESS	20,000 sq. ft. with central sewer 1 acre without 5 acres shopping center	100’ with central sewer 150’ without 400’ shop. cntr.	40’	15’ principal 10’ accessory	20’ principal 10’ accessory	45’	40%
CL COMMERCIAL LIGHT	20,000 sq. ft. with central sewer 1 acre without	100’ with central sewer 150’ without	40’	15’ principal 10’ accessory	20’ principal 10’ accessory	35’	40%
C-I COMMERCIAL AND INDUSTRIAL	30,000 sq. ft. with central sewer 1 acre without	150’	50’	15’ principal 10’ accessory	30’ principal 10’ accessory	45’	40%
I INDUSTRIAL	1 acre	200’	50’	30’	40’	45’	50%
Q QUARRY/ MINING	1 acre	200’	50’	30’	40’	45’	50%
SP SPECIAL/ PARKS	1 acre**	200’	50’	30’	40’	25’	10%

*All front yard measurement from road right-of-way line.

1. Lot, Minimum Area of; also Illustration Exhibit “B”

2. Lot Measurements, Width; also Illustration Exhibit “B”

** See District Height and Area Regulations for exceptions and/or additional requirements For definitions, see:

3. Yard, Front Yard; also Illustration Exhibit “B”

4. Yard, Side Yard; also Illustration Exhibit “B”

5. Yard, Rear Yard; also Illustration Exhibit “B”

6. Lot Coverage; also Illustration Exhibit “B”

MERCER COUNTY ZONING CODE**Summary Illustration of Principal Permitted and Conditional Uses**

(See district regulations for accessory permitted and conditional uses.)

NOTES:*This matrix is for illustrative purposes. If there are differences between it and the text of the zoning code, the text shall take precedence.**Blank boxes represent uses not permitted.***All Planned Unit Developments require special approval procedures specified in Chapter 1135.**** The Ohio Revised Code confers no power on any County zoning commission, board of County Commissioners, or board of zoning appeals to 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. No zoning certificate shall be required for any such building or structure except any platted subdivision consisting of 15 or more lots of 1 acre or less.*

USE	A-1	A-2	A-R	R-1	R-2	R-3	R-4	RC	C	C-L	C-I	I	Q	SP
P (Principal Permitted Use) C (Principal Conditional Use)	Prime Ag.	Agriculture	Agriculture/Residential	Low-Density Residential	Medium-Density Residential	High-Density Residential	Multi-Unit Residential	Resort Commercial	Commercial General Business	Commercial Light	Commercial & Industrial	Industrial	Quarry/Mining	Special/Parks
Agriculture	P	P	P	**	**	**		P	P	P	P	P	P	P
Airports		C										C	C	
Adult Entertainment Facilities									C					
Animal Hospitals/Clinics		C							C		P	P	P	
Assisted Living Facilities						C			C	C				
Automotive														
Filling Stations									P		P			
Painting, Body Repair									C		P			
Sales									C		P			
Service									C		P			
Washing									C		P			
Bars, Taverns, Nightclubs								C	P		C			
Bed & Breakfast Establishments			C	C	C	C		C	C	C				
Building and Related Trades									C		P	P	P	
Business, Professional and Administrative Offices									P	P	C	C	C	
Campgrounds								C						

1127 DISTRICT REGULATIONS

August 1, 2001, Amended 8/21/2004

USE	A-1	A-2	A-R	R-1	R-2	R-3	R-4	RC	C	C-L	C-I	I	Q	SP
P (Principal Permitted Use) C (Principal Conditional Use)	Prime Ag.	Agriculture	Agriculture/Residential	Low-Density Residential	Medium-Density Residential	High-Density Residential	Multi-Unit Residential	Resort Commercial	Commercial General Business	Commercial Light	Commercial & Industrial	Industrial	Quarry/Mining	Special/Parks
Cemeteries		C	C											C
Clubs									C		P			
Commercial Entertainment								C	C		C			
Commercial Planned Unit Developments									P*		P*			
Community-Oriented Residential Social Service Facility			C						C					
Composting												C	C	
Day Care Facilities			C						P	P	C	C	C	
Drive-In Commercial Uses									C		C			
Dwellings														
Efficiency Apartment					C	C	C							
Single-Family	P	P	P	P	P	P								
Two-Family					C	P								
Triplex					C	P								
Multi-Family						C	P							
Educational Institutions			C						C	C	C			C
Farm and Heavy Equipment Sales and Service		C									P	P	P	
Financial Inst.									P	P	C			
Food Processing											C	P	P	
Funeral Homes									P	P	C			
Grain Elevators & Feed Mills		C									C	P	P	
Group Homes			C						C					
Hospitals									C		C			
Hotels and Motels									C		C	C	C	
Incinerator												C	C	
Industrial; Enclosed											C	P	P	
Industrial; Open											C	P	P	
Industrial Planned Unit Development												P*	P*	
Junk Yard and Salvage Yard												C	C	
Kennels									C		C			

1127 DISTRICT REGULATIONS

August 1, 2001, Amended 8/21/2004

USE	A-1	A-2	A-R	R-1	R-2	R-3	R-4	RC	C	C-L	C-I	I	Q	SP
P (Principal Permitted Use) C (Principal Conditional Use)	Prime Ag.	Agriculture	Agriculture/Residential	Low-Density Residential	Medium-Density Residential	High-Density Residential	Multi-Unit Residential	Resort Commercial	Commercial General Business	Commercial Light	Commercial & Industrial	Industrial	Quarry/Mining	Special/Parks
Laboratories											C	P	P	
Landfill												C	C	
Libraries									P	P	C			
Lumber Yards and Building Materials Sale and Storage											C	P	P	
Manufacturing											C	P	P	
Marinas								C	C		P	P	P	
Medical Offices and Clinics									C	C	P	P	P	
Mineral Extraction Area		C											P	
Mixed Uses		C						C	C	C	C	C	C	
Mobile Home Parks							C							
Museums									C	C	C			C
Nurseries and Garden Supplies Stores									C		P	P	P	
Nursing Homes									C	C	C			
Oil and Gas Wells	C	C										C	C	
Personal Services									P	C	P			
Pet Shops, Animal Grooming									P	C	P			
Petroleum Refining and Storage												C	C	
Public Service Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Recreation, Commercial		C						C	C		C			
Recreation, Non-Commercial		C				C	C	C	C	C	C			C
Recreation, Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Religious Places of Worship		C	C						C	C	C			C
Residential Planned Unit Developments					P*	P*	P*							
Retail Business									P	C	P			
Restaurants, Standard								C	P	C	C			
Schools, Private and Commercial									C	C	C	C	C	
Scientific Research Facilities											P	P	P	
Seasonal Storage Facility									C		P	P	P	

1127 DISTRICT REGULATIONS

August 1, 2001, Amended 8/21/2004

USE	A-1	A-2	A-R	R-1	R-2	R-3	R-4	RC	C	C-L	C-I	I	Q	SP
P (Principal Permitted Use) C (Principal Conditional Use)	Prime Ag.	Agriculture	Agriculture/ Residential	Low-Density Residential	Medium-Density Residential	High-Density Residential	Multi-Unit Residential	Resort Commercial	Commercial General Business	Commercial Light	Commercial & Industrial	Industrial	Quarry/ Mining	Special/ Parks
Self-Service Storage Facility									C		P			
Shopping Center									C		C			
Stockyards												C	C	
Supply Yards											C	P	P	
Transfer Station												C	C	
Transport Trucking Terminals											C	P	P	
Utility Service Companies									C		P	P	P	
Vehicle Sales, Rental, and Service									C		P	P	P	
Warehouses											C	P	P	
Wholesale Business									C		P	C	C	

1127.10 A-1 Prime Agriculture District

1127.11 Intent

The intent of the A-1: Prime Agriculture District is to preserve the vitality of Mercer County's agricultural economy. This district allows large areas of prime agricultural land to remain free of encroaching development by residential and other potentially conflicting uses.

1127.12 Permitted Uses

The permitted uses in the A-1: Prime Agriculture District are:

Principle Uses:

- A. Agriculture
- B. Dwellings, Single-Family on existing lots of record meeting the requirements of item C. 3 herein.
- C. Dwellings, Single-Family may also be placed on smaller lots, subject to the following conditions:
 1. One single-family dwelling shall be permitted for each 80 acres of the parent tract. Fractional acreages shall be rounded. (Examples: 205 acres / 80 acres = 2.56, yielding 3 lots. 198 acres / 80 acres = 2.48, yielding 2 lots.)
 2. The total land conveyed for single-family dwellings on nonagricultural lots, whether it is one lot or more than one lot, shall not exceed 8 percent of the parent tract in total area.
 3. All such smaller lots shall be a minimum of:
 - a. 1 acre in area
 - b. 150 feet in width
 - c. Front an existing public road. However, subject to BZA review as a conditional use, clustered lots may front a shared drive or private road when such division better serves the intent of these regulations.
 4. All conveyances from the parent tract made for residential purposes prior to the effective date of this section shall constitute conveyances for the purposes of these regulations, both as to the number of lots and percentage of total area permitted to be converted to single-family dwellings.
 5. Deeds of conveyance following the effective date of this section wherein the land is divided in any manner, or wherein the whole of the land is conveyed to more than one grantee, shall not increase the number of lots, or the percentage of land, which may be converted to single-family residential use.
 6. Conveyance of farmstead dwellings that were in existence at the effective date of this section shall not be included in the calculation of the number of lots for single-family dwellings, or percentage of land area limitations of this section. Such

farmstead dwellings, when conveyed as small lots, shall conform to the area requirements of item 3 herein, the setback requirements of this section and have all utilities separated from the parent tract. Approval of the Mercer County Health Department shall be required to assure the sewage systems and wells are separated from the parent tract.

7. Where multiple lots are sold off the parent tract, they shall be grouped together and the rear property lines shall form a continuous straight line. Where lots of differing areas are sold, this straight line is to be accomplished by adjusting the width of the lots.

Accessory Uses:

- D. Customary Accessory Uses to Agriculture and Single Family Dwellings
- E. Kennels

1127.13 Conditional Uses

A building or premises may be used for the following purposes in the A-1: Prime Agriculture District, if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Oil and Gas Wells
- B. Public Service Facilities
- C. Recreation, Public

Accessory Uses:

- D. Farm and Heavy Equipment Sales and Service
- E. Home Occupations
- F. Private Landing Strips and Heliports
- G. Seasonal Storage Facilities

1127.14 Height and Area Regulations

The maximum height and minimum lot requirements for single-family dwellings and other nonagricultural uses within the A-1: Prime Agriculture District shall be as follows:

For lots of 5 acres or larger:

Minimum Lot Area	See 1127.12 B. and C.
Minimum Lot Width	300 feet
Minimum Front Yard Setback	75 feet
Minimum Side Yard Setback	50 feet
Minimum Rear Yard Setback	60 feet
Maximum Building Height	35 feet

For lots less than 5 acres:

Minimum Lot Area	See 1127.12 B. and C.
Minimum Lot Width	150 feet

Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	30 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	20%

Notes: A-1 Prime Agriculture District Cross References

Supplemental Regulations, 1129

Accessory Structures and Uses, 1129.03	78
Satellite Dish Antenna Regulations, 1129.05	79-80
Radio and Television Antenna Regulations, 1129.06.....	80
Visibility at Intersections, 1129.14	83
Temporary Uses, 1129.15	84-85
Swimming Pools, 1129.16	85
Home Occupations, 1129.17	85-86
Residential Design and Appearance Standards, 1129.19.....	89
Wireless Telecommunications Facilities, 1129.23	97-98
Junk, 1129.24	98-99
Conditional Uses; Substantially Similar Uses, 1131.00	111-115
Off-Street Parking and Loading Facilities, 1137.00	134-142
Signs and Billboards, 1139.00	143-151
Zoning Permit Requirements and Enforcement, 1147.00.....	164-167

1127.15 A-2 Agriculture District

1127.16 Intent

The intent of the A-2: Agriculture District is to preserve the vitality of Mercer County's farms and their associated uses. It is to be utilized in areas where land is less favorable for agricultural uses than in A-1 districts or where A-1 lots are impractical, due to existing patterns of development.

1127.17 Permitted Uses

The permitted uses in the A-2: Agriculture District are:

Principle Uses:

- A. Agriculture
- B. Dwellings, Single-Family on existing lots of record meeting the requirements of item C.3 herein.
- C. Dwellings, Single-Family may also be placed on smaller lots, subject to the following conditions:
 1. One single-family dwelling shall be permitted for each 20 acres of the parent tract. Tracts being of less than 20 acres cannot be subdivided for residential purposes. Fractional acreages shall be rounded. (Examples: 71 acres / 20 acres = 3.55, yielding four lots. 69 acres / 20 acres = 3.45, yielding 3 lots.)
 2. The total land conveyed for single-family dwellings on nonagricultural lots, whether it is one lot or more than one lot, shall not exceed 8 percent of the parent tract in total area.
 3. All such smaller lots shall be a minimum of:
 - a. 1 acre in area
 - b. 150 feet in width
 - d. Front an existing public road. However, subject to ZBA review as a conditional use, clustered lots may front a shared drive or private road when such division better serves the intent of these regulations.
 4. All conveyances from the parent tract for residential purposes made prior to the effective date of this section shall constitute conveyances for the purposes of these regulations, both as to the number of lots and percentage of total area permitted to be converted to single-family dwellings.
 5. Deeds of conveyance following the effective date of this section wherein the land is divided in any manner, or wherein the whole of the land is conveyed to more than one grantee, shall not increase the number of lots, or the percentage of land, which may be converted to single-family residential use.

6. Conveyance of farmstead dwellings that were in existence at the effective date of this section shall not be included in the calculation of the number of lots for single-family dwellings, or percentage of land area limitations of this section. Such farmstead dwellings, when conveyed as small lots, shall conform to the area requirements of item 3 herein, the setback requirements of this section and have all utilities separated from the parent tract. Approval of the Mercer County Health Department shall be required to assure the sewage systems and wells are separated from the parent tract.
7. Where multiple lots are sold off the parent tract, they shall be grouped together and the rear property lines shall form a continuous straight line. Where lots of differing areas are sold, this straight line is to be accomplished by adjusting the width of the lots.

Accessory Uses:

- D. Customary Accessory Uses to Agriculture and Single Family Dwellings
- E. Kennels

1127.18 Conditional Uses

A building or premises may be used for the following purposes in the A-2: Agriculture District, if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Airports
- B. Animal Hospitals and Clinics
- C. Cemeteries
- D. Farm and Heavy Equipment Sales and Service
- E. Grain Elevators and Feed Mills
- F. Mineral Extraction
- G. Mixed Uses
- H. Oil and Gas Wells
- I. Public Service Facilities
- J. Recreation, Commercial
- K. Recreation, Non-Commercial
- L. Recreation, Public
- M. Religious Places of Worship

Accessory Uses:

- N. Home Occupations
- O. Nurseries and Garden Supply Stores
- P. Private Landing Strips and Heliports
- Q. Seasonal Storage Facility

1127.19 Height and Area Regulations

The maximum height and minimum lot requirements for single-family dwellings and other nonagricultural uses within the A-2: Agriculture District shall be as follows:

For lots of 5 acres or larger:

Minimum Lot Area	See 1127.17 B. and C.
Minimum Lot Width	200 feet
Minimum Front Yard Setback	75 feet
Minimum Side Yard Setback	50 feet
Minimum Rear Yard Setback	60 feet
Maximum Building Height	35 feet

For lots less than 5 acres:

Minimum Lot Area	See 1127.17 B. and C.
Minimum Lot Width	150 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	30 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	20%

Notes: A-2 Agriculture District Cross References

Supplemental Regulations, 1129

Accessory Structures and Uses, 1129.03	78
Satellite Dish Antenna Regulations, 1129.05	79-80
Radio and Television Antenna Regulations, 1129.06	80
Visibility at Intersections, 1129.14	83
Temporary Uses, 1129.15	84-85
Swimming Pools, 1129.16	85
Home Occupations, 1129.17	85-86
Residential Design and Appearance Standards, 1129.19	89
Wireless Telecommunications Facilities, 1129.23	97-98
Junk, 1129.24	98-99
Conditional Uses; Substantially Similar Uses, 1131.00	111-115
Off-Street Parking and Loading Facilities, 1137.00	134-142
Signs and Billboards, 1139.00	143-151
Zoning Permit Requirements and Enforcement, 1147.00	164-167

1127.20 A-R Agriculture/Residential District

1127.21 Intent

The intent of the A-R Agriculture/ Residential District is to provide rural land for single-family residences and farms, with uses customarily associated with both. It is to be utilized in rural areas that are already developed, of marginal agricultural value, or adjacent to communities. The minimum lot dimensions are intended to reflect the requirements of on-site sewage.

1127.22 Permitted Uses

The permitted uses in the A-R Agriculture/ Residential District are:

Principal Uses:

- A. Agriculture
- B. Dwellings, Single-Family

Accessory Uses:

- C. Customary Accessory Uses to Agriculture and Single Family Dwellings

1127.23 Conditional Uses

A building or premises may be used for the following purposes in the A-R Agriculture/ Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

- A. Bed and Breakfast Establishments
- B. Cemeteries
- C. Community-Oriented Residential Social Service
- D. Day Care Facilities
- E. Educational Institutions
- F. Group Homes
- G. Public Service Facilities
- H. Recreation, Public
- I. Religious Places of Worship

Accessory Uses:

- J. Home Occupations
- K. Nurseries and Garden Supply Stores
- L. Private Landing Strips and Heliports
- M. Seasonal Storage Facility

1127.24 Height and Area Regulations

The maximum height and minimum lot requirements for single-family dwellings and other nonagricultural uses within the A-R: Agriculture/Residential District shall be as follows:

Minimum Lot Area	1 acre
Minimum Lot Width	150 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	30 feet
Maximum Height	35 feet
Maximum Lot Coverage	20%

Notes: A-R Agriculture/Residential District Cross References

Supplemental Regulations, 1129	
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Accessory Structures and Uses, 1129.03	78
Satellite Dish Antenna Regulations, 1129.05	79-80
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1127.25 R-1 Low-Density Residential District

1127.26 Intent

The intent of the R-1 Low Density Residential District is to provide property exclusively for single-family dwellings plus the public and private facilities serving residents of the area. It is to be utilized in non-agricultural areas with central sewers. The minimum lot dimensions are intended to promote the preservation of property values.

1127.27 Permitted Uses

The permitted uses in the R-1 Low Density Residential District are:

Principle Uses:

- A. Dwellings, Single-Family

Accessory Uses:

- B. Customary Accessory Uses to Single Family Residences

1127.28 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Low Density Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principle Uses:

- A. Bed & Breakfast Establishments
- B. Public Service Facilities
- C. Recreation, Public

Accessory Uses:

- D. Home Occupations

1127.29 Height and Area Regulations

The maximum height and minimum lot requirements within the R-1 Low-Density Residential District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	20,000 sq. ft. single-family, 1 acre other
Minimum Lot Width	100 feet
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	40 feet principal, 15 feet accessory
Maximum Height	35 feet principal, 18 feet accessory
Maximum Lot Coverage	25%

Notes: R-1 Low-Density Residential District Cross References

Supplemental Regulations, 1129	
Multiple Lot Development, 1129.02.....	78
Accessory Structures and Uses, 1129.03	78
Lake and Channel Structures, 1129.04	79
Satellite Dish Antenna Regulations, 1129.05	79-80
Radio and Television Antenna Regulations, 1129.06.....	80
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1127.30 R-2 Medium-Density Residential District

1127.31 Intent

The intent of the R-2 Medium-Density Residential District is to provide property for single-family dwellings plus the public and private facilities serving residents of the area. It is to be utilized in non-agricultural areas with central sewers. The minimum lot dimensions are intended to provide adequate room for fire separation, fire-fighting clearance, the preservation of property values, and adequate outdoor living area for families.

1127.32 Permitted Uses

Principal Uses:

- A. Dwellings, Single-Family
- B. Residential Planned Unit Developments*

Accessory Uses:

- C. Customary Accessory Uses to Dwellings
- D. Accessory Uses included in a Planned Unit Development Approval

**All Planned Unit Developments require special approval procedures specified in Chapter 1135.*

1127.33 Conditional Uses

A building or premises may be used for the following purposes in the R-2 Medium-Density Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Bed & Breakfast Establishments
- B. Dwellings, Efficiency Apartment
- C. Dwellings, Two-Family
- D. Dwellings, Triplex
- E. Public Service Facilities
- F. Recreation, Public

Accessory Uses:

- G. Home Occupations

1127.34 Height and Area Regulations

The maximum height and minimum lot requirements within the R-2 Medium-Density Residential District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	10,800 sq. ft. single-family 7,000 sq. ft. two or three-family, per unit 1 acre other
Minimum Lot Width	80 feet single-family, 140 feet two-family, 150 feet other
Minimum Front Yard Setback	30 feet residential, 40 feet other

Minimum Side Yard Setback	10 feet residential, 15 feet other, 10 feet accessory
Minimum Rear Yard Setback	30 feet residential, 40 feet other, 10 feet accessory
Maximum Height	35 feet principal, 18 feet accessory
Maximum Lot Coverage	30%

Notes: R-2 Medium-Density Residential District Cross References

Supplemental Regulations, 1129	
Multiple Lot Development, 1129.02.....	78
Accessory Structures and Uses, 1129.03.....	78
Lake and Channel Structures, 1129.04.....	79
Satellite Dish Antenna Regulations, 1129.05.....	79-80
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Buffers and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.07.....	80-82
Principal Building Per Lot, 1129.08.....	82
Parking and Storage of Vehicles and Trailers, 1129.10.....	82
Fences, 1129.12.....	83
Projections into Required Yards, 1129.13.....	83
Visibility at Intersections, 1129.14.....	83
Swimming Pools, 1129.16.....	85
Home Occupations, 1129.17.....	85-86
Environmental Performance Standards, 1129.18.....	86-89
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Bed and Breakfast Inns, 1129.21.....	95
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1127.35 R-3 High-Density Residential District

1127.36 Intent

The intent of the R-3 High-Density Residential District is to provide property for high density single family residential developments plus the public and private facilities serving residents of the area. It is also to be used for two, three and multi family housing. It is to be utilized in non-agricultural areas with central sewers. The minimum lot dimensions are intended to provide adequate room for fire separation and fire-fighting clearance.

1127.37 Permitted Uses

The principal permitted in the R-3 High-Density Residential District are:

Principal Uses:

- A. Dwellings, Single-Family
- B. Dwellings, Two-Family
- C. Dwellings, Triplex
- D. Residential Planned Unit Developments*

**All Planned Unit Developments require special approval procedures specified in Chapter 1135.*

Accessory Uses:

- E. Customary Accessory Uses to Dwellings
- F. Accessory Uses included in a Planned Unit Development approval

1127.38 Conditional Uses

A building or premises may be used for the following purposes in the R-3 High-Density Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Assisted Living Facilities
- B. Bed & Breakfast Establishments
- C. Dwellings, Efficiency Apartment
- D. Dwellings, Multi-Family
- E. Public Service Facilities
- F. Recreation, Non-Commercial
- G. Recreation, Public

Accessory Uses:

- H. Home Occupations

1127.39 Height and Area Regulations

The maximum height and minimum lot requirements- within the R-3 High-Density Residential District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	6,000 sq. ft. single-family 5,500 sq. ft. two-family, per unit 4,000 sq. ft. other residential, per unit 20,000 sq. ft. all other
Minimum Lot Width	60 feet single-family 110 feet two-family 150 feet all other
Minimum Front Yard Setback	25 feet residential 40 feet other
Minimum Side Yard Setback	8 feet single-family 10 feet other residential 15 feet other
Minimum Rear Yard Setback	8 feet accessory 25 feet residential 40 feet other 10 feet accessory
Maximum Height	35 feet principal 18 feet accessory
Maximum Lot Coverage	35%

Notes: R-3 High-Density Residential District Cross References

Supplemental Regulations, 1129	
Multiple Lot Development, 1129.02.....	78
Accessory Structures and Uses, 1129.03	78
Lake and Channel Structures, 1129.04	79
Satellite Dish Antenna Regulations, 1129.05	79-80
Radio and Television Antenna Regulations, 1129.06.....	80
Buffers and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.07	80-82
Principal Building Per Lot, 1129.08	82
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1127.40 R-4 Multi-Unit Residential District

1127.41 Intent

The intent of the R-4 Multi-Unit Residential District is to provide property for high density multi family housing and mobile home parks plus the public and private facilities serving residents of the area. It is to be utilized in non-agricultural areas with central sewers and good vehicular access. The minimum lot dimensions are intended to provide adequate room for fire separation and fire-fighting clearance.

1127.42 Permitted Uses

The principal permitted in the R-4 Multi-Unit Residential District are:

Principal Uses:

- A. Dwellings, Multi-Family
- B. Residential Planned Unit Developments*

**All Planned Unit Developments require special approval procedures specified in Chapter 1135.*

Accessory Uses:

- C. Customary Accessory Uses to Dwellings
- D. Accessory Uses included in a Planned Unit Development approval

1127.43 Conditional Uses

A building or premises may be used for the following purposes in the R-4 Multi-Unit Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Dwellings, Efficiency Apartments
- B. Mobile Home Parks
- C. Public Service Facilities
- D. Recreation, Non-Commercial
- E. Recreation, Public

Accessory Uses:

- F. Home Occupations

1127.44 Height and Area Regulations

The maximum height and minimum lot requirements- within the R-4 Multi-Unit Residential District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	1acre and 2,500 s.f. per unit 1 acre other 3 acre mobile home park
Minimum Lot Width	150 feet
Minimum Front Yard Setback	50 feet

Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	40 feet
Maximum Height	45 feet principal 18 feet accessory
Maximum Lot Coverage	40%

Notes: R-4 Multi-Unit Residential District Cross References

Supplemental Regulations, 1129	
Multiple Lot Development, 1129.02.....	78
Accessory Structures and Uses, 1129.03	78
Lake and Channel Structures, 1129.04	79
Satellite Dish Antenna Regulations, 1129.05	79-80
Radio and Television Antenna Regulations, 1129.06.....	80
Buffers and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.07	80-82
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Mobile Home Parks and Campgrounds, 1129.09	82
Parking and Storage of Vehicles and Trailers, 1129.10.....	82
Required Refuse Collection Areas, 1129.11	83
Fences, 1129.12	83
Projections into Required Yards, 1129.13	83
Visibility at Intersections, 1129.14	83
Swimming Pools, 1129.16	85
Home Occupations, 1129.17.....	85-86
Environmental Performance Standards, 1129.18.....	86-89
Residential Design and Appearance Standards, 1129.19.....	89
Bed and Breakfast Inns, 1129.21	95
Wireless Telecommunications Facilities, 1129.23	97-98
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1127.45 RC Resort Commercial District

1127.46 Intent

The intent of the RC Resort Commercial District is to provide property to enhance the recreational atmosphere of the lakeshore. It is to be utilized in areas with, or near, lake access or other similar areas. Since properties in this district will generally be located close to residential uses, most uses are conditional. The minimum lot dimensions are intended to provide adequate room for fire separation, fire-fighting clearance, off-street parking, and on-site drainage retention.

1127.47 Permitted Uses

The permitted uses in the RC Resort Commercial District are:

Principal Uses:

- A. Agriculture

Accessory Uses:

- B. Parking lots
- C. Signs
- D. Other customary accessory uses and buildings

1127.48 Conditional Uses

A building or premises may be used for the following purposes in the RC Resort Commercial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Bars, Taverns and Nightclubs
- B. Bed & Breakfast Establishments
- C. Campgrounds
- D. Commercial Entertainment Facilities
- E. Marinas
- F. Mixed Uses
- G. Public Service Facilities
- H. Recreation, Commercial
- I. Recreation, Non-Commercial
- J. Recreation, Public
- K. Restaurants, Standard

Accessory Uses:

- L. Dwellings, Single-Family
- M. Outdoor Entertainment Areas
- N. Parking Lots
- O. Retail Business
- P. Signs

1127.49 Height and Area Regulations

The maximum height and minimum lot requirements within RC Resort Commercial District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	20,000 sq. ft. with central sewer 1 acre without sewer
Minimum Lot Width	100 feet
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	15 feet principal 10 feet accessory
Minimum Rear Yard Setback	20 feet principal 10 feet accessory
Maximum Height	35 feet principal 20 feet accessory
Maximum Lot Coverage	40%

Notes: RC Resort Commercial District Cross References

Supplemental Regulations, 1129

Multiple Lot Development, 1129.02.....	78
Accessory Structures and Uses, 1129.03	78
Lake and Channel Structures, 1129.04	79
Satellite Dish Antenna Regulations, 1129.05	79-80
Radio and Television Antenna Regulations, 1129.06.....	80
Buffers and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.07	80-82
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Mobile Home Parks and Campgrounds, 1129.09	82
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Required Refuse Collection Areas, 1129.11	83
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Projections into Required Yards, 1129.13	83
Visibility at Intersections, 1129.14	83
Environmental Performance Standards, 1129.18.....	86-89
Residential Design and Appearance Standards, 1129.19.....	89
Bed and Breakfast Inns, 1129.21	95
Wireless Telecommunications Facilities, 1129.23	97-98
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1127.50 C Commercial General Business District

1127.51 Intent

The intent of the C Commercial General Business District is to provide property to meet the retail and other commercial needs of the County. It is to be utilized in areas along major roads with good access. The minimum lot dimensions are intended to provide adequate room for fire separation, fire-fighting clearance, off-street parking, and on-site drainage retention.

1127.52 Permitted Uses

The permitted uses in the C Commercial General Business District are:

Principal Uses:

- A. Agriculture
- B. Automotive Filling Stations
- C. Bars, Taverns and Nightclubs
- D. Business, Professional, and Administrative Offices
- E. Commercial Planned Unit Developments*
- F. Day Care Facilities
- G. Financial Institutions
- H. Funeral Homes
- I. Libraries
- J. Personal Services
- K. Pet Shops and Animal Grooming
- L. Retail Business
- M. Restaurants, Standard

**All PUDs require special approval procedures specified in Chapter 1135.*

Accessory Uses:

- N. Parking Lots
- O. Other Accessory Uses Customarily Associated with Light Commercial Uses
- P. Signs

1127.53 Conditional Uses

A building or premises may be used for the following purposes in the C Commercial General Business District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Adult Entertainment
- B. Animal Hospitals and Clinics
- C. Assisted Living Facilities
- D. Automotive Body Work and Painting, Sales, Service, Washing
- E. Bed and Breakfast Establishments
- F. Building and Related Trades
- G. Clubs

- H. Commercial Entertainment
- I. Community-Oriented Residential Social Service
- J. Drive-In Commercial Uses
- K. Educational Institutions
- L. Group Homes
- M. Hospitals
- N. Hotels and Motels
- O. Kennels
- P. Marinas
- Q. Medical Offices and Clinics
- R. Mixed Uses
- S. Museums
- T. Nurseries and Garden Supply Stores
- U. Nursing Homes
- V. Public Service Facilities
- W. Recreation, Commercial
- X. Recreation, Non-Commercial
- Y. Recreation, Public
- Z. Religious Places of Worship
- AA. Schools, Private and Commercial
- BB. Seasonal Storage Facility
- CC. Self-Service Storage Facility
- DD. Shopping Center
- EE. Utilities Service Companies
- FF. Vehicle Sales and Service
- GG. Wholesale Business

Accessory Uses:

- HH. Dwellings, Single-Family
- II. Home Occupations
- JJ. Outdoor Entertainment Areas

1127.54 Height and Area Regulations

The maximum height and minimum lot requirements within the C Commercial General Business District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	20,000 sq. ft. with central sewer 1 acre without sewer 5 acres shopping center
Minimum Lot Width	100 feet with central sewer 150 feet without sewer 400 feet shopping center
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	15 feet principal 10 feet accessory

Minimum Rear Yard Setback	20 feet principal 10 feet accessory
Maximum Height	45 feet
Maximum Lot Coverage	40%

Notes: C Commercial General Business District Cross References

Supplemental Regulations, 1129	
Multiple Lot Development, 1129.02.....	78
Accessory Structures and Uses, 1129.03	78
Lake and Channel Structures, 1129.04	79
Satellite Dish Antenna Regulations, 1129.05	79-80
Radio and Television Antenna Regulations, 1129.06.....	80
Buffers and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.07	80-82
Principal Building Per Lot, 1129.08	82
Parking and Storage of Vehicles and Trailers, 1129.10.....	82
Required Refuse Collection Areas, 1129.11.....	83
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1127.500 C L Commercial Light Business District

1127.510 Intent

The intent of the CL Commercial Light District is to provide property to meet the retail and other commercial needs of the County that generate less vehicle and pedestrian traffic. It is to be utilized in areas along roads with good access. The minimum lot dimensions are intended to provide adequate room for fire separation, fire-fighting clearance, off-street parking, and on-site drainage retention.

1127.520 Permitted Uses

The permitted uses in the C-L Commercial Light District are:

Principal Uses:

- A. Agriculture
- B. Business, Professional, and Administrative Offices
- C. Day Care Facilities
- D. Financial Institutions
- E. Funeral Homes
- F. Libraries

Accessory Uses:

- G. Parking Lots
- H. Other Accessory Uses Customarily Associated with Commercial Light Uses
- I. Signs

1127.530 Conditional Uses

A building or premises may be used for the following purposes in the CL Commercial Light District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Personal Services
- B. Pet Shops and Animal Grooming
- C. Assisted Living Facilities
- D. Retail Business
- E. Bed and Breakfast Establishments
- F. Restaurants, Standard
- G. Educational Institutions
- H. Medical Offices and Clinics
- I. Mixed Uses
- J. Museums
- K. Nursing Homes
- L. Public Service Facilities
- M. Recreation, Non-Commercial

- N. Recreation, Public
- O. Religious Places of Worship
- P. Schools, Private and Commercial

Accessory Uses:

- Q. Parking Lots
- R. Other Accessory Uses Customarily Associated with Commercial Light Uses
- S. Signs
- T. Dwellings, Single-Family
- U. Home Occupations

1127.540 Height and Area Regulations

The maximum height and minimum lot requirements within the CL Commerical Light District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	20,000 sq. ft. with central sewer 1 acre without sewer
Minimum Lot Width	100 feet with central sewer 150 feet without sewer
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	15 feet principal 10 feet accessory
Minimum Rear Yard Setback	20 feet principal 10 feet accessory
Maximum Height	35 feet
Maximum Lot Coverage	40%

Notes: CL Commercial Light District Cross References

Supplemental Regulations, 1129	
Multiple Lot Development, 1129.02.....	76
Accessory Structures and Uses, 1129.03	76
Lake and Channel Structures, 1129.04	77
Satellite Dish Antenna Regulations, 1129.05	77-78
Radio and Television Antenna Regulations, 1129.06.....	78
Buffers and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 1129.07	78-80
Principal Building Per Lot, 1129.08	80
Parking and Storage of Vehicles and Trailers, 1129.10.....	80
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Note: Commercial Light Section was adopted per Res. 04-800, Effective 8/21/04.

1127.55 C-I Commercial and Industrial District

1127.56 Intent

The C-I Commercial & Industrial District is intended to provide property to meet the heavy commercial and light industrial needs of the County. It is to be utilized in areas along major roads with good access. The minimum lot dimensions are intended to provide adequate room for larger businesses than the C District, fire operation, fire-fighting clearance, off-street parking, and on-site drainage retention.

1127.57 Permitted Uses

The permitted uses in the C-I Commercial & Industrial District are:

Principal Uses:

- A. Agriculture
- B. Animal Hospitals/Clinics
- C. Automotive Filling Stations, Painting and Body Repair, Sales, Service and Washing
- D. Building and Related Trades
- E. Clubs
- F. Commercial Planned Unit Developments*
- G. Farm and Heavy Equipment
- H. Marinas
- I. Medical Offices and Clinics
- J. Nurseries and Garden Supply Centers
- K. Personal Services
- L. Pet Shops, Animal Grooming
- M. Retail Business
- N. Scientific Research Facilities
- O. Seasonal Storage Facility
- P. Self Service Storage Facilities
- Q. Utility Service Companies
- R. Vehicle Sales, Rental and Service
- S. Wholesale Business

**All Planned Unit Developments require special approval procedures specified in Chapter 1135.*

Accessory Uses:

- T. Parking Lots
- U. Signs
- V. Other Accessory Uses Customarily Associated with Commercial Uses

1128.58 Conditional Uses

A building or premises may be used for the following purposes in the C-I Commercial & Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

- A. Bars, Taverns and Night Clubs

- B. Business, Professional, and Administrative Offices
- C. Commercial Entertainment
- D. Day Care Facilities
- E. Drive-In Commercial Uses
- F. Educational Institution
- G. Financial Institutions
- H. Food Processing
- I. Funeral Homes
- J. Grain Elevators and Feed Mills
- K. Hospitals
- L. Hotels and Motels
- M. Industrial, Enclosed
- N. Industrial, Open
- O. Kennels
- P. Laboratories
- Q. Libraries
- R. Lumber Yards and Building Materials Sales and Storage
- S. Manufacturing
- T. Mixed Uses
- U. Museums
- V. Nursing Homes
- W. Public Service Facilities
- X. Recreation, Commercial
- Y. Recreation, Non-Commercial
- Z. Recreation, Public
- AA. Religious Places of Worship
- BB. Restaurants, Standard
- CC. Schools, Private and Commercial
- DD. Shopping Centers
- EE. Supply Yards
- FF. Transport Trucking Terminals
- GG. Warehouse

Accessory Uses:

- HH. Outdoor Entertainment Areas

1127.59 Height and Area Regulations

The maximum height and minimum lot requirements within the C-I Commercial & Industrial District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	30,000 sq. ft. with central sewer 1 acre without sewer
Minimum Lot Width	150 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	15 feet 10 feet accessory

Minimum Rear Yard Setback	30 feet 10 feet accessory
Maximum Height	45 feet
Maximum Lot Coverage	40%

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1127.60 I Industrial District

1127.61 Intent

The purpose of the I Industrial District is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for the County, including employment, and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

1127.62 Permitted Uses

The permitted uses in the I Industrial District are:

Principal Uses:

- A. Agriculture
- B. Animal Hospitals and Clinics
- C. Building and Related Trades
- D. Farm and Heavy Equipment
- E. Food Processing
- F. Grain Elevators and Feed Mills
- G. Industrial, Enclosed
- H. Industrial, Open
- I. Industrial Planned Unit Development*
- J. Laboratories
- K. Lumber Yards and Building Material Sales and Service
- L. Manufacturing
- M. Marinas
- N. Medical Offices and Clinics
- O. Nurseries and Garden Supply Stores
- P. Scientific Research Facilities
- Q. Seasonal Storage Facility
- R. Supply Yards
- S. Transport Trucking Terminals
- T. Utility Service Companies
- U. Vehicle Sales, Rental and Service
- V. Warehouses

**All Planned Unit Developments require special approval procedures specified in Chapter 1135.*

Accessory Uses:

- W. Parking Lots
- X. Other Accessory Uses Customarily Associated with Industrial Uses

1127.63 Conditional Uses

A building or premises may be used for the following purposes in the I Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

- A. Airports
- B. Business, Professional, Administrative Offices
- C. Composting Facilities
- D. Day Care Facilities
- E. Hotels and Motels
- F. Incinerators
- G. Junk Yard and Salvage Yard
- H. Landfills
- I. Mixed Uses
- J. Oil and Gas Wells
- K. Petroleum Refining and Storage
- L. Public Service Facilities
- M. Recreation, Public
- N. Schools, Commercial
- O. Stockyards
- P. Transfer Stations
- Q. Wholesale Business

1127.64 Height and Area Regulations

The maximum height and minimum lot requirements within the I Industrial District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	1 acre
Minimum Lot Width	200 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	40 feet
Maximum Height	45 feet
Maximum Lot Coverage	50%

Notes: I Industrial District Cross References

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1127.65 Q Quarry/ Mining District

1127.66 Intent

The purpose of the Q Quarry/ Mining District is to provide for the quarried and mined products necessary for the construction and agricultural industries, and to protect the health, safety, welfare, and environmental quality of the County. By virtue of their characteristics these uses should be isolated from residential uses. These uses perform essential functions for the County, including employment, and should be provided for in areas that are best suited for mineral extraction by reasons of location, topography, geological conditions, and the availability of adequate utilities and transportation systems.

1127.67 Permitted Uses

The permitted uses in the Q Quarry/ Mining District are:

Principal Uses:

- A. Agriculture
- B. Animal Hospitals and Clinics
- C. Building and Related Trades
- D. Farm and Heavy Equipment
- E. Food Processing
- F. Grain Elevators and Feed Mills
- G. Industrial, Enclosed
- H. Industrial, Open
- I. Industrial Planned Unit Development*
- J. Laboratories
- K. Lumber Yards and Building Material Sales and Service
- L. Manufacturing
- M. Marinas
- N. Medical Offices and Clinics
- O. Mineral and Soil Extraction
- P. Nurseries and Garden Supply Stores
- Q. Scientific Research Facilities
- R. Seasonal Storage Facility
- S. Supply Yards
- T. Transport Trucking Terminals
- U. Utility Service Companies
- V. Vehicle Sales, Rental and Service
- W. Warehouses

**All Planned Unit Developments require special approval procedures specified in Chapter 1135.*

Accessory Uses:

- X. Parking Lots
- Y. Other Accessory Uses Customarily Associated with Industrial Uses

1127.68 Conditional Uses

A building or premises may be used for the following purposes in the Q Quarry/ Mining District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

- A. Airports
- B. Business, Professional, Administrative Offices
- C. Composting Facilities
- D. Day Care Facilities
- E. Hotels and Motels
- F. Incinerators
- G. Junk Yard and Salvage Yard
- H. Landfills
- I. Mixed Uses
- J. Oil and Gas Wells
- K. Petroleum Refining and Storage
- L. Public Service Facilities
- M. Recreation, Public
- N. Schools, Commercial
- O. Stockyards
- P. Transfer Stations
- Q. Wholesale Business

1127.69 Height and Area Regulations

The maximum height and minimum lot requirements within the I Industrial District shall be as follows:

Requirements for nonagricultural uses only:

Minimum Lot Area	1 acre
Minimum Lot Width	200 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	40 feet
Maximum Height	45 feet
Maximum Lot Coverage	50%

Notes: Q Quarry/ Mining District Cross References

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1127.70 SP Special/ Park District

1127.71 Intent

The purpose of the SP Special/ Park District is to protect large public and semi-public land holdings, floodways, wetlands and other ecologically sensitive areas from intensive development.

1127.72 Permitted Uses

Principal Uses:

- A. Agriculture
- B. Floodways
- C. Reserves
- D. Wetlands

Accessory Uses:

- E. Park Structures
- F. Parking Lots

1127.73 Conditional Uses

A building or premises may be used for the following purposes in the SP Special/ Park District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of Chapter 1131.

Principal Uses:

- A. Cemeteries
- B. Educational Institutions
- C. Museums
- D. Public Service Facilities
- E. Recreation, Non-Commercial
- F. Recreation, Public
- G. Religious Places of Worship

Accessory Uses:

- H. Accessory Buildings

1127.74 Height and Area Regulations

The maximum height and minimum lot requirements within the SP Special/ Park District shall be as follows: (No area regulations shall apply to principal permitted uses without buildings)

Requirements for nonagricultural uses only:

Minimum Lot Area	1 acre
Minimum Lot Width	200 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	40 feet
Maximum Height	25 feet
Maximum Lot Coverage	10%

Notes: SP Special/ Park District Cross References

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1129.00 SUPPLEMENTAL REGULATIONS

1129.01 Intent

The purpose of Supplemental Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without undo conflict.

1129.02 Multiple Lot Development

When more than one lot of record is used as a building site, required setbacks shall be maintained from all interior lot lines, unless the planned building, or an existing building actually overlaps the line.

1129.03 Accessory Structures and Uses

- A. It is the purpose of this Zoning Code to regulate accessory structures and uses in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such buildings and uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Code, an accessory structure shall be permitted in association with a principal use or structure provided that:
 - 1. It shall be 50% or less of the gross floor area of the principal structure except in A-Agricultural zones and lots of 5 acres or more.
 - 2. It shall not contain or be used as a dwelling unit.
 - 3. It shall not exceed the accessory building setback regulations listed for its district. If none are listed the principal building setbacks shall apply.
 - 4. It shall not exceed the accessory building height regulations listed for its district. If none are listed, the principal building height regulations shall apply.
 - 5. It shall be set back a minimum of 5 feet from the principle structure.
- C. Accessory uses that are customarily incidental or specifically listed for a district shall be allowed. The Zoning Inspector shall determine if a use is customary. These decisions may be appealed to the Board of Zoning Appeals.
- D. All accessory structures or uses require a Zoning Permit.

1129.04 Lake and Channel Structures

- A. Additional conditions apply to water recreation oriented accessory structures constructed on lots abutting or adjoining Grand Lake St. Mary's, its tributaries, and constructed channels. The purpose of these conditions is to protect the public safety, health, and general welfare in the use of the waterways and for fire safety for the residents and owners of properties located near the waterways. Furthermore, these conditions are intended to slow the process of soil erosion and minimize the impact on shoreline wildlife habitats.
- B. Property owners are alerted that boat slips, sea walls, boat houses, decks constructed of wood or concrete, and boat docks and the use of each are required to have permits from the Ohio Department of Natural Resources, Division of Parks and Recreation (ODNR). The Zoning Inspector shall notify ODNR when a zoning permit application for a lake or channel structure is received.
- C. Such lake and channel structures shall also be considered accessory uses to all properties zoned for any district in the County.
- D. All lake and channel structures shall require a zoning permit.
- E. Boathouses, slips, and docks are permitted, providing they meet the following criteria. These criteria shall take precedence where they differ from the requirements of a district:
 - 1. No rear or side setbacks are required in the direction that lake and channel structures abut the water. Otherwise lake and channel structures must set back a minimum of 10 feet from any lot line.
 - 2. Lake and channel structures shall not encroach upon or obstruct any easement or right-of-way.
 - 3. The maximum wall height of boathouses in residential districts shall not be greater than 8 feet above the soil grade at point of attachment to lot.
 - 4. In residential districts, boathouse roofs shall be finished in a material visually similar to the primary structure's roof material.
 - 5. All lake and channel structures must be maintained and kept in sound repair.
 - 6. In residential districts, boathouses will not be enclosed with constructed walls or permanent windbreaks.
 - 7. Boathouses are not to be used as residential structures.

1129.05 Satellite Dish Antenna Regulations

Small satellite dishes under 3 feet in diameter may be placed anywhere on any property and do not require a Zoning Permit. All other satellite dish antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted satellite dishes installed in residential districts shall be limited to side and rear yards.
- B. Setbacks for all satellite dish installations shall be a minimum of 10 feet from any property line and a minimum of 15 feet from public rights-of-way.
- C. Roof-mounted satellite dishes in residential districts shall be limited to a maximum diameter of 6 feet and such installations shall be located on the rearward portion of the roof as viewed from the front yard.
- D. Maximum overall height for ground-mounted satellite dish antenna systems in residential districts shall not exceed 15 feet.

1129.06 Radio and Television Antenna Regulations

Radio and television antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.
- B. Setbacks for all antenna system installations shall be a minimum of 5 feet from any property line and a minimum of 15 feet from public rights-of-way.
- C. Roof-mounted antenna systems in residential districts shall be located on the rearward portion of the roof.
- D. A Zoning Permit shall be required prior to installation of any antenna system.

1129.07 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties

- A. Under those circumstances where the development of either a single-family residential project is proposed to occur adjacent to or abutting property zoned and/or used for industrial or commercial purposes, or in the case where an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the existing or future occupant of the residential area. This requirement would only be triggered when new development occurs; it does not apply to conditions existing before the effective date of this Zoning Code.

B. The zoning inspector shall determine the purposes for which screening is required, and shall approve the plans submitted to accomplish the buffering, using the following standards. The applicant or an aggrieved party may take an appeal of the inspector's determination, to the BZA:

1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter.
2. Screening may consist of one, or a combination of two or more, of the following:
 - a. A solid masonry wall.
 - b. A solidly constructed decorative fence.
 - c. A louvered fence.
 - d. A dense vegetative planting.
 - e. Landscaped mounding.
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 6 feet high, in order to accomplish the desired screening effect, except in required front and side yards where the maximum height shall not be greater than 3-1/2 feet.
 - b. Plantings shall be minimum of 4 feet in height at the time of planting.
4. The mutual boundary of an accessory parking area and adjacent land zoned for residential uses shall have a dense vegetative planting or a solidly constructed decorative fence, in compliance with the height specifications listed above.
5. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall, in combination with decorative plantings. The height shall be adequate to absorb noise, as determined by Zoning Inspector in relation to the nature of the use.
6. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
7. All screening shall be trimmed, maintained in good condition to the required height, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
8. The installation of the buffer and transition area must not interfere with existing storm water drainage flow patterns or utilities which may be located within

easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation of the buffer.

9. The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of utilities or easements, on the property that is subject to development. If insurmountable conditions prohibit the commencement of the buffer and transition area on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Zoning Inspector may permit the installation of the obscuring wall on the opposite side of an alley, street, or right-of-way when mutually agreeable to the affected property owners.

1129.08 Principal Building Per Lot

Only one principal building shall be permitted on each lot in any zoning district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot. The development of Planned Unit Developments, as well as site plans approved by the Zoning Commission or BZA, shall also be exempt from this provision.

1129.09 Mobile Home Parks and Campgrounds

- A. Mobile Home Parks and Campgrounds shall be designed, constructed and maintained in compliance with Ohio Administrative Code Chapters 3701-27 and 3707-25, respectively.
- B. The Zoning Inspector is responsible for monitoring these facilities and assisting the licensing authorities with the identification, investigation, correction, and prosecution of violations.

1129.10 Parking and Storage of Vehicles and Trailers

No commercial vehicles, including commercial tractors, trucks over 1 ton, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. In residential districts all junk motor vehicles, as defined in Section 1123, shall be parked or stored in a completely enclosed building.

No recreational vehicle as described in Section 1123.02 shall be parked in any residential district for more than 72 hours unless licensed to or owned by the person residing on the property. (Amd. Res. 02-1253, Effective 11/22/02.)

1129.11 Required Refuse Collection Areas

The refuse collection areas provided by all multi-family residential, commercial, and industrial uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall, fence, or shrubbery of at least 4 feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. Refuse collection areas in or adjacent to residential districts shall utilize such additional screening as required in Section 1129.07.

1129.12 Fences

- A. In residential districts, fences constructed within a rear and side yard shall not be higher than 6 feet.
- B. No fence, wall, or hedge shall rise over 36 inches in height in any residential front yard. No opaque fence, wall, or hedge planting shall interfere with traffic visibility from a driveway or public right-of-way.
- C. It shall be the property owner's responsibility to ensure that all fences shall be erected within the property.
- D. *Except as noted in B and C of this section, fences may be erected without a setback from the property lines. However, no fence shall be erected within 5 feet of an adjoining property structure. It shall be the responsibility of the property owner to ensure that all fences are erected within their property.*
- E. Fences are not permitted *in the street or road right-of-way or* in utility easements.
- F. All fence installation or modification requires a Zoning Permit.
(Amd. Res. 02-1253, Effective 11/22/02.)

1129.13 Projections into Required Yards

- A. Chimneys, flues, sills, pilasters, and other similar features may project into a required side yard a maximum of 12 inches. Roof overhangs may extend into a required side yard, a maximum of 24 inches.
- B. No structure may project into a required front yard. However, steps or ramps, not porches, may extend from the dwelling into the required front yard a maximum of 10 feet.

1129.14 Visibility at Intersections

Vision clearance, as defined in Section 1123.02 of these Regulations, is required on all corner lots at the street corner. The Zoning Inspector is hereby empowered to cause all obstructions to be removed in the interest of public safety.

1129.15 Temporary Uses

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a Temporary Use Permit, at least 7 days before the instigation of such use an application for a Temporary Use Permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

Temporary uses of public land are exempt from the requirements of this Section.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits, which follow, as well as the regulations of any district in which they are located:

- A. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of 1 year, with the exception that two extensions not to exceed 6 months each may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.
- B. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of 1 year, except that 6-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the Temporary Use Permit, whichever occurs first.
- C. Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed 4 consecutive days shall only be issued three times within any 12-month period to any individual or organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than 25% of the required parking area.
- D. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one permit may be issued at the

same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving permission for such use. In any case, the Temporary Use Permit shall be prominently displayed at the site.

- E. Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, are only regulated dwellings. Any individual or family may conduct three such sales within any 12-month period upon the property at which he or they reside, for a period not to exceed 3 consecutive days, without obtaining a Temporary Use Permit. Similar activities for the benefit of schools, churches, nonprofit community organizations and clubs shall be exempt from these regulations.

1129.16 Swimming Pools

Swimming pools, in excess of 30 inches in depth, shall comply with the following requirements:

- A. The swimming pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The swimming pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 10 feet to any property line or easement and/or directly under any type of electrical wiring.
- C. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. The fence shall be at least 6 feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock. Above-ground pools that have integral fences or railings and have a swing up securing/locking ladder is acceptable in lieu of fence.
- D. All swimming pools require a Zoning Permit.

1129.17 Home Occupations

Home occupations meeting the following requirements may be conditionally permitted at any residence, regardless of the zoning classification. In A-1 and A-2 districts the BZA may grant exceptions to items A., C., D., and F, provided each item is addressed and a condition set defining the limits of any such exceptions, and that the primary purpose of agriculture is not compromised on the applicant's property or neighboring properties.

- A. Only members of the immediate family, occupying such dwelling, shall be employed in such occupation.

- B. The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor of the principal structure shall be used in conducting the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of conducting the home occupation other than one sign, not exceeding 2 square feet in area, non-illuminated, and mounted flat against the wall of the building.
- D. No electrical or mechanical equipment shall be used except such as may be used for domestic or household purposes. In addition, electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
- E. No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effect shall be produced therein or there from.
- F. No additional parking demand shall be created.
- G. All home occupations require a Zoning Permit.

1129.18 Environmental Performance Standards

Environmental performance standards are regulations that are intended to promote a safe, peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable or other undesirable effect on persons or properties outside of the subject property. Materials and/or products of a use shall be maintained in a method so that the health, safety, and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

A. Applicability and Compliance

The Environmental Performance Standards are applicable to all land uses in all zoning districts, unless specific districts are listed or specific uses are exempted below. Both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this Resolution at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute discontinuance and be fully subject to these standards and provisions.

B. Noise

No activity on private property shall emit noise in excess of sound levels indicated in the table below, within the districts listed. These restrictions do not apply to agriculture, publicly owned property or property in districts not listed in the table

below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere outside of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

Maximum Permitted Sound Levels

Source Property		Receiving Property		
Noise Source	Time	R-1, R-2, R-3, R-4	C, R-C	C-I, I
<i>R-1, R-2, R-3 R-4</i>	Daytime ¹	60 dBA	60 dBA	60 dBA
	Nighttime ²	50 dBA	60 dBA	60 dBA
<i>C, RC</i>	Daytime ¹	65dBA	65 dBA	70 dBA
	Nighttime ²	50 dBA	60 dBA	60 dBA
<i>C-I, I, Q</i>	Daytime ¹	65dBA	65 dBA	80 dBA
	Nighttime ²	50 dBA	60 dBA	60 dBA

¹ Daytime shall be considered as the hours between 7:00 a.m. and 10:00 p.m.

² Nighttime shall be considered as the hours between 10:00 p.m. and 7:00 a.m.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Hunting.
2. Firearms on authorized ranges.
3. Legal blasting.
4. Temporary construction activity and equipment.
5. Installation of utilities.
6. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

7. Aircraft.
8. Railroads.
9. Emergency vehicles and equipment.
10. Warning devices operating continuously for not more than 5 minutes.
11. Bells, chimes or carillons operating continuously for not more than 5 minutes per hour.
12. The repair of essential utility services.
13. Officially sanctioned parades or other events.

The following noise sources shall be exempt from the noise provisions during the hours of 9pm to 12midnight Fridays, Saturdays, national holidays and one day preceding a national holiday.

14. Outdoor entertainment in an outdoor entertainment area with a conditional use permit.

D. Vibrations

Every activity, other than quarrying operations and temporary construction activities, shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point outside the property line of the property on which the use is located.

E. Glare

Any process producing intense light or heat, which may cause physical harm, including high temperature processes such as combustion or welding, shall not be visible beyond any lot line bounding the property wherein the use is conducted. All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or rights-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

F. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

G. Hazardous Materials

The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state, or federal agency having jurisdiction in this matter.

H. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation, at any point, of any equipment other than that of the creator of such disturbance.

I. Fire Hazards

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire-suppression equipment and by safety devices. Such potentially hazardous activities shall be kept from adjacent activities at a distance determined by the National Fire Protection Code.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state, and federal erosion control regulations or standards.

1129.19 Residential Design and Appearance Standards

Single-Family, Two-Family, and Multi-Family residential dwellings and accessory buildings when located in a residential zone, whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. Dwellings shall be affixed to a permanent foundation and is connected to appropriate utilities;
- B. Dwellings, other than approved efficiency apartments, and excluding any additions, shall have a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
- C. Dwellings and their accessory buildings shall have a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;

1129.20 Adult Entertainment Facilities

A. Intent

This Section is based upon the County's recognition of certain possible adverse secondary effects of adult entertainment facilities, and thereby protects the health, safety, and welfare of the citizens; protects the citizens from increased crime; preserves the quality of life; preserves the property values and the character of surrounding neighborhoods and businesses; deters the spread of urban blight and protects against the threat to health from the spread of communicable and social diseases.

B. Definitions

Specific words and terms as used in this Section are defined as follows:

- 1. Adult bookstore, adult novelty store, or adult video store means an establishment, from which minors are excluded, having as a substantial or significant portion of its stock for trade, sale, or rental of the following:
 - a. Books, magazines, other periodicals or printed material, photograph films, motion pictures, films, video cassettes, slides, computer media, or other visual

representations which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas", which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

- b. Instruments, devices, or paraphernalia which is designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - c. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult book store, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".
- 2. Adult cabaret means a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which features:
 - a. Persons who appear nude or in a state of nudity or semi-nudity;
 - b. Live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas"; or
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
 - 3. Adult drive-in theater means a drive-in theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons.
 - 4. Adult entertainment means performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas or specified sexual activities.
 - 5. Adult entertainment facilities means any of the following uses: adult bookstores, adult novelty stores, adult video stores, adult drive-in theaters, adult photography studios, adult cabarets, massage establishments, finger-painting studios, adult motels, adult motion picture theaters, or any other similar personal service or

entertainment facilities which emphasize nudity and/or sexual activities as an entertainment medium.

6. Adult motel means a motel, hotel, or similar commercial establishment which:
 - a. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertise the availability of this sexually-oriented type of material by means of a sign visible from a public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radios, or televisions; or
 - b. Offers a sleeping room for rent for a period of less than ten hours; or
 - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.
7. Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
8. Adult motion picture theater means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
9. Mainstream performance house means a theater, concert hall, auditorium, or similar establishment, which regularly features movies or live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of "specified anatomical areas" or "specified sexual activities" and where such depiction, if any, is only incidental to the primary purpose of any performance.
10. Nude model studio means a place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
11. Nude or state of nudity means the showing, representation, or depiction of human male or female genitals, bare buttocks, anus, or the areola or nipple of the female breast with less than full, opaque covering of any portion thereof below the top of the nipple or of uncovered male genitals in a discernibly turgid state.

12. Semi-nude means a state of dress in which the clothing covers no more than the genitals, pubic region and the areola of the female breast, as well as portions of the body covered by supporting straps or devices.
13. Specified anatomical area means less than completely and opaquely covered human genitals, pubic region, buttocks, or the areola or nipple of the female breast; human male genitals in a discernibly turgid state, even if completely and opaquely covered.
14. Specified sexual activities means human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human fondling, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

C. Regulations

Adult entertainment facilities and like uses, shall be limited to districts which that they are listed as a permitted or conditional use and subject to the following conditions:

1. No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of 1,000 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which includes schools, libraries, or teaching facilities if attended by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 1,000 feet of any park, recreational facility, or camp attended by persons under 18 years of age.
4. No adult entertainment facility shall be established within a radius of 500 feet of any other adult entertainment facility or within a radius of 500 feet of any two of the following establishments (or of any one establishment which combines, to any degree, any two of the following activities), whether within this County or any other political subdivision:
 - a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - b. Pawn shops.
 - c. Pool or billiard halls.
 - d. Pinball palaces, halls, or arcades.
 - e. Dance halls or discotheques.
5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services which is attended by persons under 18 years of age.

6. All building openings, entries, windows, etc., for adult uses shall be located, covered, or surfaced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
7. In granting any such conditional use, the BZA may prescribe any conditions that it deems necessary in the public interest. However, no conditional use shall be approved by the BZA unless it finds that the use for which such approval is sought, is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation, or improvement, either residential or nonresidential, or be contrary to the public safety, and general welfare of the County.
8. The measure of distances for purposes of this Section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies".
9. Nothing contained in this Code shall apply to the premises of any mainstream performance house or museum.
10. Any adult entertainment facility offering live dancing performances shall adhere to the following regulations:
 - a. The dancing performances shall be confined to a clearly defined stage or platform area that is elevated at least two feet above the normal floor elevation of the establishment.
 - b. There shall be a clearly defined and delineated three-foot "buffer" area or space between the aforesaid stage or platform and any area of the establishment in which customers are customarily seated and/or served.
 - c. Said "buffer" zone shall be clearly and permanently delineated by rail, rope, enclosure, or other similar means.
 - d. All dancing or entertainment shall be confined to the stage or platform area as defined herein.
 - e. At no time during the performance shall the patrons or the entertainers be permitted to encroach on the aforescribed "buffer" zone.
 - f. The entertainers and patrons are prohibited from commingling with or touching one another while the entertainers are on stage or platform.

D. Savings Clause

If any sentence, clause, or part of this Section is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this Section and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the Commissioners that this Section would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included.

1129.21 Bed and Breakfast Inns

Bed and Breakfast Inns may be approved when the following conditions are met:

- A. The applicant shall provide a site plan showing the lot proposed to contain the Bed and Breakfast Inn, existing structures, proposed improvements, parking, signs, and screening and a floor plan indicating the proposed operations.
- B. The Bed and Breakfast Inn shall maintain a register listing the name, address, phone number, and dates of stay of all paying guests. The owner shall make the registry available for inspection.
- C. There shall be no change in the outside appearance of the building or lot, other than a sign as permitted herein, that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a single-family dwelling.
- D. Signs shall be permitted as non-illuminated, not to exceed two feet square, not to be placed above the first story and are subject to the regulations of Section 1139.00 Signs and Billboards.
- E. One off-street parking space shall be provided for every guestroom in addition to the off-street parking otherwise required for a single-family dwelling. All off-street parking shall be screened in accordance with Section 1137.00 Off-Street Parking and Loading Facilities. Off-street parking for guests may be double-stacked. On-street parking on public rights-of-way (where permitted) adjacent to the lot may be counted to reduce the number of parking spaces required.
- F. No kitchen or cooking facilities shall be permitted within the individual guestrooms.
- G. In R-1, R-2 and R-3 districts, rental of the Bed and Breakfast Inn for special gatherings such as wedding receptions and parties shall be prohibited.
- H. The plans for the proposed Bed and Breakfast Inn shall be reviewed by the Fire Chief, and a Zoning Permit shall not be issued by the Zoning Inspector until the Fire Chief has inspected the Bed and Breakfast Inn.
- I. The applicant shall submit the proposed Bed and Breakfast Inn to the Mercer County Health Department for review.
- J. Other appropriate conditions may be prescribed by the BZA, on an individual basis.

1129.22 Automobile Washing Facilities

- A. All washing activities shall be carried on within a building.
- B. The minimum lot size shall be 15,000 square feet, with no less than 100 feet of frontage.
- C. Automobile washing structures shall be located at least 50 feet from any adjoining residential property and shall be no closer than ten feet from side property lines.
- D. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjacent residential property and at least 20 feet from a public right-of-way.
- E. Water or residue from the washing process shall not be allowed to drain from the site, other than through an approved sanitary sewer.
- F. All parking and access drives shall be hard-surfaced and dust-free.
- G. The following waiting and parking requirements shall be minimum requirements:
 - 1. A minimum of six off-street waiting spaces shall be provided for every bay of a self-service washing facility, and a minimum of ten off-street waiting spaces shall be provided for every bay with automatic or assembly-line type washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
 - 2. A minimum of two parking spaces shall be provided at the exit end of each washing bay for drying and hand finishing of vehicles.
 - 3. One parking space for each regular employee of the premises with a minimum of two employee parking spaces for the site.
- H. A solid fence, wall, or evergreen shrubbery, at least 6 feet in height, shall be required when an automobile washing facility is adjacent to a Residential or Agricultural District, or adjacent to any residential property. (See Section 1129.07 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties).
- I. Access shall only be from arterial or commercial collector streets to which the automobile washing facility shall adjoin. Alleys shall not be used for access to or from an automobile washing facility, nor shall alleys be used for maneuvering, waiting, or parking purposes.

1129.23 Wireless Telecommunications Facilities

- A. **Statutory Exemption:** Unless a Wireless Telecommunications Tower meets the criteria in Subsection B of this Section, and an objection is filed pursuant to Subsection D of this Section, Wireless Communication Towers shall not be regulated under the authority of this Zoning Code.
- B. **Criteria for Prohibition:** Wireless Communication Towers meeting all of the following criteria shall not be allowed in any area of the County subject to the provisions of this Zoning Code, provided that an objection is filed pursuant to Subsection D of this Section:
1. The tower is proposed to be owned, or principally used by a public utility engaged in the provision of telecommunications services.
 2. The tower is proposed to be located in a residential zone.
 3. The tower is proposed to top at a height greater than the maximum allowable height of a residential building in the same district.
 4. The tower is proposed to have attached to it radio frequency transmission or reception equipment.
- C. **Notification Requirements:** Any person who plans to construct a telecommunications facility that meets all of the requirements of Subsection B of this Section shall provide written notice as outlined below to all owners of property whose land is adjacent to or directly across the road from the property upon which the tower is proposed to be constructed, and to the township trustees of the township where the tower location is proposed. This written notice shall contain:
1. Name address and phone number of the public utility and property owner proposing to construct the tower.
 2. The person's intent to construct the tower.
 3. A description of the property sufficient to identify the proposed location of the tower.
 4. Height of the proposed tower and proposed distances from property and right-of-way lines.
 5. The statement, "No later than 15 days after the date of the mailing of this notice, an owner of property adjacent to or directly across the street or roadway from the property, may give written notice to the Commissioners requesting that the proposed tower be subject to the regulations of this Zoning Code and therefore be prohibited."
 6. Notification to the trustees and property owners shall be by certified mail.
 7. Notification to the trustees shall be accompanied with verification that the proper notices to trustees and property owners were mailed.
- D. **Prohibition** Telecommunication towers shall be subject to the regulations of this Zoning Code and thereby prohibited by Section 1129.23 B. when:
1. The Commissioners receive notice of objection from an owner of property as described above within the fifteen days of the mailing of the required notices or:

2. If a member of the board of township trustees makes an objection to the proposed location of the tower.
3. In either case the Commissioners shall send notice no later than five days after the first such objection is received or made by one of them notifying the applicant that the proposed tower is subject to the regulations of the Zoning Code and thereby prohibited from being constructed.

- E. **Exemption by Default** If no such objections are received or made within the 15 days following the mailing of the notice by the applicant, the tower is not subject to the requirements of the Zoning Code and may be constructed.

1129.24 Junk

The accumulation or storage of junk or junk motor vehicles, abandoned vehicles, recreational vehicles, etc. shall be prohibited, except in an approved junk yard

A. Required Conformance

No junk shall be stored or parked within any district except in accordance with the regulations of this section.

B. Outdoor Storage of Junk Vehicles Prohibited

No person in charge or control of any property within any district, whether as owner, tenant, occupant, lessee, or otherwise, shall allow a junk motor vehicle, as defined in Section 1123 of this Code, to remain on such property outside of a completely enclosed building for more than 14 days after receiving notice from the Zoning Inspector ordering the removal, or enclosed storage, of the vehicle. A photograph of the junk vehicle to be removed shall accompany such notice.

C. Business Use of Junk Vehicles

No business shall be conducted in connection with any parked or stored junk or inoperable vehicle, except authorized junk yards, scrap metal processing facilities, and automobile repair facilities.

D. Required Screening of Junk and Junk Vehicles

Authorized junk yards, scrap metal processing facilities, and automobile repair facilities shall be exempted from required building enclosure insofar as junk or inoperable vehicles are completely screened from public streets and adjoining property. Such screening shall consist of mounding, fence, wall, and/or vegetation. Any screening shall be in accordance with the following requirements:

1. Fences or walls shall be neatly constructed of opaque material and maintained to ensure their opaqueness.

2. Vegetation and/or mounding shall be designed and grown to an opaque state and maintained as such.
3. It shall not be less than 6 feet in height above grade.
4. It shall be maintained in a condition so as to ensure its opaqueness.
5. It shall not contain advertising.

E. Removal of Junk Upon Notification

No person in charge or control of any property within any district, whether as owner, tenant, occupant, lessee, or otherwise, shall allow junk, as defined in Section 1123 of this Code, to remain on such property for more than 14 days after receiving notice from the Zoning Inspector ordering the removal. A photograph of the junk to be removed shall accompany such notice.

1129.25 Landfills

A. Required Conditions

Landfills may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for landfills within the County shall be accompanied by the following information, at a minimum:

1. Vicinity maps, drawn at a scale of 1 inch equal to 1,000 feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and the Mercer County Comprehensive Plan.
2. Topographic maps, drawn at a scale no greater than 1 inch to 200 feet with 5 foot contour intervals, showing the existing and the proposed final physiographic layout of the site.
3. A hydro geologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thickness', and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply.

4. A plan for monitoring underground water contamination.
5. A transportation plan for the site, illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site.
6. Proposed methods of control for insects, rodents, and other disease vectors.
7. Proposed methods of controlling odor, dust, and/or blowing debris such as paper.
8. Proposed methods for screening.
9. Proposed hours of operation.
10. The location and size of proposed shelters for landfill personnel and equipment.
11. A proposed plan for future use of the site.

C. Permit To Install Required

All proposed landfill operations shall be required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective.

D. Screening

The site shall contain mounding or screening adequate to obscure the view of the land filling operation from any public street, existing dwelling unit, or any residentially-zoned property.

E. Water Pollution

The site shall be limited to areas where surface or underground water pollution will not occur.

F. Access From Residential Areas

The site shall not be accessible from any established residential area.

G. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

H. Attendant Required

An attendant shall be present during the time the landfill site is open to supervise the unloading of refuse. A manager shall be on duty during this same time.

I. Control Of Blowing Debris

Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

J. Open Storage/Burning Prohibited

There shall be no open storage or burning of refuse or garbage.

K. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly and in a systematic manner.

L. Domestic Animals Excluded

Domestic animals shall be excluded from the site.

M. Cover Layer Required Daily

A compacted layer of at least 6 inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

N. Other Required Conditions

Conditions which the Board of Zoning Appeals deems necessary to ensure that the landfill operation will not be detrimental to surrounding properties or to the environment.

O. Hazardous Waste Restriction

No hazardous waste, defined under Ohio Revised Code Section 3724.01 (I) (I) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806-2812, 42 U.S.C. 6921 to 6931 shall be deposited in or stored on any site designated as a landfill under Section 515 of this zoning resolution without application for and receipt of a hazardous waste storage-burial Conditional Use Permit from the Board of Appeals and submission of an operating plan by the proposed site operator to include the following information and assurance:

1. The full legal and corporate name of the site operator to include any other names used by said site operator within the past 5 years, and the names of all the officers of the said proposed operator and include detailed resumes of same indicating prior experience or expertise in the operation of a hazardous waste storage-burial facility.
2. A detailed listing of the specific types of hazardous waste to be stored on site to include chemical and generic designation and known effects on flora and fauna of same.
3. A complete fire and population evacuation plan for all areas within 5 miles of the site center.
4. A complete geologic and hydrologic study of the site showing site barrier control sufficient to prevent all off-site leachate transmission and ensure protection of all water supplies.
5. Operator shall submit the name of its waste transport company to include the type of vehicles to be used to transport the hazardous waste and the training of the driver-operators.
6. Operator shall submit a plan for the control of malodorous airborne pollutants so that no such odors are transported off-site.
7. Operator/applicant shall present proof to the Board of Licensure for Hazardous Waste Storage under Section 3734.03 of the Ohio Revised Code prior to issuance of any Conditional Use Permit by the Board of Zoning Appeals.
8. Operator/applicant shall present proof of bond or surety to the sum set by Zoning Board of Appeals subject to the approval of the County Commissioners. Proof of bond shall be required prior to the grant of a Conditional Use Permit for hazardous waste storage in the County.

P. Inspections and Enforcement

The Zoning Inspector or a Mercer County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a landfill is in violation of any of the above sections or any other conditions imposed by the Board of Zoning Appeals.

1129.26 Transfer Stations

A. Required Conditions

Transfer Stations may be permitted, with all operations performed inside an enclosed building, as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance

with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for transfer stations within the County shall be accompanied by the following information, at a minimum:

1. Vicinity maps, drawn at a scale of 1 inch equal to 1,000 feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and the Mercer County Comprehensive Plan.
2. Topographic maps, drawn at a scale no greater than 1 inch to 200 feet with 5 foot contour intervals, showing the existing and the proposed final physiographic layout of the site.
3. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thickness', and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply.
4. A plan for monitoring underground water contamination.
5. A transportation plan for the site illustrating any proposed external routes or access to the transfer and any proposed internal circulation routes within the transfer.
6. Proposed methods of, and a plan for, control for insects, rodents, and other disease vectors.
7. Proposed methods of, and a plan for, controlling odor, dust, and/or blowing debris such as paper.
8. Proposed methods of, and a plan for, for screening.
9. Planned hours of operation.
10. The location and size of proposed shelters for transfer station personnel and equipment.
11. A proposed plan for future use of the site.

C. Other Permits Required

All proposed transfer station operations are required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective. A "Permit to Operate" from the Mercer County Health Department shall also be obtained and maintained for the Conditional Use Permit to remain in force.

D. Screening

The site shall contain mounding or screening adequate to obscure the view of the transfer station operation from any public street, existing dwelling unit, or any residentially zoned property.

E. Water Pollution

The site shall be limited to areas where surface or underground water pollution will not occur.

F. Access From Residential Areas

The site shall not be accessible from any established residential area.

G. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

H. Attendant Required

An attendant shall be present during the time the landfill site is open to supervise the unloading of refuse. A manager shall be on duty during this same time.

I. Control Of Blowing Debris

Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

J. Open Storage/Burning Prohibited

There shall be no open storage or burning of refuse or garbage.

K. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine transfer station operations promptly in a systematic manner.

L. Domestic Animals Excluded

Domestic animals shall be excluded from the site.

M. Other Required Conditions

Conditions which the Board of Zoning Appeals deems necessary to ensure that the transfer station operation will not be detrimental to surrounding properties or to the environment.

N. Hazardous Waste Restriction

No hazardous waste, defined under Ohio Revised Code Section 3724.01 (I) (1) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806-2812, 42 U.S.C. 6921 to 6931, shall be stored on any site designated as a transfer station under this Section of this zoning resolution without application for and receipt of a Conditional Use Permit for hazardous waste storage from the Board of Appeals and submission of an operating plan by the proposed site operator to include the following information and assurance:

O. Inspections and Enforcement

The Zoning Inspector or a Mercer County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a transfer station is in violation of any of the above sections or any other conditions imposed by the Board of Zoning Appeals.

1129.27 Composting

A. Required Conditions

Commercial composting may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for composting within the County shall be accompanied by the following information, at a minimum:

1. Proposed methods of, and plan for, control for insects, rodents, and other disease vectors.
2. Proposed methods of, and plan for, controlling odor, dust, and/or blowing debris.
3. Proposed methods of, and plan for, screening.

C. Screening

The site shall contain mounding or screening adequate to obscure the view of the composting operation from any public street, existing dwelling unit, or any residentially zoned property.

D. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

E. Control Of Blowing Debris

Blowing debris shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

F. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine composting operations promptly in a systematic manner.

G. Inspections and Enforcement

The Zoning Inspector or a Mercer County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a composting area is in violation of any of the above sections or any other conditions imposed by the Board of Zoning Appeals.

1129.28 Mineral and Soil Extraction

A. Intent

The intent of this Section is to provide for the quarried and mined products necessary for the construction and agricultural industries, and to protect the health, safety, welfare, and environmental quality of the County. Soil and mineral extractive industries, if not properly managed, can contribute to soil erosion and sedimentation of streams, traffic hazards, and may pose other ground water pollution dangers. This Section is intended to prevent or minimize these effects.

B. Definition

Soil and mineral extractive industries are those activities of removing stone, gravel, sand, soil, or other minerals from the ground through processes commonly referred to as quarrying or mining and whose primary purpose and intent is the removal of minerals as a primary product for use or sale. This Section does not refer or apply to excavations made for other primary purposes, including but not limited to, construction of sewage lagoons, manure lagoons, swimming pools, retention ponds for canals. This exemption shall apply to these primary purposes even if the materials excavated are moved or sold as a secondary means of disposal.

C. Application Requirements

In addition to other items required on a Conditional Use Permit application, the following information shall be submitted. In lieu of the following the inspector may accept documents prepared by the applicant for submittal to the Ohio Department of Natural Resources/Division Mineral Resources Management or other regulating agencies that contain the same essential information.

1. Vicinity maps, drawn at a scale of 1 inch equals 1,000 feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, and surrounding zoning districts.
2. A map at a scale of at least 1 inch equals 100 feet showing existing contours at intervals of 5 feet or less, to any existing building structures, and any public utilities of easements on the property.
3. Name and address of the applicant, including all partners and officers of the corporation.
4. Name and address of the owner of surface rights of the property.
5. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavation, and the anticipated length of time it will take to complete.
6. A list of the types of resources or minerals to be extracted.
7. The proposed method of removal of such resources and whether or not blasting and other uses of explosives if required.
8. Anytime a source of public or private water supply is adversely affected the operator shall be responsible for correction. Means of correction may include, but are not limited to, new wells, softeners and treatment systems.

9. The location of any processing plant to be used, and any accessory of kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.
 10. A general description of the equipment to be used for excavating processing, and/or transporting excavated mineral resources.
 11. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site.
 12. A plan for the rehabilitation and reclamation of the excavated area as specified in this Section; and any other information the Board of Zoning Appeals may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.
- D. All proposed mineral extraction operations shall require a permit for such activities from the Ohio Department of Natural Resources, Division of Mineral Resources Management in conjunction with the issuance of a Zoning Permit. However, the applicant may obtain provisional approval conditioned on their obtaining ODNR approval
 - E. A description of adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
 - F. The location of any storage or processing activities upon the site shall be subject to the district minimum yard requirements and approval by the Board of Zoning Appeals. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially zoned property.
 - G. Mineral extraction operations shall not be conducted closer than 150 feet from an existing residential district or any dwelling. Within that distance earthen berms and other screening devices may be located. Setbacks from a residential district shall be measured from the property lines (right-of-way lines in the case of road frontage) of the residentially zoned property. Setbacks from other dwellings shall be measured from the dwelling structure.
 - H. Temporary operational roads shall not be located closer than 200 feet from any residential district or any existing dwelling. Exceptions shall be made for roads parallel to the excavation that are behind vegetated earthen mounds.
 - I. All excavations of gravel, soil, or sand shall either be made to a depth not less than 6 feet below a water-producing level or graded and/or backfilled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished

topography to minimize erosion by wind or rain and substantially conform to the contours of the surrounding area.

- J. The underwater banks of all excavations, which are not backfilled, shall be sloped at a grade of not less than 3 feet horizontal to 1 foot vertical, with a minimum of 6 feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where re-vegetation is possible.
- K. Whenever the floor of a quarry is greater than 5 feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely closed by a mound of earth not less than 6 feet in height and planted with suitable landscaping, or a fence shall be sufficient in either case to prevent persons from trespassing on the property and shall be subject to approval by the Board of Zoning Appeals. Such mound shall be located not less than 50 feet from any street right of way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing barrier.
- L. When any quarrying has been completed, such excavated area shall be left as a permanent spring fed lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive erosion. Said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing, for which no other use is practical or feasible, shall be demolished and removed.
- M. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the Board of Zoning Appeals to conduct a mineral extraction operation, as herein provided shall furnish a reclamation plan and performance bond to the Mercer County Commissioners, Mercer County, Ohio. The amount of the performance bond shall be based on an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by resolution of the Commissioners depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant in restoring, reclaiming, and rehabilitating such land, shall be completed within a reasonable time and meet the requirements of this Section to the satisfaction of the Board of Zoning Appeals. The Commissioners shall waive the bond requirement, or a portion thereof in recognition of a similar bond to the Ohio Department of Natural Resources/Division of Mineral Resources Management or other controlling agency in instances where those bonds guarantee the operational and reclamation requirements of the section.
- N. The reclamation plan for the extracted area shall contain at a minimum the following information. In lieu of the following the inspector may accept documents prepared by

the applicant for submittal to the Ohio Department of Natural Resources or other regulating agencies that contain the same essential information.

1. A map at a scale of 1 inch equals 100 feet showing the existing contours at intervals of 5 feet or less, any existing buildings or structures, and any public utilities or easements on the property.
2. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operation, but which in no event need be more than 6 inches.
3. The angle of slope of all earthen banks, which shall be no greater than 1 foot vertical to 3 feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
4. The angle of slope of all banks consisting of rock and the required cover.
5. The location of fences or effective plantings in those locations where the Board of Zoning Appeals determines that such angles of slope are not physically or economically feasible to reduce.
6. The number of trees and shrubs, and the type ground cover to be provided. The type and number per acre of trees, shrubs, ground cover, or legume to plant shall be determined in consultation with the Mercer County Agricultural Extension Agent.
7. The location of proposed ultimate land uses, and physical improvements such as roads, drives, and drainage courses, utilities and other improvements as determined in consultation with the Regional Planning Commission of Mercer County, the County Engineer, the Sanitary Engineer, and the Zoning Commission.
8. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts said reclamation area where the same is not submerged under water.
9. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater intervals of 5 feet.

1131.00 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES

1131.01 Contents of Conditional Use Permit Application

Any owner, or agent thereof, of property for which a conditional use is proposed shall obtain and make an application for a Conditional Use Permit and file it with the Zoning Inspector, who shall within 20 days transmit it to the BZA. Such application, at a minimum, shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Locational description of the property.
- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, lot lines, landscaping features, and such other information as the Zoning Inspector or the BZA may require.
- G. A narrative statement discussing the compatibility of the proposed use, with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.
- H. A fee as established by the Commissioners. (See Section 1145.08 Schedule of Fees.)
- I. A narrative addressing each of the applicable criteria contained in the following section, General Standards For All Conditional Uses.

1131.02 General Standards For All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in this Section, the BZA shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of these Regulations and appears on the Conditional Uses list, adopted for the zoning district involved;
- B. Will be in accordance with the general objectives, or with any specific objective, of the Comprehensive Plan and/or the Zoning Code;

- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, utilities and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the County;
- G. 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;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- J. Will otherwise be in conformance with all other sections of this Resolution.

1131.03 Action by the Board of Zoning Appeals

Within 30 days after the date of the public hearing, the BZA shall take one of the following actions:

- A. Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplemental conditions and safeguards. Upon making an affirmative finding, the BZA shall direct the Zoning Inspector to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the BZA for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications that are deemed necessary.

- C. Make a written finding that the application is denied and specify the reason(s) for disapproval.

1131.04 Additional Criteria

- A. Additional Conditions

The BZA may impose other conditions for a conditional use in addition to those prescribed in this Section if, in the BZA's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, and convenience.

- B. Supplemental Conditions and Safeguards

In granting approval for any conditional use, the BZA may prescribe appropriate conditions and safeguards in conformance with this Zoning Code. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Zoning Code.

- C. Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 1 year of the date on which the permit was issued, or if for any reason such use shall cease for more than 1 year.

1131.05 Public Hearing

A public hearing shall be held by the BZA in considering an application for a Conditional Use Permit.

The BZA shall hold a public hearing within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

1131.06 Notice of Public Hearing in Newspaper

Before conducting a public hearing, notice of such hearing shall be given in one newspaper of general circulation in the County at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, location of the proposed conditional use and shall provide a summary explanation of the conditional use proposed.

1131.07 Notice to Parties of Interest

Prior to conducting a public hearing, written notice of such hearing shall be by first-class mail, at least 10 days before the date of the hearing to all parties of interest, to include all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not

invalidate any such action. The notice shall contain the same information as required in Section 1135.06 Notice of Public Hearing in Newspaper.

1131.08 Procedure and Requirements to Determine that a Use is Substantially Similar

This section is not intended to circumvent the amendment process or to sanction the issuance of use variances. Where a specific use is proposed that is not listed or provided for in this Zoning Code, the Zoning Inspector may issue a written opinion as to whether the proposed use is substantially similar to a specific use that is listed in this Zoning Code.

- A. The Zoning Inspector, when making an opinion that a use is substantially similar to a permitted or a conditional use within a specific district, shall consider the following standards:
 - 1. The compatibility of the proposed use with the general use classification system as specified in this Zoning Code.
 - 2. The nature, predominant characteristics, and intensity of the proposed use in relation to a use listed in this Zoning Code as being a permitted or conditional use in that district.
 - 3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Zoning Code.
- B. If Zoning Inspector finds that a use is substantially similar to a specific use listed in this Zoning Code, and that listed use is allowed as a permitted or conditional use in the district, the proposed use shall be reviewed as if it were a listed conditional use, using all of the procedures contained in Sections 1131.01 through 1131.07.
- C. The Zoning Inspector's opinion, along with the application as specified in 1131.01, shall be used by the BZA in making their determination. In issuing their determination the BZA shall state in writing the justifications used to find that the proposed use was ruled to be substantially similar or not.
- D. If the Zoning Inspector's opinion states that a proposed use is not substantially similar, such determination can be appealed to the BZA.
- E. The Zoning Inspector shall maintain, as a public record, a listing of all uses that have been determined to be substantially similar. For each such use the record shall include:
 - 1. The use as listed in the Zoning Code
 - 2. The use about which the determination of substantial similarity was made
 - 3. The address and location of the property, and

4. The dates of any actions taken.

This record shall also contain the same information for all uses that have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future opinions.

1133.00 NONCONFORMITIES

1133.01 Continuation of Existing Nonconforming Uses

Except as hereinafter specified, the lawful use of a building or premises existing at the time of the effective date of this Zoning Code which would render the use nonconforming, may be continued although such use, building, or structure does not conform with the provisions of this Zoning Code for the district in which it is located. It is not the intention herein to classify as nonconforming, a use or building allowed in a district as a conditional use under this Zoning Code.

1133.02 Enlargement or Substitution of Nonconforming Uses and Buildings

No existing building or premises devoted to a use not permitted by this Zoning Code in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered to increase its nonconformity, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:

- A. Enlargement or Substitution: When authorized by the Zoning Commission, in accordance with Section 1133.11 thru 1133.15, a nonconforming use, that has not been discontinued as specified in Section 1133.06 Discontinuance of Use, may be enlarged and/or replaced by another nonconforming use.
- B. Enlargement: When authorized by the Zoning Commission, nonconforming buildings that are used for purposes listed in the permitted or conditional uses of the district in which they are located may be enlarged. All such enlargements or additions shall meet all minimal yard requirements of the district. The height of a nonconforming wall may not be increased.

Additionally, all such extensions shall not exceed 100% of the floor area to the structure existing at the time it became nonconforming. All such extensions on structures, nonconforming because of use, shall be made within 5 years of becoming nonconforming. Extensions may be made on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming.

1133.03 Replacing Damaged Nonconforming Uses

- A. Single-family dwellings damaged by accident, fire, severe weather or acts of God may be repaired or reconstructed within the dimensions prior to the damage. The new dwellings or portions of dwellings may not exceed the height of the original building unless required setbacks are met. Such repairs or reconstruction are to be complete within 1 year of the date of such damage.
- B. Any other nonconforming use which has been similarly damaged to the extent of 60% or more of the Mercer County Auditors value, as listed in the Mercer County Auditor's

records at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged less than 60% of the Mercer County Auditors value, such nonconforming uses may be repaired or reconstructed within the dimensions prior to the damage and used as before the time of damage. Such repairs or reconstruction are to be complete within 1 year of the date of such damage.

1133.04 Nonconforming Recreational Vehicles and Mobile Homes

A. Nonconforming recreational vehicles or mobile homes located in any district other than in an approved Mobile Home Park in a "R-4" District, once removed shall not be relocated on such lot.

B. Additions to nonconforming recreational vehicles or mobile homes shall be permitted only if all conditions of Section 1133.02 are met.

1133.05 Repairs

Such repairs and maintenance work as required to keep said nonconforming use in sound condition may be made to a nonconforming building or structure.

1133.06 Discontinuance of Use

No building, structure, or premises where a nonconforming use has discontinued, for a period of 2 years or more, shall again be put to a nonconforming use. Discontinued shall mean that the structure has remained vacant, unoccupied, unused, or has ceased the daily activities or operations which had occurred.

1133.07 Zoning Certificates For Nonconforming Uses

A Zoning Certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of the Zoning Code in accordance with the provisions of Section 1147.02

1133.08 Application For a Permit For Enlargement or Substitution of a Nonconforming Use

An application shall be filed with the Zoning Inspector by at least one owner, owner's agent or lessee of properties for which such enlargement or substitution is proposed. The applicant shall sign the application. At a minimum, the application shall contain the following information, provided however, that the Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable:

- A. Name, address, and telephone number of the owner of record and applicant.
- B. Boundary survey of said property.
- C. Description of existing use.
- D. Present zoning district.
- E. Description of proposed enlargement or substitution.

- F. A plan of the site showing the location of all existing buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and any enlargement thereof proposed.
- G. A complete written description of the new use in the case of a proposed substitution, and for an enlargement the reasons for enlarging rather than relocation in an appropriate zone.
- H. A statement and supporting documentation describing how the applicant believes the request conforms to the standards listed in Section 1133.09.
- I. Any other such information as the Zoning Inspector may require.
- J. An application filing fee as established by the Commissioners.

1133.09 General Standards For Enlargement Or Substitution Of A Nonconforming Use

The Zoning Commission shall review the particular facts and circumstances of each proposed use or expansion in terms of the following standards, and shall find adequate evidence showing that such use or expansion at the proposed location:

- A. Is better suited for the site than would be a permitted or conditional use.
- B. Shall not create a significant financial or structural hindrance to eventual conversion to a permitted or conditional use.
- C. Shall not be hazardous or disturbing to neighboring uses.
- D. Shall be served adequately by essential public facilities and services.
- E. Shall not be detrimental to the economic welfare of the community.
- F. Shall not involve uses, activities, processes, material, equipment and/or 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.

The Zoning Commission shall have the authority to place additional requirements and/or conditions.

1133.10 Supplementary Conditions and Safeguards

In granting any enlargement or substitution of a nonconforming use, the Zoning Commission shall prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Zoning Code.

1133.11 Public Hearing by the Zoning Commission

The Zoning Commission shall hold a public hearing on any enlargement or substitution of a nonconforming use request within 45 days of the acceptance of the completed application by the Zoning Inspector.

1133.12 Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 1133.11, notice of such hearing shall be given by publication in a newspaper of general circulation in Mercer County at least 10 days prior to the hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed use.

1133.13 Notice to Parties of Interest

Before holding the public hearing required in Section 1133.11, written notice of such hearing, shall be mailed by the Zoning Inspector, by first class mail, at least 10 days before the date of the hearing by the Zoning Commission, and all property owners within 200 feet in any direction of the property upon which an application for an enlargement or substitution of a nonconforming use permit has been filed. The failure to mail or deliver notification as provided in this Section shall not invalidate any action of the Zoning Commission. The notice shall contain the same information required of notices published in newspapers as specified in Section 1133.12.

1133.14 Action by the Zoning Commission

Within 30 days after the public hearing required in Section 1133.11, the Zoning Commission shall either approve, approve with supplementary conditions as specified in Section 1133.10, or disapprove the application as presented. If the application is approved or approved with supplementary conditions, the Zoning Commission shall direct the Zoning Inspector to issue a permit listing the specific conditions specified by the Zoning Commission for approval.

1133.15 Appeals

Appeals of the decisions of the Zoning Commission shall be made to the BZA, pursuant to Section 1143.02.

1133.16 Expiration of a Permit for the Substitution of a Nonconforming Use

A permit for the substitution of a nonconforming use shall be deemed to authorize only one particular use, and such permit shall automatically expire, if for any reason, the use has ceased by discontinuance or abandonment for a period of more than 6 months.

1135.00 - PLANNED UNIT DEVELOPMENTS (PUD)

1135.01 Intent

The intent of this Section is to permit and encourage the creative design of new residential, commercial, and industrial areas in order to promote imaginative proposals for local development while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

1135.02 Requirements

The owner or owners of any parcel of land with a minimum of 10 acres, in the districts designated, may submit an application to the Zoning Commission for the type of PUD permitted in that district. Residential Planned Unit Developments, hereafter referred to as R-PUD's, may be permitted in the R-2, R-3 and R-4 Residential zoning districts. Commercial Planned Unit Developments, hereafter referred to as C-PUD's, may be permitted in the C: Commercial and C-I: Commercial and Industrial zoning districts. Industrial Planned Unit Developments hereafter referred to as I-PUD's may be permitted in the I: Industrial zoning district.

1135.03 Permitted Uses

The Principal Permitted Uses in the PUD shall be those uses permitted by the zoning district containing such development.

1135.04 Procedure

A. Preapplication Meeting

The developer shall meet with the Zoning Inspector prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally, the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

B. Preliminary Development Plan

A complete Preliminary Development Plan, as specified in Section 1135.05, for a commercial, residential, or industrial PUD shall be filed with the Zoning Inspector. In consideration of the submittal, the Zoning Commission shall hold at least one public hearing, to be held no later than 30 days after receipt of the completed submittal by the Zoning Commission, unless such time is extended by agreement with the applicant. The Zoning Commission shall approve, approve with amendments, or deny the application within 30 days after the public hearing. The recommendation shall be forwarded in writing to the Commissioners.

Upon receipt of the recommendation of the Zoning Commission, the Commissioners shall hold at least one public hearing in consideration of the submittal, prior to reaching a decision. The decision of the Commissioners shall be made no later than 60 days after the receipt of the recommendation of the Zoning Commission. The Commissioners may approve, approve with amendments, or deny the submittal.

C. Final Development Plan

Within 12 months of approval or approval with amendments of the preliminary development plan, the applicant shall submit a final development plan along with any necessary performance surety to the Zoning Commission. The Zoning Commission shall evaluate the plan for conformance with the preliminary development plan for the PUD, as approved by the Commissioners. If the Zoning Commission finds the final development plan or the final development plan with amendments is compatible with the preliminary development plan, then such plan shall be approved. When a final plat is necessary for lot creation, it shall also be approved as part of the final development plan. If the final plat contains any right-of-way or easement dedication, it must go to the Commissioners for acceptance prior to final approval. Acceptance of any right-of-way or easement dedication is a separate action by the Commissioners, and should not affect the overall acceptance of the final development plan. Upon approval of the final development plan and recording of the final plat in the Office of the Mercer County Recorder, if necessary, the Zoning Inspector shall issue the necessary permits. A Zoning Commission meeting, concerning the final development plan, shall have the notification requirements as stated in 1135.07.

D. Final Development Plan Effect

Subsequent to the approval of the final development plan, the lands included with the site area thereof shall not be developed or used in any manner whatsoever that is not in conformance with the approved plan; and no permit shall be issued for any building, structure, or use of the lands except in conformance with the approved plan. After the building is constructed, any necessary condominium plats and legal documents shall be recorded in the Office of the Mercer County Recorder. Such plats and legal documents will not require further review if they are in conformance with the approved final development plan as verified by the Zoning Inspector.

E. Final Development Plan Changes

Any changes in an approved final development plan desired by the owner of the tract of land involved shall be submitted to the Zoning Commission. The Zoning Commission shall conduct a public hearing on all proposed revisions to an approved final development plan and make a determination or finding that:

1. The proposed revision is a minor change, not substantially altering the overall concept of the PUD. Generally, such changes are limited to small site alterations such as realigning a street, shifting a setback, or slight changes in building designs

- that do not result in the loss of open space. Increases of up to 10% of the total development density and any decreases in density may be determined by the Zoning Commission to be minor changes. Minor changes shall not involve reductions in required improvements, such as open space, parking areas, pavement widths, etc.
2. The proposed revision is a major change, which will affect the general character and overall concept of the PUD, including substantial relocation or redesign of principal or accessory structures, parking, open space areas, and streets. A major change is involved in density increases in excess of 10% of the total development density and/or revisions affecting the land coverage by building, parking, and open space areas.
 3. Where the Zoning Commission determines that the proposed revision is a minor change, the proposal may be reviewed as a revised final plan, and action to approve, modify, or deny approval may be taken by the Zoning Commission following the public hearing. Minor changes involving or affecting public improvements shall be referred to the Commissioners for review and action, not requiring a public hearing by the Commissioners.
 4. Where the Zoning Commission determines that the proposed revision is a major change, the proposal shall be reviewed as a revised preliminary development plan as a part of the same public hearing, and the Zoning Commission may act to approve, modify, or deny approval for the revised preliminary plan, following the public hearing. The revised preliminary plan shall be reviewed in the same manner as the original plan, including a public hearing review by the Commissioners.
 5. Upon approval of a revised final development plan as a minor or major change, the original final plan shall be considered void and the revised final plan shall have the same force effect as if it were the original plan.

1135.05 Preliminary Development Plan Application Requirements

Any submittal for a PUD shall contain the following information in the submittal package including the information constituting a preliminary development plan. The applicant shall submit the number of copies as directed by the Zoning Inspector of the preliminary development plan, and written documents as determined by the Zoning Inspector.

- A. Names, address, and phone number of owners, developers, and designers of the plan, and proposed name of the development.
- B. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- C. A legal description of the land to be developed under the submittal.
- D. Present use(s).

- E. Present and proposed zoning district.
- F. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within 1 year.
- G. A fee as established by this Zoning Code. (See Section 1145.08 Schedule of Fees.)
- H. Verification by at least one owner of property that all information in the submittal is true and correct to the best of their knowledge.
- I. A statement of the objectives to be achieved by the PUD through the particular approach proposed by the applicant and the rationale behind the assumptions and choices made by the applicant.
- J. A development schedule indicating the approximate date when development and construction of the PUD can be expected to begin and be completed.
- K. Quantitative data for the following items:
 - 1. Total number of dwelling units, commercial facilities, industrial buildings, and parcel size(s).
 - 2. Proposed lot coverage of buildings and structures.
 - 3. Approximate gross and net residential, commercial, or industrial densities.
 - 4. Total amount of open space including separate figure for usable open space.
 - 5. Economic feasibility study or market analysis where deemed necessary by the Zoning Commission.
- L. Site plan and supporting maps. Maps shall be drawn at an appropriate scale to show the following information:
 - 1. Date, north arrow, and scale.
 - 2. Existing zoning district.
 - 3. Existing site conditions including contours at 1-foot intervals, water course, waterfront, channel, floodplains, ponds, wetlands, wooded area, unique natural features, and natural cover.
 - 4. Proposed lot lines and plot designs.

5. The location and floor area size and height of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per acre, and nonresidential structures, including commercial facilities.
6. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and public and semi-public uses.
7. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
8. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.
9. The existing and proposed utility systems including proposed and existing easements for the sanitary sewers; storm sewers; and water, electric, gas, and telephone lines.
10. A general schematic landscape plan indicating the treatment of materials used for private and common open spaces.
11. Information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features, and land uses within a half mile of the boundaries of the proposed development.
12. A landscaping and screening plan for all perimeters of the PUD.
13. Phases of development and approximate starting dates.

1135.06 Notice of Public Hearing in Newspaper

The Zoning Commission and the Commissioners shall give notice of the public hearing by at least one publication in one or more newspapers of general circulation in the County. Said notice shall be published at least 10 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the nature of the proposed PUD.

1135.07 Notice to Parties of Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed, by the County by first-class mail, at least 10 days before the day of the hearing to all parties

within 300 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such PUD. The notice shall contain the same information as required in Section 1135.06 Notice of Public Hearing in Newspaper.

1135.08 Zoning Commission to Investigate

- A. The Zoning Commission shall make a recommendation to the Commissioners on the preliminary development plan. In making its recommendation, the Zoning Commission shall consider the following:
1. The proposed development can be initiated within 1 year of the date of approval.
 2. The proposed streets are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD.
 3. Any proposed commercial or industrial development can be justified at the proposed location.
 4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements and the need to provide a variety of housing opportunities with regard to type and price.
 5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
 7. Amount, design, and uses of open space in the development.
 8. Overall design quality of the development.
 9. Impact of the proposed development on utilities.
 10. Amenities to be provided by the developer, including, but not limited to, recreational facilities, infrastructure improvements, environmental improvements, and land set aside for public purposes.
 11. Relationship of the development to surrounding land uses.
 12. Impact of the development in providing housing and other County needs.
- B. The Zoning Commission may take into account any other factors it deems appropriate to the development under consideration.

1135.09 Final Development Plan Application Requirements

After approval of a preliminary development plan by the Commissioners, the applicant shall submit the following information as a final development plan to the Zoning Inspector. The submittal shall consist of an original plus seven copies of all required documents.

Each submittal shall be signed by the owner, attesting to the truth and exactness of all information supplied on the submittal for the final development plan. Each submittal shall clearly state that the approval shall expire and be revoked if construction on the project has not begun within 1 year from the date of issuance of the approval. At a minimum, the submittal shall contain the following information:

- A. A recent survey (6 months or less) by a certified surveyor of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land uses considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes, a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing, estimated non-residential buildings by type, anticipated construction timing for each unit, and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Resolutions governing development.
- D. A fee as established by this Zoning Code. (See Section 1145.08 Schedule of Fees)
- E. Preliminary building plans.
- F. Any legal agreements stipulating conveyance of public open space to homeowners' or merchants' association and indicating responsibility for maintenance of the open space.
- G. Any restrictive covenants or other conditions which shall apply to any parcel of land in the PUD.
- H. All necessary legal documentation relating to the incorporation of a homeowners' or merchants' association for the purpose of maintaining any common open space included within the PUD.
- I. Final plat for necessary lot creation and right-of-way or easement dedication, if necessary.

- J. Necessary engineer's estimates and performance surety for any public improvements that will eventually be taken over by a unit of local government.
- K. All surveying and legal documents to be recorded shall meet State of Ohio and Mercer County Standards.
- L. Site plan and supporting maps indicating the following:
 - 1. Recent survey of land area to be developed showing topography with existing and proposed contours at 1-foot intervals, drainage, vegetation, waterfront, channel, ponds, wetlands, wooded area, and natural cover.
 - 2. Detailed construction plans in conformance with the Mercer County Design Criteria and Construction Standards and Drawings along with necessary specifications shall at a minimum consist of the following items:
 - a. The location of lot lines, building outlines, and setbacks.
 - b. Pedestrian and vehicular circulation system.
 - c. Street plans including plan and profile and cross-sections.
 - d. All utility systems, including sanitary sewers; storm sewers; water, electric, gas, cable television, and telephone lines including plan and profiles.
 - e. Landscaping indicating the specific types of vegetation to be used and their location in the development.
 - f. Location of fire hydrants and fire lanes.
 - g. Any additional information in the form of written documents, plans, and supporting maps required by the Zoning Commission and the Commissioners in consideration of the application.
 - h. Storm water management plan, including detention and erosion control.
 - i. Grading plan.

1135.10 Additional Requirements

- A. A written agreement or contract shall be executed between the developer and the County prior to approval of the final development plan stating, at least, the following:
 - 1. In the event of failure of the owners, successors, or assignors to maintain any common open space or the landscaping or improvements thereon, the County may enter into the development and perform any necessary maintenance, and

charge the cost, including, but not limited to engineering and attorney fees, to the owner, successors, or assignors.

2. The developer will construct the development and install landscaping and improvements in accordance with the approved plan.
 3. This contract shall be binding upon the owner, successors, assignors, or receivers of the development and shall constitute a lien on the property. Said agreement shall be recorded with the Mercer County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
- B. The Design Criteria and Construction Standards and Drawings along with 100% surety and 10% maintenance surety shall apply to all public improvement construction that will eventually be taken over by a unit of local government. The 100% performance surety and 10% maintenance surety shall follow the regulations in the Mercer County Subdivision Regulations, even if a major subdivision is not required.
- C. If the Zoning Commission determines it is consistent with the public health, safety, and general welfare and necessary for the overall development and usefulness of the residential PUD, commercial uses may be permitted by the Zoning Commission in the development provided they are designed and intended primarily for the use of the residents of that development. All such uses shall:
1. Be located within a multiple dwelling, an administration building for the development, or a building primarily serving the occupants of the development and their guests.
 2. Have no business signs, advertising, or displays visible from the outside of the PUD area in which they are located; and
 3. Have a total area that does not exceed 5% of the gross floor area of all dwellings within the development.
 4. All exterior lighting of parking areas, buildings, and attached signs shall be so arranged as to reflect light away from adjoining premises. No flashing lights or signs of any kind shall be permitted except those required by traffic regulations.
 5. All buildings, structures, parking areas, and loading spaces shall be kept and maintained in a neat and orderly manner and appearance. All areas not occupied by buildings or structures or by parking or loading areas shall be landscaped and maintained in a neat manner and appearance. Parking and loading areas located across a street from facing residential premises or closer than 30 feet to the property lines of adjoining residential premises and building entrances located closer than 50 feet to such property lines shall be appropriately screened from such adjoining premises by means of planting, ornamental fences or walls, or approved design.

6. In order to preserve the character of the adjacent residential areas, no outdoor display of goods, merchandise of services, or outdoor display or exhibit of any nature, shall be permitted. However, the BZA may, after public hearing, authorize a specific exhibitor display for a period up to, but not exceeding 14 days, provided that the applicant has substantiated to the satisfaction of the BZA that such display or exhibit would be appropriate in a R-PUD and that the activity will not adversely affect adjoining or nearby residential property.

D. Ownership of Common Open Space.

1. In a R-PUD, the common open space shall be owned by the homeowners as tenants-in-common. A homeowners' association shall be formed prior to the conveyance of the first property, and the legal documents establishing the association shall stipulate that the association will control and have responsibility for maintenance of the common open space upon conveyance of more than 50% of the lots or units in the development. Said agreement shall be recorded with the Mercer County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
2. The common open space shall be protected against building development and environmental damage by conveying to the County an open space easement restricting building development and prohibiting removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses. This easement shall be conveyed before recording of the final plat.

- E. Copies of any management policies, deed restrictions, legal documentation, homeowners association agreements, or covenants with the land shall be provided to the Zoning Commission prior to the approval of the final development plan.

1135.11 Residential and Commercial Planned Unit Development Minimum Design Standards

- A. Applicants are encouraged to use innovative design, including varying of lot sizes and building orientation. Proposals, which do not reflect these innovations, may be rejected by the Zoning Commission.
- B. PUDs shall be designed in a manner, which promotes harmonious relationships between the development, and surrounding land uses.
- C. Open space within a PUD will be required by the Zoning Commission and shall meet the following criteria:
 1. No less than 20% of the total land area, exclusive of channels, streams, permanently submerged land, streets and street rights-of-way, shall be devoted to common open

- space. In R-PUDs, this land shall be used for recreation or conservation purposes, and in C-PUDs, this land shall be appropriately landscaped and may contain walkways, benches, and the like.
2. In R-PUDs, at least 5% of the total land area shall be usable for active recreation.
 3. The size, location, shape, and character of the open space must be suitable for the designated uses.
 4. No more than 20% of the common open space may be devoted to paved areas (such as parking lots, walks, and hard-surfaced play areas) and structures used for or accessory to open space uses.
 5. Landscape plans for the common open space must be approved by the Zoning Commission.
- D. Townhouses constructed in PUDs must meet the following criteria:
1. No more than 4 contiguous townhouses shall be built in a row with the same or approximately the same front line, and no more than eight townhouses shall be contiguous.
 2. Each townhouse shall have its own yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. These yards shall not be used for off-street parking, garages, storage facilities, driveways, or accessory buildings.
 3. The minimum distance between any two rows of townhouse buildings substantially parallel with each other shall be 60 feet.
 4. The minimum distance between any two abutting ends of townhouse buildings in the same general plan or row shall be 25 feet.
- E. Parking within the PUD shall be regulated in conformance with Section 1137.00 Off-Street Parking and Loading Regulations. Parking areas containing more than 40,000 square feet shall be landscaped in accordance with a plan approved by the Zoning Commission.
- F. Signs in a PUD shall conform to the requirements with Section 1139.00 Signs and Billboards, except that in addition to the other permitted signs, there may be one sign at each entrance to the development indicating the name of the development. In R-PUDs, the signs shall not exceed 40 square feet in size, and in C-PUDs, the signs shall not exceed 80 square feet in size. The Zoning Commission may reduce the maximum size of the signs in accordance with the size, design, and location of the PUD.

- G. Street layouts to PUDs shall be designed in a manner to minimize pavement lengths. To the extent possible, streets shall conform to the natural contours of the land. In commercial PUDs, fire lanes shall be provided and approved as to location and width by the fire department.

1135.12 Industrial Planned Unit Development Minimum Design Standards

- A. All land in contiguous ownership shall be shown on the plans. The entire parcel is to be included, even if the development is to take place in phases.
- B. The development shall be designed in a manner as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for storm water runoff and possible retention, adequate solid waste and sewage disposal, buffers, parking, and other utilities.
- C. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from residential boundaries. The buffer shall consist of one or more of the following items: fences, berms, or plantings that are more than 6-feet tall and form a solid barrier. Where the proposed development may produce excessive noise, traffic, dust, glare, or odor, a planted green belt up to 100 feet in depth shall be required, and shall be considered part of the open space.
- D. All areas for outdoor storage of materials, waste, or finished products shall be indicated on the plans. The plans shall state the chemical composition or form of the materials, type of storage, length of storage, and height of materials. All outdoor storage areas shall be enclosed by a wall or fence of solid appearance or a tightly-spaced evergreen hedge to conceal the areas or facilities from view from adjacent land uses and primary access roads.
- E. No raw galvanized or other raw metal sheeting or untreated concrete block may be used for the exterior construction of any building in the I-PUD.
- F. All buildings shall be of designs and materials which will promote a visually harmonious environment.
- G. Outdoor lighting shall not disrupt neighboring land uses by excessive glare.
- H. Not more than 80% of the total land area of an industrial development shall be devoted to structures, accessory structures, parking areas, and streets.
- I. All parking areas in an I-PUD shall contain landscaping in accordance with an approved landscaping plan. The landscaping shall be completed as soon as practicable according to weather conditions. Where permanent planting must be delayed due to weather conditions, erosion control measures shall be employed until the landscaping is completed.

- J. Erosion and runoff control measures shall be employed during construction of buildings and improvements in an I-PUD.
- K. Access requirements.
1. A paved road shall be provided with adequate frontage for each structure. The road shall be constructed in conformance with standards established by Mercer County. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent land zoned for residential use or in residential use; nor shall primarily residential roads be used for access to industrial developments. No portion of any lot shall be paved unless in accordance with the approved site plan.
 2. Loading docks, truck parking, or truck turn-around areas shall be designated through the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrians. Roadway shall not be used for truck parking, standing, or backing areas. Parking and loading facilities shall not be located between structures and local access streets.
 3. Fire lanes shall be provided at all entrances to and exits from structures and storage areas and at all locations of hydrants. Fire lanes shall be designated by signs and pavement markings.
 4. All rail lines, sidings, or switching facilities shall be indicated on the site plan. The County may require additional vehicular or pedestrian crossings.
- L. Industrial Performance Standards - Any applicant for approval of a I-PUD under the provisions of this Section shall comply with all applicable local, state, and federal standards relating to air and water quality, heat, noise, glare, and odor. The applicant also shall comply with any applicable environmental standards that have been approved by the Commissioners.
- M. Signs - Signs within an I-PUD shall be regulated in conformance with Chapter 1139, Signs and Billboards, except that, in addition to the other permitted signs, there may be one sign no more than 100 square feet in area at each entrance to the development. Such signs shall be for the purpose of identifying the overall development.
- N. Parking and Loading Regulations - Parking within an I-PUD shall be regulated in conformance with Section 1137.00 Off-Street Parking and Loading Facilities.
- O. Height Regulations - The maximum height of buildings in the I-PUD shall be 40 feet. All other structures shall comply with this Zoning Code.

1135.13 Expiration and Extension of Approval Period

The approval of a final development plan for a PUD district shall be for a period not to exceed 3 years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within 1 year after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Zoning Commission finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the PUD was granted.

1137.00 OFF-STREET PARKING AND LOADING FACILITIES

1137.01 Intent

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by insuring that all land uses have adequate amounts of off-street parking and loading areas in order not to create traffic hazards on public streets.

1137.02 General Parking Requirements

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles. A parking plan shall be required for all uses except for single- or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

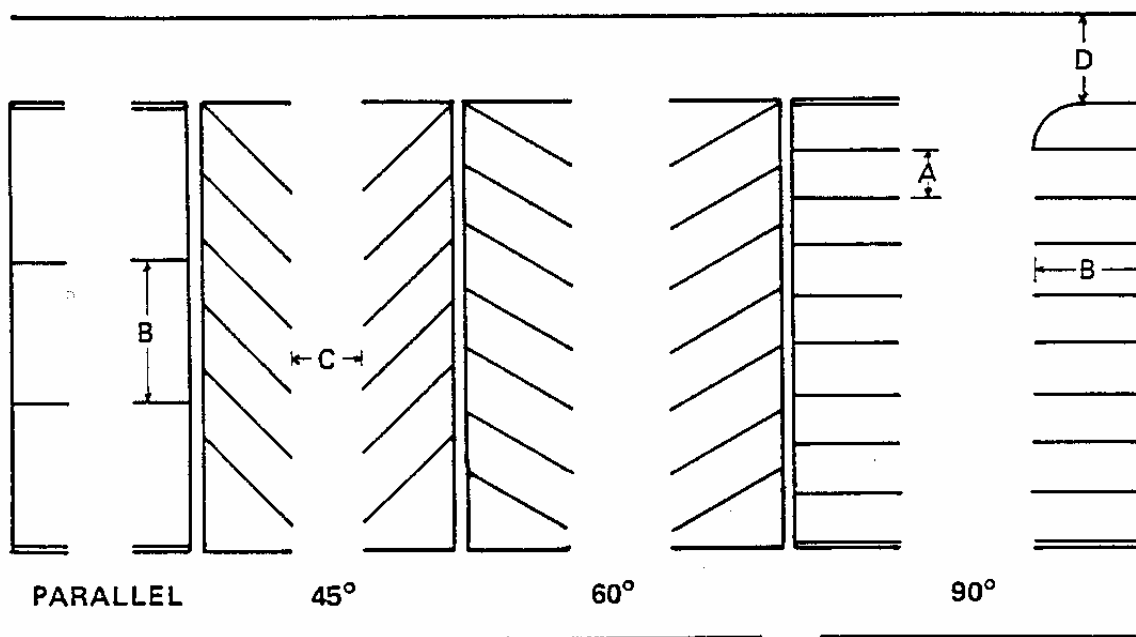
1137.03 Off-Street Parking Design Standards

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- A. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. Access: There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
 - 1. For a single-, two-, or three-family residential dwelling, the access drive shall be a minimum of 10 feet in width.
 - 2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
 - 3. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- C. Setbacks: In C and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10-foot grass area is located between the parking area and the street right-of-way, and that 1 tree for every 30 feet of frontage is planted in this grass area.

- D. Screening: In addition to the setback requirements specified in this Zoning Code for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with Section 1129.07 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.
- E. Paving: All required parking areas of 5 or more spaces together with driveways, and other circulation areas, shall be dust-free and of a hard-surface with a pavement having an asphalt or concrete binder, such as concrete, asphalt, double chip and seal, or paver bricks provided; however, that variances for parking related to school auditoriums, assembly areas, sports fields, and other meeting or recreation areas may be granted, provided that paved areas shall be provided for daily-use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All parking spaces, together with driveways, aisles, and other circulation 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 excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of Mercer County Design Criteria and Construction Standards and Drawings.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for ten or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R Residential District.

M. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



Off-Street Parking Minimum Dimensional Table

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	18'	18'	18'	18'

1137.04 Determination of Required Spaces

In computing the number of parking spaces required by this Zoning Code, the following shall apply:

- Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 24 lineal inches of benches or pews, except where occupancy standards are set by the fire marshal.

- C. Fractional numbers shall be increased to the next whole number.

1137.05 Joint or Collective Parking Facilities

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns, and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums, and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a Zoning Permit.

1137.06 Off-Street Storage Areas for Drive-In Services

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five storage spaces per pick-up facility. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.
- C. Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

1137.07 Parking Space Requirements

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no nonresidential parking area shall project into a required front yard in any residential district. Parking spaces shall not be permitted between the curb line and property lines (within the right-of-way) in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the BZA. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

A. Residential Uses

1. Single-family detached dwellings: two spaces per dwelling unit.
2. Two-family dwellings: two spaces per dwelling unit.
3. Multi-family dwellings: two spaces per dwelling unit, plus one space per each five dwelling units for guest parking.
4. Mobile Home Courts: two spaces per mobile home site, plus one space per each five mobile home sites for guest parking.

B. Institutional and Public Uses

1. Elementary and Junior High Schools: one space per employee, plus one space per two classrooms.
2. High Schools: one space per employee, plus one space per six students at capacity.
3. Religious Places of Worship: one space per four seats at maximum capacity of the main sanctuary.
4. Public Offices and Public Buildings: one space for every 250 square feet of gross floor area.
5. Nursing and Convalescent Homes, including Assisted Living Facilities and Rest Homes: one space per three beds, plus one space for each staff and employee on the largest work shift.
6. Community centers, libraries, museums, and other establishments of historical, educational, and cultural interest: one space per 250 square feet of gross interior floor area, plus one space per employee on the largest work shift.

7. Child daycare centers: one space per employee, plus one space per five children at capacity, plus a drop-off area as determined by the Zoning Inspector.
8. Hospitals: one space for every two beds, plus one space for each staff and employee on the largest work shift.

C. Business and Professional Offices

1. Business, Professional, and Administrative Offices and Offices for Professional Associations: one space per 300 square feet of gross floor area, but not less than two spaces per office.
2. Medical Offices and Clinics: three spaces per treatment or examination room or chair, plus one space per staff and employee, but not fewer than five spaces per practitioner.

D. Commercial Uses

1. Financial establishments, Banks, and Savings and Loan Associations: one space per 200 square feet of gross floor area, plus one space per employee on the largest work shift.
2. Retail Stores: one space for each 150 square feet of gross floor area used for sales and display and one space for every 250 square feet of storage, warehouse, and office area.
3. Restaurants: one space per 100 square feet of gross floor area, plus one space per employee on the largest work shift.
4. Automobile Service Stations and Automobile Repair, Painting, and Body Shops: two spaces for each service bay, plus one space for each employee and service vehicle, with a minimum of six spaces.
5. Automobile Washing Facilities: one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or five off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
6. Convenience Food Stores, Carry-Outs, Mini-Markets: one space for every 150 square feet of floor area, plus one space for each employee.
7. Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines: one space for each employee, plus off-street waiting space for five vehicles per transaction location, plus one space for each 200 square feet of sales area open to the public.

8. Fraternal and Social Associations, Dance Halls, Bingo Halls and Private Clubs: one space for every 50 square feet of floor area in assembly or meeting rooms, plus one space for every 200 square feet of other floor area.
9. Restaurants, Fast Food: one space per 50 gross square feet of floor area, plus one space per employee on the largest work shift with a minimum of fifteen total spaces and with off-street automobile waiting space for eight vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.
10. Bars, Taverns, and Nightclubs: one space for each three persons of capacity, plus one space for each employee on the largest work shift.
11. Vehicle Sales, Rental, and Service: one parking space for each 800 square feet of floor area, plus one space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.
12. Animal Hospitals and Veterinary Clinics: three spaces for each treatment area, plus one space for each staff and employee.
13. Commercial Schools and Studios: one space for every three students at capacity and one space for each employee.
14. Funeral Homes and Mortuaries: one space for every 50 square feet of public floor area, plus one space for each employee, plus one space for each business vehicle.
15. Home Furnishings and Home Improvement Stores: one space for each 400 square feet of indoor and outdoor sales and display area and one space for each 800 square feet of office, storage, and warehouse area.
16. Nurseries and Garden Supply Stores: one space for each employee on the largest shift, one space for each 200 square feet of gross floor area of inside sales or display, and one space for each 1,000 square feet of exterior sales and display area.
17. Business and Cleaning Services: one space for every 300 square feet of sales and office area, plus one space for every employee on the largest work shift, plus one space for every company or service vehicle regularly stored on the premises.
18. Bowling Alleys: five spaces for each alley, plus any additional spaces required for a bar, restaurant, or accessory structure.
19. Game Rooms and Pool Halls: one space for every two patrons at a maximum capacity, plus one space for every two employees on the largest work shift.

20. Miniature Golf: one and one-half spaces per hole, plus one space per employee on the largest work shift.
21. Theaters and Concert, Meeting, and Banquet Halls: one space for every two and one-half seats at capacity.
22. Hotels and Motels: one space per room or suite, plus one space for every three employees on the largest work shift, plus one space per three persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory structures (e.g. restaurants and bars).

E. Industrial Uses

1. Manufacturing Industry and Warehouse: one space for each employee on the largest work shift, plus one visitor parking space for every 10,000 square feet of floor area, plus one space for every company vehicle regularly stored on the premises. Land must be available for possible future parking lot requirements at a minimum of one space for each 1,000 square feet of floor area.
2. Self-Service Storage Facilities: one space for every 4,000 square feet of gross floor area, plus one space per employee on the largest work shift.
3. Wholesaling and Storage Facilities: one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.
4. Construction Trades, Contractor Offices, and Industrial Craft Shops: one space for every 300 square feet of floor area, plus one space for every motor vehicle used by the business in its normal business affairs.
5. Lumberyards and Building Materials; Sales and Storage: one space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
6. Heavy Equipment Rental, Sales, Service, and Storage: one space for every 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the sale and display of vehicles.

1137.08 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as required by current ADA standards.

1137.09 Off-Street Loading Space Requirements

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

1137.10 Off-Street Loading Design Standards

All off-street loading spaces shall comply with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with Section 1129.07 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.
- C. Access: All required off-street loading spaces shall have access from a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- D. Paving: All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.
- E. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of Mercer County Design Criteria and Construction Standards and Drawings.
- F. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

1139.00 SIGNS AND BILLBOARDS

1139.01 Intent

The intent of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor billboards, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the County, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance County development by permitting signs which are compatible with their surroundings.

1139.02 Governmental Signs Excluded

For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, Resolution, or governmental regulation.

1139.03 General Requirements for All Signs and Districts

The regulations contained in this Section shall apply to all signs and all zoning districts.

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements that revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This item and item "A" shall not apply to any sign performing a public service function indicating time, temperature, or similar services.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable building and electrical codes.
- D. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

- E. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as otherwise provided in this Chapter
- F. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices if the use of such materials is determined to create a traffic hazard.
- G. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20% of the window surface.
- H. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- I. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- J. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.
- K. Signs directing and guiding traffic and parking on private property, not exceeding 4 square feet in area, 3 feet in height and bearing no advertising matter, shall be permitted on any property.
- L. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with any applicable building code.
- M. All signs shall be so constructed and supported that they will withstand a wind pressure of at least 30 pounds per square foot of surface, and will be otherwise structurally safe.
- N. No sign of any kind shall be attached to or supported by a tree, utility pole, trash receptacle, or public shelter.
- O. No sign shall be attached in such manner that it may interfere with any required ventilation openings.
- P. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
- Q. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors, or guy wires or as established in the National Electrical Safety Code, whichever standard is greater.

- R. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

1139.04 Permit Required

- A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a Zoning Permit issued, pursuant to this Zoning Code, shall be required for each sign, unless specifically exempted in this Section.
- B. A sign, initially approved for which a permit has been issued, shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered, or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
- C. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a Zoning Permit.

1139.05 Signs Permitted in All Districts Not Requiring a Permit

The following signs shall be permitted in all districts without the required permit:

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential zoning districts where the area of the sign shall not be more than 6 square feet.
- B. Professional nameplates and signs announcing home occupations not exceeding 4 square feet in area.
- C. Signs denoting the name and address of the occupants of the premises, not to exceed 2 square feet in area.
- D. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, schools, social clubs, or societies, which signs or bulletin boards shall not exceed 15 square feet in area and which shall be located on the premises of such institution.
- E. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed 12 square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

1139.06 Construction Signs

Temporary signs not exceeding 50 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the engineer, the builders, or

contractors may be erected for a period of 60 days plus the construction period. Such signs shall comply with all requirements of this Zoning Code.

1139.07 Political Signs

No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. Those responsible for posting political signs promoting ballot issues or candidates for public office, shall remove such signs within 48 hours following Election Day.

1139.08 Measurement of Sign Area

The area of a sign face shall be computed by means of the smallest circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or housing. Double faced or irregularly shaped signs shall be measured from the single vantage point yielding the greatest area.

1139.09 Business Signs

No exterior business sign shall be erected unless it is accessory to a permitted use in the district in which the lot or parcel is located. All business signs shall be classified as one of the following: an attached sign, a detached sign, an architectural canopy sign, or an enter/exit sign.

A. Attached Signs are signs which are physically attached to a building or fixed awning. (See Illustration – Exhibit E.)

1. The total area of all attached signs shall not exceed in the aggregate 1 square feet of area for each linear foot of lot width.
2. An attached sign shall project not more the 4 feet horizontally from a building facade.
3. An attached sign shall project not more than 3 feet above the average height of the roof of the structure involved. However, no sign shall be erected on a roof.
4. An attached sign may project downward from a fixed awning only so far as shall allow 9 feet of vertical clearance from the ground to the bottom of the sign.

B. Detached Signs are signs which are not attached to a building, advertise an on-premises business or activity, and are 25 feet or less in height. There shall not be more than one detached business sign per business activity along each street frontage the use abuts. Where commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such business signs shall be supported by only one structure per lot with street frontage.

Detached Signs also:

1. Shall not be located on or project over any right-of-way or required setbacks;
2. Shall not have less than 15 feet clearance above areas accessible to vehicles and 9 feet clearance above areas accessible to pedestrians;
3. Shall not be larger than 100 square feet in area based on one side;
4. Shall not be higher than 25 feet in height;
5. Shall not obstruct or adversely affect vision clearance or traffic visibility;
6. Shall not be closer than 25 feet to the adjacent lot; and
7. Of a portable or temporary nature may be permitted in addition to permanently mounted detached signs, subject to the following provisions:
 - a) No such sign shall be permitted in the right-of-way of any street or alley.
 - b) The area of portable or temporary signs shall not exceed 50 square feet.
 - c) Not more than one portable or temporary sign shall be permitted for an individually owned lot.
 - d) It shall be the applicant's or owner's responsibility to maintain portable or temporary signs in good condition and to remove such signs when the time limit for the sign has expired.
 - e) The maximum height for a temporary or portable sign shall be 6 feet and such signs shall not obstruct or adversely affect traffic visibility.
 - f) Portable and/or temporary business signs shall be permitted for a period not to exceed 3 weeks, a maximum of 4 times per year.

(See Illustration – Exhibit G.)

C. Architectural Canopy Signs are signs that are attached to a building with the message integrated into the canopy surface. (See Illustration – Exhibit F.)

1. The total area of all architectural canopy signs shall not exceed in the aggregate 2 square feet of area for each linear foot of building frontage and, if combined with attached signs, the total area of all signs shall not exceed in the aggregate 3 square feet of area for each linear foot of building frontage.
2. The sign area shall be the rectangular space occupied by lettering or insignia and the space immediately surrounding such lettering or insignia unless the canopy is internally illuminated, in which the entire illuminated area shall be used.
3. An architectural canopy sign shall project not more than 3 feet horizontally from a building facade over a public right-of-way, and not more than 6 feet horizontally from a building facade over private property.

4. An architectural canopy sign shall have a minimum clearance of 9 feet above the sidewalk grade or edge of roadway grade nearest the sign and shall not be located closer than 2 feet from the curb of any roadway.
 5. Architectural canopy signs shall be limited to single-story buildings or to the first level only of multi-story buildings, unless otherwise authorized by the BZA.
 6. Overall height shall not exceed 3 feet above the height of the building to which it is attached or the allowable building height for that zoning district, whichever is less.
 7. Principal graphics, copy, logos, etc. shall be limited to the face or street side of the structure.
 8. When an electric awning sign covers multiple store fronts, each store or tenant shall be allowed copy space only within the central 80% of their store width in order to maintain adequate separation of tenant spaces.
- D. Enter/Exit Signs may be permitted in addition to detached business signs, subject to the following provisions:
1. No such sign shall be permitted in the right-of-way of any street or alley.
 2. The area of enter/exit signs shall not exceed 4 square feet in area.
 3. Not more than one enter sign and one exit sign shall be permitted for each drive entrance.
 4. No lettering or sign message other than “enter” or “exit” shall be permitted. The use of logos may be permitted if approved by the BZA.
 5. The maximum height for an enter/exit sign shall be 3 feet and such signs shall not obstruct or adversely impact traffic visibility.

1139.10 New Signs Pertaining to Nonconforming Uses

New signs pertaining to a nonconforming use shall be permitted provided that they are Attached Signs not exceeding 12 square feet in area.

1139.11 Sign Setback Requirements

Except as otherwise provided in this Section, signs, where permitted, shall be set back from the established right-of-way line of any street at least 12 feet.

- A. Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected 2 feet from the established right-of-way line of

any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or drive intersections.

- B. On-premises signs, where permitted, shall be erected or placed in conformity with the rear yard requirements of the district in which located, except that in or abutting any residential district, on-premises signs shall not be erected or placed within 25 feet of a side or rear lot line.

1139.12 Billboards

All billboards within the County shall be in accordance with the provisions of this Section.

A. Permitted Locations

Billboards may be erected on freestanding structures and on any side or rear building wall in the R-C, C, CI and I Districts, and on any lands used for agricultural purposes.

B. Number of Faces

Freestanding billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.

C. Maximum Height

The top of a freestanding billboard shall not extend more than 25 feet above the grade of the street or roadway, measured at the closest point to the billboard.

D. Required Spacing

No billboard shall be located closer than 1500 feet to another billboard facing traffic flowing in the same direction.

E. Maximum Sign Area

The maximum sign area permitted for a freestanding billboard shall not exceed 250 square feet of total area. The maximum sign area for a wall billboard shall not exceed 10% of the wall area or 200 square feet of total area whichever is less.

F. Structural Design

Structures for freestanding billboards shall be of vertical (cantilever) construction and where the back of the sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance.

G. Lighting

All lighting used in the illumination of billboards shall be adequately shielded or shaded, and properly directed so as to not cast direct light upon public streets and/or adjacent and surrounding properties.

H. Required Setback From Street

All freestanding billboards shall be set back from right-of-way lines a minimum distance of 150 feet along all roadways.

I. Setback From Residential Uses and Districts

No billboard shall be located closer than 500 feet to any residential zoning district or 200 feet from any existing residential dwelling.

1139.13 Maintenance

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises billboards or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. The Zoning Inspector shall remove any on-premises sign, which is determined to be unsafe or structurally unsound within 10 days of issuance of notification.

1139.14 Nonconforming Signs and Structures

Billboards and signs in existence prior to the effective date of this Zoning Code that violate or are otherwise not in conformance with the provisions of this Zoning Code shall be deemed nonconforming. All such legal nonconforming signs and billboards shall be maintained in accordance with this Code. The burden of establishing the legal nonconforming status of any sign or billboard shall be upon the owner of the sign or structure.

1139.15 Loss of Legal Nonconforming Status

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Zoning Code or be removed, if the sign structure is altered; or if it is enlarged, relocated, replaced; or if it is part of an establishment which discontinues operation for 2 years; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. This Section does not apply to changes in sign copy or sign panel replacements.

1139.16 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Inspector shall notify in writing the property owner

thereof to alter such sign so as to comply with this Zoning Code. Failure to comply with such notification shall be deemed a violation of this Zoning Code. The Zoning Inspector may remove any signs erected in the right-of-way.

1141.00 AMENDMENTS

1141.01 Intent

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Commissioners may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

1141.02 Initiation of Zoning Amendments

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

- A. By the adoption of a motion by the Zoning Commission.
- B. By the adoption of a motion by the Commissioners referring any amendment to Zoning Commission for recommendation.
- C. By the filing of an application by the owner of the affected property. Applications for amendments shall be considered as filed when a completed application and fee are received during an official meeting of the Zoning Commission.

1141.03 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Zoning Code shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. Present use.
- C. Present zoning district.
- D. Anticipated use.
- E. Proposed zoning district.
- F. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- G. A statement of the reason(s) for the proposed amendment.
- H. A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan.

- I. A fee as established by the Zoning Code. (See Section 1145.08 Schedule of Fees.)

1141.04 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Zoning Code, other than the Official Zoning Map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Mercer County Prosecuting Attorney.
- C. A statement of the reason(s) for the proposed amendment.
- D. A statement explaining the ways in which the proposed amendment relates to the Comprehensive Land Use Plan.
- E. A fee as established by the Commissioners.

1141.05 Scheduling of Public Hearing by Zoning Commission

Not less than 20 or more than 40 days from the receipt of the proposed amendment, the Zoning Commission shall hold a public hearing.

1141.06 Transmittal to Regional Planning Commission

Within 5 days of the receipt of the proposed amendment the Zoning Commission shall submit the text, maps and application thereof to the Regional Planning Commission for their recommendation.

1141.07 Public Notification by Zoning Commission

Notification of the public hearing by the Zoning Commission shall be made in accordance with the procedures specified in Section 1141.13, Notification Procedures for Zoning Amendments.

1141.08 Recommendation by Regional Planning Commission

The Regional Planning Commission shall recommend the approval, denial or specific modification for approval of the amendment to the Zoning Commission in advance of its public hearing.

1141.09 Recommendation by Zoning Commission

Within 30 days of its public hearing, Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, including the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Land Use Plan. This recommendation along with the recommendation of the Regional Planning Commission and all text, maps and application materials shall be directly submitted to the Commissioners.

1141.10 Scheduling of Public Hearing by Commissioners

Upon receipt of the recommendation from the Zoning Commission, the County Commissioners shall schedule a public hearing. Said hearing shall be not more than 30 days from the receipt of the recommendation from the Zoning Commission by the Commissioners.

1141.11 Public Notification by Commissioners

Notification of the public hearing shall be made in accordance with the procedures specified in Section 1141.13, Notification Procedures for Zoning Amendments.

1141.12 Action by Commissioners

Within 20 days after their public hearing the Commissioner shall either adopt or deny the recommendation of the Zoning Commission; or adopt some modification thereof. In the event that the Commissioners deny or modify the recommendation of the Zoning Commission the unanimous vote of the Commissioners.

1141.13 Notification Procedures for Zoning Amendments

- A. Publication: Notice of the each public hearing shall be given by at least one publication in one or more newspapers of general circulation in each township affected by such proposed amendment. Said notice shall be published at least 10 days before the date of the hearing.
- B. Notice by Mail: Written notice of each public hearing shall be made for amendments that would change the zoning district classification of 10 or fewer parcels as shown on the County Auditor's current tax map. Such notices shall be mailed, by first-class mail, at least 10 days before the day of the public hearing to all owners of property within, adjacent to or directly across the street from the area to be rezoned at the addresses listed in the County Auditor's current tax list. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment.

C. Contents of Notices: The published and mailed notices shall contain:

1. The time and place of the public hearing and a summary of the proposed amendment.
2. Name of the public body that will conduct the public hearing.
3. Statement that the motion, resolution or application to be heard is an amendment to the Zoning Resolution.
4. Time and place that the proposed amendment will be available for public examination for a period of at least 10 days prior to the hearing.
5. Name of the person responsible for giving notice.
6. If ten or fewer parcels of land are to be rezoned:
 - a) Addresses of the parcels to be rezoned, as listed in the current county Auditor's tax records.
 - b) Names of the owners of the parcels to be rezoned, as listed in the current county Auditor's tax records.
 - c) Present and proposed zoning district classifications for the properties.
7. In the case of the Zoning Commission's hearing, a statement that after the conclusion of the hearing the matter will be submitted to the Commissioners for their action.

1143.00 APPEALS AND VARIANCES

1143.01 Intent

Appeals and variances shall conform to the procedures and requirements of this chapter. The BZA has appellate jurisdiction relative to appeals and variances.

1143.02 Administrative Appeals

- A. Appeals to the BZA concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved, or by any officer or bureau of the County affected, by any decision of the Zoning Inspector. Such appeal shall be taken within 30 days after the decision by filing, with the Zoning Inspector and with the BZA, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- B. A record containing all documents presented as evidence or utilized by the BZA shall be made of any hearing held under this section.

1143.03 Variances

The BZA may authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. 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 other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship.

1143.04 Application and Standards for Variances

Except as otherwise permitted in this Zoning Code, no variance in the strict application of the provisions of this Zoning Code shall be granted by the BZA unless the BZA shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address, and phone number of applicant(s).
- B. Legal description of property.
- C. Description or nature of variance requested.
- D. A fee as established by Zoning Code. (See Section 1145.08 Schedule of Fees.)

- E. A list of all property owners and their mailing addresses who are within 200 feet of the parcel requesting variance.
- F. Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Code on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Code would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 - 4. There must be proof of hardship or practical difficulty created by the strict application of this Zoning Code. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Zoning Code; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 - 5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
 - 6. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

1143.05 Additional Conditions and Safeguards

The BZA may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Zoning Code.

1143.06 Public Hearing by the Board of Zoning Appeals

The BZA shall hold a public hearing within a reasonable time after the receipt of a complete application for an appeal or variance from the Zoning Inspector.

1143.07 Notice of Public Hearing in Newspaper

Before conducting the public hearing required, notice of such hearing shall be given in one or more newspapers of general circulation in the County at least 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.

1143.08 Notice to Parties of Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed, by first-class mail, at least 10 days before the day of the hearing to all parties of interest and all owners of property within 200 feet of the subject property. The failure to deliver the notification as provided in this Section shall not invalidate any subsequent action by the BZA. The notice shall contain the same information as required in Section 1143.07 Notice of Public Hearing in Newspaper.

1143.09 Action by Board of Zoning Appeals

Within 30 days after the public hearing, the BZA shall either approve, approve with supplemental conditions as specified in Section 1143.05 Additional Conditions and Safeguards, or disapprove the request for appeal or variance. The BZA shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

1143.10 Term of Variance

No order of the BZA granting a variance shall be valid for a period longer than 12 months from the date of such order unless the Zoning Permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

1145.00 ADMINISTRATION

1145.01 Intent

The intent is to set forth the powers and duties of the Zoning Commission, the BZA, the Commissioners, and the Zoning Inspector with respect to the administration of the provisions of this Zoning Code.

1145.02 General Provisions

The formulation, administration, and enforcement of the Zoning Code is hereby vested in the following offices and bodies within local government:

- A. Commissioners
- B. Zoning Commission
- C. Board of Zoning Appeals
- D. Zoning Inspector
- E. Mercer County Prosecuting Attorney

1145.03 Zoning Inspector

A Zoning Inspector designated by the Commissioners shall administer and enforce this Zoning Code. He may be provided with the assistance of such other persons as the Commissioners may direct.

1145.04 Responsibilities of the Zoning Inspector

For the purpose of this Zoning Code, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Official Zoning District Map.
- C. Issue Zoning Permits as provided by this Zoning Code, and keep a record of same with a notation of any special conditions involved.
- D. Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Zoning Code within the specified time or notify the applicant in writing of the Zoning Inspector's refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the Zoning Inspector's request to the BZA.

- E. Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- F. Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the Commissioners office.
- G. Maintain permanent and current records required by this Zoning Code, including but not limited to, Zoning Permits, zoning certificates, inspection documents, and records of all variances, amendments, and special uses.
- H. Make such records available for the use of the Commissioners, the Zoning Commission, the BZA, and the public.
- I. Review and approve site plans pursuant to this Zoning Code.
- J. Maintain as a public record, a listing of all uses that have been determined to be substantially similar as required in Section 1131.08 E.
- K. Determine the existence of any violations of this Zoning Code, and cause such notifications, or initiate such other administrative or legal action as needed, to address such violations.

1145.05 Zoning Commission

The Zoning Commission shall be comprised of 5 regular members appointed by the Commissioners.

- A. Terms of regular members shall be arranged so that the term of one member shall expire each year.
- B. The Commissioners may also appoint two alternate members that may serve in the absence of a regular member and, in those meetings, have all the rights and duties of a regular member.
- C. Regular and alternate members shall be residents of the unincorporated area of the County where this Zoning Code is applicable.
- D. Vacancies are to be filled by appointment by the Commissioners for the remainder of an unexpired term.

1145.06 Duties of the Zoning Commission

For the purpose of this Zoning Code the Zoning Commission shall have the following duties:

- A. Recommend modifications to the Zoning Code, including text and Official Zoning District Map, to the Commissioners for formal adoption.
- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Code where same will promote the best interest of the public in general through recommendation to the Commissioners.
- C. Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Commissioners as specified in Section 1141.00 Amendments.
- D. Review all Planned Unit Development applications and make recommendations to the Commissioners as provided in this Zoning Code.
- E. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.
- F. Resolve all questions and disputes concerning the exact location of zoning district boundaries.
- G. Hear and rule on all requests for enlargement or substitution of nonconforming uses as set forth in Chapter 1133.
- H. Produce and maintain minutes of all hearings and meetings conducted.

1145.07 Board of Zoning Appeals

The Board of Zoning Appeals (BZA) shall be comprised of 5 regular members appointed by the Commissioners.

- A. Terms of regular members shall be arranged so that the term of one member shall expire each year.
- B. The Commissioners may also appoint two alternate members that may serve in the absence of a regular member and, in those meetings, have all the rights and duties of a regular member.
- C. All members shall be residents of unincorporated area of the County where this Zoning Code is applicable. If the area zoned includes three or more townships, no more than two regular members shall be from the same township.

- D. Vacancies are to be filled by appointment by the Commissioners for the remainder of an unexpired term.

1145.08 Duties of the Board of Zoning Appeals

For the purpose of this Zoning Code the BZA has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Zoning Code.
- C. Hear and decide Conditional Uses as set forth in Chapter 1131.
- D. Review all special uses and conditional uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Code.

1145.09 Duties of Commissioners

The powers and duties of the Commissioners pertaining to the Zoning Code are as follows:

- A. Appoint members to and fill vacancies in the Zoning Commission;
- B. Appoint members to and fill vacancies in the Zoning Board of Appeals;
- C. Initiate or act upon suggested amendments to this Zoning Code or the Official Zoning Map;
- D. If necessary, and as provided by law, repeal this Zoning Code in part or in its entirety;
- E. Override, but only by unanimous vote, a written recommendation of the Zoning Commission as to a text or map amendment or interpretation;
- F. Establish fees as provided in Section 1145.10 Schedule and Payment of Fees.

1145.10 Schedule of Fees

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. All fees shall be paid by cash or check and shall not be refundable. The Commissioners shall set all fees for the following:

- A. Accessory Buildings and Uses
- B. New Dwellings
- C. Additions/Modifications to Dwellings
- D. Non-Residential Buildings
- E. Additions/Modifications to Non-Residential Buildings
- F. Signs
- G. Change of Use
- H. Temporary Use
- I. Conditional Uses
- J. Enlargement or Substitution of Nonconforming Uses
- K. Variance or Appeal
- L. Amendment to the Zoning Map or Text
- M. Planned Unit Developments

1147.00 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT

1147.01 Intent

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Code.

1147.02 Zoning Permits Required

No building or other structure, unless it is exempt as agricultural (see definition), shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory structure, fence, sign, or swimming pool be installed without a permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the BZA deciding an appeal, conditional use, or variance, or from the Zoning Commission for the enlargement or substitution of a nonconforming use, or from the Commissioners, approving a Planned Unit Development District, as provided by this Zoning Code.

1147.03 Contents of Application for Zoning Permits

The Application for Zoning Permit shall be made in writing and be signed by the owner or agent of the owner attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 6 months or substantially completed within 2 years. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees:

- A. Name, address, and phone number of owner.
- B. Legal description of property or lot number and must include directions to the nearest state highway.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.

- I. Location and design of access drives.
- J. Type of surface proposed for drives and parking areas.
- K. Number of dwelling units.
- L. Sign information, if applying for a Zoning Permit for a sign.
- M. If applicable, the approved Conditional Use Permit, or a Temporary Use Permit, or Variance.
- N. Plans showing that the residential unit meets the residential design and appearance standards in Section 1129.19 Residential Design and Appearance Standards.
- O. Flood Zone information. No zoning permits are to be issued in an A zone AE zone, or floodway as depicted on the Flood Insurance Rate Map (FIRM) for Mercer County until a Special Flood Hazard Development Permit has been issued by the office of the Flood Plain Administrator.
- P. Such other documentation as may be required in other sections of this Zoning Code.
- Q. Such other documentation as may be deemed necessary by the Zoning Inspector to determine conformance with, and to provide for the enforcement of this Zoning Code.

1147.04 Approval of Zoning Permit

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All Zoning Permits shall, however, be conditional upon the commencement of work within 6 months and completed within 2 years. The Zoning Inspector shall return one copy of the permit to the applicant; after the Zoning Inspector has marked such copy either as approved or disapproved and attested to the same by the Zoning Inspector's signature on such copy. If disapproved, the Zoning Inspector shall also issue a written statement citing the reason(s) for disapproval. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

1147.05 Failure to Obtain a Zoning Permit

Failure to obtain a Zoning Permit shall be a punishable violation of this Zoning Code as defined in Section 1147.12 Penalties and Fines.

1147.06 Construction and Use to be as Provided in Applications, Plans, and Permit

Zoning Permits 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, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

1147.07 Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecuting Attorney in securing a valid search warrant prior to entry.

1147.08 Stop Work Order

Subsequent to his determination that work is being done contrary to this Zoning Code, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Code.

1147.09 Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval that was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

1147.10 Complaints Regarding Violations

Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

1147.11 Notice of Violation

Whenever the Zoning Inspector or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning letter shall be issued and shall serve as a notice of violation. Such order shall:

- A. Identify the violation.

- B. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- C. State a reasonable time by which the violation shall be corrected.
- D. Service of notice of violation shall be as follows:
 - 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
 - 2. Certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is refused or is unclaimed, then service shall be sent by ordinary mail, and a certificate of mailing, which shall be filed by the Zoning Inspector, shall evidence the mailing. Service shall be deemed complete when the fact of mailing is entered of record.

1147.12 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice 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 provided in this Section.

1147.13 Additional Remedies

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Mercer County Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

