

MADISON COUNTY, OHIO

ZONING RESOLUTION

As Adopted July 28, 2026

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ARTICLE I
Title, Purpose, and Authorization

1.01 Title	1.04 Interpretation and Consistency
1.02 Purpose	1.05 Separability
1.03 Applicability and Limitations	

1.01 TITLE

This Resolution shall be known and may be cited as the: “Madison County Zoning Resolution.” Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Resolution as those governing the interpretation of the Ohio Revised Code.

1.02 PURPOSE

This Resolution is enacted for the purpose of promoting public health, safety, and general welfare in accordance with existing and/or future County plans by the provisions of Chapter 303 of the Ohio Revised Code:

- Regulating the Use of land areas and the construction, restoration, and/or alteration of Buildings and Uses therein;
- Restricting the area dimensions of land, yards, and Open Spaces so as to secure adequate light, air, and safety from fire and other dangers;
- Controlling the bulk, height, density, and location of Buildings;
- Protecting and preserving existing natural resources and agricultural areas; and
- Assuring the orderly growth and development of lands.

1.03 APPLICABILITY AND LIMITATIONS

a) Pursuant to Section 303.21 – Limitations on Powers – Agricultural Purposes – of the Ohio Revised Code, the County Zoning Commission, Board of County Commissioners, and Board of Zoning Appeals shall be limited as follows:

- 1) Agricultural Uses. Except as otherwise provided below and under Section 303.21 of the Ohio Revised Code, nothing contained herein shall prohibit the Use of any land for agricultural purposes or the construction or Use of Buildings or Structures incident to the Use for agricultural purposes of the land on which Buildings or Structures are located and no Zoning Certificate shall be required for any such Use, Building, or Structure. However, the County may allow the conversion of an Agricultural Use to another Permitted Use in its respective Zoning District.

- 2) Farm Markets. A Farm Market where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, the Board of Township Trustees may regulate such factors such as the size of the Structure, size of the parking area, Setback Building Lines, and Access Points, as found in [Section 15.03 - Agritourism](#).
 - 3) Biodiesel Production, Biomass Energy Production, or Electric or Heat Energy Production. Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production is located qualifies as land devoted exclusively to Agricultural Use under Sections 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used in herein, "Biodiesel," "Biomass Energy," and "Electric or Heat Energy" have the same meanings as in Section 5713.30 of the Ohio Revised Code.
 - 4) Biologically Derived Methane Gas Production. Biologically derived methane gas production if the land on which the production is located qualifies as land devoted exclusively to Agricultural Use under Sections 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five megawatts, or both.
 - 5) Agritourism. However, the Board of Township Trustees may regulate this Use in relation to Section 303.21(C)(4) of the Ohio Revised Code and as codified in [Section 15.03 - Agritourism](#).
- b) Section 303.21(B) of the Ohio Revised Code allows a county zoning resolution or an amendment thereof, to regulate Agricultural Uses within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more Lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another and adjacent to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.
- 1) Pursuant to Section 303.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry, or similar animals shall not be permitted on Lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
 - 2) Dairying and animal and/or poultry husbandry shall not be permitted on Lots greater than one (1) acre but not greater than five (5) acres if such Lots meet the standards of ORC 303.21(B) above, and if at least thirty-five (35) percent of the Lots in the subdivision are developed with at least one (1) Building, Structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the

Ohio Revised Code. After thirty-five (35) percent of the Lots are developed, any existing animal and/or poultry husbandry operation shall be considered a Nonconforming Use pursuant to [Article XIX – Nonconformities](#) – of this Resolution.

- c) Permanently Sited Manufactured Homes, as defined in [Article II – Definitions](#) – shall be considered a Permitted Use in any Zoning District that permits One-Unit Dwellings.
- d) This Resolution shall not be applicable to municipal corporations within the County in accordance with Section 303.18 of the Ohio Revised Code nor shall this Resolution be applicable to townships within the County that have approved zoning regulations in accordance with Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code as governed by Section 303.22 of the Ohio Revised Code.

1.04 INTERPRETATION AND CONSISTENCY

In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. The Zoning Commission and the Board of County Commissioners will, when appropriate, refer to all plans, master plans, studies and treatises affecting the county area and may require inclusion of recommendations in plans or proposals as submitted for approval.

1.05 SEPARABILITY

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

ARTICLE II Definitions

2.01 Interpretation

2.02 Definitions

2.01 INTERPRETATION

For purposes of this Resolution, certain themes and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include the plural and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be occupied or used.”

Terms related to specific Articles or Sections may be defined within specific portions of this Resolution where these general requirements are found.

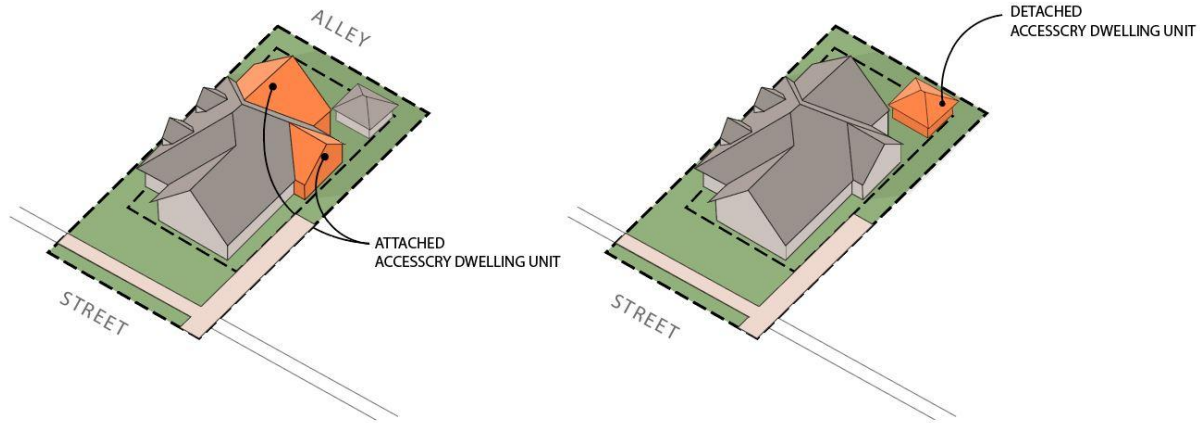
2.02 DEFINITIONS

ACCESS POINT – The connecting area of a Lot where a vehicle gains egress and ingress from a driveway to a public roadway.

ACCESSORY DWELLING UNIT (ADU) – A smaller, secondary Dwelling Unit on the same Lot or within a primary Dwelling Unit. An ADU is an independent Dwelling Unit that provides the basic requirements of shelter, heating, cooking, and sanitation.

ADU, ACCESSORY SUITE (ATTACHED) – An ADU that is adjacent and connected to or located completely within the primary Dwelling Unit including, but not limited to, the basement, attic, attached garages, or an addition to the primary Structure.

ADU, DETACHED – An ADU located in a Structure that is detached from the primary Dwelling Unit including, but not limited to, a detached garage or a newly constructed Structure.



ACCESSORY STRUCTURE, OR USE – A Use or Structure subordinate to the primary Use of a Building on the Lot or Tract and serving a purpose incidental to the Use of the primary Building. Accessory Structures are located on the same Lot as the primary Structure and are not designed for human occupancy as a Dwelling Unit or Commercial Use. Examples of Accessory Structures are detached private garages; storage or garden sheds; metal storage Buildings; hot tubs; Ground-Mounted Solar Energy Systems; and other similar types of Buildings and Uses. This definition does not include gardens, patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade. Private Swimming Pools are regulated by [Section 15.46 – Swimming Pools](#).

ADULT BOOKSTORE – A commercial establishment where at least fifty-one (51) percent of its interior area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, and other periodicals or digital presentations whose dominant themes is actual or simulated Specified Sexual Activities, display or exhibition of specified anatomical areas, removal of articles of clothing or total nudity.

ADULT CABARET – A restaurant, coffee house, bar, or cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers who provide Adult Entertainment for commercial purposes.

ADULT ENTERTAINMENT – Any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated Specified Sexual Activities, display or exhibition of anatomical areas, removal of articles of clothing, or total nudity, offered for commercial purposes.

ADULT ENTERTAINMENT BUSINESS – Any Adult Bookstore, Adult Cabaret, Adult Mini-Theater, or Adult Motion Picture Theater.

ADULT MINI-THEATER – An enclosed Building with a capacity of less than fifty (50) persons used for displaying Adult Entertainment through films, video, or other motion pictures for commercial purposes.

ADULT MOTION PICTURE THEATER – A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of Specified Sexual Activities or specified anatomical areas are regularly shown to more than five (5) individuals for any form of consideration.

ADVANCED MANUFACTURING – Means the Use of innovative technologies to create products. Advanced Manufacturing may include production activities that depend on information, automation, computation, robotics, software, sensing, and networking.

AGRICULTURAL USE – Means the same as stated in Section 303.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops; tobacco; fruits; vegetables; nursery stock; ornamental shrubs; ornamental trees; flowers; sod or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AGRICULTURAL BUILDING – A Structure on agricultural land designed, constructed, and owned in association with an Agricultural Use and/or to facilitate said Agricultural Use that is used by the Owner, lessee, or sub-lessee, or their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products grown or raised on the premises.

AGRICULTURAL ENTERTAINMENT (AGRITOURISM) – An enterprise at a working farm, ranch, or agricultural plant conducted for the enjoyment of visitors that generates income for the Owner. Agritourism refers to the act of visiting a working farm or any Agricultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation that also adds to the economic viability of the site. Agritourism may include, but is not limited to: country-themed stores for the sale of goods and souvenirs, dining, tours (self-guided or guided), wagon rides, trail rides, corn mazes, pick yourself operation, classes (gardening, cooking, crafts, etc.), fishing, and other Agricultural-themed activities guests can participate in.

AGRICULTURAL RELATED BUSINESS – Feed mills, dairy supplies, creameries, veterinarians, and other businesses supporting local Agriculture (this does not include commercial auction yards for automobiles, furniture, antiques, and other non-agricultural goods).

AIRPORT – Means any complex of runways and Buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Administration (FAA), or applicable agency.

AIRPORT ELEVATION – The highest point on the runway.

AIRPORT HAZARD – Any Structure, Tree, or Use of land that would exceed the federal obstructions standards and that obstructs the airspace required for the flight of aircraft in landing or taking off at a runway or is otherwise hazardous to such landing or taking off of the aircraft.

AIRPORT OWNER – Means Madison County or its successors.

AIRPORT ZONING BOARD – Means the [Madison County Commissioners](#).

AIRPORT ZONING BOARD OF APPEALS – See, [Madison County Board of Zoning Appeals](#).

AIRPORT ZONING PLANNER – Means the [Madison County Planning and Zoning Director](#).

ALLEY – A secondary access way that is public Right-of-Way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ALTERATION – Any change or rearrangement in the supporting construction of an existing Structure; enlargement, addition, relocation, repair, remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign, by painting or otherwise; or other change in a facility. Alteration does not include painting, except as provided above for Signs; ordinary maintenance for which no Building Permit is required; and demolition or removal of a Structure.

ANIMAL SERVICES FACILITY – Any facility maintained by or for the Use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal Services Facilities may also include animal grooming establishments.

ANIMAL SHELTER – An Animal Shelter is a place where stray, lost, abandoned, or surrendered animals are housed.

APPEAL – A request by an aggrieved party for a review of any adverse decision by the Board of Zoning Appeals.

APPROACH SURFACE – A surface longitudinally centered on the extended runway.

APPROACH, TRANSITIONAL – These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional Surfaces for those portions of the approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

ASSISTED LIVING FACILITY – A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Facilities exclude Nursing Homes and other special housing facilities as elsewhere defined.

AUTOMOBILE-ORIENTED USES – A Use that includes services rendered directly on, to, or for vehicles or where the patron does not exit the vehicle. Such Uses include but are not limited to car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, and other similar auto service facilities. The sale of vehicles (new and used) is not included in this definition. Any facility that provides a fixed parcel pickup location is not included within this definition. It also does not include [Drive-Thru](#) nor [Pick-Up and Banking Windows](#), as defined in this Article.

AUTOMOBILE OIL CHANGING FACILITY – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

AUTOMOBILE REPAIR – Any Building or portion of a Building used for the servicing and minor repair of automobiles including, but not limited to, the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, and tire repair.

AWNING – A hood or cover that projects from the wall of a Building and which can be retracted, folded, or collapsed against the face of the supporting Building.

AQUIFER – An underground area with a particularly large concentration of groundwater. Many rural well systems are drawn from Aquifers. For planning purposes, an Aquifer is often evaluated on its recharging rate and cleanliness.

BANK – A financial institution licensed to receive deposits and make loans. Such use may also include financial services including, but not limited to, wealth management, currency exchange, and safe deposit boxes.

BARNDOMINIUM – A barn-stylized Building typically made from metal, steel, or wood that are used for residential purposes. It can either be a barn-to-home conversion or a newly built Structure that appears like a barn.

BASEMENT – The portion of a Building where the floor is not less than two (2) feet below and the ceiling is not more than four (4) feet, six (6) inches above the average Grade.

BATTERY ENERGY STORAGE SYSTEM (BESS) – A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a Battery Management System.

BATTERY MANAGEMENT SYSTEM – An electronic regulator that manages a Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground-fault and DC surges, and door access. Additionally, the Battery Management System shall be capable of shutting down the BESS before operating outside safe parameters.

BED AND BREAKFAST – A Residential Use consisting of one Dwelling Unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate Dwelling Units.

BEVERAGE SALES, ALCOHOLIC – A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

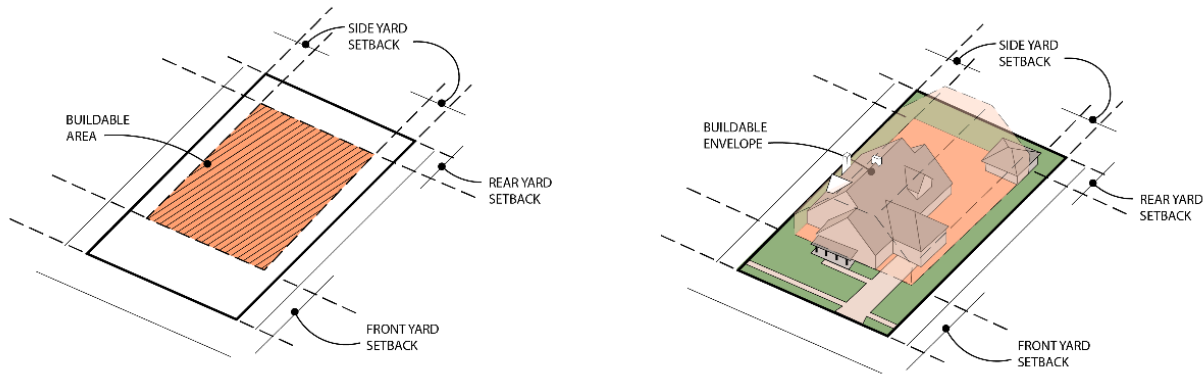
BEVERAGE SALES, MICROBREWERY – A limited production brewery, typically producing specialty beers and selling them on-site or for local distribution.

BIO-TECHNOLOGY FACILITY – A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as but not limited to pest resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

BODY ART ESTABLISHMENT – A Building or portion of a Building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics.

BORROW PIT – An excavated area where material has been dug for use as fill at another location.

BUILDABLE AREA (BUILDING ENVELOPE) – The area of a Lot, exclusive of the required Front, Side, and Rear Setbacks, where a Building can be constructed.



BUILDING – A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

BUILDING LINE – A line parallel to the Right-of-Way and at a distance there from equal to the required depth of the Front Setback (as determined by the applicable Zoning District) and extending across the full width of the Lot.

BUSINESS – Any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

BUSINESS, RETAIL – A Use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of goods.

BUSINESS, LARGE-RETAIL – A Retail or Wholesale Business that is twenty thousand (20,000) square feet or larger in area.

BUSINESS, MEDIUM-RETAIL – A Retail or Wholesale Business that is five thousand (5,000) square feet up to twenty thousand (20,000) square feet in area.

BUSINESS, SMALL-RETAIL – A Retail or Wholesale Business that is less than five thousand (5,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, WHOLESALE – A Use that generally sells commodities in large quantities or by single items to the general public, business members, retailers, or other wholesale establishments.

CAMPGROUNDS – As regulated under Chapter 3729 of the Ohio Revised Code, Campgrounds refer to any tract of land upon which two or more portable camping units are placed, and includes any roadway, Building, Structure, vehicle or enclosure used or intended for use as a part of the facilities of such camp. A tract of land which is subdivided for lease or other contract of the individual lots is a campground if two or more portable camping units are placed thereon for temporary habitation. A "Campground" does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles, solely as a temporary Campground, or solely as a manufactured home park.

CAMPING UNITS, PORTABLE – Means dependent Recreational Vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes. Portable Camping Units are not Short-Term Rentals.

CANNABIS FACILITY – Any entity that has been issued a certificate or license by the State of Ohio to operate as a cultivator, dispensary, processor, or testing facility of medical or recreational cannabis products. The following are Cannabis Facility Use Types:

CANNABIS CULTIVATOR FACILITY – An entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport cannabis.

CANNABIS DISPENSARY – An entity licensed by the State of Ohio to sell cannabis products to qualifying patients and caregivers.

CANNABIS PROCESSING FACILITY – An entity that has been issued a certificate of operation by the State of Ohio to manufacture cannabis products.

CANNABIS TESTING LABORATORY – An independent laboratory that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, and/or analysis.

CEMETERY – Land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the Cemetery.

CEMETERY, PRIVATE FAMILY – A private burial ground established for members of a family and their descendants, containing no more than one (1) acre and not operated for profit.

CERTIFICATE OF ZONING COMPLIANCE – A certificate issued by the Planning and Zoning Director confirming that the requirements of this Resolution have been met and the Building can be occupied.

CO – LOCATION – The use of a Telecommunication Tower by more than one (1) telecommunications provider.

COMMUNITY GARDEN – An area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family generally organized and managed by a public or not-for-profit organization.

COMMENCEMENT OF WORK – The time at which physical improvements begin to be made to a property or Structure so that it may be utilized for its intended purpose stated in the Zoning Certificate.

COMMERCIAL RECREATIONAL FACILITY– A facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user/public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. g

COMMERCIAL RECREATIONAL FACILITY, SMALL – Less than 5,000 square feet.

COMMERCIAL RECREATIONAL FACILITY, LARGE – 5,000 square feet or larger.

COMMERCIAL RECREATIONAL FACILITY, OUTDOOR – A facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user/public in a sports related activity and includes but is not limited to fields for soccer, football, baseball, and lacrosse fields as well as for tennis and other racquet courts.

OUTDOOR COMMERCIAL RECREATIONAL FACILITY, SMALL – Less than 5,000 square feet.

OUTDOOR COMMERCIAL RECREATIONAL FACILITY, LARGE – 5,000 square feet or larger.

COMMUNICATION FACILITIES – A lot or an area of a lot that includes a telecommunication tower, radio tower, or other similar communication tools including any associated appurtenances.

COMMUNITY SERVICES – Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.

CONDITIONAL USE(S) – A desirable use within a Zoning District that may more intensely affect the surrounding area than would a permitted use in said District. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

CONICAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

CONTRACTOR OFFICE – A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.

COUNTY – Means Madison County, Ohio.

COUNTY BOARD OF COMMISSIONERS/COUNTY COMMISSIONERS – Means the Madison County Board of County Commissioners established under separate resolution and elected by the electorate of the County. The County Commissioners are the county government taxing, budgeting, appropriating and purchasing authority.

COUNTY BOARD OF ZONING APPEALS (BZA) – Means the Madison County Board of Zoning Appeals established under [Article XXII – Board of Zoning Appeals; Appeals and Variances; and Conditional Uses](#).

COUNTY ENGINEER – Means the Professional Engineer who is employed by the County and authorized by the County to act within the specifications of this Resolution.

COUNTY PLANNING AND ZONING DIRECTOR – The authorized representative appointed by the County Commissioners to issue Zoning Certificates and perform other duties as specified in this Resolution.

COUNTY REGIONAL PLANNING COMMISSION/REGIONAL PLANNING COMMISSION (MCRPC) – The Madison County Regional Planning Commission, as established under separate resolution, is the administrative body that approves all plats of subdivision of land within the County, other than lands within a municipal corporation, and prescribes the standard for the preparation, approval and recording thereof and for such purposes, adopts the uniform rules and regulations governing plats and subdivisions of land to secure and provide for property arrangements of streets or other highways in the relation to existing or planned streets or highways for adequate open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light, air, and for the avoidance of congestion of population.

COUNTY SUBDIVISION REVIEW BOARD (SRB) – (Also known as the Technical Review Committee) Means the Madison County Subdivision Review Board that is responsible for reviewing all new Residential (Major and Minor Subdivisions) and Commercial

developments; Industrial developments, Lot Line adjustments, and Lot Split proposals. The SRB shall recommend projects to go before the Board of Zoning Appeals to be heard and approved for any Conditional Use and Variance. Also, the SRB shall recommend projects to go before the Regional Planning Commission in regard to the Madison County Regional Planning Subdivision Development Regulations.

COUNTY ZONING COMMISSION/COUNTY ZONING COMMISSION (MCZC/ZC) – A Madison County commission that hears and decides on developments within the County as established under [Article XX – Zoning Commission](#).

DATA CENTER – Real and personal property consisting of Buildings or Structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.

DAY-CARE CENTERS – Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this Resolution, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

DAY-CARE HOME, LARGE FAMILY – A permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. “Type A Family Day-Care Home” and “Type A home” do not include any child day camp (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

DAY-CARE HOME, SMALL FAMILY – A permanent residence of the provider in which childcare is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. “Type B Family Day-Care

Home” and “Type B home” do not include any child day camp (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

DENSITY, NET – The number of Dwelling Units permitted to be developed on a net acre of land. A net acre of land is the total acreage minus any wetlands, water bodies, public parks, open spaces, roads, or other public Rights-of-Way.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to Buildings or other Structures, mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials located within the area of special Flood hazard.

DEVELOPMENT, LOW-IMPACT – An approach to Development that emphasizes site design and planning techniques that retain water and mimic the infiltration based, groundwater-driven hydrology of the natural landscape in order to protect water quality and associated aquatic and terrestrial habitats.

DRIVEWAY (ACCESS POINT) – A private drive giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily, commercial, or industrial Buildings, which is not dedicated to the County and for the maintenance of which the County shall not be responsible.

DRIVE-THRU – A use where a patron places an order on site or in advance and waits for a product to be prepared without the need to exit his/her vehicle. Such uses include but are not limited to drive-through or drive-in restaurants with ordering areas, drive-in movie theaters. A drive-through facility does not include any vehicle repair facility, gas stations, fixed parcel pick up, and pick up - banking window.

DWELLING, DUPLEX – A Building designed for two dwelling units where each Dwelling Unit shares one common wall and the remaining sides of the Building are surrounded by open areas or street lines.

DWELLING, MULTI-UNIT – A Building designed or used primarily as a residence with four (4) or more Dwellings Units.

DWELLING, ONE-UNIT – A Building designed exclusively for one detached Dwelling Unit that is situated on a parcel with no other principal Structures, a Full Kitchen, and having a Front, Side, and Rear Yard.

DWELLING, TRI-PLEX – A Building containing three (3) Dwelling Units, designed for occupancy by not more than three (3) families.

DWELLING UNIT – Any room or group of rooms located within a Structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating, which is designed or used for residential purposes. A Dwelling Unit shall further be identified as a Structure containing a [Full Kitchen](#), as defined herein. This definition does not include a cabin, hotel, or motel.

DWELLING UNIT, ACCESSORY – See, [Accessory Dwelling Unit](#).

DWELLING UNIT, ONE BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains only one bedroom.

DWELLING UNIT, STUDIO – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that combines a number of different types of rooms, such as living room, bedroom and kitchen, into a single room.

DWELLING UNIT, THREE-BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains three bedrooms.

DWELLING UNIT, TWO-BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains two bedrooms.

EARLY CHILDHOOD EDUCATION CENTER – An education establishment that provides learning space to children prior to beginning their compulsory education. This facility may also provide for the extended care of infants and young children.

ELDERLY/RETIREMENT HOUSING – A residential complex containing Multi-Unit Dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

ELECTRIC VEHICLE CHARGING STATION – Battery charging equipment that transfers electrical energy (by conductive or inductive means) to a battery or other energy storage device within an electrical vehicle. The term does not include electrical charging equipment installed at or in a private garage unit for a Dwelling Unit.

EMERGENCY AND PROTECTIVE SHELTER – A facility which provides room and board for the protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT – The intrusion on another person's property or public Right-of-Way, intentional or unintentional.

ENVIRONMENTALLY SIGNIFICANT RESOURCES – The naturally occurring substances that are considered valuable in their relatively unmodified (natural) form. These may include but are not limited to sources of water, timber, geological formations, mineral deposits, and wildlife.

EQUIPMENT REPAIR, LARGE – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contractor’s equipment, heavy machinery, repair equipment, motor vehicles or trucks.

EQUIPMENT REPAIR, SMALL – A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

FAÇADE – The face of a Building, especially the principal front that looks onto a street or open space.

FARM MARKET – Markets from which fifty percent (50%) or more of the gross income received is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – Means the agency with the overall responsibility for administering the National Flood Insurance Program, including the local Madison County Flood Plain Administrator.

FENCE – Any Structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

FENCE, OPEN – Any fence that has sixty (60) percent or more of its vertical surface area open to light or air. An example of this type of fence is a “Kentucky Three-Board Fence.”

FENCE, PARTIALLY OPEN – Any fence that has at least fifty (50) percent of its vertical surface area open to light or air. An example of this type of fence is a picket fence.

FENCE, PICKET – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

FENCE, SOLID – Any fence that is designed to inhibit public view and provide seclusion, when viewed at right angles, and having more than fifty (50) percent of its vertical surface area closed to light and air.

FENCE, WROUGHT IRON – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes, or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

FIRE DEPARTMENT/DISTRICT – Means the relevant Fire Department/District that services the area.

FIRE LANE – Locations determined by the Fire Department that services the applicable Lot; shall be a minimum of twenty-five (25) feet in width; and shall be properly signed and striped unless otherwise required.

FLEA MARKET – An outdoor commercial activity, not including shopping centers, individual retail operations, or sales conducted by a non-profit or charitable organization, that is open to the general public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

FLEX-OFFICE LABORATORIES – A space for a combination of office and laboratory uses that has built out capabilities to meet individual needs.

FLEX-OFFICE – RETAIL – A space with store fronts with small rear warehousing that has built out capabilities to meet individual needs.

FLEX-OFFICE WAREHOUSES – A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

FLOOD OR FLOODING – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland waters; and/or
- The unusual and rapid accumulation or runoff of surface water from any source.

FLOOD, BASE – The Flood chance equaling or exceeding a one (1) percent chance in any given year. The Base Flood may also be referred to as the 100-Year Flood.

FLOODWAY FRINGE – The portion of the regulatory floodplain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM) – An official map on which FEMA has delineated both the areas of special Flood hazards and the risk premium zones applicable to the County.

FLOOD INSURANCE STUDY (FIS) – The official report provided by FEMA that includes Flood profiles, Floodway boundaries, and the water surface elevation of the Base Flood.

FLOOD PROTECTION ELEVATION – The elevation not less than one- and one-half feet above the Base Flood elevation to which uses regulated by the Special Flood Hazard Regulations are required to be elevated or Flood proofed to compensate for the many unknown factors that could contribute to Flood elevations greater than that calculated for a base Flood. In

areas where no base Flood Protection Elevations exist from any authoritative source, the Flood Protection Elevation can be based upon historical Flood elevations or upon Base Flood elevations determined and/or approved by the Floodplain administrator.

FLOODPLAIN ENCROACHMENT – Any Floodplain development that could obstruct Flood flows, such as fill, a bridge, or other development.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

FLOOR AREA – The sum of the gross horizontal areas of one or several floors of a Building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two Buildings. Floor Area for the purpose of these regulations will not include Basements, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FLOOR AREA, LIVABLE – The portion of floor area of a Dwelling Unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, Basements, or rooms used exclusively for utilities or storage shall not be considered as livable floor area. In no case shall an area less than six (6) feet in height be considered a Livable Floor Area.

FOOD CART – A small, wheeled vehicle typically pushed by hand, bicycle, or in some similar human-propelled manner to move it from place to place in order to offer already prepared or prepackaged food or frozen desserts to the public. Any vehicle that is capable of preparing food within it shall not be included in the definition of a Food Cart.

FOOD TENT – An open-aided, Temporary Structure with four legs and a canvas top used to prepare and sell food at special events where large groups of people are situated in a park, parade, fraternal organization, or other similar venue.

FOOD TRUCK – A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-contained or towed by another vehicle and must be licensed in the state of Ohio.

FRONTAGE – The portion of a lot that directly abuts a public street or street Right-of-Way and provides primary access to the property. If a lot has two (2) or more segments that abut a

public street or street Right-of-Way that are not continuous or abuts two (2) or more separate and distinct Rights-of-Way, the segments shall not be totaled together when calculating lot frontage. Rather each side of the lot abutting a public Right-of-Way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements as observed in the applicable District's "Lot Area, Setback, Height, and Lot Coverage Requirements" table. Property Lines that abut limited access roads shall not be construed to be included within any calculation of Lot Frontage.

FUNERAL SERVICE FACILITIES – 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 the preparation of the dead for burial;
- Storing caskets, funeral urns, and other related funeral supplies; and
- Storing funeral vehicles. Funeral services facilities exclude crematoriums.

FUTURE LAND USE MAP – Refers to the future land use map adopted by the County by separate resolution.

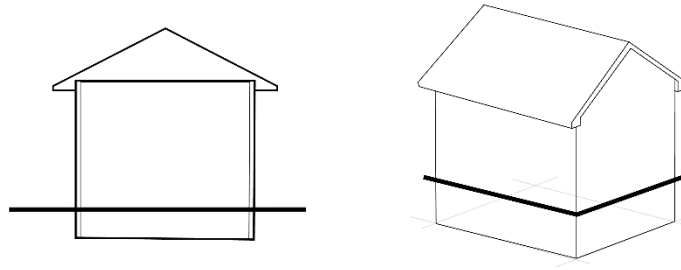
GARAGE, PRIVATE – An Accessory Building or an accessory portion of the main Building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

GARAGE, PUBLIC – A Building, or portion of a Building, in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried out.

GOVERNMENTAL SERVICES – Any service licensed by a governmental agency including but not limited to fire and safety protection services and other administrative services associated with a governmental agency.

GRADE – The elevation of the ground at any given point.

GRADE, FINISHED - The elevation of the finished surface of the ground adjoining the base of all exterior walls of a Building or the elevation of the finished surface of the ground at the base of a Structure, exclusive of any artificial embankment at the base of such Building or Structure. If the ground is not entirely level, the finished grade shall be determined by averaging the Grade of the ground at each corner of the Building or Structure.

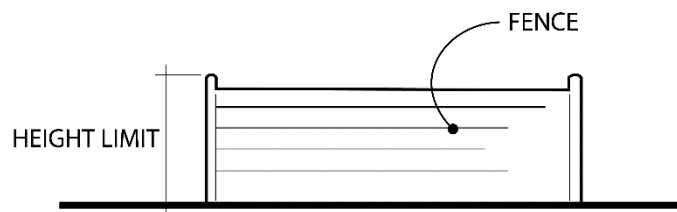


HABITABLE – Any room designed and used for living, sleeping, eating, cooking, or combinations thereof. The following are not to be considered habitable: bathrooms, toilet compartments, closets, halls, storage rooms, unfinished Basements, laundry and utility rooms, garages, barns, Shipping Containers, Accessory Structures, Recreational Vehicles (for no longer than fourteen (14) consecutive days) and similar areas and Structures.

HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT, BUILDING – The vertical distance between the Finished Grade of the Building and the highest point of the roof.

HEIGHT, FENCE – The vertical distance between the highest point of the fence and the Finished Grade.



HEIGHT, SIGN – See, [Article XVIII – Signs](#).

HOME DAY-CARE FAMILY, LARGE – See, [Day-Care Home, Family Large](#).

HOME DAY-CARE FAMILY, SMALL – See, [Day-Care Home, Family Small](#).

HOME OCCUPATION - An Accessory Use which is an activity, profession, occupation, service, craft or revenue – enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day Care Homes, Types A and B, shall not be considered to be home occupations and shall be treated as permitted and Conditional Use as listed in the applicable zoning district.

HOME OCCUPATION, MAJOR – See, [Section 15.25\(d\)](#).

HOME OCCUPATION, MINOR – See, [Section 15.25\(c\)](#).

HORIZONTAL SURFACE – A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone, including but without limitation, Buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

HOSPITAL – A facility licensed by the state to provide acute medical and surgical care to patients on an inpatient basis, including emergency services, diagnostic services, and ancillary outpatient services customarily associated with a general medical hospital. Hospitals are intended for the diagnosis and treatment of physical illness, injury, or medical conditions requiring short-term inpatient care under the supervision of licensed physicians. The term hospital does not include facilities whose primary purpose is the treatment of substance use disorders, alcohol dependency, mental health conditions, or other rehabilitative or residential treatment programs, including but not limited to drug or alcohol rehabilitation centers, detoxification facilities, halfway houses, or residential treatment facilities, whether operated on an inpatient or outpatient basis.

HOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A hotel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture. Ingress and egress to and from all rooms is made through an inside lobby.

HOTEL, BOUTIQUE – A small hotel with less than fifty (50) rooms that is located in a pedestrian oriented business area. These hotels typically have a strong artisan sense and focus on the design of the Building and rooms.

IMPERVIOUS SURFACE – All areas of a lot that have been, or are proposed to be paved and/or covered with Buildings and materials that do not readily and freely absorb and/or

allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

IMPROVEMENTS – Means any addition to the natural state of land which increases its value or utility, including Buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, Landscaping, street lighting, street trees, public utilities, paved parking areas, and other appropriate items.

IMPROVEMENTS, SITE – Means the Improvements made to the land outside the exterior limits of a Structure or Structures.

IMPROVEMENTS, PUBLIC – Means all Improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.

INDUSTRIALIZED UNIT - A Building or assembly of closed construction fabrication in an off-site facility, which is substantially self-sufficient as a unit or as part of a greater Structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity but does not include a [Permanently Sited Manufactured Home](#) or [Mobile Home](#), as defined in this Resolution.

INSTITUTIONAL USES – Those uses organized, established, used, or intended to be used for the promotion of public, civic, educational, charitable, cultural or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

JUNKYARDS AND SCRAP METAL PROCESSING FACILITIES – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed Building.

KENNEL, AGRICULTURE - Any enclosure, premises, Building, Structure, Lot, area of one ownership where six (6) or more dogs are kept for breeding purposes. There shall be no boarding, training, housing, or grooming services provided to the general public. These services may only be provided for those animals involved in the breeding business and shall be considered an Agricultural Use for purposes of enforcement.

KENNEL, COMMERCIAL – Any Building or Structure, including the surrounding fenced land, used for the care and board of five (5) or more domesticated dogs or cats more than four (4) months of age that is open to the public for let, hire, board, training, grooming, or other use on a commercial basis and for compensation. The function of the Business is not the breeding of dogs or cats.

KITCHEN, FULL – (also called a “Complete Kitchen” or “Full Cooking Facility”) Any room or space used, intended, or designed to be used for the preparation of food, which includes a sink, counter space, refrigeration, and a permanent cooking facility (such as a range, stove, or oven). A Full Kitchen contains the combination of the following features:

- A sink with running water;
- An integrated cooking appliance (stovetop and/or oven);
- A food preparation space;
- A refrigerator; and/or
- Permanent utility connections (water, sewer, electricity, and/or gas)

KITCHEN, PARTIAL – (also called a Partial Kitchen) A compact, self-contained food preparation area designed specifically for maximizing usable space within a small living unit. This design consolidates the functionality of a Full Kitchen into a minimal footprint and shall not be considered as part of the required elements that are composed of a defined Dwelling. An Efficient Kitchen may contain the combination of the following features:

- A sink with running water;
- A microwave; air-fryer; or equivalent portable-heating device;
- A food preparation space;
- A refrigerator.

A Partial Kitchen does not include an integrated cooking appliance such as a range, cooktop, dishwasher, or oven.

LANDSCAPE/HARDSCAPE BUSINESS – A place where employees are housed and/or vehicles, machinery and materials such as trees, shrubs, flowers or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.

LANDSCAPING – The Improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

LAYDOWN YARDS – An open area, either paved or unpaved, used for the temporary storage, staging, or assembly of materials, equipment, vehicles, or supplies associated with an active project permitted in accordance with this Resolution. Laydown Yards are typically associated with construction, industrial, or utility operations. Laydown yards are not intended for permanent storage or commercial operations.

LEGAL DESCRIPTION – The geographical description of real estate that identifies the precise location, boundaries, and easements for the purpose of a legal transaction, such as a transfer of ownership. A Legal Description can include either a metes and bounds description or a subdivision plat.

LIGHT TRESPASS – Unwanted light illuminating an area or property with excessive brightness in the standard field of vision.

LIGHTING, OUTDOOR – An outdoor illuminating device; outdoor lighting or reflective surface; lamp; or similar device, permanently installed or portable, used for illumination or decoration. Such devices shall include but are not limited to lights used for Buildings and Structures, recreational areas, parking lot lighting, landscape lighting, architectural lighting, product display lighting, Building overhangs, canopy lighting, and security lighting.

LIGHTING, SPORTS STADIUM – Sport stadium lights are powerful, mounted fixtures at tall heights with small beam angles usually between twelve-to-sixty (12-60) degrees. Due to these smaller beam angles, higher light intensity allows bright light to reach the ground from the elevated fixture. These lights are focused inward within the sports stadium area to provide lighting for playing fields, bleachers, concession stands, and aisles. The fixtures are designed and are installed to restrict light and glare beyond the outer limits of the stadium.

LIFE CARE RETIREMENT CENTER – A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

LOADING SPACE, OFF-STREET – An Off-Street Loading Space or berth on the same Lot with a Building or contiguous to a group of Buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a Street, Alley, or other appropriate means of access.

LOGISTICS CENTER – A large Building where material, products, or other manufactured goods are acquired, stored, and transported to their final destination. There is no production, processing, assembling, or packaging of products or materials in these Buildings.

LOT – A division of land separated from other divisions for purposes of sale, lease, or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds.

LOT, CORNER – A Lot situated at the intersection of two streets, or which fronts a Street on two (2) or more sides forming an interior angle of less than one hundred thirty-five (135) degrees. (Also, see, [Lot Line, Front.](#))

LOT, COVERAGE – The total area of those portions of a Lot that are covered by a Building or Structures, paved areas, and other impervious surfaces.

LOT, FLAG – A plot of land that has a narrow strip (the “pole”) connecting the main body (the “flag”) to a public street or waterway. The “pole” is typically just a driveway and does not meet the minimum street frontage requirements. Madison County prohibits the creation of new Flag Lots and all new Lots must adhere to the contiguous Minimum Lot Width and Established Lot Width requirements.

LOT, INTERIOR – A Lot that abuts no more than one (1) Street and that fronts a Street on not more than one (1) side.

LOT, MINIMUM AREA – The area of a lot computed exclusive of any portion of the Right-of-Way or any public thoroughfare.

LOT LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

LOT LINE, FRONT – The Property Line fronting a public roadway Right-of-Way. For purposes of a Corner Lot, both Property Lines abutting a public Right-of-Way shall be considered a Front Lot Line (See, [Section 3.10 – Rules Of Measurement](#)).

LOT LINE, REAR – The Lot Line that is opposite the front lot line and farthest from it.

LOT LINE, SIDE – The Lot Line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

LOT OF RECORD – Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder’s Office prior to the effective date of this Resolution.

LOT WIDTH – The continuous horizontal distance between the Side Lot Lines measured at right angles to the Lot Depth.

LOT WIDTH, MINIMUM – The smallest Lot Width, as defined herein, that is permitted within an applicable Zoning District.

LOT WIDTH, ESTABLISHED – The Lot Width measured at the Right-of-Way Line. This distance may be greater than the Minimum Lot Width required by the applicable Zoning District, but it shall not be less than the required minimum, unless granted through the Conditional Use process described in [Section 22.07 – Procedure On Application For Conditional Use Permit](#).

LUMBER YARD – A Building where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and may include storage inside of the Building. Any components of this use that include the outdoor storage of said materials shall all within the definition of an outdoor service facility.

MACHINE SHOP – A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

MADISON COUNTY REGIONAL PLANNING COMMISSION – see, the [County Regional Planning Commission](#).

MAKER SPACE, LARGE – A facility that is five thousand (5,000) square feet or larger and serves as shared co-working space for independent craftsmen to produce woodwork, furniture, pottery, glass, or other related items. The facility can also have shared office space.



MAKER SPACE, SMALL – A facility that does not exceed five thousand (5,000) square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass, woodworking, or other related items. No odor, fumes or excess noise may be produced at the facility.



MANEUVERING AISLE – A paved area in an off-street parking lot or loading area which provides access to parking, stacking, or loading spaces, exclusive of driveways and is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

MANUFACTURED HOME – A Building unit or assembly of closed construction fabricated in an off-site facility, which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME COMMUNITY – Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, Building, Structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

MANUFACTURED HOME, PERMANENTLY SITED – A manufactured home, as defined herein, that meets all the following criteria:

- The Structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
- The Structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
- The Structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
- The Structure was manufactured after January 1, 1995.
- The Structure is not located within a manufactured home park.
- Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

MANUFACTURING - Any industry that makes products from raw materials using manual labor or machinery. This definition also includes the compounding, processing, assembling, and packaging of goods.

MEDICAL MARIJUANA – As defined in ORC Section 3769.01(A)

MIXED-USE BUILDING – A Building that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

MOBILE HOME – A Building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, which is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a permanently sited manufactured home or industrialized unit as defined in this Resolution. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this Resolution.

MODEL HOME – A residential unit used as a real estate office in any residential subdivision actively under construction for sales, office work, and/or example unit for show purposes only.

MONOPOLE – A support Structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by

transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

MOTOR VEHICLE – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

MURAL – See, [Sign, Wall Display, Mural](#).

MURAL, GHOST – A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a Structure.

MURAL, ORIGINAL ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a Structure. Original Art Mural does not include:

- Murals containing electronic or mechanical components; or
- Changing mural images.

MURAL, VINTAGE ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon or affixed directly to an exterior wall of a Structure prior to the date of adoption of this Resolution.

MULTI-FAMILY BUILDING – A Building that is designed for and used exclusively for four or more dwelling units.

NONCONFORMING STRUCTURE – Any Building or Structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.

NONCONFORMING USE – Any use that was lawfully conducted within any Building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.

NOXIOUS WEED – Means plant species that are not native to this state whose introduction causes or is likely to cause economic or environmental harm or harm to human health as determined by scientific studies. "Invasive plant species" does not include cultivated plants grown as food or livestock feed in accordance with generally accepted agricultural practices, including all plants authorized by the animal and plant health inspection service in the United States department of agriculture.

NURSING HOME – A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm. or convalescent patients who are not related to the owner or administrator of the facility.

ODOT – The Ohio Department of Transportation.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE – A Building that is five thousand (5,000) gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL – A Building that is less than five thousand (5,000) gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFF-STREET PARKING GARAGE – A public or private Structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this Zoning Code.

OPEN SPACE – An area required to be reserved in accordance with this Resolution for passive or active recreational purposes, an area for conservation of natural resources, reserved space for future school Buildings, or some other similar green space. Such open space may include any required central green space utilized for the community. That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property. Open Space shall be limited to terrestrial features and shall not include ponds, stormwater retention facilities, or other water features.

OUTDOOR CONCERT FACILITY – A facility, including performance areas, seating, concessions, restroom facilities, and parking, for the public performance of music and/or dancing in an outdoor venue.

OUTDOOR RECREATION FACILITY – See, [Commercial Recreational Facility, Outdoor](#).

OUTDOOR SEASONAL BUSINESS – A use that is conducted on a temporary basis and is outside of a fully enclosed Building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

OUTDOOR SERVICE FACILITY – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold or stored. For the purposes of this Resolution, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden centers, and landscape businesses. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

OWNER – Owner of record according to records contained in the County Recorder's Offices.

OVERLAY DISTRICT – Zoning Districts that extend on top of more than one base Zoning District and are intended to protect certain critical features and resources. Where the

standards of the Overlay Zone and base Zoning District are different, the more restrictive standards shall apply.

PARCEL – A piece of real estate described by metes and bounds in the deed of the land and recorded in the office the county recorder.

PARK, COMMUNITY OR REGIONAL – A park that is twenty (20) acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.



Photo: Little Darby State Scenic River Preserve
(<https://fmcpt.com/little-darby-preserve/>)

PARK, NEIGHBORHOOD – A park that is up to twenty (20) acres in size, serving an area one to two miles in diameter and serving a population of less than five thousand (5,000) persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARKING AISLE – The traveled path through an off-street parking or facility between one or two rows of parked vehicles.

PARKING BAY – A row of parking spaces typically separated by a parking island or some other feature used to break up large spams of asphalt used for the parking surface.

PARKING AREA - An open area other than a street or other public way that is used for the parking of motor vehicles.

PARKING SPACE, OFF-STREET – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed Building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

PENAL AND CORRECTIONAL INSTITUTIONS – Institutions which include prisons and jails that either confine convicted felons or hold those who are awaiting trial.

PENNANT – A flag or banner longer in the fly than in the hoist, usually tapering to a point.

PERMANENT SUPPORTIVE HOUSING – Community-based, long-term housing and supportive services, as appropriate, for homeless individuals with disabilities.

PERMITTED USE(S) – A use that is permitted within a Zoning District that is allowable by a matter of right when designated as such in a Zoning District, provided said use complies with all applicable setback and development standards and is issued a Zoning Certificate from the Planning and Zoning Director, or their designee.

PERSONAL SERVICES – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

PICK-UP OR BANKING WINDOW – A window used to pick up food, a prescription or other another similar product, parcel pick up, or where banking or financial services are conducted without a patron needing to exit his/her vehicle. Food orders and prescriptions are typically placed ahead of time online via the web or mobile device, and these windows are typically not utilized for placing and waiting for orders on site.

PLACES OF ASSEMBLY, LARGE – Any facility or business where three hundred (300) or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLACES OF ASSEMBLY, SMALL – Any facility or business where less than three hundred (300) individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLANNED UNIT DEVELOPMENT (PUD) – Means a development which is planned to integrate residential, commercial, industrial or any other Use and is governed by Section 303.022 of the Ohio Revised Code.

PLANTS, ASPHALT – A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of dryers; systems for screening; handling; storing and weighing dried aggregate; systems for loading; transferring; and storing mineral filler; systems for mixing; transferring and storing asphalt concrete; and emission control systems within a stationary source.

PLANTS, CONCRETE – The production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

PORTABLE HOME STORAGE UNIT – Any assembly of materials which is designed, constructed, or reconstructed to make it portable and capable of movement from one site

to another and designed to be Used without a permanent foundation. Such Structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

PRACTICAL DIFFICULTY – A standard utilized to determine whether an area Variance should be granted. It is based on a number of criteria that are weighed against one another to determine if granting the Variance will provide a reasonable use of the land without altering the essential character of the area.

PRESERVE OR PRESERVATION – The process, including maintenance, of treating an existing Building to arrest or slow future deterioration, stabilize the Structure and provide structural safety without changing or adversely affecting the character or appearance of the Structure.

PRIMARY SURFACE – A surface longitudinally centered on the runway (existing or proposed, as shown on the approved Madison County Airport Airspace Zoning Map). When the runway has a specially prepared hard surface, or one is planned, the primary surface extends two hundred (200) feet beyond each end of that existing or proposed runway. The width of the primary surface is set forth in [Article XVI – Madison County Airport Airspace Hazard Regulations](#) – of this Resolution. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. For purposes of these regulations, the primary surface and runway refer to those shown on the Madison County Airport Airspace Zoning Map.

PRIVATE CLUB OR LODGE – A nonprofit association of persons, who are bona-fide members paying annual dues, which owns, hires, or leases a Building or portion thereof, and the use of such premises is restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room, for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with applicable local, state, and federal laws.

PRIVATE LANDING STRIP – A long flat piece of land from which private aircraft can take off and land that is properly licensed by the Federal Aviation Authority or applicable agency. It can be constructed of either grass or pavement.

PRIVATE FAMILY SWIMMING POOL – See, [Swimming Pool, Private Family](#).

PROPERTY LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Lot Line.

RECONSTRUCTION – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, Building, Structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its environmental, historic, architectural, and cultural values.

REHABILITATION CENTERS – The collection of facilities that require Conditional Use Permits by the County and are categorized as follows: [Large Residential Facilities](#); [Emergency and Protective Shelters](#); [Transitional Living Centers](#); and [Permanent Supportive Housing](#), as defined herein and regulated under [Section 15.41 – Rehabilitation Centers](#).

RESEARCH AND DEVELOPMENT – A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

RESIDENTIAL FACILITY – A publicly or privately operated home or facility that is further categorized as:

RESIDENTIAL FACILITY CLASS 1 – A facility that provides accommodations, supervision, personal care services, and mental health services for one (1) or more unrelated adults within mental illness or one (1) or more unrelated children with adolescents with severe emotional disturbances.

RESIDENTIAL FACILITY CLASS 2 – A facility that provides accommodations, supervision and personal care services to any of the following:

- One (1) or two (2) unrelated persons with mental illness.
- One (1) or two (2) unrelated adults who are receiving payments under the residential state supplement program.
- Three (3) to sixteen (16) unrelated adults.

Residential facilities exclude hospitals, facilities licensed under ORC 5123.19, an institution subject to certification under ORC 5103.03, hospice care programs, nursing homes, residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

RESIDENTIAL FACILITY, LARGE – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to six (6) to sixteen (16) unrelated persons. (See, ORC 5119.341)

RESIDENTIAL FACILITY, SMALL – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to one (1) to five (5) unrelated persons. (See, ORC 5119.341)

RESIDENTIAL – OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL – A small office for administrative, business or medical services as defined in this section but located within a Structure that was existing at the time of the effective date of this Resolution.

RESIDENTIAL – RETAIL – A small business retail as defined in this section but located within a Structure that existed at the time of the effective date of this Resolution.

RESIDENTIAL TREATMENT FACILITY – A Residential Facility – Class 1 (ORC 5119.34) providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly Structured environment for its residents for alcoholism, drug abuse, or behavioral and/or mental disorders.

RESOLUTION – This describes this Zoning Resolution of Madison County, Ohio.

RESPONSIBLE PARTY – The owner of the property as determined by the County Auditor's Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

RESTAURANT – An establishment which offers food and/or drinks to the public, guests, or employees. The food may be prepared and consumed either on or off site.

RIDING STABLE – A place where horses are kept for people to ride in a commercial setting. This does not include stabling of horses for Agricultural uses.

RIGHT-OF-WAY – A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

RUNWAY – A defined area on an airport prepared for landing and take-off of aircraft along its length.

RUNWAY, LARGER THAN UTILITY – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve-thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

RUNWAY, NONPRECISION INSTRUMENT – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or

area type navigation equipment, for which a straight-in no precision instrument approach procedure has been approved or planned.

RUNWAY, UTILITY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less. Zones are set forth in [Section 16.02 – Airport Zones](#) – of this Resolution.

SANITARY LANDFILL – Any site, location, tract of land, installation or Building used for incineration, composting, sanitary land filling, or other methods of disposal of solid wastes (including a captive landfill) for which a permit to install has been obtained from Ohio Environmental Protection Agency.

SCHOOL, HIGH SCHOOL – A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades nine through 12 (9–12).

SCHOOL, POST-SECONDARY – A public or private institution providing educational or training services to individuals who have completed high school.

SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE – A public or private institution providing educational services to children in kindergarten through the eighth (8th) grade.

SCHOOL, TECHNICAL – A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

SELF SERVICE STORAGE FACILITY – An individual compartment or stall used for the storage of customer's goods or wares.

SERVICE ROAD, OR ACCESS ROAD – Means a minor Street parallel to a thoroughfare to afford abutting property owners' access to the thoroughfare at limited points.

SETBACK – A required distance between a lot line and a principal Structure established by the Zoning District in which the principal Structure is located.

SETBACK, AVERAGE FRONT – The distance between a Front Lot Line and principal Building that is established by averaging the front setbacks of two existing Structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.

SETBACK, MAXIMUM – The largest distance permitted between a lot line and a principal Structure. The Planning and Zoning Director shall not administratively approve the location of a principal Structure that is more than this required distance.

SETBACK, MINIMUM – The smallest distance permitted between a lot line and a principal Structure established by the Zoning District in which the principal Structure is located. The Planning and Zoning Director may not administratively approve the location of a principal Structure that is less than this required distance but may administratively approve the location of a principal Structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal Structure is considered to be “yard” space as defined in this Resolution.

SEXUAL CONDUCT – Acts of sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight. Any penetration of the vagina or anus, however slight, by an object. Any contact between persons involving the sex organs of one person and the mouth or anus of another. Masturbation, manual or instrumental, of oneself or of one person by another. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

SHIPPING CONTAINER – A Structure designed for use as an individual shipping container designed to be mounted on a rail car as freight or designed as an enclosed truck trailer. These containers are typically prefabricated metal Structures but also include other similar type containers such as shipping crates, boxes, or trailers constructed with other types of material.

SHOOTING RANGE, INDOOR – The use of a Structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR – The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this type of use shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner’s permission.

SHORT-TERM RENTAL – Renting a home, or a space in a home, with five (5) guestrooms or less that is reserved/rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

SHORT-TERM RENTAL, HOSTED – A Short-Term Rental in which the Dwelling Unit rents out a guestroom while the owner of the Short-Term Rental remains during the stay.

SHORT-TERM RENTAL, UNHOSTED – A Short-Term Rental in which the Dwelling Unit is wholly rented and the owner of the Short-Term Rental does not remain during the stay.

SIGHT TRIANGLE – The triangular area formed by a diagonal line connecting two points located on intersecting street Rights-of-Way or a Right-of-Way and the edge/curb of a driveway (See, [Section 15.49 – Visibility at Intersections](#)).

SIGN – Any device for visual communication which is designed, intended or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article. This definition includes all signs visible from any public Right-of-Way or adjacent property, including interior signs oriented towards the exterior façade of any Building or Structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign Structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization, or business.

SIGN, ANIMATED – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

SIGN, BILLBOARD – A type of free-standing sign that is mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than two hundred (200) square feet.

SIGN, ENTRY-FEATURE – A sign intended to provide the identity of a residential development or commercial development with more than one (1) Lot or tenant.

SIGN, FLASHING – A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

SIGN, FREESTANDING – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any Building or support.

SIGN, GAS-INFLATABLE – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or Structure and used on a permanent or temporary basis to attract attention to a product, event, or business.

SIGN, GROUND-MOUNTED – A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars, or posts.

SIGN, PERMANENT – A sign intended to be erected, displayed or used, or in fact which is used for time period in excess of thirty (30) days within any one hundred eighty (180)-day period.

SIGN, POLE – A type of free-standing sign that is supported by pole(s), pillars, posts or other free-standing support and is less than two hundred (200) square feet.

SIGN, PROJECTING – A sign which extends outward perpendicular to the building face.

SIGN, ROOF – Any sign erected upon or completely over the roof of any Building.

SIGN, TEMPORARY – A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, feathered flags, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

SIGN, TRAILER – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

SIGN, WALL – A wall display that is less than one hundred twenty-five (125) square feet.

SIGN, WALL-DISPLAY, MURAL – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include messages, graphics and other designs painted along with any letters or numerals mounted directly on Buildings or awnings.

SIGN, WAY-FINDING – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

SIGN, WINDOW – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

SOLAR, ARRAY – A mechanically integrated assembly of modules or panels with a support Structure and foundation, tracker and other components as required to form a direct-current power producing unit.

SOLAR ENERGY – Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY SYSTEM (SES) – An energy system that consists of one or more solar collection devices, solar energy-related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

SOLAR ENERGY SYSTEM, INTEGRATED – An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, Building, or other Structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED – An SES where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.

SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (SMALL SCALE SES) – A ground mounted SES that produces less than fifty (50) megawatts (MW) of power.

SOLAR ENERGY SYSTEM, ROOF MOUNTED – An SES mounted to the roof of a Building or Structure. Roof-mount systems are accessory to the primary use of a property.

SPECIFIED SEXUAL ACTIVITIES – Simulated or actual display of human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus and fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

STAGING AREA – A physical location used to store equipment and materials related to the setup, construction, operation, and/or tear down of an activity or event.

START OF CONSTRUCTION – The first placement of permanent construction of a Structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation upon receiving, if applicable, any permits associated with the Ohio Environmental Protection Agency. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of Accessory Buildings, such as garages or sheds not occupied as dwelling units or not as part of the main Structure. For a Structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the Structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STREET – A paved public vehicular Right-of-Way which provides access to abutting properties from the front.

STREET, EXPRESSWAY OR INTERSTATE – Highways which convey high volumes of traffic at high speeds, typically controlled access provided at interchanges. This classification acknowledges existing highways that are generally state or federally designed, funded, and maintained.

STREET, MAJOR ARTERIAL – Means a Street which conveys county to county or city to city travel at relatively higher speeds and typically tightly regulated access. These Streets are typically US highways or state routes.

STREET, MINOR ARTERIAL – Means a Street which is used for intra-county and city corridor travel that links Major Arterials, Interstates, and Expressways with substantial areas of development, and/or conveying substantial traffic volumes.

STREET, MAJOR COLLECTOR – Streets which connect Major and Minor Arterials to population and employment centers, serving more localized trips.

STREET, MINOR COLLECTOR – Streets which predominantly connect local streets with higher classification routes.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a Building.

STRUCTURE – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, outdoor advertising signs, (billboards), and farmers' street-side stands. Structure does not include Fences.

SUBSTANTIAL IMPROVEMENT/ALTERATION – Any repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds 50% of the market value of the Structure either before the improvement or repair is started, or if the Structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether or not that alteration affects the external dimensions of the Structure. The term does not, however, include any project for improvement of a Structure to comply with existing state or local health, sanitary, or safety Code specifications which are solely necessary to assure safe living conditions, or any alteration of a Structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the Structure's designation as a historic Structure.

SUBSTANTIALLY COMPLETE – The stage in which the work, described in the Zoning Certificate, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

SUBSURFACE DRAINAGE – Subsurface drainage improvements include perforated drainpipes, commonly referred to as “tile,” installed below the soil surface to help drain excess soil water. Modern drainpipes are commonly made of plastic, but older materials frequently encountered in the field include clay and concrete. Subsurface drainage can improve field conditions for wet soils by improving trafficability and growing conditions for crops. Typically, drainpipes are installed thirty (30) to forty (40) inches deep, but depths may vary. These pipes can be placed in random patterns connecting wet areas or systematically placed in parallel runs with regular offsets and are connected by one main drainpipe that leads the water to the outlet. The main drainpipe generally outlets to an open ditch or stream but may cross several properties before it does so. Many properties may often use a common main drainpipe to outlet several systems, which increases the importance of properly maintaining the drainage system throughout the development process.

SWIMMING POOL, COMMUNITY – A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all Structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also, all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

SWIMMING POOL, PRIVATE FAMILY – A swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

SWIMMING POOL, STORABLE – A pool capable of holding water to a maximum depth of forty-two (42) inches and is constructed of non-metallic, molded polymeric or fabric walls supported on a rigid frame or by an inflatable ring and entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

TELECOMMUNICATION TOWER – A Structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition.

TELECOMMUNICATION TOWER, ATTACHED – Any Structure that will be attached to a Building or other Structure that meets the criteria for a telecommunication tower, as defined herein.

TELECOMMUNICATIONS TOWER, FREE-STANDING – Any free-standing Structure that meets the criteria for a telecommunication tower, as defined herein.

TEMPORARY ENTERTAINMENT USE – A use for providing amusement or enjoyment in an indoor facility, outdoor facility, or outdoor area on private property through an activity that provides a leisure activity either for profit or not for profit and for a specified limited duration not to exceed ninety (90) days (three months). Said use and any associated parking, vehicle or pedestrian queueing, or storage does not occur within the public Right-of-Way. Each Temporary Entertainment Use requires a Conditional Use Permit as detailed in this Resolution.

TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE – Any Structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

TEMPORARY TENT – See, [Section 15.48 – Temporary Structures](#).

TINY HOUSE – A Dwelling typically sized under four hundred (400) square feet built either upon a foundation or upon trailers. A Tiny House built upon a trailer shall be considered a [Recreational Vehicle](#), as defined herein and shall comply with [Section 15.10 – Campgrounds](#), when applicable.

TRAFFIC MANAGEMENT PLAN – A Traffic Management Plan, or "TMP," is a plan developed and established to anticipate, prepare for, manage, and control vehicular traffic in a manner that maintains the functionality, capacity, traffic flow, and safety of the public roadway. The TMP identifies, coordinates, and manages the needs and actions of several agencies responsible for road traffic management and safety on a given road network. This may include the County Road Superintendent, Madison County Engineer, Ohio Department of Transportation, Madison County Sheriff's Office, and the State Highway Patrol. The purpose of this approach is to limit the effects of events that can lead to serious deterioration of traffic conditions, including functionality, capacity, traffic flow, and safety. The objective is coordinated action by the various authorities and services that participate in the operation of the roadway. To anticipate the arrangements for controlling and guiding traffic flows in real-time and for informing road users about the traffic situation in a consistent and timely way before and during their trip. The situations covered can be unforeseeable (incidents, accidents) and/or predictable (recurrent or non-recurrent events). The measures are always applied temporarily – although "temporary" may be lengthy, such as an event, construction, or long-term maintenance activity. The TMP determines the placement of barricades, warning lights, signs, off-street parking, and/or personnel for the duration of the event or incident that impedes the normal traffic flow for the roadway.

TRAFFIC QUEUEING – A line of motor vehicles awaiting their turn to be attended to or to proceed.

TRANSITIONAL LIVING CENTER – A facility that provides short-term room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

TREE, LARGE – Any tree species which normally attains a full-grown height above sixty (60) feet.

TREE, MEDIUM – Any tree species which normally attains a full-grown height between thirty (30) to sixty (60) feet.

TREE, SMALL – Any tree species which normally attains a full-grown height of under thirty (30) feet.

TRUCK SERVICE CENTER – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

UNNECESSARY HARDSHIP – A standard utilized to determine whether a use Variance should be granted. It is based on the deprivation of an owner's right to the beneficial use of property that is caused by the strict enforcement of this Resolution. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant.

USE – The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

VARIANCE – A modification of the strict terms of this Resolution due to the strict enforcement of these regulations resulting in an Unnecessary Hardship and where such modification will not be contrary to the public interest.

VARIANCE, AREA – A type of Variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or other similar requirement. This type of Variance is typically reviewed using an Unnecessary Hardship standard, as described in [Section 22.06 – Procedure On Application For Variance](#).

VARIANCE, USE – A type of Variance to allow a Use that is otherwise prohibited within the district. This type of Variance is typically reviewed using an Unnecessary Hardship standard, and is prohibited within the County.

VEHICLE, CHARGING STATION – The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

VEHICLE, RECREATIONAL – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all-terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats and jet skis.

VEHICULAR SALES, EQUIPMENT – An open area or Building used for the display, sale or rental of farm, construction, or other similar machinery.

VEHICULAR SALES, MOTORCYCLES – An open area or Building used for the display, sale, or rental of new or used motorcycles and where only incidental repair work is done.

VEHICULAR SALES, NEW AND USED CARS – An open area other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition and where only incidental repair work is done.

VEHICULAR SALES, RECREATIONAL – An open area or Building used for the display, sale, or rental of new or used recreational vehicles and where only incidental repair work is done.

WALL, DECORATIVE – An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than fifty (50) percent of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

WALL, RETAINING – An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

WALLSCAPE – A type of wall display that greater than one hundred twenty-five (125) square feet and is mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached to the side of a Building.

WATER, WASTEWATER, TRANSPORTATION AND OTHER GOVERNMENTAL SERVICES – Government services concerning the extraction, transportation, and treatment of water and wastewater within the County.

WATERCOURSES – Riparian setbacks, as established in [Article XIII – Darby Creek Conservation District \(DCC\) and Other Waterways](#), apply to all Watercourses, which include: perennial, ephemeral, and intermittent streams with a defined bed, bank, or channel. Watercourses that happen to generally parallel a Road for any distance and are not exclusively for road side Drainage are also considered as Watercourses. However, drainage

ditches constructed exclusively for road side drainage and that are generally parallel to the Road are not considered as Watercourses.

WEDDING VENUE – An event space that shall be considered as a [Place of Assembly](#) within the Use Table as found in [Section 4.02 – Residential Use Table](#) – and may be used in combination with an [Agritourism Use](#), as defined herein, to celebrate marriage.

WIND ENERGY CONVERSION SYSTEM – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL – A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated capacity of not more than one hundred (100) kilowatts (kW) and is intended to primarily reduce on-site consumption of utility power.

WIND ENERGY CONVERSION SYSTEM TOWER – The support Structure to which the nacelle and the rotor are attached.

WIND ENERGY CONVERSION SYSTEM TOWER, HEIGHT OF – The distance from the rotor blade at its highest point to the top surface of the tower foundation.

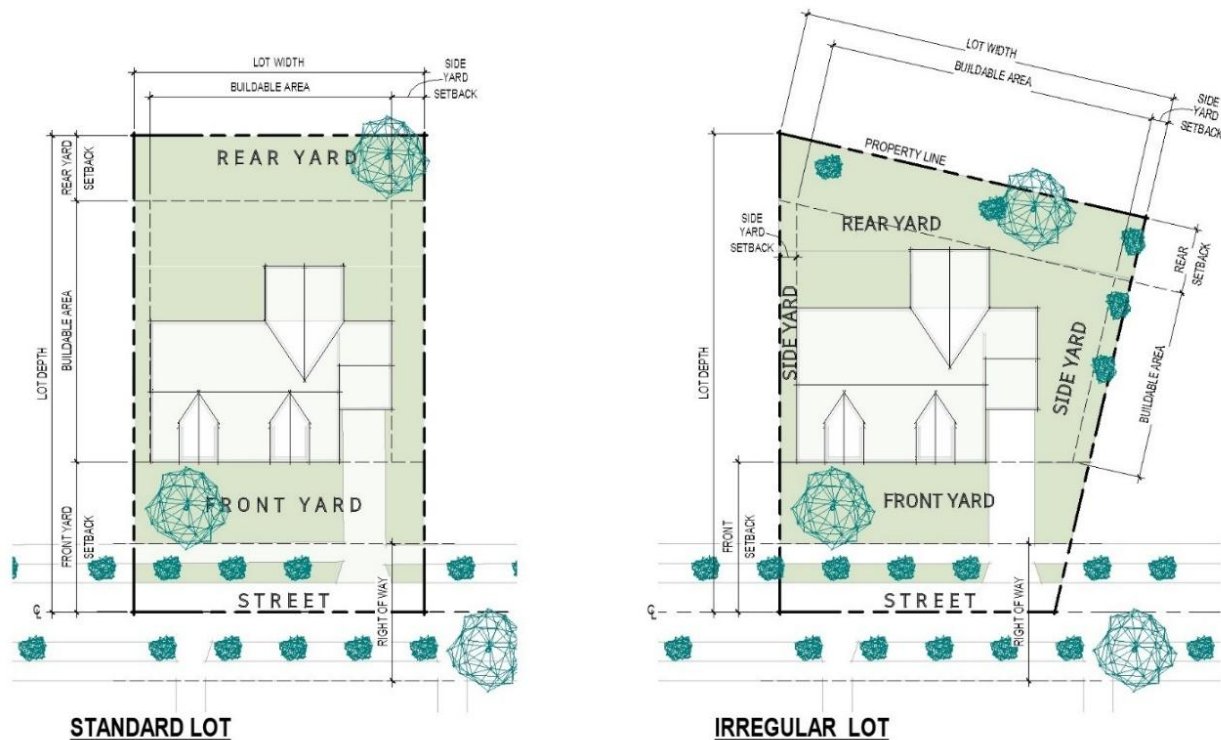
WIND FARM, SMALL – A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of one hundred (100) kilowatts (kW) or more, but less than fifty (50) megawatts (MW) and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is five (5) megawatts (MW) or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Resolution.

YARD – An open space on a lot with a Building that is unoccupied and unobstructed by any portion of a principal Structure. Fences and other accessory Structures may be permitted within a yard as regulated in this Resolution.

FRONT YARD – The horizontal distance between the Right-of-Way line and the nearest foundation or structural appurtenance of the principal Structure.

REAR YARD – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal Structure.

SIDE YARD – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.



ZONING CERTIFICATE – A document issued by the Planning and Zoning Director authorizing the construction or alteration of a Building, Structure, or use consistent with this Resolution.

ZONING DISTRICT – Any section of the Zoning Map and/or legal description in which the zoning regulations are uniform.

ZONING MAP – A map of Madison County, Ohio that legally denotes the boundaries of the Zoning District as they apply to the properties within the County. The official zoning map shall be kept on file in the administrative offices.

ZONING MAP, MADISON COUNTY AIRPORT AIRSPACE – A map of Madison County, Ohio that legally denotes the boundaries of the defined airspace surrounding the Madison County Airport in London, Ohio based upon the regulations found in [Article XVI - Madison County Airport Airspace Hazard Regulations](#).

**ARTICLE III
Districts and Boundaries**

3.01	Zoning Districts Established	3.07	Conditional Use Lot Splits
3.02	Official Zoning Map Established	3.08	Types of Lots
3.03	Zoning District Boundary Description and Interpretation	3.09	Types of Encroachments
3.04	Limitations on Land Use	3.10	Rules of Measurement
3.05	Similar Uses	3.11	Calculating Established Lot Width
3.06	Platting Requirements		

3.01 ZONING DISTRICTS ESTABLISHED

The Zoning Districts set forth below are hereby established:

- Agricultural District (A-1)
- Rural Residential District (R-1)
- Planned Residential Overlay District (PRO)
- Clustered Conservation Overlay District (CCR)
- Planned Business Overlay District (PBO)
- Planned Mixed-Use Overlay District (PMU)
- Planned Flex Employment Overlay District (PFE)
- SR-161 Zoning Overlay District (SR 161 Overlay)
- Planned Unit Development District (PUD)
- Darby Creek Conservation District (DCC)

The following Zoning Districts set forth below are found within [Appendix A – Existing Zoning District Designations](#) and are restricted only to areas zoned as these Districts as of the adoption of this Resolution.

- Low-Density Residential (R-2)
- Multi-Type Residential District (R-3)
- Neighborhood Commercial District (B-1)
- General Commercial District (B-2)
- Light Industrial District (M-1)
- Heavy Industrial District (M-2)

3.02 OFFICIAL ZONING MAP ESTABLISHED

The locations and boundaries of the various Zoning Districts shall be established by separate resolution and shall be known and delineated on the Zoning Map. The Zoning Map shall be

maintained by the County Commissioners and may be divided into parts for identification purposes when adopting or amending the Zoning Map or for any reference to the Zoning Map.

3.03 ZONING DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

Zoning District Boundary Lines shall be described by legal description or by a map. When a legal description is used, the Boundary Line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Zoning Map. When a map is used, Zoning District Boundary Lines shall be established by dimensions, Property Lines, recorded Lot Lines, or the Centerline abutting the Street, Alley, or railroad Right-of-Way, as the same were of record at the time of adoption. In all cases, if there is doubt as to the exact location of the Zoning District Boundary Lines, the same shall be determined by the Board of Zoning Appeals.

3.04 LIMITATIONS ON LAND USE

No person, firm, or corporation shall use or permit to be used any Lot or Buildings, nor shall any person, firm, or corporation make, erect, construct, move, alter, enlarge or rebuild, or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any Building, Structure, or Improvement, which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the Use, height, area, Yard, Setback, and other requirements established in the District in which such Lot, Building, Structure, or Improvement is located, except as provided by [Article XIX – Nonconformities](#). Nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any Building, Lot, or Use, where a Zoning Certificate has been lawfully issued prior to the effective date of this Resolution, and pursuant to such Zoning Certificate, construction is diligently carried to completion. Upon completion, such Building or Use shall be deemed a legally Nonconforming Structure or Nonconforming Use and may continue as regulated by [Article XIX – Nonconformities](#).

3.05 SIMILAR USES

- a) On occasion, new Uses of land may arise that may have not been contemplated at the time of this Resolution's adoption. This Section sets forth a process to identify the location for such Uses. Since this action is an interpretation matter, the Board of Zoning Appeals shall be the body designated for determining Similar Uses. Determination as to whether a Use is similar to Uses permitted by right shall be considered an expansion of Uses available to the Zoning District and not as a Variance applying to a particular situation. Any Use found similar shall thereafter be considered as a Permitted Use in that Zoning District.
- b) Applications for Zoning Certificates for Uses not specifically listed in the Permitted Use classifications of the Zoning District, which the applicant feels qualifies as a Similar Use under the provisions of this Section shall be submitted to the Board of

Zoning Appeals. Three (3) copies and one (1) digital PDF copy of a completed application shall be submitted. The following information shall be included in the application:

- 1) Name, address, phone number, and email address of the applicant;
 - 2) The address and parcel number of the address in question;
 - 3) If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as their agent for the application;
 - 4) Legal description of the property;
 - 5) The existing Zoning District in which the property is located;
 - 6) A vicinity map at a suitable scale, showing Property Lines, Streets, existing Zoning District designations of surrounding parcels adjacent to and within two five hundred (500) feet;
 - 7) The names and addresses of all property owners within one hundred (100) feet of the subject property appearing on the Madison County Auditor's tax list;
 - 8) A site plan signed by a registered architect/engineer that shows:
 - i) The lot(s) where the Use is proposed;
 - ii) Any existing and/or proposed Buildings; and
 - iii) The square footage of the proposed Use; and
 - 9) A narrative explaining:
 - i) The Lot(s) where the Use is proposed; and
 - ii) The reasons the applicant believes the proposed Use complies with Section 3.05(a), above.
- c) Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested Use is similar to those Permitted Uses in the specific Zoning District. In order to find that a Use is similar, the Board of Zoning Appeals shall find that all of the following elements exist:
- 1) Such Use is not listed as a Permitted or Conditional Use in another Zoning District;
 - 2) Such Use conforms to the basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other Zoning District classification; and
 - 3) Such Use creates no increased danger to health and safety; creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable nuisances; and does not create traffic congestion to an extent greater than normally resulting from Uses listed in the classification in which it is added.
- d) The notice requirements in [Section 21.01\(b\)\(1\)](#) under [Article XXI - Amendments](#) – shall be utilized for a public hearing on a Similar Use.

- e) If the Board of Zoning Appeals takes action to approve a Use as a “Similar Use” in a Zoning District as described in this Section, then said Use shall become a Permitted or Conditional Use within said Zoning District, as determined by the Board of Zoning Appeals, until such time the County Commissioners changes the Zoning District through the amendment process identified in [Article XXI - Amendments](#).

3.06 PLATTING REQUIREMENTS

For the purposes of providing a proper arrangement of Streets and assuring the adequacy of Open Spaces for traffic, utilities, and access of emergency vehicles commensurate with the intensification of Uses customarily incident to a change in Zoning Districts, a platting requirement is established as follows:

- a) For any land which has been rezoned to a Zoning District other than an Agricultural District upon application of a private party, no Building or Zoning Certificate shall be issued until that portion of the Tract on which the Zoning Certificate is sought has been included in a required plat or replat, as the case may be, submitted to and approved by the Zoning Commission and filed of record in the Madison County Recorder’s Office. Provided that the County Subdivision Review Board (SRB) may remove this platting requirement upon determining that the above purposes have been achieved by previous platting or could not be achieved by a plat or replat.

3.07 CONDITIONAL USE LOT SPLITS

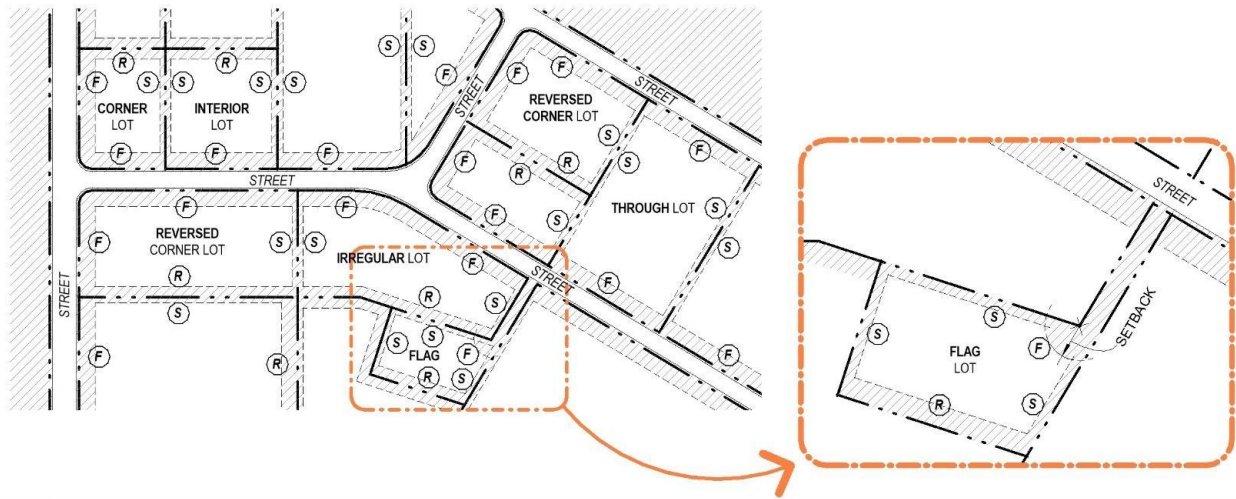
- a) An Owner of a parcel of real estate zoned within the A-1 Zoning District and containing 20.001 acres or more, identified as a recorded Lot of Record as of May 1, 2002, may apply for a Conditional Use Permit for two (2) Single-Unit Dwellings without requiring the rezoning procedure as required in this Resolution. Such Conditional Use Permits shall comply with the standards as set forth in [Section 22.07 – Procedure on Application for Conditional Use Permit](#) – and any other condition imposed by the Board of Zoning Appeals. Said Conditional Use shall further comply with drainage requirements and sanitary regulations required by the various agencies of this County.
- b) The Conditional Use Permit shall be applied for under the procedures contained in [Section 22.07 – Procedure on Application for Conditional Use Permit](#). The application shall first be submitted to the Madison County Subdivision Review Board, which shall make recommendations concerning said application. The Madison County Subdivision Review Board shall then forward its recommendations to the Madison County Board of Zoning Appeals.
- c) After the granting of two (2) such Conditional Use Permits for said Parcel, any additional subdivisions shall require a Zoning Amendment as set forth in [Article XX– Amendments](#) – of this Resolution. It is the intent of this County to consider granting

a maximum of two (2) One-Unit Dwellings for each Parcel of real estate over 20.001 acres per recorded Lot of Record as of May 1, 2002.

d) Lot Split Development Standards:

A-1-and-R-1 – Lot Split Development Standards			
ACREAGE	MINIMUM ROAD FRONTAGE	MAXIMUM DEPTH	RATIO
1 Acre and Greater and Less than 2.7548	200'	326.7'	3:1
2.7548	200'	600'	3:1
3.5	225.43'	676.29'	3:1
4.99	269.17'	807.51'	4:1
5	270'	806.67'	4:1
6.6942	270'	1,080'	4:1
8	295.16'	1,180.64'	4:1
9.9	329.83'	1,319.32'	4:1
10	330'	1,320'	4:1
20	466.69'	1,866.76	4:1
20.001 Acres and Above	60'	None	None

3.08 TYPES OF LOTS



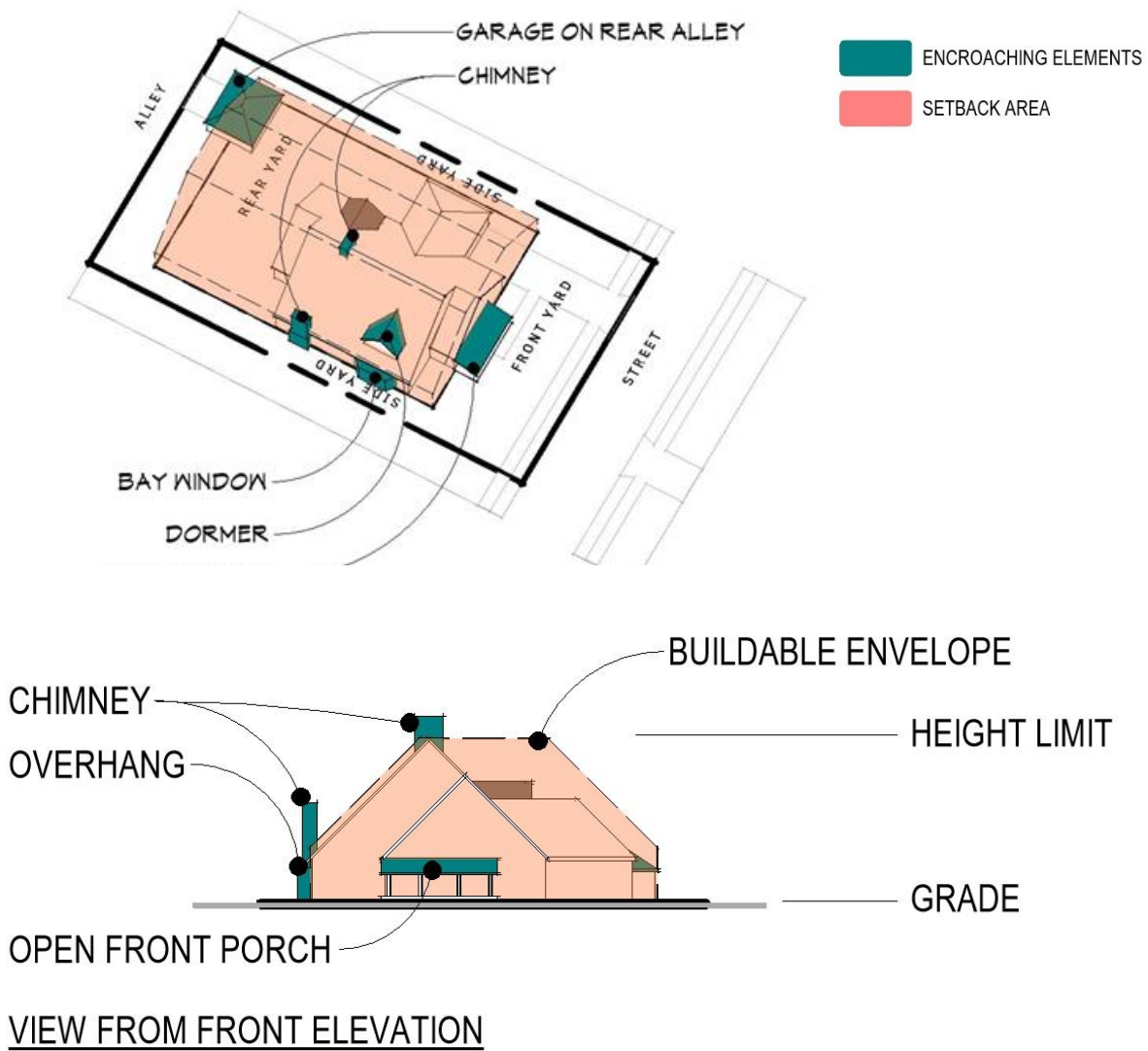
LEGEND

- (F) FRONT SETBACK
- (S) SIDE SETBACK
- (R) REAR SETBACK
- AREA OUTSIDE OF BUILDABLE AREA
- PROPERTY LINE

- a) Front, Rear, and Side Setbacks must comply with the requirements of the applicable Zoning District. The purpose of the above graphic is to illustrate which Lot Lines serve as Front, Rear, and Side Lot Lines for each type of Lot.
- b) For a Flag Lot, the Front Yard shall be determined by identifying the midpoint of the panhandle (or the terminus of an easement outside of the panhandle) and drawing a semi-circle with a radius that is equal to the minimum setback for the applicable Zoning District.

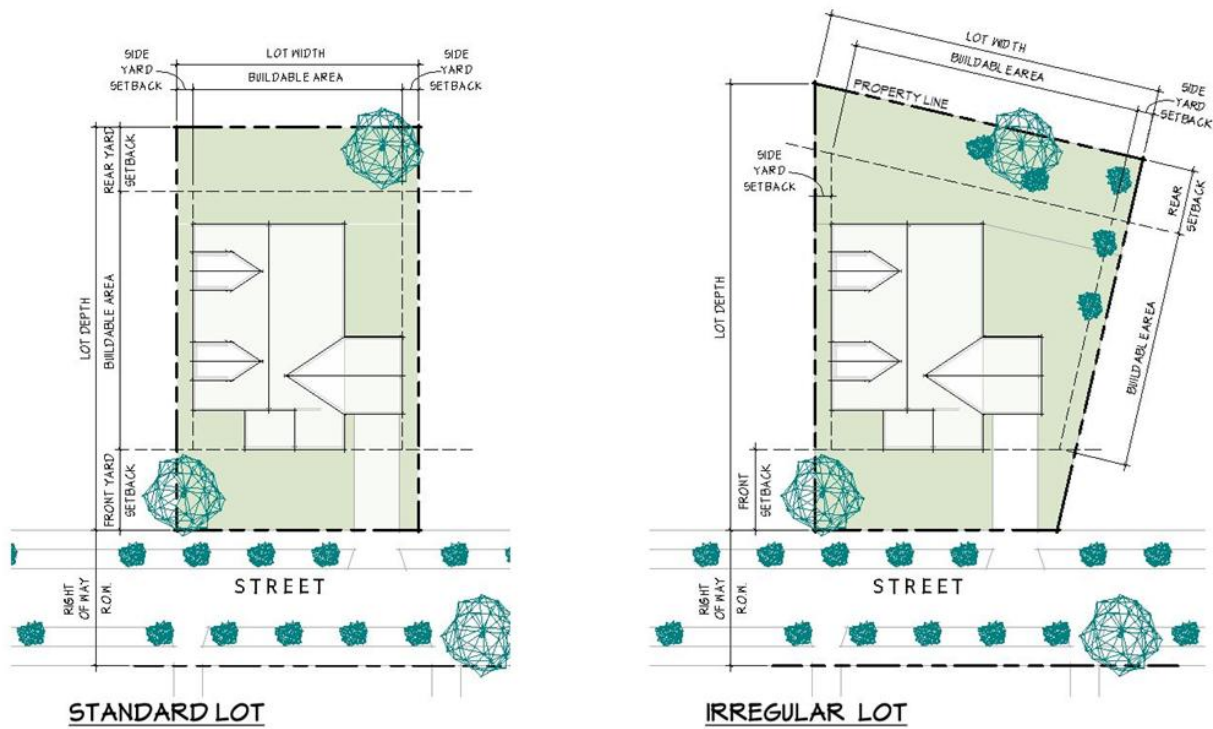
3.09 TYPES OF ENCROACHMENT

Each Zoning District allows various types of encroachments. Refer to the Lot Area, Setback, and Height Tables in each Zoning District to identify the type of permitted Encroachments.

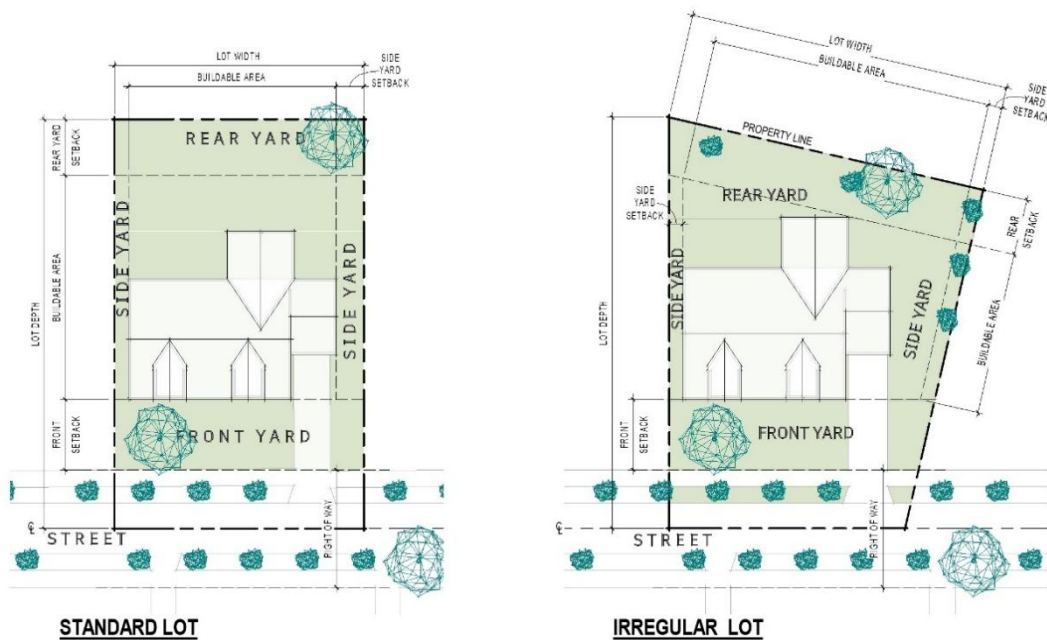


3.10 RULES OF MEASUREMENT

- a) Front Lot Line is measured from the Right-of-Way Line



- b) The rendering below depicts the Front Lot Line as the center line of the Street.



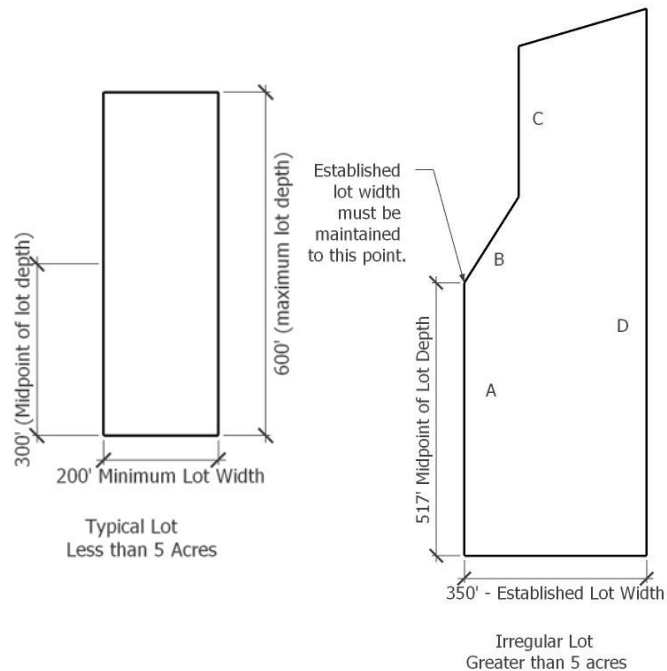
3.11 CALCULATING ESTABLISHED LOT WIDTH

- a) The Established Lot Width, as defined in [Article II - Definitions](#), shall be maintained to the Midpoint of the Lot Depth. See an example calculation below:

		Equation
Lot Depth (LD)		$LD = (A+B+C+D)/2$
Midpoint		$Midpoint = LD/2$

A = 517 Feet
 B = 210 Feet
 C = 290 Feet
 D = 900 Feet (Maximum Lot Depth District)

$LD = (517 + 210 + 290 + 900)/2 = 958.5$ Feet
 $Midpoint = 958.5/2 = 479.25$ Feet (rounded) = 479 Feet



ARTICLE IV Use Table

4.01 Identified Uses

4.03 Commercial/Industrial Use Table

4.02 Residential Use Table

4.01 IDENTIFIED USES

- a) Each Zoning District includes a list of Permitted, Conditional, and Accessory Uses. Listed Uses are to be defined by their customary name or identification, except as specifically defined or limited by this Resolution. **If a Use is not listed as a Permitted, Conditional, or Accessory Use in a Zoning District, it shall be considered prohibited in said Zoning District. The designated Uses for the SR-161 Overlay District are found in [Section 11.03 – Permitted Uses by Subarea](#).**
- b) Permitted Uses. A Use listed as permitted is allowed by a matter of right when designated as such in a Zoning District, provided said Use complies with all applicable Setbacks and development standards and is issued a Zoning Certificate from the Planning and Zoning Director. Such Uses are designated with a “P” in each Zoning District.
- c) Conditional Uses. A Use listed as conditional may be allowed when designated as such in a Zoning District, provided it complies with the criteria in [Section 22.07 – Procedure on Application for Conditional Use Permit](#) – and a Conditional Use Permit is issued by the Board of Zoning Appeals in accordance with said Section. Such Uses are designated as “C” in each Zoning District.
- d) Accessory Uses. A Use listed as accessory may be allowed when designated as such in a Zoning District, provided it is subordinate to the Permitted Use, complies with the requirements of [Section 15.02 – Accessory Uses and Structures](#), and is issued an Accessory Use Permit from the Planning and Zoning Director. Such Uses are designated with an “A” in each Zoning District.
- e) Development Standards. Each Zoning District has a set of development standards which each Use and Structure must comply with. These standards include, but are not limited to, Building Height, Lot Width, Lot Size, and Front, Rear, and Side Setbacks. In addition to the development standards in each Zoning District, all Uses must comply with any applicable “General Development Standards” listed in [Article XV – General Development Standards](#).

4.02 RESIDENTIAL USE TABLE

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses				
Use	Agricultural A-1	Rural Residential R-1	Clustered Conservation Residential Overlay CCR	Planned Residential Overlay PRO
Dwelling, One-Unit	C	P	P	P
Dwelling, Duplex			P	P
Dwelling, Triplex				P
Dwelling, Multi-Unit				P
Dwelling, Studio, One-, Two-, or Three-Bedroom Units				P
Accessory Dwelling Unit, Attached (Subject to Section 15.01)	C	C	C	C
Accessory Structure (Subject to Section 15.02)	A	A	A	A
Agriculture	Exempt from Zoning per ORC 303.21			
Agritourism (Subject to Section 15.03)	C	C	C	
Airports/Private Landing Strips	C			
Animal Service Facilities (Subject to Section 15.04)	C			
Animal Shelters (Subject to Section 15.15)	C			
Bed and Breakfast Facilities (Subject to Section 15.07)	C		C	
Borrow Pits (Subject to Section 15.09)	C			

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses				
Use	Agricultural A-1	Rural Residential R-1	Clustered Conservation Residential Overlay CCR	Planned Residential Overlay PRO
Campgrounds (Subject to Section 15.10)	C			
Cemeteries (Subject to Section 15.13)	C	C	C	C
Cemeteries, Private Family (Subject to Section 15.13)	C	C		
Community Recreation Facilities, Outdoor (Subject to Section 15.39)	C	C	P	P
Community Gardens (Subject to Section 15.16)	P	P	P	P
Community Services			P	P
Day-Care Home, Large-Family (Subject to Section 15.18)	C	C	C	C
Day-Care Home, Small-Family (Subject to Section 15.18)	A	A	A	A
Farm Market	C	C	C	
Home Occupation, Major (Subject to Section 15.25(d))	C	C	C	C
Home Occupation, Minor (Subject to Section 15.25(c))	A	A	A	A
Maker Space, Small	C			

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses				
Use	Agricultural A-1	Rural Residential R-1	Clustered Conservation Residential Overlay CCR	Planned Residential Overlay PRO
Manufactured Home, Permanently-Sited	P	P	P	P
Mining and Quarrying (Subject to Article XXIV)	C			
Model Home (Subject to Section 15.32)			C	C
Outdoor Service Facilities (Subject to Section 15.35)	C	C		
Park, Neighborhood	C	C	P	P
Park, Community or Regional	C	C	P	P
Permanent Supportive Housing (Subject to Section 15.41)			C	C
Places of Assembly, Large (Subject to Section 15.37)	C			
Places of Assembly, Small	C			
Portable Home Storage Units (Subject to Section 15.38)	A	A	A	A
Residential Facility, Small (Subject to Section 15.41)	P	P	P	P
Residential Treatment Facility (Subject to Section 15.41)				C

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses				
Use	Agricultural A-1	Rural Residential R-1	Clustered Conservation Residential Overlay CCR	Planned Residential Overlay PRO
Riding Stable (Subject to Section 15.15)	C			
School, Primary, Intermediate, or Middle (Subject to Section 15.43)	C	C	C	C
School, High or Technical (Subject to Section 15.43)	C	C	C	C
School, Post-Secondary (Subject to Section 15.43)	C	C	C	C
Short-Term Rentals (Subject to Section 15.44)	C	C	C	C
Solar Energy Systems	(Subject to Section 15.45)			
Telecommunication Tower, Attached	P	P	P	P
Telecommunication Tower, Free-Standing (Subject to Section 15.47)	C	C	C	C
Wind Energy Systems (Subject to Section 15.50)	C			

4.03 COMMERCIAL/INDUSTRIAL USE TABLE

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Dwelling, One-Unit	P		
Dwelling, Duplex	P		
Dwelling, Triplex	P		
Dwelling, Multi-Unit	P		
Dwelling, Studio, One-, Two-, or Three-Bedroom Units	P		
Accessory Dwelling Unit (Subject to Section 15.01)	C		
Accessory Structure (Subject to Section 15.02)	A	A	A
Adult Entertainment Facilities (Subject to Article XXV)			C
Advanced Manufacturing			C
Agriculture	Exempt from Zoning per ORC 303.21	Exempt from Zoning per ORC 303.21	
Animal Service Facilities (Subject to Section 15.04)		C	
Animal Shelter (Subject to Section 15.15)		C	
Assisted Living Facility (Subject to Section 15.34)	P	P	

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Automobile Oriented Uses (includes gas stations, car washes and quick lube facilities) (Subject to Section 15.05)		P	P
Automobile Repair (Subject to Section 15.05)		P	P
Bank, with Banking Window	C	P	
Bank, without Banking Window	P	P	
Battery Energy Storage Facility (Subject to Section 15.06)			C
Bed and Breakfast Facilities (Subject to Section 15.07)	C		
Beverage Sales, Alcoholic (Subject to Section 15.08)	C	C	
Beverage Sales, Microbrewery (Subject to Section 15.08)	C	C	
Biotechnology			P
Body Art Establishments	P	P	
Business, Retail Large (May include Drive-Thrus and/or Pick-Up Windows)		P	

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Business, Retail Medium (No Pick-Up Window, No Drive-Thrus)		P	
Business, Retail Medium (With Pick-Up Windows, No Drive-Thrus)		P	
Business, Retail Medium (With Pick-Up Windows and/or Drive-Thrus)		P	
Business, Retail Small (No Pick-Up Windows, No Drive-Thrus)	P	P	
Business, Retail Small (With Pick-Up Windows, No Drive-Thrus)	P	P	
Business, Retail Small (With Pick-Up Windows and/or Drive-Thrus)	C	P	
Business, Wholesale		P	
Cannabis Dispensary (Subject to Section 15.11)			C
Cemeteries (Subject to Section 15.13)	C		

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Community Recreation Facilities, Large (Subject to Section 15.39)		P	
Community Recreation Facilities, Outdoor (Subject to Section 15.39)	C	P	
Community Recreation Facilities, Small (Subject to Section 15.39)	P	P	
Community Gardens (Subject to Section 15.16)	P	P	
Community Services	P	P	P
Data Center (Subject to Section 15.17)			C
Day-Care Center (Subject to Section 15.18)	P	P	
Day-Care Home, Large-Family (Subject to Section 15.18)	C		
Day-Care Home, Small-Family (Subject to Section 15.18)	A		

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Emergency and Protective Shelter (Subject to Section 15.41)	C	C	
Farm Market	P	P	
Flex Office – Laboratory/ Research/ Development			P
Flex Office – Retail			P
Flex Office - Warehouse			P
Food Truck (Subject to Section 15.23)	C	C	C
Funeral Service Facilities (Subject to Section 15.24)	P	P	
Governmental Services	P	P	P
Home Occupation, Major (Subject to Section 15.25(d))	C		
Home Occupation, Minor (Subject to Section 15.25(c))	A		
Hospital (Subject to Section 15.26)		P	P
Hotel, Boutique	C	P	
Hotel (Subject to Section 15.27)		P	
Junkyards and Automobile Wrecking Yards (Subject to Section 15.28)			C

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Kennel, Commercial (Subject to Section 15.15)	P	P	
Laydown Yards (Subject to Section 15.30)			C
Life Care Retirement Center (Subject to Section 15.34)	P	P	
Logistics Center			P
Maker Space, Large		P	
Maker Space, Small	P	P	
Manufactured Home, Permanently-Sited	P		
Mixed Use Buildings	P		
Motel (Subject to Section 15.27)		P	
Nursing Home (Subject to Section 15.34)	P	P	
Offices, Administration, Business, Medical, or Professional, Large		P	
Offices, Administration, Business, Medical, or Professional, Small	P	P	
Off-Street Parking and Garages	P	P	

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
(Subject to Article XVII)			
Outdoor Service Facility (Subject to Section 15.35)	P	P	
Penal and Correctional Facilities (Subject to Section 15.36)			C
Park, Neighborhood	P	P	P
Park, Community or Regional	P	P	P
Permanent Supportive Housing (Subject to Section 15.41)	C	C	
Personal Services	P	P	
Pick-Up Window	P	P	
Places of Assembly, Large (Subject to Section 15.37)		P	
Places of Assembly, Small (Subject to Section 15.37)	P	P	
Portable Home Storage Units (Subject to Section 15.38)	A		
Plants for Mixing and/or Processing Concrete and/or Asphalt			P
Residential Facility, Large (Subject to Section 15.41)	C	C	

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Residential Facility, Small (Subject to Section 15.41)	P		
Residential Treatment Facility (Subject to Section 15.41)	C	C	
Restaurant (No Pick-Up Window, No Drive-Thru)	P	P	
Restaurant (With Pick-Up Window, No Drive-Thru)	P	P	
Restaurant (With Pick-Up Window and Drive-Thru)		P	
Sanitary Landfills (Subject to Section 15.42)			C
School, Primary, Intermediate, or Middle (Subject to Section 15.43)	C	C	
School, High or Technical (Subject to Section 15.43)	C	C	
School, Post-Secondary (Subject to Section 15.43)	C	C	
Self-Storage Facilities			P
Short-Term Rentals (Subject to Section 15.44)	C		

Key: P = Permitted Uses; C = Conditional Uses; A = Accessory Uses			
Use	Planned Mixed-Use Overlay PMU	Planned Business Overlay PBO	Planned Flex Employment Overlay PFE
Solar Energy Systems	(Subject to Section 15.45)	(Subject to Section 15.45)	
Telecommunication Tower, Attached	P	P	P
Telecommunication Tower, Free-Standing (Subject to Section 15.47)	C	C	C
Vehicle Charging Stations (Subject to Section 17.07)	A	A	A
Vehicular Sales, Equipment			P
Vehicular Sales, Motorcycles			P
Vehicular Sales, New and Used Cars			P
Vehicular Sales, Recreational Vehicles			P
Waste and Wastewater Facilities			P
Wind Energy Systems (Subject to Section 15.50)		C	C

ARTICLE V
Agricultural District (A-1)

5.01 Agricultural District (A-1)

5.02 Rural Residential District (R-1)

5.01 AGRICULTURAL DISTRICT (A-1)

a) Intent

- The A-1 District is established to secure the continued agricultural activity in Madison County.
- To protect streamside and groundwater quality and other natural resources of lands most suitable for farming.
- To protect open space and rural vistas.

b) Target Areas (Examples of A-1 District Uses)



c) **Permitted, Conditional, and Accessory Uses**

See, [Section 4.02 – Residential Use Table](#).

d) **Lot Area, Setback, Building Height, and Lot Coverage Requirements**

Development Standards	Agricultural (A-1)
Minimum Lot Size (Acres)	20
Maximum Density (Utilize Net Acres)	1 Dwelling Unit per Parcel, Tract, or Lot
Maximum Dwelling Units per Residential Lot	1
Maximum Depth-to-Width Ratio	See, Section 3.07 if Conditional Use Lot Split is less than 20 acres
Minimum Frontage (Feet)	60 for 20 acres or greater See, Section 3.07 regarding Conditional Use Lot Splits
Minimum Front Setback (Feet)	100 (Highways, Major Arterials) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	30
Minimum Rear Setback (Feet)	40
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	25

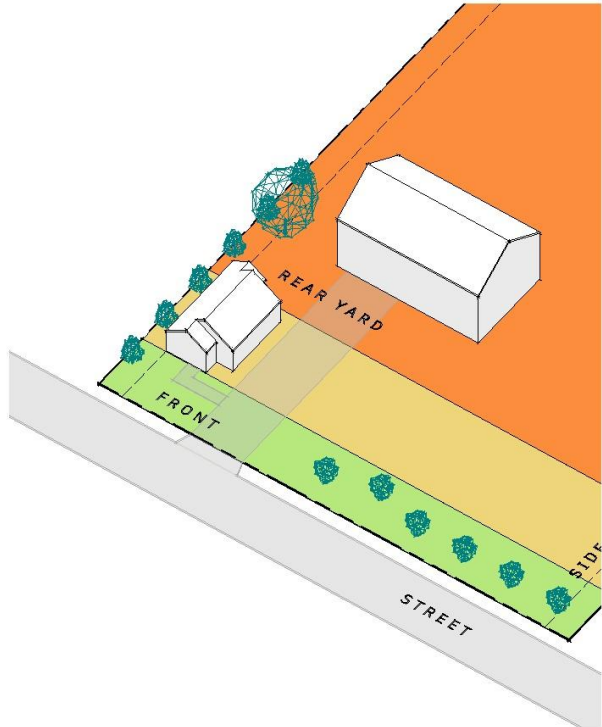
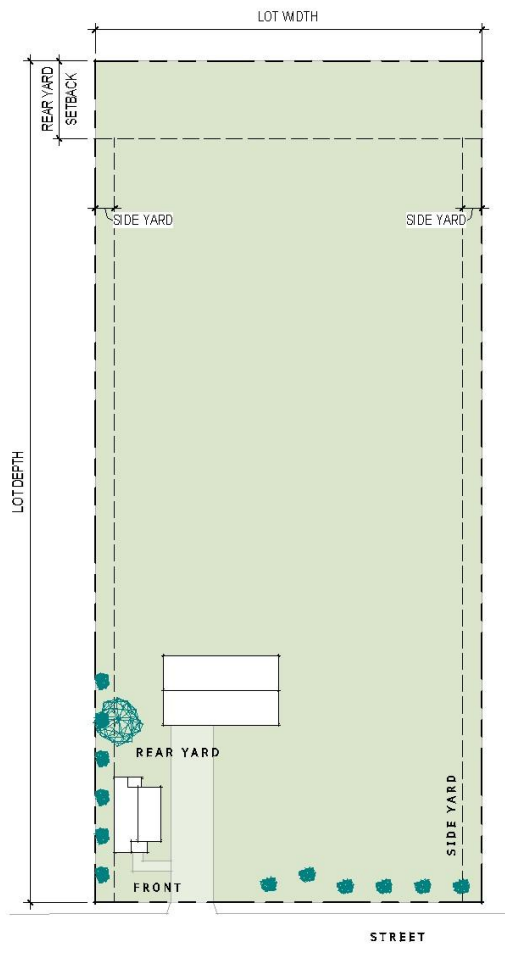
Projection into required Setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required Setback up to two (2) feet.

Exemptions from required Side and Rear Setbacks

Swimming pools and any permanent and anchored Accessory Structure over two hundred (200) square feet shall comply with all Setbacks. Tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or Agricultural Kennel; and similar Structures customary and ancillary to the primary residential use of the property may be placed in a required minimum Side or Rear Setback, but in no case shall such uses be closer than fifteen (15) feet from a Rear Lot Line.

e) **Example Lot Layout and Rendering**



f) **General Development References**

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 15.02	Swimming Pools and permanent Accessory Structures larger than 200 square feet may not encroach into any Setback. Other Accessory Structures may encroach the Rear Setback no closer than fifteen (15) feet from the Rear Lot Line. Accessory Structures shall also comply with all other requirements in Section 5.01(d) .
Conditional Residential Use	Y	Section 3.07	Conditional approval for the establishment of a maximum of two (2) possible new buildable Lots less than the Minimum Lot Size established in Section 5.01(d) but not less than 1.5 acres.
Fences	Y	Section 15.21	Fences and Walls, may be placed within the required minimum Setback provided they comply with Section 5.01(d) .
Floodplain	Y	Flood Damage Prevention Regulations for Madison County, Ohio; Article XIII	In the scenario that the Lot is located within the Floodplain as designated by the County, the Owner should consult with and follow the procedures listed within the Flood Damage Prevention Regulations for Madison County, Ohio. If the Lot is within the Darby Creek Watershed, then the requirements of Article XIII apply.
Landscaping/ Buffering	Y	N/A	Plant material and berms may be placed within any required minimum Setback provided they do not constitute a nuisance as defined by the County by separate Resolution.
Parking	Y	Article XVII	Parking must be provided in accordance with Section 5.01(d) .
Signs	Y	Article XVIII	Signs, provided they comply with Article XVIII - Signs , may be located within a Front Setback.

5.02 RURAL RESIDENTIAL DISTRICT (R-1)

a) Intent

- The Rural Residential District (R-1) is intended to reserve land at outlying locations in the County for One-Unit Dwellings on Lots, particularly where public sewer and water systems are not available.
- To protect streamside and groundwater quality and other natural resources of lands most suitable for farming.
- To protect open space and rural vistas.

b) Target Areas (Examples of R-1 District Uses)



c) **Permitted, Conditional, and Accessory Uses**

See, [Section 4.02 – Residential Use Table](#).

d) **Lot Area, Setback, Building Height, and Lot Coverage Requirements**

Development Standards	Rural Residential (R-1)
Minimum Lot Size (Acres)	1.5
Maximum Density (Utilize Net Acres)	1 Dwelling Unit per Parcel, Tract, or Lot
Maximum Dwelling Units per Residential Lot	1
Maximum Depth-to-Width Ratio	1.5 acres but less than 5 acres: 3:1 Over 5 acres: 4:1
Minimum Frontage (Feet)	Less than 5 acres: 200 5 acres but less than 10 acres: 270 Over 10 acres: 330
Minimum Front Setback (Feet)	100 (Highways, Major Arterials) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	30
Minimum Rear Setback (Feet)	40
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	25

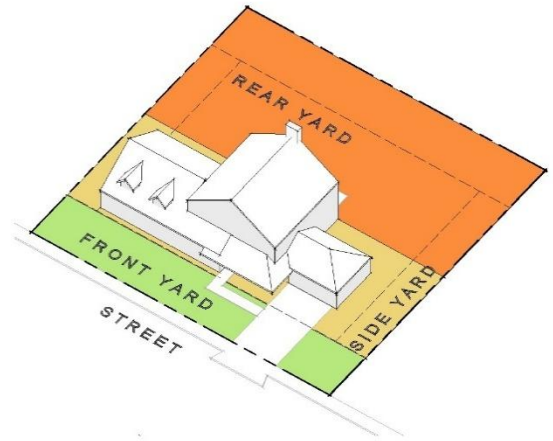
Projection into required Setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required Setback up to two (2) feet.

Exemptions from required Side and Rear Setbacks

Swimming pools and any permanent and anchored Accessory Structure over two hundred (200) square feet shall comply with all Setbacks. Tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or Agricultural Kennel; and similar Structures customary and ancillary to the primary residential use of the property may be placed in a required minimum Side or Rear Setback, but in no case shall such uses be closer than fifteen (15) feet from a Rear Lot Line.

e) **Example Lot Layout and Rendering**



f) **General Development References**

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 15.02	Swimming Pools and permanent Accessory Structures larger than 200 square feet may not encroach into any Setback. Other Accessory Structures may encroach the Rear Setback no closer than fifteen (15) feet from the Rear Lot Line. Accessory Structures shall also comply with all other requirements in Section 5.02(d) .
Fences	Y	Section 15.21	Fences may be placed within the required minimum Setback provided they comply with Section 5.02(d) .
Floodplain	Y	Flood Damage Prevention Regulations for Madison County, Ohio; Article XIII	In the scenario that the Lot is located within the Floodplain as designated by the County, the Owner should consult with and follow the procedures listed within the Flood Damage Prevention Regulations for Madison County, Ohio. If the Lot is within the Darby Creek Watershed, then the requirements of Article XIII apply.
Landscaping/Buffering	Y	N/A	Plant material and berms may be placed within any required minimum Setback provided they do not constitute a nuisance as defined by the County by separate Resolution.
Parking	Y	Article XVII	Parking must be provided in accordance with Section 5.02(d) .
Signs	Y	Article XVIII	Signs, provided they comply with Article XVIII – Signs , may be located within a Front Setback.

ARTICLE VI
Clustered Conservation Residential
Overlay District (CCR)

6.01 Purpose	6.05 Procedure
6.02 Overlay Area and Target	6.06 Development Plan Standards
Renderings	6.07 Ownership and Maintenance of
6.03 Effect of CCR Designation	Common Open Space
6.04 Permitted, Conditional, and	
Prohibited Uses	

6.01 PURPOSE

The Clustered Conservation Residential Overlay District (CCR) is created pursuant to Section 303.022 of the Ohio Revised Code (Establishing or Modifying Planned-Unit Developments) to promote the general public welfare; encourage the efficient use of land and resources; promote greater efficiency in providing public and utility services; and encourage innovation in the planning and building of all types of development. The CCR achieves this purpose by allowing the development of clustered conservation housing that:

- a) Permanently preserve and integrate Open Space within Residential Uses;
- b) Offer landowners alternatives to the commonplace Tract developments found in central Ohio;
- c) Establish a less sprawling, more efficient use of land, streets, and utilities;
- d) Reduce impacts on natural resources such as woodlands and streams;
- e) Protect and conserve farmland, historical and cultural features, and minimize topographical changes;
- f) Create usable and accessible Open Spaces, recreational areas, gathering places, and green corridors for wildlife, walking trails, and/or bike paths;
- g) Encourage creativity and environmental responsibility in design through a controlled process of review and approval of the development plan and related documents;
- h) Enable an extensive review of design characteristics to ensure that projects are properly integrated into the surroundings and are compatible with adjacent development;

- i) Encourage unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard Zoning District yet are consistent with applicable public plans for the area; and
- j) Benefit existing watersheds and floodplains by minimizing the need for costly engineering solutions to protect Structures and reduce property damage through the preservation of natural characteristics and incorporating low impact design/infiltration best management practices.

6.02 OVERLAY AREA AND TARGET RENDERINGS

- a) The CCR is created pursuant to Section 303.022 of the Ohio Revised Code and encompasses, includes, and overlays all land bounded by the lands as described in the County's Comprehensive Plan and Future Land Use Map.
- b) Target Renderings Examples:



6.03 EFFECT OF CCR DESIGNATION

- a) As of the effective date of this Resolution, all land bounded by the CCR is eligible for zoning.
- b) The existing Zoning District and associated regulations currently in place shall continue to apply to all property within the CCR unless the County Zoning Commission approves an application by an owner of property within the CCR boundaries to subject the owner's property to the regulations of this Article.
- c) Such an application shall be made in accordance with the regulations of [Article XIV – Approval Procedures for Overlay Districts](#) – and shall include a development plan in compliance with the regulations of this Article.
- d) Upon receiving such an application, the County Zoning Commission shall determine whether the application and development plan comply with the regulations of this Article and make a recommendation to the County Commissioners.
- e) If the County Zoning Commission determines that the application and development plan do not comply with the regulations of this Article, the County Zoning Commission shall recommend denial of the application. If the County Zoning Commission determines that the application and development plan comply with the regulations of this Article, the Zoning Commission shall recommend approval of the application.
- f) If the County Commissioners determines that the application and development plan do not comply with the regulations of this Article, the County Commissioners shall deny the application. If the County Commissioners determine that the application and development plan comply with the regulations of this Article, it shall approve the application and cause the Zoning Map to be changed so the underlying Zoning District no longer applies to such property with the property being thenceforth located in the CCR and subject to the regulations of this Article. The approval of the application and development plan and the removal of the prior Zoning District from the Zoning Map is an administrative, ministerial act and shall not be considered an Amendment to this Resolution. This determination shall not be considered an Amendment to this Resolution for purposes of Section 519.12 of the Ohio Revised Code but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

6.04 PERMITTED, CONDITIONAL, AND PROHIBITED USES

- a) Permitted Uses. For Permitted Uses, see [Section 4.02 – Residential Use Table](#).
 - 1) Open Space. Fifty (50) percent of the Gross Tract Acreage shall be reserved for Open Space as required in [Section 6.06\(b\) – Open Space](#). Whether the Open

Space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved development plan. Limited agricultural Uses may be approved as Open Space in the Development Plan.

- b) Conditional Uses. Uses labeled as “C” in [Section 4.02 – Residential Use Table](#) – under the CCR designation are designated as such to provide additional development guidance during and/or after the application process.
- c) Accessory Buildings and Structures. Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 4.02 – Residential Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.
- d) Prohibited Uses.
 - 1) Uses not specifically authorized by the express terms of this Resolution are prohibited;
 - 2) The outdoor storage of inoperable, unlicensed, or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) consecutive days is prohibited, except for necessary construction equipment that is in working order;
 - 3) No trailer of any type; no boats; no motor homes; and no equipment of any type shall be parked in the Front Yard on any Lot within the CCR;
 - 4) Except as specifically permitted, no mobile home or mobile office Structure shall be placed or occupied in the CCR;
 - 5) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any Lot or Parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public, as determined by the County Commissioners. The County Commissioners shall also retain any and all statutory authority that may be afforded regarding nuisances, including, but not limited to, the authorities provided in Section 303.37(J) of the Ohio Revised Code.
 - 6) No outside storage of any kind shall be permitted. All Permitted Uses shall be conducted completely within an enclosed Building.

6.05 PROCEDURE

See, [Article XIV – Approval Procedures for Overlay Districts](#).

6.06 CCR DEVELOPMENT PLAN STANDARDS

- a) Minimum Gross Tract size for a CCR Subdivision – Twenty-Five (25) acres.
- b) Open Space – At least fifty (50) percent of the Gross Tract Acreage shall be designated as permanent Open Space, not to be further developed. Open Space locations shall be identified on the development plan and shall be subject to the approval of the Zoning Commission. Open Space shall be owned, administered, and maintained as identified on the development plan pursuant to [Section 6.07 – Ownership and Maintenance of Common Open Space](#). With prior consent through resolution of the County Commissioners, land may be transferred to the County Parks District for public purposes if approved as part of the Development Plan. Uses of land transferred to the County for public purposes must be approved as a part of the Development Plan and may include but are not limited to passive and active recreation areas. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the County Zoning Commission. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan.
 - 1) In calculating Open Space, the areas of fee simple lots conveyed to homeowners shall not be included.
 - 2) Primary conservation areas, stormwater management detention/retention ponds, and constructed wetlands acting as detention basins may count in their combined aggregate for up to fifty (50) percent of the required Open Space under the condition that the Development Plan integrates trail recreation into these aforementioned areas.
 - 3) Any area of natural Open Space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Development Plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan.
 - 4) Open space must be clustered to achieve the purpose of creating large open tracts. Consideration must be taken for surrounding developments to ensure that the open space for neighboring developments is located connecting or close to the open space for the new development in the CCR.
- c) Site Design Process.
 - 1) Delineate primary conservation areas to be preserved as natural Open Space.
 - 2) Delineate secondary conservation areas to be preserved as improved or natural Open Space.
 - 3) Utilize available Low-Impact Design principles to retain the pre-development hydrology of the site.

- 4) Draw house footprints and Lot Lines outside the conservation areas based upon the permitted density calculations based on Section 6.06(d) – Determining the Number of Dwelling Units Permitted, below.
- 5) Site Design Standards:
 - i) To reduce visual impact, locate dwellings along the edges rather than in the center of an open field if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.
 - ii) Front Dwellings on internal Roads, not on external Roads.
 - iii) Retain or restore native vegetation buffers adjacent to wetlands and surface waters.
 - iv) Preserve existing hedge and tree lines to extent practicable.
 - v) Preserve scenic views and vistas.
 - vi) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
 - vii) Preserve historic or archaeological sites (e.g., earthworks, burial grounds, etc.)
 - viii) Landscape or retain vegetation in common areas with native trees and shrubs.
 - ix) Place shade trees in a variety of at least five (5) species along internal roads at forty (40) foot intervals on at least one side of the road.
 - x) Provide active recreational areas in suitable locations. Suitable land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, shall be relatively level and dry and shall have adequate road access for the particular purposes envisioned by the County Planning Commission. To determine suitability, the County Planning Commission shall review the proposed site's topography, major physical characteristics, location with respect to the residents to be served, connections to existing or potential open space on adjoining parcels and other factors deemed relevant to the County Planning Commission.
 - xi) Include a viable pedestrian circulation system, meaning a minimum of a five (5) foot wide bike and walking path throughout the development. Provide for connection to surrounding neighborhoods (existing and potential).
 - xii) Protect natural drainage swales and creeks. No construction of Buildings or Structures are allowed (including stormwater retention/detention Structures) inside the 100-year floodplain. In addition, no residential Structures are permitted within 100 feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer. This Setback shall be increased to 200 feet if the riparian area is navigable.
 - xiii) Provide permanent Open Space.

d) Determining the Number of Dwelling Units Permitted.

- 1) The permitted density is noted in Table 6.06(d)(1), below. For purposes of this Article, "Gross Developable Acreage" shall be defined as all the acreage in the proposed development, including features such as wetlands and steep slopes, to be considered as Open Space.

Table 6.06(d)(1)

Maximum Dwelling Units Per Gross Developable Acre
2

- 2) The overall average gross density of all types of Dwelling Units within a Tract shall not exceed an average of two (2) Dwelling Units per gross acre. Once this overall average gross density is achieved in each Tract, no additional Dwelling Units shall be permitted in said Tract.
- e) Sewage Disposal. A feasibility letter shall be provided by the Madison County Health Department indicating the on-site sewer service is available with the capacity needed.
- f) Perimeter Setback. No Building shall be constructed within fifty (50) feet of the external boundary of the conservation subdivision, except, however, no Building shall be located within two hundred (200) feet of the proposed Centerline of the Street for an existing County or Township Roadway or the proposed State Road Right-of-Way.
- g) Stormwater. Features shall be designed to manage stormwater retention and prevent erosion, flooding or standing water within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas and prevent any upstream or downstream impacts. No water shall be allowed to be released above and beyond what was released pre-development. Regional detention ponds and wetlands shall be utilized with soft edges in order to integrate the stormwater feature into the natural landscape and effectively manage stormwater without the excessive use of multiple ponds. Developments must include a stormwater management plan that meets the Madison County Stormwater Design Standards. Prioritization should be given to Low-Impact Development (LID) techniques such as rain gardens, bioswales, and permeable paving.
- h) Subdivision Standards. Public streets and all drainage improvements shall conform to the subdivision standards for Madison County, Ohio or as otherwise approved per the Development Plan.

- i) Pavement Standards for Private Drives. All private drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Madison County Engineer's Design, Construction, and Surveying Standards Manual or shall have a design life of twenty (20) years.
- j) Pavement Standards for Parking Lots. Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road. These paved surfaces shall be designed with permeable materials to encourage infiltration.
- k) Paths. A minimum of five (5) foot wide walking or ten (10) foot wide bike path is required for development within the CCR. Paths shall be constructed as to meander through the development, in line with the rural character and feel of the area and to connect existing and potential residential areas and Open Spaces. The County may also require paved or unpaved walkways to connect residential areas and Open Spaces. These paved surfaces shall be designed with permeable materials to encourage infiltration.
- l) Street Trees. Native deciduous, broad leaf street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every forty (40) lineal feet along at least one side of the street(s). At least five (5) species should be utilized to strengthen the development's biodiversity.

m) Lot Area, Setback, Building Height, and Lot Coverage Requirements.

Table 6.06(m)

	Single-Family Dwellings with On-Site Water and Sewer	Single-Family Dwellings with Central Water and Sewer
Minimum Tract Size (Acres)	25	25
Minimum Tract Setback from Existing Local Road Centerline (Feet)	200	200
Minimum Lot Size (Acres)	As Determined by Health Department	1.5
Minimum Building Front Setback from new Local Road Centerline (Feet)	80	80
Minimum Side Setback (Feet)	30	30
Minimum Rear Setback (Feet)	25	25
Minimum Lot Width (Feet)	60	60
Maximum Building Height (Feet)*	35	35
Maximum Lot Coverage	35	35
Minimum Distance Between Buildings on Same Lot	N/A	N/A

* Building Height is measured at the highest point of the roof from the established Building pad grade as shown on the approved grading plan for the development.

** Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot Side Lot Line for One-Unit Detached Dwellings on fee simple ownership lots

- n) Minimum Dwelling Unit Floor Area. No Dwelling Unit shall be constructed in the CCR unless the same shall have at least the minimum square feet of living area, exclusive of basements, porches, breezeways, utility areas, and garages as set forth in the following schedule of dwelling types:
 - 1) One-Story – One thousand and five hundred (1,500) square feet of living area above grade.
 - 2) One and One Half (1 ½) or Two-Story – Two Thousand (2,000) square feet of living area above grade.
 - 3) All Dwellings shall include a garage (attached or unattached) of a minimum of four hundred eighty (480) square feet complete with operating doors; this area is not to be included in the living area of the Dwelling.

- o) Building Design. The intent of the building design requirements are to create a rural design theme that is representative of traditional rural architectural design by focusing on materials and colors that transcend design fads while simultaneously allowing for a unique design approach for individual projects through the review and guidance from the Zoning Commission. Buildings and Structures shall be designed to enhance both areas within and surrounding the development, giving due regard to building footprints, building orientation, massing, roof shape, pitch, and exterior materials. The following material and design element requirements have been established to achieve the “Rural Design” theme.
 - 1) Building Materials and Design Elements: Buildings for all uses shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and accessory Structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing principal Structure. Additionally, the following standards shall apply to the specific uses in this Section.
 - 2) For all Buildings in the CCR, the following design requirements apply:
 - i) Building Materials. All exterior elevations shall be comprised of wood, fiber cement, board and batten, brick, or native or cultured stone. Foundations must be clad with the same natural material utilized on the Building to blend with the overall architecture of the Structure. If brick or stone are utilized on the Building, the same brick or stone must be used for the foundation. Exposed cement block or split face block foundations shall be prohibited. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters and shall be made to visually appear as a natural material. The use of frosted, black, gold, green, silver, opaque or any other reflective or colored glass on a Building is prohibited.

- ii) Building Colors. Building colors shall consist of colors and tones as agreed upon in the Development Plan that characterize a general rural aesthetic.
 - iii) Roofing. Flat roofs are prohibited; the roof shall have a minimum of 6:12 pitch for the main roof. Pitched roofs must be constructed of dimensional shingles, standing seam metal, slate or simulated slate and are limited to hip, gable, gambrel, or mansard roof types. Other roof types may be approved where appropriate as determined by the County Zoning Commission and County Commissioners with Development Plan approval.
- p) Street Lighting. If provided, a lighting plan shall be submitted with and approved as a part of the Development Plan. Poles shall be placed a minimum of five (5) feet from the edge of any driveway or intersection roadway. Poles shall be prohibited within any island within a Public Road. The horizontal illumination shall be measured at the roadway and sidewalk surfaces and be provided in foot-candles (fc). Streetlights located along an internal subdivision road (local road) shall not exceed 0.3 fc. All lighting shall be directed toward the ground and the interior of the parcel and shall be full cut-off lighting. Uplighting shall be prohibited. Light fixture height shall not exceed twelve (12) feet in height as measured from the established grade to the highest point of the light fixture.
- q) Landscaping. All yards, front, side and rear, shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within Front Setback shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan.
- 1) All proposed landscaping material shall align with the established Rural Design theme utilizing native plantings and grasses;
 - 2) Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, Fence, wall, or earth mound within four years after installation;
 - 3) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen;
 - 4) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months;
 - 5) Existing tree lines must be preserved, and a two hundred (200) foot woodland buffer must be established from the proposed Right-of-Way of an existing

State Road or the proposed centerline of any County or Local Roads to any new development;

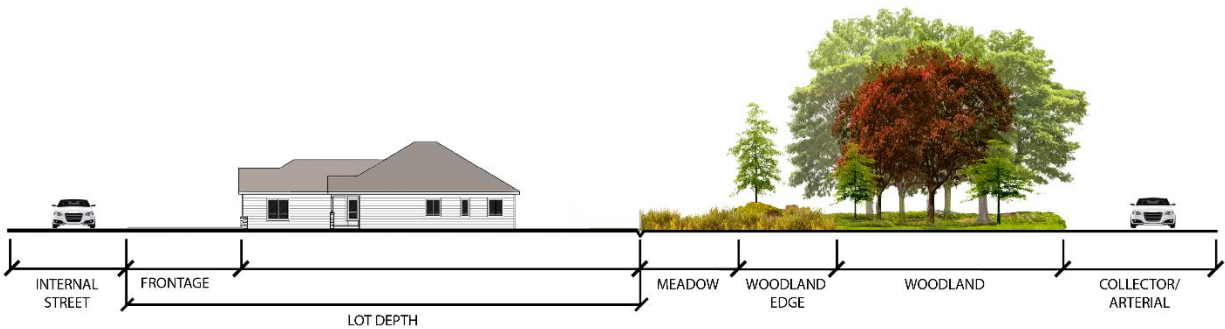
- i) This two hundred (200) foot buffer shall consist of a minimum of forty (40) feet in width of native vegetation and trees and shall mimic the natural condition of a forest edge for the purpose of greatly reducing noise pollution and visual impacts of the development from any state, county or township roadway.
- ii) Figure 6.06(q), below, shows the ideal woodland buffer where grasses, sedges and perennials give way to woody shrubs, before finally transitioning to small flowering trees and young canopy trees.
- iii) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

TABLE 6.06(q)(1)

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliber
Coniferous/Evergreen	5 feet in height
Shrubs and Hedges	3 feet in height
*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.	

TABLE 6.06(q)(2)

CCR Overlay Buffer			
	Min. # of trees per 100 lineal feet of adjoining lot lines must include the following:		
Minimum Buffer Width (Feet)	# of Large Trees	# of Small Trees	# of Shrubs
40	4	10	33

FIGURE 6.06(q)WOODLAND BUFFER

- iv) Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary. Long-term self-maintaining natural plant communities can be used as low maintenance ground covers for earth berms. Berms shall be constructed with a three to one (3:1) slope.
- 6) Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material meets the requirements and achieves the objectives of these Design Standards;
- 7) An entryway feature may also be used, as approved in the Development Plan, as a portion of the required buffer. The entryway feature must be in line with rural design characteristics and should be predominantly made of natural materials, such as wood, stone, or brick; and
- 8) Landscaping at Driveway and Street Intersections. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections:
 - i) Driveway Intersection Triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and ten (10) feet along the driveway to a point

- and a distance of twenty (20) feet along the street curb to a point connecting these points; and
- ii) **Street Intersection Sight Triangle:** At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.

- r) **Parking.** Off-street parking shall be provided. Construction traffic may park in the street, but only on one side to allow for safe access by emergency equipment. Off-street parking shall comply with the following regulations in Table 6.06(r), below:

Table 6.06(r)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	PARKING LOCATION
Single-Family Residential	2 off-street spaces per dwelling unit	• Driveways may encroach into the required Front Setback. • Vehicles may be parked in a driveway between the front façade of the Dwelling and the Public Street.
Multi-Family Residential and Non-Residential Uses	To optimize land use and improve efficiency in mixed use developments, a shared parking study is required to determine the appropriate number of parking spaces. This study shall analyze the peak usage times of different land uses – such as residential, retail, office and entertainment – to identify opportunities for shared parking rather than requiring separate spaces for each use. This study shall consider on-street parking, bicycle parking, spaces for electrical vehicle charging stations and parking lots and/or Structures that are available for all uses within the proposed development plan. By accounting for staggered demand patterns, a shared parking study can help reduce excessive parking requirements, promote walkability, and support sustainable design while ensuring parking availability for residents, employees and visitors. This study shall	• Off-street parking is prohibited between the front Building façade and the Public Street • Any parking visible from the public Right-of-Way shall be screened pursuant to Section 6.06(q) – Landscaping.

Table 6.06(r)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	PARKING LOCATION
	recommend the number of spaces required within the Development Plan and shall be approved by the County Commissioners.	

s) Signs. All Signs shall be in accordance with the following regulations or as approved per the development plan:

- 1) Signs shall be designed as to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, or barn red. Signs colors and materials shall match that of the primary Building.
- 2) Temporary Signs: The following Temporary Sign regulations apply to all uses:
 - i) Temporary Signs shall be prohibited within the Right-of-Way;
 - ii) Two (2) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height;
 - iii) One (1) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:

- A) Exceed eight (8) feet in height;
- B) Exceed thirty-two (32) square feet in area (per Sign face); and
- C) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Planning and Zoning



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Director may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the County Commissioners. On parcels that are greater than five (5) acres, such signs may be displayed for up to 180 days. Upon the expiration of this permit,

the Planning and Zoning Director may grant one (1) extension up to an additional 180 days. No other extensions may be administratively approved and must be approved by the County Commissioners. In no case, shall such signs be erected for more than 365 days.

- iv) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location; and
 - v) The majority of the Temporary Sign must be constructed with wood.
- 3) Residential Subdivision Identification Sign:
- i) Such identification shall be limited to wall or ground mounted signs or graphics only, for example, with placement on a brick wall, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logo of the subdivision. Manual changeable copy signs are to be mounted on the rear of an entrance feature. Maximum area for residential manual changeable copy signs is four (4) square feet;
 - ii) Such identification signs shall be made of at least eighty percent (80%) natural materials including wood, brick, or stone;
 - iii) Such identification features may not be located in the public right-of-way;
 - iv) The maximum area for such identification is twenty (20) square feet at any one entry location. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development;
 - v) Any Residential Subdivision Identification Sign shall not be placed closer than ten (10) feet from the Right-of-Way; and
 - vi) The maximum height for each sign is six (6) feet above grade.
- t) Utilities. All utilities in the CCR Subdivision shall be buried underground.
- u) Access and Connectivity. Pedestrian and multi-use pathways shall be required to connect to adjacent tracts zoned CCR. Open Spaces shall be designed to connect with adjacent Open Spaces on connecting tracts that require Open Spaces. The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. The County Commissioners may rely upon recommendations from the Consulting Engineer to determine that the proposed method for providing connectivity is the most suitable in each particular development.

- v) Supplemental Conditions and Safeguards. If the Zoning Commission determines that additional measures are needed to buffer existing land uses, they may require such as part of the Development Plan approval.
- w) Divergences. The County Commissioners, as a part of a Development Plan approval process outlined [Article XIV – Approval Procedure for Overlay Districts](#), may grant divergences from any standard or requirement in this Article with the exception of the density of dwelling units per acre, permitted uses, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan.”

6.07 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE

- a) Different ownership and management options may apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in this section below. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the County to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the County. Funding generated through a New Community Authority (NCA) may be used to manage the required open space.
 - 1) Offer of Dedication. The County shall have the right of first refusal for common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The County may, but is not required to, accept common open space provided:
 - i) Such land is accessible to all the residents of the County;
 - ii) There is no cost of acquisition other than incidental costs related to the transfer of ownership;
 - iii) The County agrees to maintain such lands; and
 - iv) Where the County accepts dedication of common open space that contains improvements, the County may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
 - 2) Homeowners Association. The common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following regulations:
 - i. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.

- ii. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
- iii. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- iv. The association shall be responsible for payment of insurance and taxes on the common open space. The association may establish rules to ensure proper maintenance of common open space, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
- v. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such common open space. Shares shall be defined within the association bylaws
- vi. In the event of transfer, within the methods herein permitted, of common open space by the homeowners' association, or the assumption of maintenance of common open space by the County, notice of such pending action shall be given by the homeowners' association to all property owners within the development.
- vii. The homeowners' association shall provide for adequate staff to administer common facilities and property and continually maintain the common open space.
- viii. The homeowners' association may lease common open space to any qualified person or corporation, for operation and maintenance of common open space, but such lease agreement shall provide:
 - A. That the residents of the development shall at all times have access to the common open space contained therein (except croplands during the growing season);
 - B. That the common open space shall be maintained for purposes set forth in the approved Development Plan; and
 - C. That the operation of common open space may be for the benefit of the residents only or may be open to all residents of the County, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the County, all residents of the County shall have access to such identified paths/walkways.
- ix. The lease shall be subject to the approval of the homeowners' association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be

recorded with the Madison County Recorder's office and notification shall be provided to the County Commissioners within thirty (30) days of action by the board.

- b) Dedication of Easements. The County may, but shall not be required to accept easements for public use of any portion or portions of common open space, title of which is to remain in ownership by condominium or homeowners' associations, provided:
 - 1) Such land is accessible to County residents;
 - 2) There is no cost of acquisition other than incidental transfer of ownership costs; and
 - 3) A satisfactory maintenance agreement is reached between the developer, association, and the County.

- c) Transfer of Easements to a Private Conservation Organization. With the permission of the County, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
 - 1) The organization is acceptable to the County, and is a bona fide conservation organization with perpetual existence;
 - 2) The conveyance contains whatever provisions are agreed to between the County Commissioners, the owner and the organization.

- d) As part of the zoning approval process with the approval of the County, common open space may be owned by a third party if protected by either:
 - 1) An open space easement which permanently and irrevocably transfers the development rights for the common open space to a homeowners or condominium association, the County or a private conservation organization; or
 - 2) An unmodifiable deed restrictions that permanently restrict the use of the common open space to those uses identified in the approved Development Plan. Common open space to be transferred to a third party other than a homeowners' association, condominium association or the County shall also be located in a reserve with an open space notation on a recorded final plat.
 - 3) An easement or deed restriction must be recorded and expressly grant the County access to the Open Space for zoning compliance, inspection, and enforcement purposes.

e) Maintenance of Common Open Space.

- 1) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowners' association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
- 2) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the County Commissioners may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the County Commissioners may modify the terms of the original notice, add to the deficiencies, and may give an extension of time within which they shall be cured.
- 3) If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the County Commissioners may pursue the enforcement as a zoning violation.

ARTICLE VII
Planned Residential Overlay District (PRO)

7.01	Purpose and Overlay Established	7.04	Permitted, Conditional, and
7.02	Overlay Area and Target		Prohibited Uses
	Renderings	7.05	Procedure
7.03	Effect of PRO Designation	7.06	Development Plan Standards

7.01 PURPOSE AND OVERLAY ESTABLISHED

The Planned Residential Overlay District (PRO) is created pursuant to Section 303.022 of the Ohio Revised Code (Establishing or Modifying Planned-Unit Developments) to promote the general public welfare; encourage the efficient use of land and resources; promote greater efficiency in providing public and utility services; and encourage innovation in the planning and building of all types of development. The PRO achieves this purpose through the following:

- By taking into account unique natural features, contemporary land use concepts, and a balanced residential environment;
- By promoting the variety and flexibility of land development for residential purposes that are necessary to meet economic and demographic demands while preserving the integrity of surrounding lands.

7.02 OVERLAY AREA AND TARGET RENDERINGS

- a) The PRO is created pursuant to Section 303.022 of the Ohio Revised Code and encompasses, includes, and overlays all land bounded by the lands as described in the County's Comprehensive Plan and Future Land Use Map.

b) Target Examples:



7.03 EFFECT OF PRO DESIGNATION

- a) As of the effective date of this Resolution, all land bounded by the PRO is eligible for zoning.
- b) The existing Zoning District and associated regulations currently in place shall continue to apply to all property within the PRO unless the County Zoning Commission approves an application by an owner of property within the PRO boundaries to subject the owner's property to the regulations of this Article.
- c) Such an application shall be made in accordance with the regulations of [Article XIV – Approval Procedures for Overlay Districts](#) – and shall include a development plan in compliance with the regulations of this Article.
- d) Upon receiving such an application, the County Zoning Commission shall determine whether the application and development plan comply with the regulations of this Article and make a recommendation to the County Commissioners.
- e) If the County Zoning Commission determines that the application and development plan do not comply with the regulations of this Article, the County Zoning Commission shall recommend denial of the application. If the County Zoning

Commission determines that the application and development plan comply with the regulations of this Article, the Zoning Commission shall recommend approval of the application.

- f) If the County Commissioners determines that the application and development plan do not comply with the regulations of this Article, the County Commissioners shall deny the application. If the County Commissioners determine that the application and development plan comply with the regulations of this Article, it shall approve the application and cause the Zoning Map to be changed so the underlying Zoning District no longer applies to such property with the property being thenceforth located in the CCR and subject to the regulations of this Article. The approval of the application and development plan and the removal of the prior Zoning District from the Zoning Map is an administrative, ministerial act and shall not be considered an Amendment to this Resolution. This determination shall not be considered an Amendment to this Resolution for purposes of Section 519.12 of the Ohio Revised Code but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

7.04 PERMITTED, CONDITIONAL, AND PROHIBITED USES

- a) Permitted Uses. See, [Section 4.02 – Residential Use Table](#).
- 1) Open Space. Twenty (20) percent of the Gross Tract Acreage shall be reserved for open space as required in [Section 6.07 - Ownership and Maintenance of Open Space](#). Whether the open space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved development plan.
 - 2) Conditional Uses. Uses labeled as “C” in [Section 4.02 – Residential Use Table](#) – under the CCR designation are designated as such to provide additional development guidance during and/or after the application process.
- b) Accessory Buildings and Structures. Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 4.02 – Residential Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.
- c) Prohibited Uses.
- 1) Uses not specifically authorized by the express terms of this Resolution are prohibited;
 - 2) The outdoor storage of inoperable, unlicensed, or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) consecutive days is prohibited, except for necessary construction equipment that is in working order;

- 3) No trailer of any type; no boats; no motor homes; and no equipment of any type shall be parked in the Front Yard on any Lot within the PRO;
- 4) Except as specifically permitted, no mobile home or mobile office Structure shall be placed or occupied in the PRO;
- 5) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any Lot or Parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public, as determined by the Board of County Commissioners. The County Commissioners shall also retain any and all statutory authority that may be afforded regarding nuisances, including, but not limited to, the authorities provided in Section 303.37(J) of the Ohio Revised Code.
- 6) No outside storage of any kind shall be permitted. All Permitted Uses shall be conducted completely within an enclosed Building.

7.05 PROCEDURE

See, [Article XIV – Approval Procedures for Overlay Districts](#).

7.06 DEVELOPMENT PLAN STANDARDS

- a) Minimum Gross Tract Size for a PRO Subdivision. Twenty-Five (25) Acres.
- b) Open Space. Open space shall be thoughtfully integrated into the site design to enhance environmental preservation, recreational opportunities, and community aesthetics. Open space locations and proposed uses must be clearly depicted in the Development Plan and are subject to approval by the County Commissioners. Open space may be maintained privately by the developer, property owner, a New Community Authority or transferred to the County for public use with formal approval. Land dedicated for public purposes, including new school sites, may contribute toward satisfying the open space requirement. Open spaces shall also comply with the following requirements:
 - 1) A minimum of twenty percent (20%) of the gross tract acreage shall be provided. Gross tract acreage encompasses all land within the development plan, including wetlands and steep slopes. Required open space shall not include:
 - i) Private and public roads and associated Rights-of-Way;
 - ii) Public or private parking spaces, access ways, driveways and other vehicular use areas;
 - iii) Required minimum spacing between Buildings;
 - iv) Required yard setbacks; except when part of a large contiguous open space and accessible with a bike or pedestrian path, and with the approval of the Zoning Commission.
 - v) Public utility substations;

- vi) High tension transmission lines or other above ground utilities shall not make up more than fifty percent (50%) of the required open space; and
 - vii) Artificial water features;
 - 2) A minimum of one-half (1/2) acre of open space for each Tract shall be designated as a community gathering space. Areas devoted toward the community gathering space shall be designated as an interactive open space that fosters community engagement by incorporating features that encourage social interaction, recreation, and relaxation. These spaces can include walking trails, seating areas, fire pits, playgrounds, splash pads, and multi-use plazas, including but not limited to an amphitheater, and recreational fields that cater to people of all ages. Integrating interactive elements such as public art, community gardens, and technology-enabled features like smart lighting or Wi-Fi access enhances usability and accessibility. By prioritizing connectivity, sustainability, and inclusivity, an interactive open space becomes a vibrant hub where residents can gather, collaborate, and enjoy a dynamic, shared environment.
 - 3) A comprehensive open space and buffer maintenance plan is required and must demonstrate a long-term strategy for maintaining the designated open space and buffers, ensuring its sustainability and functionality over time; and
 - 4) The ownership and preservation method of the open space and buffers must be clearly identified. Documentation must ensure that the open space and buffers are maintained and preserved in perpetuity through appropriate legal mechanisms, as determined by the County Commissioners.
- c) Site Design and Arrangement of Buildings. To ensure a cohesive design, a Development Plan shall include a minimum of twenty-five (25) acres to pull down the PRO Overlay. All Buildings shall be arranged so they respond to the surrounding existing expected uses and the Buildings and site development complies with the following requirements:
- 1) Buildings must have a relationship to the street and should not be in the center of the lot with surrounding parking;
 - 2) Parking must be placed to the side and rear of the Building where practicable with minimal parking in front of the Building;
 - 3) A proposed development shall include appropriate buffers and open spaces;
 - 4) The bulk, height, and surface materials of Buildings within the proposed development shall be compatible with the surrounding area. Buildings, Structures, and parking areas shall be designed and located within the development to minimize environmental impacts and conserve environmentally sensitive or unique natural, historic, or cultural features. This includes, but not limited to, tree rows, wooded lots greater than one (1) acre, stream corridors, and steep slopes;
 - 5) Native vegetation adjacent to wetlands and surface waters shall be retained or restored;

- 6) Existing hedge and tree lines shall be preserved unless one or more of the following applies:
 - i) A majority of the trees are dead, diseased, dying, or invasive; or;
 - ii) A road widening as determined by a state, county, or local road department is required.
- 7) Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources shall be preserved;
- 8) Historic or archaeological sites (e.g., earthworks, burial grounds, etc.) shall be preserved;
- 9) A viable pedestrian circulation system shall be provided, meaning a minimum of a ten (10)-foot wide walking path throughout the development or along adjacent existing roadways to provide for connection to surrounding developments (existing and potential). The design of these paths shall be pursuant to [Section 7.06\(u\) – Access and Connectivity](#); and
- 10) Natural drainage swales and creeks shall be protected. No construction of Buildings and Structures (including stormwater retention or detention features) is allowed inside the one hundred (100)-year floodplain. In addition, no Structures are permitted within one hundred (100) feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer. A two hundred (200) foot buffer shall be required if the riparian area is navigable.

d) Determining the Number of Dwelling Units Permitted.

- 1) The permitted density is noted in Table 7.05(d)(1), below. For purposes of this Article, “Gross Developable Acreage” shall be defined as all the acreage in the proposed development, including features such as wetlands and steep slopes, to be considered as Open Space.

Table 7.05(d)(1)

Type of Dwelling	Maximum Dwelling Units Per Developable Acre
Single-Family	8
Single-Story Apartments	10
Multi-Story Apartments	16

- 2) The overall average gross density of all types of Dwelling Units within a Tract shall not exceed an average of three (3) Dwelling Units per gross acre. Once this overall average gross density is achieved in each Tract, no additional Dwelling Units shall be permitted in said Tract.

- 3) No more than thirty-five (35) percent of the Multi-Unit Dwellings within an approved development plan shall be Studio or One-Bedroom Units.
- e) Sewage Disposal. A feasibility letter shall be provided by the applicable water and sewer district indicating that the proposed water and sewers services are adequate for this site.
- f) Perimeter Setback. No Building shall be constructed within fifty (50) feet of the external boundary of the PMU except, however, no Building shall be located within one hundred (100) feet of the proposed Centerline of the Street for an existing County or Township Roadway or the proposed State Road Right-of-Way.
- g) Stormwater. Developments must include a stormwater management plan that meets the “Erosion, Sediment, and Stormwater Control Regulations for Madison County, Ohio” standards. Prioritization should be given to Low-Impact Development (LID) techniques such as rain gardens, bioswales, and permeable paving. The plan should control the one hundred (100)-year storm event runoff and prevent any increase in runoff above pre-development levels. Stormwater features must prevent erosion, flooding, and standing water while maintaining natural drainage areas. Regional retention/detention ponds with soft edges should be used to integrate stormwater management into the landscape, reducing the need for multiple ponds.
- h) Subdivision Standards. Public streets and all drainage improvements shall conform to the subdivision standards for Madison County, Ohio or as otherwise approved per the Development Plan.
- i) Pavement Standards for Private Drives. All private drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Madison County Engineer’s Design, Construction, and Surveying Standards Manual or shall have a design life of twenty (20) years.
- j) Pavement Standards for Parking Lots. Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road. These paved surfaces shall be designed with permeable materials to encourage infiltration.
- k) Pedestrian Amenities. Pedestrian amenities, such as wide sidewalks, crosswalks, benches, and green spaces, shall be creatively integrated into the development to enhance accessibility and promote a walkable environment for the community as determined by the County Zoning Commission in an approved Development Plan. Additionally, the following requirements shall apply:

- 1) Curb ramps and crosswalks shall be installed pursuant to the [American Disability Act](#) requirements; and
 - 2) Multi-use paths and sidewalks shall be constructed immediately outside the road Right-of-Way within a fifteen (15)-foot MUP easement, or ten (10)-foot sidewalk easement designated for such public use.
 - 3) For all Townhome (Row or Pinwheel Design), Multi-Family Buildings, and Multi-Use Buildings, pedestrian pathways connecting Buildings with parking areas shall be provided. Pedestrian pathways must also connect to a multi-use path required in this Section.
- l) Street Trees. Native deciduous, broad leaf street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every forty (40) lineal feet along at least one side of the street(s). At least five (5) species should be utilized to strengthen the development's biodiversity.
- m) Lot Area, Setback, Building Height, and Lot Coverage Requirements.

Table 7.05(m)

	Single-Family Dwellings with On-Site Water and Sewer	Single-Family Dwellings with Central Water and Sewer	Multi-Family Dwellings with Central Water and Sewer
Minimum Tract Size (Acres)	25	25	25
Minimum Tract Setback from Existing Local Road Centerline (Feet)	200	200	200
Minimum Lot Size (Square Feet)	As Determined by Health Department	5,000	5,000
Minimum Building Front Setback from new Local Road Centerline (Feet)	35 (Highways/Major Arterials) 25 (All Other Roads)	35 (Highways/Major Arterials) 25 (All Other Roads)	35 (Highways/Major Arterials/Local Roads) 10 (Internal Private Roads)
Minimum Side Setback (Feet)	5	5	One-Unit Dwelling, Duplexes, Triplexes = 5 Multi-Unit Dwellings = 1 foot Setback per 1 foot of Building Height

	Single-Family Dwellings with On-Site Water and Sewer	Single-Family Dwellings with Central Water and Sewer	Multi-Family Dwellings with Central Water and Sewer
Minimum Rear Setback (Feet)	20	20	One-Unit Dwelling, Duplexes, Triplexes = 5 Multi-Unit Dwellings = 1 foot Setback per 1 foot of Building Height
Minimum Lot Width (Feet)	50	50	Multi-Unit Dwellings = 80 One-Unit Dwellings, Duplexes, and Triplexes = 50
Maximum Building Height (Feet)*	35	35	35 (One-Unit Dwelling) 45 (Multi-Unit Dwelling)
Maximum Lot Coverage	35	35	80
Minimum Distance Between Buildings on Same Lot	As Required by Fire District	As Required by Fire District	As Required by Fire District

* Building Height is measured at the highest point of the roof from the established Building pad grade as shown on the approved grading plan for the development.

** Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot Side Lot Line for One-Unit Detached Dwellings on fee simple ownership lots.

- n) Building Design Standards. The intent of this section is to create a cohesive, aesthetically pleasing environment that promotes the use of natural materials to maintain a sense of harmony among surrounding properties. These standards will ensure that the area's architecture reflects a balance between individuality and consistency. The following design requirements aim to achieve this vision:
- 1) Design Elements. For all new Buildings, blank walls shall not be permitted. Where expanses of solid walls are necessary, they may not exceed twenty (20) feet in length. There shall be a minimum of three (3) design elements for every one hundred (100) feet of elevation facing a public Right-of-Way. There shall be a minimum of two (2) design elements for every one hundred (100) feet of elevation not fronting on a public Right-of-Way. Approved design elements:

- i) Columns designed with brick or stone to complement the building facade. The Zoning Commission shall recommend the width, subject to approval by the County Commissioners as part of the Development Plan.
 - ii) A door at least twenty-eight (28) square feet in area with a portico or covered entry that integrates contemporary urban design.
 - iii) A window of at least six (6) square feet in area. Multiple windows smaller than ten (10) square feet shall count as one (1) element.
 - iv) A masonry water table feature that enhances durability and visual appeal.
 - v) Trellis systems containing plants or other vertical greenery to soften the facade.
 - vi) Patios or decks designed to blend seamlessly with the Building's aesthetic while adhering to setback requirements.
 - vii) Awnings with modern design elements that complement the streetscape and enhance the pedestrian experience.
 - viii) Permanent architectural features such as street furniture, landscaped garden areas, and urban art installations that are integrated into the streetscape design. These must align with the overall design theme and be approved by the Zoning Commission.
 - ix) Balconies and chimneys shall be prohibited from facing a public Right-of-Way to maintain a cohesive streetscape.
- 2) **Building Materials.** All Buildings must adhere to the following building material requirements:
- i) All exterior walls shall be comprised of natural materials or of synthetic materials that the County has deemed to mimic the look of natural materials. This permitted list of materials includes only the following: brick, stone, native or cultured stone, wood, vinyl, or fiber cement. Foundations must be clad with the same material utilized on building to blend with the overall architecture of the Structure. Exposed cement block or split face block foundations shall be prohibited.
 - ii) As technology evolves, newer synthetic materials, that did not exist at the time of the adoption of this Article, may be created and may mimic the look of the natural materials required within this Section. The Board of Trustees may approve the use of a newer material under the following conditions:
 - A) The manufacturing of said material did not exist at the time of adoption of this Article (insert date here); and
 - B) The Board of Trustees determines that said material provides a substantially similar appearance to the natural materials required by this section.
 - C) The Board of Trustees determines that the synthetic material has been demonstrated to have equivalent or superior

performance and durability compared to its natural material counterpart.

- 3) Building Colors. Colors shall be approved through the Development Plan.
- 4) Roofing.
 - i) The following general requirements all to all roofs:
 - A) All rooftop mechanical equipment must be fully screened from view from the public Right-of-Way and adjacent Buildings, using materials and design elements that are architecturally integrated with the overall building design.
 - B) Consistent roof materials shall be required. Permitted materials include:
 - I) Architectural shingles;
 - II) Standing seam metal; and
 - III) Slate or simulated slate.
 - C) The color of the roof shall blend and be complimentary to the building color. Earth tones, such as browns, tans, and grays, are preferred to match the use of natural materials. The use of white roofs on commercial Buildings is also permitted.
 - D) Green roofs may be permitted when included in a development plan approved by the County Zoning Commission.
 - o) Street Lighting. If provided, a lighting plan shall be submitted with and approved as a part of the Development Plan. Poles shall be placed a minimum of five (5) feet from the edge of any driveway or intersection roadway. Poles shall be prohibited within any island within a Public Road. The horizontal illumination shall be measured at the roadway and sidewalk surfaces and be provided in foot-candles (fc). Streetlights located along an internal subdivision road (local road) shall not exceed 0.5 fc. All lighting shall be directed toward the ground and the interior of the parcel and shall be full cut-off lighting. Uplighting shall be prohibited. Light fixture height shall not exceed twelve (12) feet in height as measured from the established grade to the highest point of the light fixture.
 - p) Landscaping & Buffering. All yards, front, side and rear, shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within Front Setback shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan. All sites must be well landscaped and buffered to minimize the impacts of certain site components, including trash receptacles, storage, parking, utilities, and mechanicals as determined by the County Commissioners. However, at a minimum, the Development Plan shall comply with the following requirements:

- 1) A Perimeter Buffer shall be required when a proposed Development Plan abuts a property which is located within the PRO that has not yet pulled down the cloud and is following the underlying zoning that allows single-family uses.
- 2) Perimeter Buffer Requirements: A typical perimeter buffer shall be fifty (50) feet in width, unless otherwise approved by the County Commissioners as shown on an approved Development Plan. The County Zoning Commission may adjust (increase or decrease) the buffer width, depending upon the following factors:
 - i) The adjacent land uses and zoning classifications;
 - ii) The location of any existing multi-use paths;
 - iii) Existing tree lines and other existing natural features; or
 - iv) Other relevant factors as determined by the County Commissioners.
- 3) A buffer of one hundred (100) feet in width shall be provided on any property adjacent to any existing residential lot outside of the PRO. The buffer shall contain native vegetation and trees and shall be mounded or mimic the natural condition of a forest edge to reduce noise pollution and visual impacts of the development from adjacent land uses.
- 4) The images in Figures 7.05(p)(4)(a) and 7.05(p)(4)(b), below, show the ideal perimeter buffer. A multi-use path shall be included in the buffer along with a mix of deciduous and evergreen species to enhance year-round screening.

Figure 7.05(p)(B)(a)
Perimeter Buffer with Mound

BUFFER WITH A MOUND

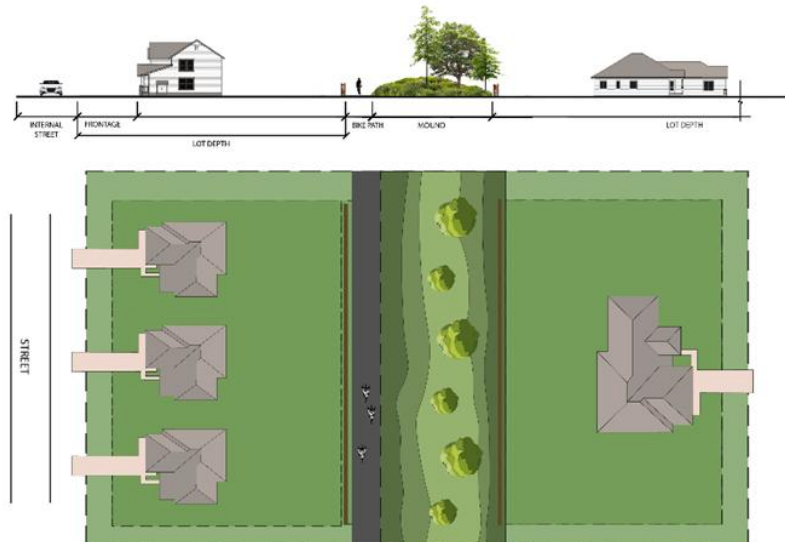
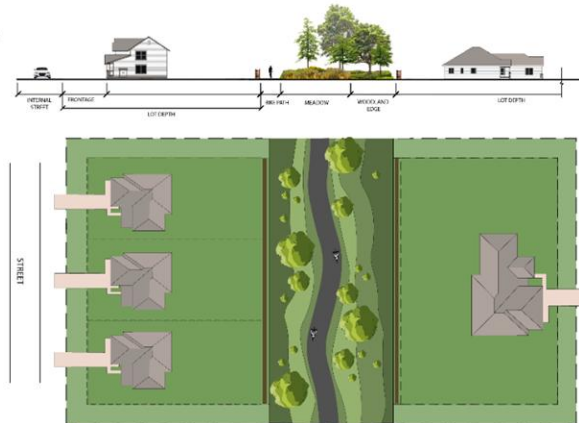


Figure 7.05(p)(4)(B)
Perimeter Buffer without Mound

BUFFER WITHOUT A MOUND



- 5) Fence Design: There shall be a fence on each side of the buffer which will serve as a clear borderline between the buffer and the fee simple lots. The fence shall be:
 - i) Maximum Height: Six (6) feet.
 - ii) Material and Design: The fence shall be designed to comply with the County standard fence requirements for buffers.
- 6) Native Plants in Ohio. Ohio boasts about nineteen hundred (1,900) native plant species, all uniquely adapted to the local climate and soil, contributing to biodiversity and ecological health. Planting a diverse mix of native species helps safeguard against pests and diseases, ensuring ecosystem resilience. Notable species for this purpose include Blue-eyed Mary, Wild Bergamot, Eastern Columbine, Gray Goldenrod, Northern Spicebush, and Wild Geranium. For a complete list, visit ohionativeplantmonth.org. For promoting biodiversity, reducing the likelihood of an outbreak of disease, and overall ecological health of the Overlay area, all required plantings in this Article shall include a diverse range of plant species as determined by the County Soil and Water Conservation District Commissioners. All landscaping must adhere to the following requirements:
 - i) Proposed landscaping material shall align with the established Rural Design theme utilizing native plantings and grasses;
 - ii) Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required

- planting, hedge, Fence, wall, or earth mound within four years after installation;
- iii) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen;
- iv) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months;
- v) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

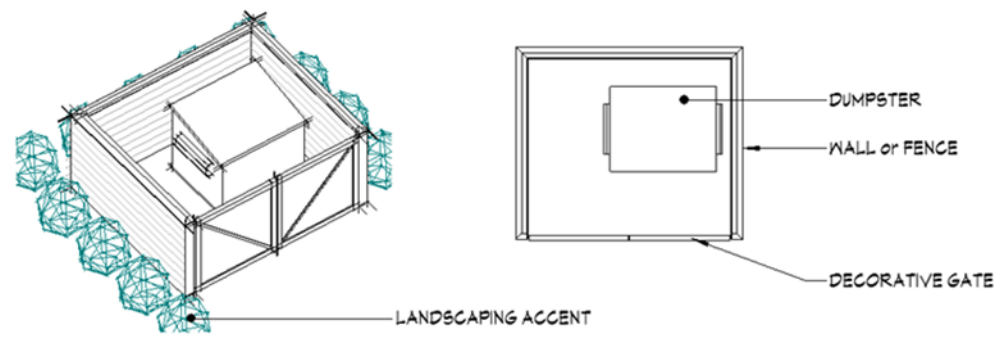
TABLE 7.05(p)(6)

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2.5-inch caliber
Coniferous/Evergreen	6 feet in height
Shrubs and Hedges	3 feet in height
*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.	

- vi) Landscaping at Driveway and Street Intersections. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections:
- vii) Driveway Intersection Triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point connecting these points; and
- viii) Street Intersection Sight Triangle: At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.

- 7) **Tree Preservation.** All major trees shall be preserved, unless exempted, as follows:
- i) The proposed Structure or vehicular use area cannot be located in a manner to avoid removal of the tree while at the same time permitting desirable and logical development of the lot. Such trees shall be identified on the Development Plan approved by the County Commissioners.
 - ii) The tree is damaged, diseased, or otherwise is an undesirable species in its present location as indicated on the Development Plan approved by the County Commissioners.
- 8) Rooftop mechanicals must be screened by a parapet wall or similar mechanism extending at least one (1)-foot above the units.
- 9) **Trash Containers and Storage Areas in Multi-Unit Developments:**
- i) Must be screened on three (3) sides by a wall or fence one (1)-foot taller than the container or stored materials, with materials matching the principal Building. The fourth side must have a solid, decorative gate of the same height.
 - ii) Accent landscaping, such as shrubs, must be planted no more than five (5) feet apart around the perimeter of walls or fences.

Figure 7.05(p)(9)
Dumpster Enclosure and Accent Landscaping



- q) **Parking.** All developments must provide off-street vehicular parking at the time of development and shall comply with the parking requirement in Table 7.05(q), below. The layout, service areas, entrances, exits, signs, lighting, and landscaping must be designed to minimize adverse impacts on community character and ensure parking is not a dominant aesthetic component of the site. Landscaping shall be incorporated to reduce the visual impact of parking areas.

- 1) **General Parking Regulations:**
 - i) All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly. There shall be a minimum aisle width of twenty-five (25) feet.
 - ii) Parking spaces located within an enclosed garage may count toward the off-street parking requirements.
 - iii) All driveways shall be constructed of a hard surface such as pavement, brick, or concrete.
 - iv) Recreational vehicles and trailers may be temporarily parked in a driveway for no longer than forty-eight (48) hours every seven (7) days.
 - v) Parking pads for the long-term parking of recreational vehicles or trailers are prohibited in the required front setback.
 - vi) The location of all off-street parking spaces shall comply with Table 7.06(q), below.
- 2) Off-street parking shall be provided. Construction traffic may park in the street, but only on one side to allow for safe access by emergency equipment. Off-street parking for shall comply with the following regulations in Table 7.05(q), below:

Table 7.05(q)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	PARKING LOCATION
Single-Family Residential	2 off-street spaces per dwelling unit	• Driveways may encroach into the required Front Setback. • Vehicles may be parked in a driveway between the front façade of the Dwelling and the Public Street.

Table 7.05(q)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	PARKING LOCATION
Multi-Family Residential	To optimize land use and improve efficiency in mixed use developments, a shared parking study is required to determine the appropriate number of parking spaces. This study shall analyze the peak usage times of different land uses – such as residential, retail, office and entertainment – to identify opportunities for shared parking rather than requiring separate spaces for each use. This study shall consider on-street parking, bicycle parking, spaces for electrical vehicle charging stations and parking lots and/or Structures that are available for all uses within the proposed development plan. By accounting for staggered demand patterns, a shared parking study can help reduce excessive parking requirements, promote walkability, and support sustainable design while ensuring parking availability for residents, employees and visitors. This study shall recommend the number of spaces required within the Development Plan and shall be approved by the County Zoning Commission.	• Off-street parking is prohibited between the front Building façade and the Public Street • Any parking visible from the public Right-of-Way shall be screened pursuant to Section 7.06(p) – Landscaping and Buffering.

- r) **Signs.** All signs and graphics within the PRO shall be compatible in size, location, height, material, shape, color, and illumination while considering different use types throughout the development. A Master Signage Plan for all portions of the PRO may be submitted as part of a Final Development Plan application. If a Master Signage Plan is approved as part of the Final Development Plan, then the Planning and Zoning Director may issue a permit for each approved sign. If no Master Signage Plan is approved as part of the Development Plan, then each sign shall be submitted as its own Development Plan for approval pursuant to [Article XIV – Approval Procedures for Overlay Districts](#), prior to the Planning and Zoning Director issuing a permit for said sign. All signs in the PRO must comply with the following regulations:

- 1) **Prohibited Signs:** The following permanent signs shall be prohibited: portable displays or mobile signs, flags, banners, pennants, gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, signs with flashing messages or bare bulbs, signs on backlit awnings, video signs, signs

with moving text or pictures, and bench signs, monopole signs, roof signs, and rotating signs. Off premise signs shall also be prohibited.

- 2) General Sign Requirements. All signs shall comply with the following requirements:
 - i) Signs shall be designed utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the character of the area and match the colors of the primary Building, utilizing leaf greens, browns, tans, greys, whites, sky blue, and brick red.
 - ii) Signs shall not be painted directly on the surface of the Building, wall or fence.
 - iii) Signs shall have a maximum of two (2) sign faces per sign.
 - iv) Sign placement shall not create a vehicular sight distance limitation or other visual barrier and it shall not otherwise create a safety hazard that will adversely affect the public health, safety or general welfare. The use of clear sight triangles at roadway and driveway intersections is required to ensure that motorists have the greatest sight distance available to them before entering or exiting a roadway.
 - v) Each Building and Dwelling Unit, if applicable, shall have an address number that is clearly visible from the public Right-of-Way. Such Signs shall not require a development plan or permit.
 - vi) Types of Signs. The following types of signs are permitted within Multi-Unit Developments within the PMU Overlay. Further details concerning signs can be found in [Article XVIII – Signs](#).
 - A) Projecting Signs
 - B) Ground Signs
 - C) Wall Signs
 - D) Window Signs
- 3) Number and Size of Signs. The number and size of signs shall be as approved by the County Commissioners as part of a Development Plan.
- s) Mailboxes and Other Accessory Residential Uses. Look to [Section 15.14 – Clustered Mailboxes](#) for further regulations.
- t) Utilities. All utilities in the PRO Subdivision shall be buried underground.
- u) Access and Connectivity. Pedestrian and multi-use pathways shall be required to connect to adjacent tracts zoned PRO. Open Spaces shall be designed to connect with adjacent Open Spaces on connecting tracts that require Open Spaces. The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. The County Zoning Commission may rely upon recommendations from the Consulting Engineer to

determine that the proposed method for providing connectivity is the most suitable in each particular development.

- v) Divergences. The County Commissioners, as a part of a Development Plan approval process outlined [Article XIV – Approval Procedure for Overlay Districts](#), may grant divergences from any standard or requirement in this Article with the exception of the density of dwelling units per acre, permitted uses, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan.”

ARTICLE VIII
Planned Mixed-Use Overlay District (PMU)

8.01 Purpose and Overlay Established	8.04 Procedure
8.02 Overlay Area and Target Renderings	8.05 Development Plan Standards
8.03 Permitted, Conditional, and Prohibited Uses	

8.01 PURPOSE AND OVERLAY ESTABLISHED

- a) The Planned Mixed-Use Overlay District (PMU) is created pursuant to Section 303.022 of the Ohio Revised Code to further the purpose of promoting the general welfare, encouraging the efficient Use of land and resources, promoting public and utility services, and encouraging innovation in the planning and Building of appropriate types of residential, commercial, and industrial development. The PMU encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of land, thereby allowing for a unified development strategy that:
- 1) Encourages projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district through architectural design and are consistent with the County's Future Land Use Map;
 - 2) Preserves unique or sensitive natural resources by integrating open space within developments;
 - 3) Plans the appropriate amount of infrastructure, including paved surfaces and utility easements necessary for development;
 - 4) Reduces erosion and sedimentation by minimizing land disturbances;
 - 5) Provides an opportunity for an appropriate mixture of Uses;
 - 6) Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development;
 - 7) Assures compatibility between proposed Uses through appropriate development controls;
 - 8) Preserves the streetscape along the roadways, maintaining the character of the community and promoting safe pedestrian movement; and
 - 9) Enhances the welfare and economy of the County by making available a variety of employment opportunities as well as providing a variety of housing options for Township residents.
- b) The PMU encompasses and includes all areas within the crosshatched area of the Zoning Map designated as the Planned Mixed-Use Overlay District. The zoning regulations and Zoning Districts in existence at the time of the effective date of the PMU rezoning shall continue to apply to all property within the PMU, unless the

County Commissioners, in accordance with [Article XIV – Approval Procedures for Overlay Districts](#), approves a development plan submitted by a property owner and/or their agent to subject the applicant's property to the provisions of the PMU. Such an application shall be made in accordance with the provisions of [Article XIV – Approval Procedures for Overlay Districts](#) and all other applicable Articles of this Resolution.

8.02 OVERLAY AREA AND TARGET RENDERINGS

- c) The PMU is created pursuant to Section 303.022 of the Ohio Revised Code and encompasses, includes, and overlays all land bounded by the lands as described in the County's Comprehensive Plan and Future Land Use Map.
- a) Example Pictures and Renderings:



8.03 PERMITTED, CONDITIONAL, AND PROHIBITED USES

- a) For designated Uses, see [Section 4.03 – Commercial/Industrial Use Table](#).
 - 1) Open Space. Twenty (20) percent of the Gross Tract Acreage shall be reserved for open space as required in [Section 6.07 – Ownership and Maintenance of Open Space](#). Whether the open space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved development plan. Limited Agricultural Uses may be approved as open space in the development plan.
 - 2) Accessory Buildings and Structures. Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 4.03 –](#)

[Commercial/Industrial Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.

b) Prohibited Uses.

- 1) Uses not specifically authorized by the express terms of this Resolution are prohibited;
- 2) The outdoor storage of inoperable, unlicensed, or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) consecutive days is prohibited, except for necessary construction equipment that is in working order;
- 3) No trailer of any type; not boats; no motor homes; and no equipment of any type shall be parked in the Front Yard on any Lot within the PMU;
- 4) Except as specifically permitted, no mobile homes or mobile office Structures shall be placed or occupied of the PMU;
- 5) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any Lot or Parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public as determined by the County Commissioners. The County Commissioners shall also retain any and all statutory authority that may be afforded regarding nuisances, including, but not limited to, the authorities provided in Section 303.37(J) of the Ohio Revised Code.
- 6) No outside storage of any kind shall be permitted. All Permitted Uses shall be conducted completely within an enclosed Building.
- 7) Need to address temporary storage of material (laydown yards) and temporary trailers for offices.

8.04 PROCEDURE

See, [Article XIV – Approval Procedures for Overlay Districts.](#)

8.05 PMU DEVELOPMENT PLAN STANDARDS

- a) Minimum Gross Tract Size for a PMU Subdivision – Twenty-Five (25) Acres.
- b) Open Space - Open space shall be thoughtfully integrated into the site design to enhance environmental preservation, recreational opportunities, and community aesthetics. Open space locations and proposed uses must be clearly depicted in the Development Plan and are subject to approval by the County Commissioners. Open space may be maintained privately by the developer, property owner, a New Community Authority or transferred to the County for public use with formal approval. Land dedicated for public purposes, including new school sites, may contribute toward satisfying the open space requirement. Open spaces shall also comply with the following requirements:

- 1) A minimum of twenty percent (20%) of the gross tract acreage shall be provided. Gross tract acreage encompasses all land within the development plan, including wetlands and steep slopes. Required open space shall not include:
 - 2) Private and public roads and associated Rights-of-Way;
 - 3) Public or private parking spaces, access ways, driveways and other vehicular use areas;
 - 4) Required minimum spacing between Buildings;
 - 5) Required yard setbacks; except when part of a large contiguous open space and accessible with a bike or pedestrian path, and with the approval of the Zoning Commission.
 - 6) Public utility substations;
 - 7) High tension transmission lines or other above ground utilities shall not make up more than fifty percent (50%) of the required open space; and
 - 8) Artificial water features;
 - 9) A minimum of a half (1/2) acre of open space for each Tract shall be designated as a community gathering space. Areas devoted toward the community gather space shall be designated as an interactive open space that fosters community engagement by incorporating features that encourage social interaction, recreation, and relaxation. These spaces can include walking trails, seating areas, fire pits, playgrounds, splash pads, and multi-use plazas, including but not limited to an amphitheater, and recreational fields that cater to people of all ages. Integrating interactive elements such as public art, community gardens, and technology-enabled features like smart lighting or Wi-Fi access enhances usability and accessibility. By prioritizing connectivity, sustainability, and inclusivity, an interactive open space becomes a vibrant hub where residents can gather, collaborate, and enjoy a dynamic, shared environment.
 - 10) A comprehensive open space and buffer maintenance plan is required and must demonstrate a long-term strategy for maintaining the designated open space and buffers, ensuring its sustainability and functionality over time; and
 - 11) The ownership and preservation method of the open space and buffers must be clearly identified. Documentation must ensure that the open space and buffers are maintained and preserved in perpetuity through appropriate legal mechanisms, as determined by the County Zoning Commission.
- c) Site Design and Arrangement of Buildings. To ensure a cohesive design, a Development Plan shall include a minimum of twenty-five (25) acres to pull down the PMU Overlay. All Buildings shall be arranged so they respond to the surrounding existing expected uses. Buildings and site development shall comply with the following requirements:

- 1) Buildings must have a relationship to the street and should not be in the center of the lot with surrounding parking;
 - 2) Parking must be placed to the side and rear of the Building where practicable with minimal parking in front of the Building;
 - 3) A proposed development shall include appropriate buffers and open spaces;
 - 4) The bulk, height, and surface materials of Buildings within the proposed development shall be compatible with the surrounding area. Buildings, Structures, and parking areas shall be designed and located within the development to minimize environmental impacts and conserve environmentally sensitive or unique natural, historic, or cultural features. This includes, but not limited to, tree rows, wooded lots greater than one (1) acre, stream corridors, and steep slopes;
 - 5) Native vegetation adjacent to wetlands and surface waters shall be retained or restored;
 - 6) Existing hedge and tree lines shall be preserved unless one or more of the following applies:
 - i) A majority of the trees are dead, diseased, dying, or invasive; or;
 - ii) A road widening as determined by a state, county, or local road department is required.
 - 7) Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources shall be preserved;
 - 8) Historic or archaeological sites (e.g., earthworks, burial grounds, etc.) shall be preserved;
 - 9) A viable pedestrian circulation system shall be provided, meaning a minimum of a ten (10)-foot wide walking path throughout the development or along adjacent existing roadways to provide for connection to surrounding developments (existing and potential). The design of these paths shall be pursuant to [Section 8.05\(u\) – Access and Connectivity](#); and
 - 10) Natural drainage swales and creeks shall be protected. No construction of Buildings is allowed inside the one hundred (100)-year floodplain. In addition, no Structures are permitted within one hundred (100) feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer.
- d) Determining the Number of Dwelling Units Permitted.
- 1) The permitted density is noted in Table 8.05(d)(1), below. For purposes of this Article, “Gross Developable Acreage” shall be defined as all the acreage in the proposed development, including features such as wetlands and steep slopes, to be considered as Open Space.

Table 8.05(d)(1)

Type of Dwelling	Maximum Dwelling Units Per Developable Acre
Single-Family	8
Single-Story Apartments	10
Multi-Story Apartments	16

- 2) The overall average gross density of all types of Dwelling Units within a Tract shall not exceed an average of two (2) Dwelling Units per gross acre. Once this overall average gross density is achieved in each Tract, no additional Dwelling Units shall be permitted in said Tract.
- 3) The following minimum Dwelling Unit sizes shall apply to all Multi-Unit Dwellings in Table 8.05(d)(2), below:

Table 8.05(d)(2)

Unit Type	Minimum Unit Size (Square Feet)
Studio	600
One-Bedroom	800
Two-Bedroom	900
Three-Bedroom	1,100

- 4) No more than thirty-five (35) percent of the Multi-Unit Dwellings within an approved development plan shall be Studio or One-Bedroom Units.
- 5) Mixture of Uses – The PMU shall maintain an overall ratio of seventy percent (70%) residential uses to thirty percent (30%) commercial uses based upon gross acreage of the Mixed-Use development. For purposes of this section, the gross acreage for residential uses shall include all areas devoted to single family patio homes, duplexes, townhomes, multi-family Buildings, limited home occupations, parks, schools, community gardens and community gathering spaces including any associated parking and open spaces. The gross acreage for commercial uses shall include the areas devoted to all other uses listed as permitted for the PMU in [Section 4.03 – Commercial/Industrial Use Table](#), including any associated parking and open space for said uses. For the purposes of this section, dwelling units included within Mixed Use Buildings shall be considered as commercial use.
- 6) One or more development plans may be approved that include up to 50% of the gross acreage within the PMU devoted to residential use without the inclusion of a commercial component. However, once this threshold is

reached, no further development plans shall be approved unless they comply with the required 70% residential to 30% commercial ratio for the overall development.

- e) Sewage Disposal. A feasibility letter shall be provided by the applicable water and sewer district indicating that the proposed water and sewers services are adequate for this site.
- f) Perimeter Setback. No Building shall be constructed within fifty (50) feet of the external boundary of the PMU except; however, no Building shall be located within one hundred (100) feet of the proposed Centerline of the Street for an existing County or Township Roadway or the proposed State Road Right-of-Way.
- g) Stormwater. Developments must include a stormwater management plan that meets Township and the Madison County Stormwater Design Standards. Prioritization should be given to Low-Impact Development (LID) techniques such as rain gardens, bioswales, and permeable paving. The plan should control the one hundred (100)-year storm event runoff and prevent any increase in runoff above pre-development levels. Stormwater features must prevent erosion, flooding, and standing water while maintaining natural drainage areas. Regional retention/detention ponds with soft edges should be used to integrate stormwater management into the landscape, reducing the need for multiple ponds.
- h) Subdivision Standards. Public streets and all drainage improvements shall conform to the subdivision standards for Madison County, Ohio or as otherwise approved per the Development Plan.
- i) Pavement Standards for Private Drives. All private drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Madison County Engineer's Design, Construction, and Surveying Standards Manual or shall have a design life of twenty (20) years.
- j) Pavement Standards for Parking Lots. Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road. These paved surfaces shall be designed with permeable materials to encourage infiltration.
- k) Pedestrian Amenities. - Pedestrian amenities, such as wide sidewalks, crosswalks, benches, and green spaces, shall be creatively integrated into the development to enhance accessibility and promote a walkable environment for the community as determined by the County Zoning Commission in an approved Development Plan. Additionally, the following requirements shall apply:

- 1) Curb ramps and crosswalks shall be installed pursuant to the [American Disability Act](#) requirements; and
 - 2) Multi-use paths and sidewalks shall be constructed immediately outside the road Right-of-Way within a fifteen (15)-foot MUP easement, or ten (10)-foot sidewalk easement designated for such public use.
 - 3) For all Townhome (Row or Pinwheel Design), Multi-Family Buildings, and Multi-Use Buildings, pedestrian pathways connecting Buildings with parking areas shall be provided. Pedestrian pathways must also connect to a multi-use path required in this Section.
- l) **Street Trees.** Native deciduous, broad leaf street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- m) **Lot Area, Setback, Building Height, and Lot Coverage Requirements.**

	Commercial Development	Dwellings
Minimum Lot Size	1 acre	5,000 SF
Minimum Building Front Setback from new Collector or Local Road ROW (Feet)	50	N/A
Maximum Front Setback from new Collector or Local Road ROW (Feet)	N/A	30
Minimum Side Setback (Feet)**	60	5
Minimum Rear Setback (Feet)**	60	25
Minimum Lot Width (Feet)	At least 1/2 of Lot Depth	50
Maximum Building Height (Feet)***	50^	50
Maximum Lot Coverage	70	35
Minimum Distance Between Buildings on Same Lot	As required by the Fire District	As required by the Fire District
* In no case shall a parking lot encroach into the minimum Right-of-Way Setback. The Right-of-Way Setback should be landscaped and may include the required multi-use path or sidewalk, fences, or any development entry features or signs that meet the requirements of this Article. **Parking may encroach into a Side or Rear Setback, but in no case shall parking be located closer than five feet from the internal lot line, except in cases where the County Commissioners determine that parking lots need to straddle internal lot lines to comply with the connectivity requirements of Section 8.05(u) – Access and Connectivity. In such cases, appropriate cross-access easements must be established.		

***Building Height is measured at the highest point of the roof from the established Building pad grade as shown on the approved grading plan for the development.

^Rooftop mechanical units, antennas, etc., may extend an additional ten (10) feet above the Building provided they are screened in accordance with [Section 8.05\(p\) – Landscaping and Buffering](#).

- n) Building Design Standards. The intent of this section is to create a cohesive, aesthetically pleasing environment that promotes the use of natural materials to maintain a sense of harmony among surrounding properties. These standards will ensure that the area's architecture reflects a balance between individuality and consistency. The following design requirements aim to achieve this vision:
- 1) Design Elements – All Buildings. For all new Buildings, blank walls shall not be permitted. Where expanses of solid walls are necessary, they may not exceed twenty (20) feet in length. There shall be a minimum of three (3) design elements for every one hundred (100) feet of elevation facing a public Right-of-Way. There shall be a minimum of two (2) design elements for every one hundred (100) feet of elevation not fronting on a public Right-of-Way. Approved design elements:
 - i) Columns designed with brick or stone to complement the building facade. The Zoning Commission shall recommend the width, subject to approval by the County Commissioners as part of the Development Plan.
 - ii) A door at least twenty-eight (28) square feet in area with a portico or covered entry that integrates contemporary urban design.
 - iii) A window of at least six (6) square feet in area. Multiple windows smaller than ten (10) square feet shall count as one (1) element.
 - iv) A masonry water table feature that enhances durability and visual appeal.
 - v) Trellis systems containing plants or other vertical greenery to soften the facade.
 - vi) Patios or decks designed to blend seamlessly with the Building's aesthetic while adhering to setback requirements.
 - vii) Awnings with modern design elements that complement the streetscape and enhance the pedestrian experience.
 - viii) Permanent architectural features such as street furniture, landscaped garden areas, and urban art installations that are integrated into the streetscape design. These must align with the overall design theme and be approved by the Zoning Commission.
 - ix) Balconies and chimneys shall be prohibited from facing a public Right-of-Way to maintain a cohesive streetscape.
 - 2) Design Elements – Mixed Use Buildings. All Mixed-Use Buildings must also adhere to the following requirements:

- i) Façade Articulation.
 - A) The vertical plane of the façade of a mixed-use Building shall be broken up with a high level of articulation. The applicant shall comply with all the following regulations to meet the intent of this requirement:
 - B) The use of different architectural elements on the ground floor than upper floors shall be required. These elements shall include a change in building material or trim accent, cornice lines, variations in window sizes and/or treatments, and awnings.
 - C) A minimum of fifty percent (50%) of the first (ground) floor façade shall consist of pedestrian entrances or windows. Windows shall be clear glass. Opaque or reflective glass is prohibited.
 - D) Articulation of the roof ridge, eave, and/or parapet lines shall be provided to avoid long, unbroken, and/or horizontal roof lines.
 - ii) Building Projections/Recesses. A mixed-use Building shall comply with one of the following projection/recess requirements:
 - A) Vertical Projections/Recesses: At intervals of no more than fifty (50) feet of building length, there shall be a projection or recess of at least two (2) feet, extending from the base to the eave of the Building. A change in building material or color may be utilized to comply with this requirement if the County Zoning Commissioner determine such change in material or color achieves the same effect as a vertical projection or recess.
 - B) Horizontal Projections/Recesses: The upper stories shall be projected or recessed from the first (ground) floor by at least two (2) feet for a minimum of fifty percent (50%) of the front plane.
- 3) Building Materials. All Buildings must adhere to the following building material requirements:
 - i) All exterior walls shall be comprised of natural materials or of synthetic materials that the County has deemed to mimic the look of natural materials. This permitted list of materials includes only the following: brick, stone, native or cultured stone, wood, or fiber cement. Foundations must be clad with the same natural material utilized on building to blend with the overall architecture of the Structure. Exposed cement block or split face block foundations shall be prohibited.
 - ii) As technology evolves, newer synthetic materials, that did not exist at the time of the adoption of this Article, may be created and may mimic the look of the natural materials required within this Section. The County Zoning Commission may approve the use of a newer material under the following conditions:

- A) The manufacturing of said material did not exist at the time of adoption of this Article (insert date here); and
 - B) The County Zoning Commission determines that said material provides a substantially similar appearance to the natural materials required by this section.
 - C) The County Zoning Commission determines that the synthetic material has been demonstrated to have equivalent or superior performance and durability compared to its natural material counterpart.
 - iii) Vinyl, copper, and aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters and made to appear as a natural material as determined by the approved Development Plan.
- 4) Building Colors. Colors shall be approved through the Development Plan process.
- 5) Roofing.
 - i) The following general requirements apply to all roofs:
 - A) All rooftop mechanical equipment must be fully screened from view from the public Right-of-Way and adjacent Buildings, using materials and design elements that are architecturally integrated with the overall building design.
 - B) Consistent roof materials shall be required. Permitted materials include:
 - I) Architectural shingles;
 - II) Standing seam metal; and
 - III) Slate or simulated slate.
 - C) The color of the roof shall blend and be complimentary to the building color. Earth tones, such as browns, tans, and grays, are preferred to match the use of natural materials. The use of white roofs on commercial Buildings is also permitted.
 - D) Green roofs may be permitted when included in an approved development plan.
 - ii) In addition to the above requirements, all roofs on Mixed-Use Buildings shall comply with the following requirements.
 - A) All roof designs shall incorporate architectural treatments—such as parapets, gables, or sloped roof elements—with a minimum 6:12 pitch to create the visual impression of a pitched roof when viewed from the adjacent street or public Right-of-Way, regardless of the underlying roof Structures may incorporate a variety of types, such as gable and dormer designs. Other roof types may be approved where appropriate during approval of the Development Plan.
 - B) The Building Height shall be varied or appear to be varied using different roof pitches or parapets. Uniform roof heights across

multiple buildings or within a single large Structure are prohibited unless approved by the County Commissioners.

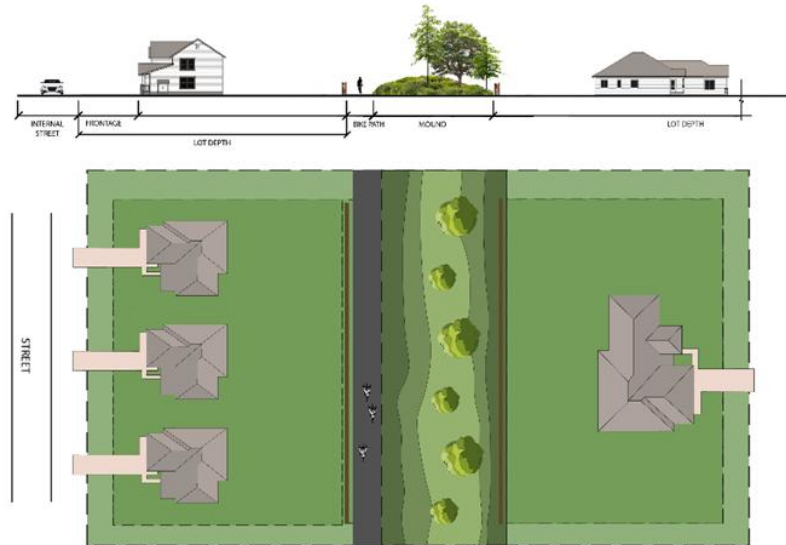
- o) Street Lighting. If provided, a lighting plan shall be submitted with and approved as a part of the Development Plan. Poles shall be placed a minimum of five (5) feet from the edge of any driveway or intersection roadway. Poles shall be prohibited within any island within a Public Road. The horizontal illumination shall be measured at the roadway and sidewalk surfaces and be provided in foot-candles (fc). Streetlights located along an internal subdivision road (local road) shall not exceed 0.3 fc. All lighting shall be directed toward the ground and the interior of the parcel and shall be full cut-off lighting. Uplighting shall be prohibited. Light fixture height shall not exceed twelve (12) feet in height as measured from the established grade to the highest point of the light fixture.
- p) Landscaping & Buffering.
 - 1) All yards, front, side and rear, shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within Front Setback shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan. All sites must be well landscaped and buffered to minimize the impacts of certain site components, including trash receptacles, storage, parking, utilities, and mechanicals as determined by the County Zoning Commission. However, at a minimum, the Development Plan shall comply with the following requirements:
 - 2) A Perimeter Buffer shall be required when a proposed Development Plan abuts a property which is located within the PMU that has not yet pulled down the cloud and is following the underlying zoning that allows single-family uses.
 - 3) Perimeter Buffer Requirements: A typical perimeter buffer shall be fifty (50) feet in width, unless otherwise approved by the County Zoning Commission as shown on an approved Development Plan. The County Zoning Commission may adjust (increase or decrease) the buffer width, depending upon the following factors:
 - i) The adjacent land uses and zoning classifications;
 - ii) The location of any existing multi-use paths;
 - iii) Existing tree lines and other existing natural features; or
 - iv) Other relevant factors as determined by the County Zoning Commission.
 - 4) A buffer of one hundred (100) feet in width shall be provided on any property in the PMU adjacent to any existing residential lot outside of the PMU. The buffer shall contain native vegetation and trees and shall be mounded or

mimic the natural condition of a forest edge to reduce noise pollution and visual impacts of the development from adjacent land uses.

- 5) The images in Figures 8.05(p)(5)(A) and 8.05(p)(5)(B) show the ideal perimeter buffer. A multi-use path shall be included in the buffer along with a mix of deciduous and evergreen species to enhance year-round screening.

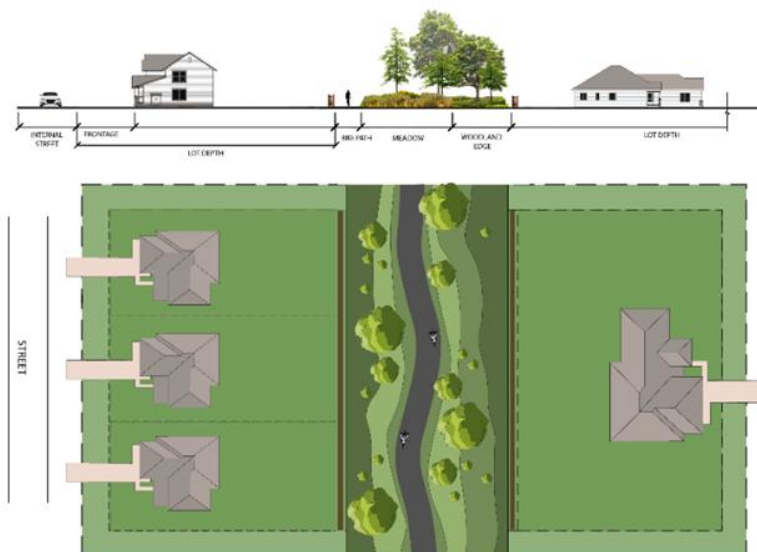
**Figure 8.05(p)(5)(A)
Perimeter Buffer with Mound**

BUFFER WITH A MOUND



**Figure 8.05(p)(5)(B)
Perimeter Buffer without Mound**

BUFFER WITHOUT A MOUND



- 6) Fence Design. There shall be a fence on each side of the buffer which will serve as a clear borderline between the buffer and the fee simple lots. The fence shall be:
 - i) Maximum Height: Four (4) feet.
 - ii) Material: The fence shall be designed to comply with the County standard fence requirements for buffers.
- 7) Native Plants in Ohio. Ohio boasts about nineteen hundred (1,900) native plant species, all uniquely adapted to the local climate and soil, contributing to biodiversity and ecological health. Planting a diverse mix of native species helps safeguard against pests and diseases, ensuring ecosystem resilience. Notable species for this purpose include Blue-eyed Mary, Wild Bergamot, Eastern Columbine, Gray Goldenrod, Northern Spicebush, and Wild Geranium. For a complete list, visit ohionativeplantmonth.org. For promoting biodiversity, reducing the likelihood of an outbreak of disease, and overall ecological health of the Overlay area, all required plantings in this Article shall include a diverse range of plant species as determined by the County Soil and Water Conservation District Commissioners. All landscaping must adhere to the following requirements:
 - i) Proposed landscaping material shall align with the established Rural Design theme utilizing native plantings and grasses;
 - ii) Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, Fence, wall, or earth mound within four years after installation;
 - iii) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen;
 - iv) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months;
 - v) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

TABLE 8.05(p)(7)

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2.5-inch caliber
Coniferous/Evergreen	6 feet in height
Shrubs and Hedges	3 feet in height

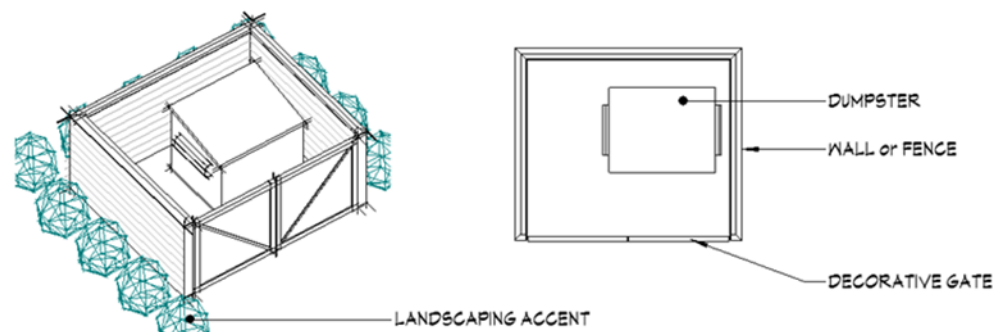
*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.

- vi) Landscaping at Driveway and Street Intersections. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections:
 - vii) Driveway Intersection Triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point connecting these points; and
 - viii) Street Intersection Sight Triangle: At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.
- 8) Tree Preservation. All major trees shall be preserved, unless exempted, as follows:
 - i) The proposed Structure or vehicular use area cannot be located in a manner to avoid removal of the tree while at the same time permitting desirable and logical development of the lot. Such trees shall be identified on the Development Plan approved by the County Commissioners.
 - ii) The tree is damaged, diseased, or otherwise is an undesirable species in its present location as indicated on the approved Development Plan.
- 9) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public Right-of-Way shall be screened from the respective Right-of-Way with a minimum of a thirty-six (36)-inch continuous planting hedge and tree combination. The height shall be measured from the grade of adjacent parking area;
- 10) Street Trees. Throughout the Setback area, there shall be a minimum of four (4) trees per one hundred (100) lineal feet. Trees may be deciduous, coniferous or a combination thereof. This requirement shall not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.
- 11) Mechanical Equipment, Service Areas, and Screening Requirements. Mechanical Equipment and Generators: External mechanical equipment

must be screened from public Rights-of-Way and adjacent single-family lots using the following:

- i) A wall or fence at least one (1)-foot taller than the equipment, made of materials matching the principal Building.
 - ii) Evergreen landscaping at least one (1)-foot taller than the equipment, installed in a linear fashion with a maximum spacing of twelve (12) feet.
- 12) Rooftop mechanicals must be screened by a parapet wall or similar mechanism extending at least one (1)-foot above the units.
- 13) Service, Production, and Loading Zones: These areas must be located at the rear or side of Buildings and screened on all sides from property lines, public roads, and private streets using:
 - i) A six (6)-foot wall or mound with landscaping.
 - ii) Evergreen trees at least five (5) feet tall, spaced a maximum of twelve (12) feet apart.
- 14) Trash Containers and Storage Areas:
 - i) Must be screened on three (3) sides by a wall or fence one (1)-foot taller than the container or stored materials, with materials matching the principal Building. The fourth side must have a solid, decorative gate of the same height.
 - ii) Accent landscaping, such as shrubs, must be planted no more than five (5) feet apart around the perimeter of walls or fences.

Figure 8.05(p)(14)
Dumpster Enclosure and Accent Landscaping



- q) Parking. All developments must provide off-street vehicular parking at the time of development and shall comply with the parking requirement in Table 8.05(q), below. The layout, service areas, entrances, exits, signs, lighting, and landscaping must be designed to minimize adverse impacts on community character and ensure parking is not a dominant aesthetic component of the site. Landscaping shall be incorporated to reduce the visual impact of parking areas.

2) General Parking Regulations:

- i) All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly. There shall be a minimum aisle width of twenty-five (25) feet.
- ii) Parking spaces located within an enclosed garage may count toward the off-street parking requirements.
- iii) All driveways shall be constructed of a hard surface such as pavement, brick, or concrete.
- iv) Recreational vehicles and trailers may be temporarily parked in a driveway for no longer than forty-eight (48) hours every seven (7) days.
- v) Parking pads for the long-term parking of recreational vehicles or trailers are prohibited in the required front setback.
- vi) The location of all off-street parking spaces shall comply with Table 8.05(q), below.

- 2) Off-street parking shall be provided. Construction traffic may park in the street, but only on one side to allow for safe access by emergency equipment. Off-street parking shall comply with the following regulations in Table 8.05(q), below:

Table 8.05(q)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	PARKING LOCATION
Single-Family Residential	2 off-street spaces per dwelling unit	• Driveways may encroach into the required Front Setback. • Vehicles may be parked in a driveway between the front façade of the Dwelling and the Public Street.
Mixed Use	To optimize land use and improve efficiency in mixed use developments, a shared parking study is required to determine the appropriate number of parking spaces. This study shall analyze the peak usage times of different land uses – such as residential, retail, office and entertainment – to identify opportunities for shared	• Off-street parking is prohibited between the front Building

Table 8.05(q)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	PARKING LOCATION
	parking rather than requiring separate spaces for each use. This study shall consider on-street parking, bicycle parking, spaces for electrical vehicle charging stations and parking lots and/or Structures that are available for all uses within the proposed development plan. By accounting for staggered demand patterns, a shared parking study can help reduce excessive parking requirements, promote walkability, and support sustainable design while ensuring parking availability for residents, employees and visitors. This study shall recommend the number of spaces required within the Development Plan and shall be approved by the County Zoning Commission.	façade and the Public Street Any parking visible from the public Right-of-Way shall be screened pursuant to Section 8.05(p) – Landscaping and Buffering.

r) Signs. All signs and graphics within the PMU shall be compatible in size, location, height, material, shape, color, and illumination while considering different use types throughout the development. A Master Signage Plan for all portions of the PMU may be submitted as part of a Final Development Plan application. If a Master Signage Plan is approved as part of the Final Development Plan, then the Planning and Zoning Director may issue a permit for each approved sign. If no Master Signage Plan is approved as part of the Development Plan, then each Sign shall be submitted as its own Development Plan for approval pursuant to this Section, prior to the Planning and Zoning Director issuing a permit for said Sign. All signs in the PMU must comply with the following regulations:

- 1) Prohibited Signs. The following permanent signs shall be prohibited: portable displays or mobile signs, flags, banners, pennants, gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, signs with flashing messages or bare bulbs, signs on backlit awnings, video signs, signs with moving text or pictures, and bench signs, monopole signs, roof signs, and rotating signs. Off premise signs shall also be prohibited.
- 2) General Sign Requirements. All signs shall comply with the following requirements:
 - i) Signs shall be designed utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the character of the area and match the colors of the primary Building, utilizing leaf greens, browns, tans, greys, whites, sky blue, and brick red.

- ii) Signs shall not be painted directly on the surface of the Building, wall or fence.
 - iii) Signs shall have a maximum of two (2) sign faces per sign.
 - iv) Sign placement shall not create a vehicular sight distance limitation or other visual barrier and it shall not otherwise create a safety hazard that will adversely affect the public health, safety or general welfare. The use of clear sight triangles at roadway and driveway intersections is required to ensure that motorists have the greatest sight distance available to them before entering or exiting a roadway.
 - v) Each Building and Dwelling Unit, if applicable, shall have an address number that is clearly visible from the public Right-of-Way. Such Signs shall not require a development plan or permit.
 - vi) Types of Signs: The following types of signs are permitted within the PMU Overlay. Further details concerning signs can be found in [Article XVIII – Signs](#).
 - A) Projecting Signs
 - B) Canopy Signs
 - C) Ground Signs
 - D) Wall Signs
 - E) Window Signs
 - vii) Number and Size of Signs. The number and size of signs shall be as approved by the as part of an approved Development Plan.
- s) Mailboxes and Other Accessory Residential Uses. Look to [Section 15.14 - Clustered Mailboxes](#) – for further regulations.
- t) Utilities. All utilities in the PMU Subdivision shall be buried underground.
- u) Access and Connectivity. Pedestrian and multi-use pathways shall be required to connect to adjacent tracts zoned PMU. Open Spaces shall be designed to connect with adjacent Open Spaces on connecting tracts that require Open Spaces. The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. The County may rely upon recommendations from the Consulting Engineer to determine that the proposed method for providing connectivity is the most suitable in each particular development.
- v) Performance Standards. All developments shall comply with the following requirements:
- 1) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by

- the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments enforced by the Ohio Environmental Protection Agency.
 - 3) Glare, Heat, and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed Building and not visible beyond any lot line bounding the property whereon the use is conducted.
 - 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to locations off the lot in objectionable quantities.
 - 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
 - i) Vibrations and Noise.
 - ii) No land use or Structure shall be used or occupied in a manner which creates dangerous or objectionable noise.
 - iii) A maximum level of noise of 80 decibels is permitted at the boundary of the nearest residential or agricultural use or district.
 - iv) During the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, sound may equal but not exceed traffic noise in the vicinity.
 - v) Noise producing equipment and activities shall be muffled to prevent intermittence, beat frequency, and shrillness.
 - vi) Vibrations, which are perceptible without the aid of instruments, shall not be permitted beyond the lot occupied by the use generating such vibration.
 - 6) Odors - No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.
- w) Supplemental Conditions and Safeguards. If the Zoning Commission determines that additional measures are needed to buffer existing land uses, they may require such as part of the Development Plan approval.
- x) Divergences. The County Commissioners, as a part of a Development Plan approval process outlined [Article XIV – Approval Procedure for Overlay Districts](#) – may grant divergences from any standard or requirement in this Article with the exception of the density of dwelling units per acre, permitted uses, and the percentage of required

open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan.”

ARTICLE IX
Planned Business Overlay District

9.01 Purpose**9.02 Overlay Area and Target****Renderings****9.03 Permitted, Conditional, and Prohibited Uses****9.04 Procedure****9.05 Development Plan Standards**

9.01 PURPOSE

- a) The Planned Business Overlay District (PBO) is created pursuant to Section 303.022 of the Ohio Revised Code to further the purpose of promoting the general welfare, encouraging the efficient Use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of residential, commercial, and industrial development. The PBO encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of land, thereby allowing for a unified development strategy that:
- 1) Establishes a zoning procedure for the commercial development of areas on a planned basis in accordance an overall Development Plan;
 - 2) Provides flexibility in the regulation of basic land planning and to encourage imaginative site planning that provides a variety of Uses with open space;
 - 3) Emphasizes strategic development opportunities for smaller, key intersections and highway corridors; and
 - 4) Improve pedestrian and vehicular connectivity between nearby residential neighborhoods and adjacent non-residential Uses.

9.02 OVERLAY AREA AND TARGET RENDERINGS

- a) The PBO is created pursuant to Section 303.022 of the Ohio Revised Code and encompasses, includes, and overlays all land bounded by the lands as described in the County's Comprehensive Plan and Future Land Use Map.

b) Example Rendering and Pictures:



9.03 PERMITTED, CONDITIONAL, AND PROHIBITED USES

a) For designated Uses, see [Section 4.03 - Commercial/Industrial Use Table](#).

- 1) Open Space. Twenty (20) percent of the Gross Tract Acreage shall be reserved for open space as required in [Section 6.07 - Ownership and Maintenance of Open Space](#). Whether the open space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved development plan. Limited Agricultural Uses may be approved as open space in the development plan.
- 2) Accessory Buildings and Structures. Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 4.03 - Commercial/Industrial Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.

b) Prohibited Uses.

- 1) Uses not specifically authorized by the express terms of this Resolution are prohibited;
- 2) The outdoor storage of inoperable, unlicensed, or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) consecutive days is prohibited, except for necessary construction equipment that is in working order;

- 3) No trailer of any type; not boats; no motor homes; and no equipment of any type shall be parked in the Front Yard on any Lot within the PBO;
- 4) Except as specifically permitted, no mobile homes or mobile office Structures shall be placed or occupied of the PBO;
- 5) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any Lot or Parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public as determined by the County Commissioners. The County Commissioners shall also retain any and all statutory authority that may be afforded regarding nuisances, including, but not limited to, the authorities provided in Section 303.37(J) of the Ohio Revised Code.
- 6) No outside storage of any kind shall be permitted. All Permitted Uses shall be conducted completely within an enclosed Building.
- 7) Need to address temporary storage of material (laydown yards) and temporary trailers for offices.

9.04 PROCEDURE

See, [Article XIV – Approval Procedures for Overlay Districts](#).

9.05 DEVELOPMENT PLAN STANDARDS

- a) Minimum Gross Tract Size for a PBO Subdivision – Twenty-Five (25) Acres.
- b) Open Space - Open space shall be thoughtfully integrated into the site design to enhance environmental preservation, recreational opportunities, and community aesthetics. Open space locations and proposed uses must be clearly depicted in the Development Plan and are subject to approval by the County Commissioners. Open space may be maintained privately by the developer, property owner, a New Community Authority or transferred to the County for public use with formal approval. Land dedicated for public purposes, including new school sites, may contribute toward satisfying the open space requirement. Open spaces shall also comply with the following requirements:
 - 1) A minimum of twenty percent (20%) of the gross tract acreage shall be provided. Gross tract acreage encompasses all land within the development plan, including wetlands and steep slopes. Required open space shall not include:
 - 2) Private and public roads and associated Rights-of-Way;
 - 3) Public or private parking spaces, access ways, driveways and other vehicular use areas;
 - 4) Required minimum spacing between Buildings;

- 5) Required yard setbacks; except when part of a large contiguous open space and accessible with a bike or pedestrian path, and with the approval of the Zoning Commission.
 - 6) Public utility substations;
 - 7) High tension transmission lines or other above ground utilities shall not make up more than fifty percent (50%) of the required open space; and
 - 8) Artificial water features;
 - 9) A minimum of a half (1/2) acre of open space for each Tract shall be designated as a community gathering space. Areas devoted toward the community gather space shall be designated as an interactive open space that fosters community engagement by incorporating features that encourage social interaction, recreation, and relaxation. These spaces can include walking trails, seating areas, fire pits, playgrounds, splash pads, and multi-use plazas, including but not limited to an amphitheater, and recreational fields that cater to people of all ages. Integrating interactive elements such as public art, community gardens, and technology-enabled features like smart lighting or Wi-Fi access enhances usability and accessibility. By prioritizing connectivity, sustainability, and inclusivity, an interactive open space becomes a vibrant hub where residents can gather, collaborate, and enjoy a dynamic, shared environment.
 - 10) A comprehensive open space and buffer maintenance plan is required and must demonstrate a long-term strategy for maintaining the designated open space and buffers, ensuring its sustainability and functionality over time; and
 - 11) The ownership and preservation method of the open space and buffers must be clearly identified. Documentation must ensure that the open space and buffers are maintained and preserved in perpetuity through appropriate legal mechanisms, as determined by the County Zoning Commission.
- c) Site Design and Arrangement of Buildings. To ensure a cohesive design, a Development Plan shall include a minimum of twenty-five (25) acres to pull down the PBO Overlay. All Buildings shall be arranged so they respond to the surrounding existing expected uses. The Buildings and site development shall comply with the following requirements:
- 1) Buildings must have a relationship to the street and should not be in the center of the lot with surrounding parking;
 - 2) Parking must be placed to the side and rear of the Building where practicable with minimal parking in front of the Building;
 - 3) A proposed development shall include appropriate buffers and open spaces;
 - 4) The bulk, height, and surface materials of Buildings within the proposed development shall be compatible with the surrounding area. Buildings, Structures, and parking areas shall be designed and located within the development to minimize environmental impacts and conserve environmentally sensitive or unique natural, historic, or cultural features. This

- includes, but not limited to, tree rows, wooded lots greater than one (1) acre, stream corridors, and steep slopes;
 - 5) Native vegetation adjacent to wetlands and surface waters shall be retained or restored;
 - 6) Existing hedge and tree lines shall be preserved unless one or more of the following applies:
 - i) A majority of the trees are dead, diseased, dying, or invasive; or;
 - ii) A road widening as determined by a state, county, or local road department is required.
 - 7) Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources shall be preserved;
 - 8) Historic or archaeological sites (e.g., earthworks, burial grounds, etc.) shall be preserved;
 - 9) A viable pedestrian circulation system shall be provided, meaning a minimum of a ten (10)-foot wide walking path throughout the development or along adjacent existing roadways to provide for connection to surrounding developments (existing and potential). The design of these paths shall be pursuant to [Section 9.05\(t\) – Accessibility and Connectivity](#); and
 - 10) Natural drainage swales and creeks shall be protected. No construction of Buildings is allowed inside the one hundred (100)-year floodplain. In addition, no Structures are permitted within one hundred (100) feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer.
- d) Sewage Disposal. A feasibility letter shall be provided by the applicable water and sewer district indicating that the proposed water and sewers services are adequate for this site.
- e) Perimeter Setback. No Building shall be constructed within fifty (50) feet of the external boundary of the PBO except, however, no Building shall be located within one hundred (100) feet of the proposed Centerline of the Street for an existing County or Township Roadway or the proposed State Road Right-of-Way.
- f) Stormwater. Developments must include a stormwater management plan that meets Township and the Madison County Stormwater Design Standards. Prioritization should be given to Low-Impact Development (LID) techniques such as rain gardens, bioswales, and permeable paving. The plan should control the one hundred (100)-year storm event runoff and prevent any increase in runoff above pre-development levels. Stormwater features must prevent erosion, flooding, and standing water while maintaining natural drainage areas. Regional retention/detention ponds with soft edges should be used to integrate stormwater management into the landscape, reducing the need for multiple ponds.

- g) Subdivision Standards. Public streets and all drainage improvements shall conform to the subdivision standards for Madison County, Ohio or as otherwise approved per the Development Plan.
- h) Pavement Standards for Private Drives. All private drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Madison County Engineer's Design, Construction, and Surveying Standards Manual or shall have a design life of twenty (20) years.
- i) Pavement Standards for Parking Lots. Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road. These paved surfaces shall be designed with permeable materials to encourage infiltration.
- j) Pedestrian Amenities. - Pedestrian amenities, such as wide sidewalks, crosswalks, benches, and green spaces, shall be creatively integrated into the development to enhance accessibility and promote a walkable environment for the community as determined by the County Commissioners in an approved Development Plan. Additionally, the following requirements shall apply:
 - 1) Curb ramps and crosswalks shall be installed pursuant to the [American Disability Act](#) requirements; and
 - 2) Multi-use paths and sidewalks shall be constructed immediately outside the road Right-of-Way within a fifteen (15)-foot MUP easement, or ten (10)-foot sidewalk easement designated for such public use.
 - 3) For all Townhome (Row or Pinwheel Design), Multi-Family Buildings, and Multi-Use Buildings, pedestrian pathways connecting Buildings with parking areas shall be provided. Pedestrian pathways must also connect to a multi-use path required in this Section.
- k) Street Trees. Native deciduous, broad leaf street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).

l) **Lot Area, Setback, Building Height, and Lot Coverage Requirements.**

	Commercial Development
Minimum Lot Size	1 acre
Minimum Building Front Setback from new Collector or Local Road ROW (Feet)	50
Maximum Front Setback from new Collector or Local Road ROW (Feet)	N/A
Minimum Side Setback (Feet)**	60
Minimum Rear Setback (Feet)**	60
Minimum Lot Width (Feet)	At least 1/2 of Lot Depth
Maximum Building Height (Feet)***	50^
Maximum Lot Coverage	70
Minimum Distance Between Buildings on Same Lot	As required by the Fire District
In no case shall a parking lot encroach into the minimum Right-of-Way Setback. The Right-of-Way Setback should be landscaped and may include the required multi-use path or sidewalk, fences, or any development entry features or signs that meet the requirements of this Article. **Parking may encroach into a Side or Rear Setback, but in no case shall parking be located closer than five feet from the internal lot line, except in cases where the County Commissioners determine that parking lots need to straddle internal lot lines to comply with the connectivity requirements of Section 9.05(t) – Access and Connectivity. In such cases, appropriate cross-access easements must be established. ***Building Height is measured at the highest point of the roof from the established Building pad grade as shown on the approved grading plan for the development. ^Rooftop mechanical units, antennas, etc., may extend an additional ten (10) feet above the Building provided they are screened in accordance with Section 9.05(o) – Landscaping and Buffering.	

m) **Building Design Standards.** The intent of this section is to create a cohesive, aesthetically pleasing environment that promotes the use of natural materials to maintain a sense of harmony among surrounding properties. These standards will ensure that the area’s architecture reflects a balance between individuality and consistency. The following design requirements aim to achieve this vision:

- 1) **Design Elements – All Buildings.** For all new Buildings, blank walls shall not be permitted. Where expanses of solid walls are necessary, they may not exceed twenty (20) feet in length. There shall be a minimum of three (3) design

elements for every one hundred (100) feet of elevation facing a public Right-of-Way. There shall be a minimum of two (2) design elements for every one hundred (100) feet of elevation not fronting on a public Right-of-Way. Approved design elements:

- i) Columns designed with brick or stone to complement the Building facade. The Zoning Commission shall recommend the width, subject to approval by the County Commissioners as part of the Development Plan.
- ii) A door at least twenty-eight (28) square feet in area with a portico or covered entry that integrates contemporary urban design.
- iii) A window of at least six (6) square feet in area. Multiple windows smaller than ten (10) square feet shall count as one (1) element.
- iv) A masonry water table feature that enhances durability and visual appeal.
- v) Trellis systems containing plants or other vertical greenery to soften the facade.
- vi) Patios or decks designed to blend seamlessly with the Building's aesthetic while adhering to setback requirements.
- vii) Awnings with modern design elements that complement the streetscape and enhance the pedestrian experience.
- viii) Permanent architectural features such as street furniture, landscaped garden areas, and urban art installations that are integrated into the streetscape design. These must align with the overall design theme and be approved by the Zoning Commission.
- ix) Balconies and chimneys shall be prohibited from facing a public Right-of-Way to maintain a cohesive streetscape.

2) Building Materials. All Buildings must adhere to the following Building material requirements:

- i) All exterior walls shall be comprised of natural materials or of synthetic materials that the County has deemed to mimic the look of natural materials. This permitted list of materials includes only the following: brick, stone, native or cultured stone, wood, or fiber cement. Foundations must be clad with the same natural material utilized on Building to blend with the overall architecture of the Structure. Exposed cement block or split face block foundations shall be prohibited.
- ii) As technology evolves, newer synthetic materials, that did not exist at the time of the adoption of this Article, may be created and may mimic the look of the natural materials required within this Section. The Board of Trustees may approve the use of a newer material under the following conditions:
 - A) The manufacturing of said material did not exist at the time of adoption of this Article (insert date here); and

- B) The Board of Trustees determines that said material provides a substantially similar appearance to the natural materials required by this section.
 - C) The Board of Trustees determines that the synthetic material has been demonstrated to have equivalent or superior performance and durability compared to its natural material counterpart.
 - iii) Vinyl, copper, and aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters and made to appear as a natural material as determined by the approved Development Plan.
- 3) Building Colors. All Buildings must comply with the following building color requirements:
 - i) Building colors shall blend with the surrounding properties and be consistent with the neighborhood's visual character. Earth tones, such as browns, tans, and grays, are preferred to match the use of natural materials.
 - ii) White and brick red may be utilized, but starkly contrasting colors (e.g., black) are discouraged, particularly in areas adjacent to brick or other traditional materials. Accent colors may be used sparingly but shall not dominate the overall color scheme.
- 4) Roofing.
 - i) The following general requirements apply to all roofs:
 - A) All rooftop mechanical equipment must be fully screened from view from the public Right-of-Way and adjacent Buildings, using materials and design elements that are architecturally integrated with the overall building design.
 - B) Consistent roof materials shall be required. Permitted materials include:
 - I) Architectural shingles;
 - II) Standing seam metal; and
 - III) Slate or simulated slate.
 - C) The color of the roof shall blend and be complimentary to the building color. Earth tones, such as browns, tans, and grays, are preferred to match the use of natural materials. The use of white roofs on commercial Buildings is also permitted.
 - D) Green roofs may be permitted when included in a development plan approved by the County Commissioners.
- n) Street Lighting. If provided, a lighting plan shall be submitted with and approved as a part of the Development Plan. Poles shall be placed a minimum of five (5) feet from the edge of any driveway or intersection roadway. Poles shall be prohibited within any island within a Public Road. The horizontal illumination shall be measured at the roadway and sidewalk surfaces and be provided in foot-candles (fc). Streetlights

located along an internal subdivision road (local road) shall not exceed 0.3 fc. All lighting shall be directed toward the ground and the interior of the parcel and shall be full cut-off lighting. Uplighting shall be prohibited. Light fixture height shall not exceed twelve (12) feet in height as measured from the established grade to the highest point of the light fixture.

- o) Landscaping & Buffering. All Front, Side, and Rear Yards shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within Front Setback shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan. All sites must be well landscaped and buffered to minimize the impacts of certain site components, including trash receptacles, storage, parking, utilities, and mechanicals as determined by the County Zoning Commission. However, at a minimum, the Development Plan shall comply with the following requirements:
- 1) A Perimeter Buffer shall be required when a proposed Development Plan abuts a property which is located within the PBO that has not yet pulled down the cloud and is following the underlying zoning that allows single-family uses.
 - 2) Perimeter Buffer Requirements: A typical perimeter buffer shall be fifty (50) feet in width, unless otherwise approved by the County Commissioners as shown on an approved Development Plan. The County Commissioners may adjust (increase or decrease) the buffer width, depending upon the following factors:
 - i) The adjacent land uses and zoning classifications;
 - ii) The location of any existing multi-use paths;
 - iii) Existing tree lines and other existing natural features; or
 - iv) Other relevant factors as determined by the County Commissioners.
 - 3) A buffer of one hundred (100) feet in width shall be provided on any property in the PBO adjacent to any existing residential lot outside of the PBO. The buffer shall contain native vegetation and trees and shall be mounded or mimic the natural condition of a forest edge to reduce noise pollution and visual impacts of the development from adjacent land uses.
 - 4) The images in Figures Figure 9.05(o)(4)(A) and 9.05(o)(4)(B) show the ideal perimeter buffer. A multi-use path shall be included in the buffer along with a mix of deciduous and evergreen species to enhance year-round screening.

Figure 9.05(o)(4)(A)

Perimeter Buffer with Mound

BUFFER WITH A MOUND

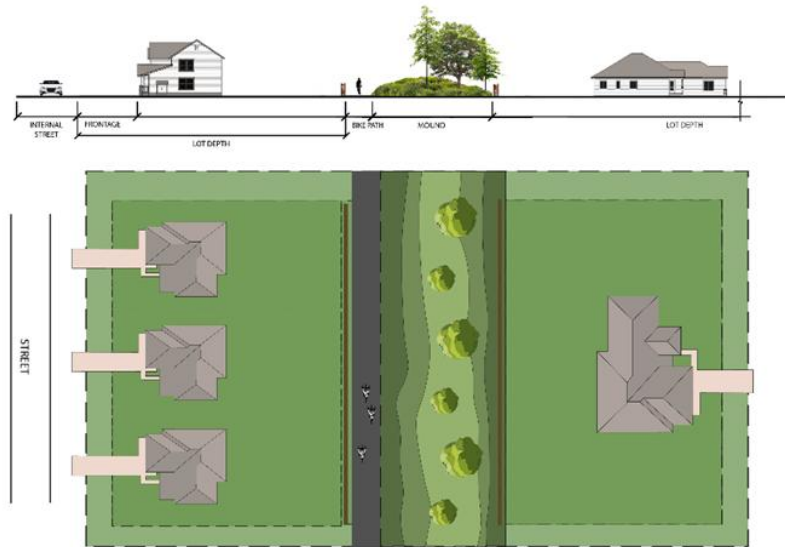
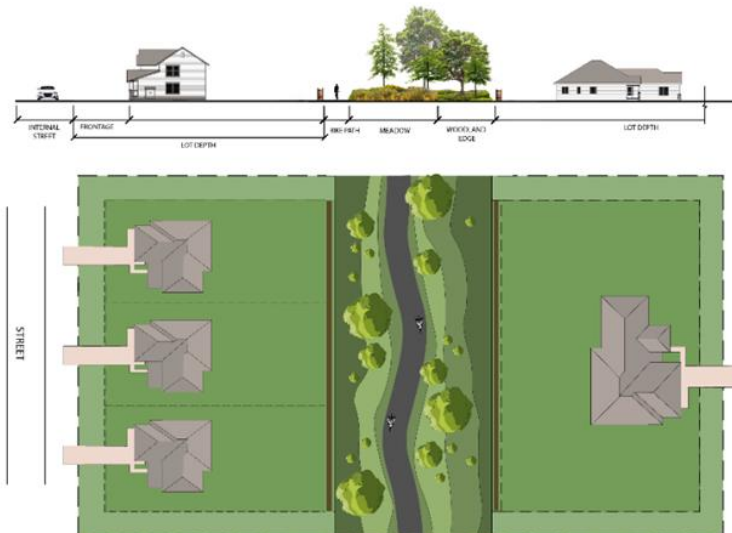


Figure 9.05(o)(4)(B)
Perimeter Buffer without Mound

BUFFER WITHOUT A MOUND



- 5) **Fence Design.** There shall be a fence on each side of the buffer which will serve as a clear borderline between the buffer and the fee simple lots. The fence shall be:
 - i) **Maximum Height.** Six (6) feet.
 - ii) **Material.** The fence shall be designed to comply with the County standard fence requirements for buffers according to [Section 15.21 – Fences and Walls](#).
- 6) **Native Plants in Ohio.** Ohio boasts about nineteen hundred (1,900) native plant species, all uniquely adapted to the local climate and soil, contributing to biodiversity and ecological health. Planting a diverse mix of native species helps safeguard against pests and diseases, ensuring ecosystem resilience. Notable species for this purpose include Blue-eyed Mary, Wild Bergamot, Eastern Columbine, Gray Goldenrod, Northern Spicebush, and Wild Geranium. For a complete list, visit ohionativeplantmonth.org. For promoting biodiversity, reducing the likelihood of an outbreak of disease, and overall ecological health of the Overlay area, all required plantings in this Article shall include a diverse range of plant species as determined by the County Soil and Water Conservation District Commissioners. All landscaping must adhere to the following requirements:
 - i) Proposed landscaping material shall align with the established Rural Design theme utilizing native plantings and grasses;
 - ii) Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, Fence, wall, or earth mound within four years after installation;
 - iii) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen;
 - iv) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months;
 - v) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

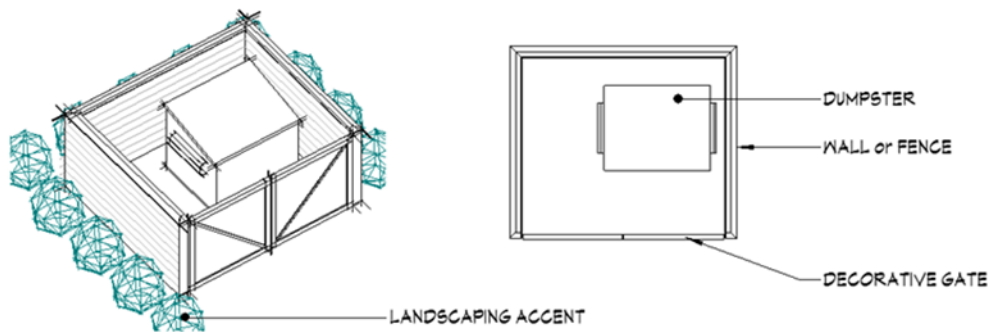
TABLE 8.05(o)(1)

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2.5-inch caliber
Coniferous/Evergreen	6 feet in height
Shrubs and Hedges	3 feet in height
*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.	

- vi) Landscaping at Driveway and Street Intersections. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections:
 - vii) Driveway Intersection Triangle. At intersections of driveways with streets, the sight triangle shall be established in accordance with [Section 15.49 – Visibility at Intersections](#).
- 7) Tree Preservation. All major trees shall be preserved, unless exempted, as follows:
 - i) The proposed Structure or vehicular use area cannot be located in a manner to avoid removal of the tree while at the same time permitting desirable and logical development of the lot. Such trees shall be identified on the Development Plan approved by the County Commissioners.
 - ii) The tree is damaged, diseased, or otherwise is an undesirable species in its present location as indicated on the Development Plan approved by the County Commissioners.
- 8) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public Right-of-Way shall be screened from the respective Right-of-Way with a minimum of a thirty-six (36)-inch continuous planting hedge and tree combination. The height shall be measured from the grade of adjacent parking area;
- 9) Throughout the Setback area, there shall be a minimum of four (4) trees per one hundred (100) lineal feet. Trees may be deciduous, coniferous or a combination thereof. This requirement shall not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.
- 10) Mechanical Equipment, Service Areas, and Screening Requirements. Mechanical Equipment and Generators: External mechanical equipment must be screened from public Rights-of-Way and adjacent single-family lots using the following:
 - i) A wall or fence at least one (1)-foot taller than the equipment, made of materials matching the principal Building.
 - ii) Evergreen landscaping at least one (1)-foot taller than the equipment, installed in a linear fashion with a maximum spacing of twelve (12) feet.
- 11) Rooftop mechanicals must be screened by a parapet wall or similar mechanism extending at least one (1)-foot above the units.

- 12) Service, Production, and Loading Zones: These areas must be located at the rear or side of Buildings and screened on all sides from property lines, public roads, and private streets using:
 - i) A six (6)-foot wall or mound with landscaping.
 - ii) Evergreen trees at least five (5) feet tall, spaced a maximum of twelve (12) feet apart.
- 13) Trash Containers and Storage Areas:
 - i) Must be screened on three (3) sides by a wall or fence one (1)-foot taller than the container or stored materials, with materials matching the principal Building. The fourth side must have a solid, decorative gate of the same height.
 - ii) Accent landscaping, such as shrubs, must be planted no more than five (5) feet apart around the perimeter of walls or fences.

Figure 9.05(o)(13)
Dumpster Enclosure and Accent Landscaping



- p) Parking. All developments must provide off-street vehicular parking at the time of development and shall comply with the parking requirements below. The layout, service areas, entrances, exits, signs, lighting, and landscaping must be designed to minimize adverse impacts on community character and ensure parking is not a dominant aesthetic component of the site. Landscaping shall be incorporated to reduce the visual impact of parking areas.
 - i) General Parking Regulations:
 - ii) All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly. There shall be a minimum aisle width of twenty-five (25) feet.
 - iii) Parking spaces located within an enclosed garage may count toward the off-street parking requirements.

- iv) All driveways shall be constructed of a hard surface such as pavement, brick, or concrete.
 - v) Recreational vehicles and trailers may be temporarily parked in a driveway for no longer than forty-eight (48) hours every seven (7) days.
 - vi) Parking pads for the long-term parking of recreational vehicles or trailers are prohibited in the required front setback.
 - vii) The location of all off-street parking spaces shall comply with [Section 17.05 – Schedule of Off-Street Parking Spaces](#).
 - 2) Off-street parking shall be provided. Construction traffic may park in the street, but only on one side to allow for safe access by emergency equipment. Off-street parking shall comply with the following regulations found in [Section 17.05 – Schedule of Off-Street Parking Spaces](#).
- q) **Signs.** All signs and graphics within the PBO shall be compatible in size, location, height, material, shape, color, and illumination while considering different use types throughout the development. A Master Signage Plan for all portions of the PBO may be submitted as part of a Final Development Plan application. If a Master Signage Plan is approved as part of the Final Development Plan, then the Planning and Zoning Director may issue a permit for each approved sign. If no Master Signage Plan is approved as part of the Development Plan, then each sign shall be submitted as its own Development Plan for approval pursuant to [Article XIV – Approval Procedures for Overlay Districts](#) – prior to the Planning and Zoning Director issuing a permit for said sign. All signs in the PBO must comply with the following regulations:
- 1) **Prohibited Signs.** The following permanent signs shall be prohibited: portable displays or mobile signs, flags, banners, pennants, gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, signs with flashing messages or bare bulbs, signs on backlit awnings, video signs, signs with moving text or pictures, and bench signs, monopole signs, roof signs, and rotating signs. Off premise signs shall also be prohibited.
 - 2) **General Sign Requirements.** All signs shall comply with the following requirements:
 - i) Signs shall be designed utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the character of the area and match the colors of the primary Building, utilizing leaf greens, browns, tans, greys, whites, sky blue, and brick red.
 - ii) Signs shall not be painted directly on the surface of the Building, wall or fence.
 - iii) Signs shall have a maximum of two (2) sign faces per sign.
 - iv) Sign placement shall not create a vehicular sight distance limitation or other visual barrier and it shall not otherwise create a safety hazard that will adversely affect the public health, safety or general welfare. The use of clear sight triangles at roadway and driveway intersections is

- required to ensure that motorists have the greatest sight distance available to them before entering or exiting a roadway.
- v) Each Building and Dwelling Unit, if applicable, shall have an address number that is clearly visible from the public Right-of-Way. Such Signs shall not require a development plan or permit.
 - vi) Types of Signs: The following types of signs are permitted within the PBO Overlay. Further details concerning signs can be found in [Article XVIII - Signs](#).
 - A) Projecting Signs
 - B) Canopy Signs
 - C) Ground Signs
 - D) Wall Signs
 - E) Window Signs
- 3) Number and Size of Signs. The number and size of signs shall be as approved by the County Commissioners as part of a Development Plan.
- r) Mailboxes and Other Accessory Residential Uses. Look to [Section 15.14 – Clustered Mailboxes](#) – for further regulations.
 - s) Utilities. All utilities in the PBO Subdivision shall be buried underground.
 - t) Access and Connectivity. Pedestrian and multi-use pathways shall be required to connect to adjacent tracts zoned PBO. Open Spaces shall be designed to connect with adjacent Open Spaces on connecting tracts that require Open Spaces. The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. The County Commissioners may rely upon recommendations from the Consulting Engineer to determine that the proposed method for providing connectivity is the most suitable in each particular development.
 - u) Performance Standards. All developments shall comply with the following requirements:
 - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
 - 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

- 3) Glare, Heat, and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed Building and not visible beyond any lot line bounding the property whereon the use is conducted.
- 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
 - i) Vibrations and Noise.
 - ii) No land use or Structure shall be used or occupied in a manner which creates dangerous or objectionable noise.
 - iii) A maximum level of noise of 80 decibels is permitted at the boundary of the nearest residential or agricultural use or district.
 - iv) During the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, sound may equal but not exceed traffic noise in the vicinity.
 - v) Noise producing equipment and activities shall be muffled to prevent intermittence, beat frequency, and shrillness.
 - vi) Vibrations, which are perceptible without the aid of instruments, shall not be permitted beyond the lot occupied by the use generating such vibration.
- 6) Odors - No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.
- v) Supplemental Conditions and Safeguards. If the Zoning Commission determines that additional measures are needed to buffer existing land uses, they may require such as part of the Development Plan approval.
- w) Divergences. The County Commissioners, as a part of a Development Plan approval process outlined [Article XIV – Approval Procedures for Overlay Districts](#), may grant divergences from any standard or requirement in this Article with the exception of the density of dwelling units per acre, permitted uses, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan.”

ARTICLE X
Planned Flex Employment Overlay District (PFE)

10.01 Purpose

10.04 Procedure

10.02 Overlay Area

10.05 Development Standards

10.03 Permitted, Conditional, and Prohibited Uses

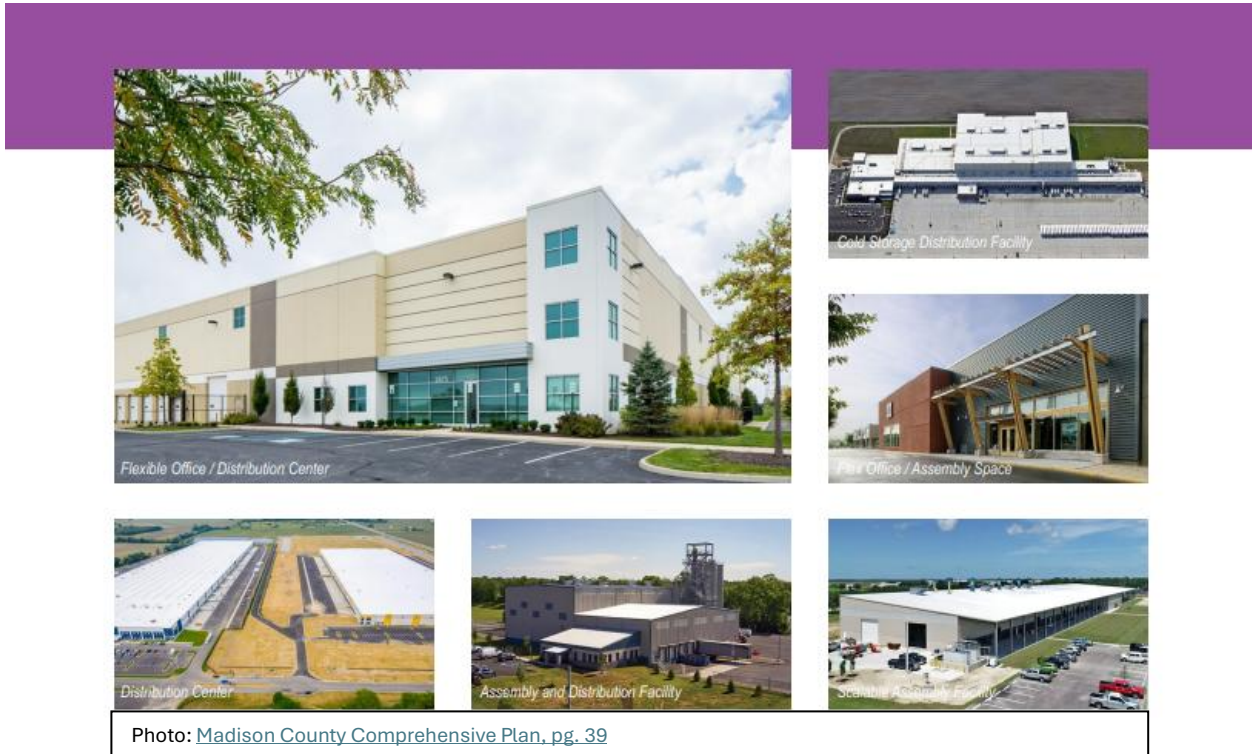
10.01 PURPOSE

- a) Purpose. The Planned Flex Employment Overlay District (PFE) is created pursuant to Section 303.022 of the Ohio Revised Code to further the purpose of promoting the general welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of industrial development. The PFE encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified strategy that:
- 1) Encourages projects that exhibit creative planning and design in ways that cannot be achieved through a standard Zoning District through architectural design and are consistent with the Madison County Comprehensive Plan.
 - 2) Preserves unique or sensitive natural resources by integrating landscaping requirements with developments.
 - 3) Plans the appropriate amount of infrastructure, including paved surfaces and utility easements necessary for development.
 - 4) Reduces erosion and sedimentation by minimizing land disturbances.
 - 5) Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development.
 - 6) Assures compatibility between proposed land uses through appropriate development controls.
 - 7) Preserves the streetscape along the roadways.
 - 8) Enhances the welfare and economy of the County by making available a variety of employment opportunities.

10.02 OVERLAY AREA AND TARGET RENDERINGS

- a) The PFE is created pursuant to Section 303.022 of the Ohio Revised Code and encompasses, includes, and overlays all land bounded by the lands as described in the County's Comprehensive Plan and Future Land Use Map.

b) Example Rendering and Pictures:



10.03 PERMITTED AND ACCESSORY USES

a) For designated Uses, see [Section 4.03 - Commercial/Industrial Use Table](#).

- 1) Open Space. Twenty (20) percent of the Gross Tract Acreage shall be reserved for open space as required in [Section 6.07 - Ownership and Maintenance of Open Space](#). Whether the open space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved development plan. Limited Agricultural Uses may be approved as open space in the development plan.
- 2) Accessory Buildings and Structures. Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 4.03 - Commercial/Industrial Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.

b) Prohibited Uses.

- 1) Uses not specifically authorized by the express terms of this Resolution are prohibited;
- 2) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any Lot or Parcel which creates an eyesore, hazard, or nuisance to the general public as determined by the County Commissioners.

The County Commissioners shall also retain any and all statutory authority that may be afforded regarding nuisances, including, but not limited to, the authorities provided in Section 303.37(J) of the Ohio Revised Code.

- 3) No outside storage of any kind shall be permitted. All Permitted Uses shall be conducted completely within an enclosed Building.
- 4) Need to address temporary storage of material (laydown yards) and temporary trailers for offices.

10.04 PROCEDURE

See, [Article XIV – Approval Procedures for Overlay Districts](#).

10.05 DEVELOPMENT STANDARDS

The general development standards of the PFE shall apply to all new development, redevelopments, additions, Accessory Structures, and major site modifications for all Uses located within the Overlay District. These general development standards ensure consistency and quality throughout the PFE and each Lot's development.

- a) Minimum Tract Size Per Development Plan. The minimum Tract size per Development Plan shall be five (5) acres.
- b) Ownership. Any land area proposed for development shall be under one owner or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of this Article.
- c) Lot Size and Requirements. The development plan shall incorporate the following standards for all Uses:

TABLE 10.05(c)

Development Standard	PFE
Minimum Tract Size Per Application	5 acres
Minimum Lot Size	N/A
Minimum Lot Width	At least ½ of Lot Depth
Minimum Building to Lot Width Ratio	N/A
Minimum Building Setback from Arterial	100 feet
Minimum Building Setback from Collector Road Right-of-Way Line	100 feet

Minimum Building Setback from Local Road Right-of-Way Line	100 feet
Minimum Rear Building Setback	60 feet*
Minimum Side Building Setback	60 feet*
Maximum Building Height**	60 feet
Maximum Lot Coverage	80 percent
*Parking may encroach a front, side or rear setback, but the pavement shall be no closer than 15 feet from the applicable front, side, or rear lot line. If said parking area abuts an existing residential district, the pavement shall be no closer than 50 feet from the lot line of the abutting residential district. **Mechanical and HVAC units may extend above the maximum Building Height by ten (10) feet provided such units are screened in accordance with Section 10.05(e) – Buffering, Landscaping, and Screening. This applies to all Uses.	

- d) Architectural Requirements. All Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and Accessory Structures, whether attached or detached, shall be of similar design, materials, and construction of the existing or principal Structure. The following standards shall also apply to Structures for the following Uses:

1) Building Design.

- i) Any Building fronting on a Collector or Local Road shall be designed to appear as the front façade.
- ii) Blank walls shall not be permitted. There shall be a minimum of three (3) design elements for every one hundred (100) feet of elevation width for an elevation facing a public Right-of-Way and a minimum of two (2) design elements for every one hundred (100) feet of elevation for each side and rear elevation that does not front a public Right-of-Way.
- iii) Typical design elements are as follows:
 - A) A door of at least twenty-eight (28) square in area with an awning, window, faux window, or other feature subject to approval in the Development Plan, as applicable;
 - B) A window of at least six (6) square feet in area. Windows closer than then (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
 - C) Porticos, dormers, projecting canopies, masonry water tables, trellis containing plantings, a gabled vent of at least four (4) square feet in area;

- D) Patios decks, or similar features; or
 - E) A similar significant permanent architectural feature consistent with the style of the Building upon approval of the Development Plan, as applicable.
- iv) All elevations shall have similar style, materials, colors, and details.
- v) A Building front elevation that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met by utilizing the design elements found above.
- 2) Building Materials.
 - i) All exterior walls shall be constructed predominantly of precast concrete, brick, or architectural concrete masonry units.
 - ii) Precast systems shall be light in color and limited to integrally colored precast, painted, or stained precast panels.
 - A) No raked concrete panels shall be permitted.
 - B) Tilt up concrete panels with accent bands shall be permitted. Tilt-slab concrete Buildings shall have no greater than ½" exposed aggregate (which applies to all concrete surfaces). Tilt-slab construction walls may have no more than three hundred (300) square feet of surface without reveals.
 - C) Applied paint and stains must be consistent with the architectural finish of the Building.
 - iii) Masonry Units. Masonry products shall include integrally colored split face units, painted, or stained split face units or brick. No standard concrete units shall be permitted. Glazed brick and glazed tile shall only be used for accent and fine details. Smooth finished blocks shall be prohibited.
 - iv) Corrugated metal systems are prohibited.
 - v) Exterior insulation finishing systems (EIFS) or synthetic stucco may only be utilized at eight (8) feet above finished grade or higher. All finishes and color of EIFS shall coordinate with the overall Building design.
- 3) Roofs.
 - i) Flat roofs shall be standing seam, built up, ballasted, fully adhered, and mechanically fastened EPDM (Ethylene Propylene Diene Monomer rubber), or other membrane roof systems. No shingles, including concrete, slate, asphalt, wood, asbestos, or clay shall be permitted.
 - ii) Pitched roofs may be permitted for Buildings less than 10,000 square feet in area. When a pitched roof is permitted, asphalt shingles or standing seam metal shall be permitted.
- 4) Exterior Canopies and Entrances. All exterior canopies and entrance features on a single Building shall be consistent color scheme (i.e., each entrance may have more than one color, but each entrance must be the same). The color(s) selected for the entrance canopies shall be a brighter hue than the field colors

and shall serve as a complementary accent to the general Building design. Loading dock canopies shall be painted to match the entrance features canopies or painted to match the wall field color to which it is attached.

e) Buffering, Landscaping, and Screening.

1) The following requirements apply to all Uses:

- i) Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
- ii) All trees required by this Section shall meet the following minimum tree sizes at the time of planting:

TABLE 10.05(e)(1)

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliber
Coniferous/Evergreen	5-feet in height
Shrubs and Hedges	3-feet in height

*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.

- iii) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
- iv) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
- v) Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, Structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

2) In addition to the above standards, the following regulations shall apply:

- i) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public Right-of-Way shall be screened from the respective Right-of-Way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.
- ii) Parking Island Landscaping. All parking islands required in [Section 10.05\(f\) – Parking](#) – shall have a minimum of one shade tree with a minimum of 2” in caliper and include a minimum of fifty (50) square feet

- of other plant material. The remaining area of the landscaped island shall be covered with stone or planted with grass. The use of mulch shall be prohibited within the landscaped islands.
- iii) Right-of-Way – Setback Landscape Screening. Throughout the Setback area along an existing or planned public Right-of-Way, there shall be landscape screening that complies with the following:
- A) Arterial Road screening shall be a minimum of forty (40) feet in width;
 - B) Arterial Road screening shall include a cluster of a minimum of three (3) coniferous trees or two (2) deciduous trees at 100-foot intervals for the entire Frontage.
 - C) Collector and Local Road screening shall include a minimum of ten (10) feet in width and contain two (2) deciduous trees every thirty (30) feet on center.
- iv) Screening Between Uses. A continuous planting hedge and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. Fencing may be incorporated to provide additional screening. Fencing shall only be utilized in addition to and not in lieu of the planting hedge and tree combination.
- 3) Mechanical Equipment, Production Storage and Service Areas, Trash Containers, Loading Zones. The following regulations apply to all Uses:
- i) Mechanical Equipment. All external mechanical equipment, including generators, shall be screened from adjacent existing or planned public Rights-of-Way with materials that are similar to or the same as those used on the adjacent building façade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment.
 - ii) Production Areas, Service Areas, Storage Areas, Trash Containers, and Loading Zones. Production areas, service areas, storage areas, trash containers and loading zones shall be located at the rear or the side of the Building, except however, those areas that are prohibited along a side of a Building facing an existing or proposed single-family residential use. These areas shall be effectively screened from all adjacent property lines, existing or planned public Rights-of-Way and private streets.
 - iii) Production Areas, Service Areas, and Loading Zones. Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principal Building.
 - iv) Trash Containers and Storage Areas. Trash containers and storage areas shall be screened on three (3) sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material

within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal Building and must be accented with landscaping. So that the trash container or storage area can be accessed, a solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.

- f) Parking. Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. To accomplish these goals, all off-street parking lot areas shall be designed and constructed using the “Parking Bay” concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.

- 1) Parking Lot Location. All parking lots shall be located behind or to the side of the principal Building, except as otherwise provided for herein.
 - i) Parking lots, when possible, should be located to the side or rear of the principal Building. Parking may encroach a Right-of-Way setback line, but in no case shall parking be less than forty (40) feet from the road Right-of-Way line.
 - ii) Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the County Commissioners determines that parking lots need to straddle internal lot lines to comply with the connectivity requirements of [Section 10.05\(g\) – Access, Connectivity, and Visibility](#). In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than one-hundred feet from a side or rear lot line, if such lot line abuts an existing or proposed single family residential use.
- 2) Parking Bays. All parking bay regulations shall follow [Section 17.02 – General Requirements](#) – and comply with the requirements found in [Article XVII – Parking](#).

- g) Access, Connectivity, and Visibility.

- 1) Access. All access points shall be limited to those locations approved by the permitting authority (state, county, or township as applicable). On Township Roads, the minimum spacing between driveways shall be determined by the County Engineer.
- 2) Fire Trucks. All Buildings must provide space for 360-degree access for fire trucks and shall also comply with the applicable Fire Department regulations.

- 3) Visibility. Visibility at intersections shall comply with Section 15.22 of this Resolution.
 - 4) Vehicular Connectivity (Access Roads and/or Parking Lot Connections). The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads (at the rear of the property or running parallel to an existing/proposed public road) and/or the use of cross-access easements between parking lots. The County Commissioners may rely upon recommendations from the County Engineer or other consulting engineers to determine that the proposed method for providing connectivity is the most suitable in each development.
 - i) If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of two hundred (200) feet between intersections. A greater distance may be required upon recommendation by the County Engineer or a consulting engineer to avoid safety concerns.
 - ii) Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.
- h) Lighting.
- 1) All Lighting shall comply with the requirements found in [Section 15.31 – Lighting](#).
 - 2) Regarding any development that abuts a property zoned for single-family residential purposes (including abutting properties within the PFE overlay that have not applied for a development plan and are designated the underlying Zoning District): All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, signs, displays, and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety and security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut off fixtures, auto dimming to adjust lighting based on ambient lighting and the use of as little light as necessary without creating safety issues is encouraged.
- i) Signs. All Signs shall comply with [Article XVIII – Signs](#).
- j) Utilities, Water, and Drainage.
- 1) All developments shall be served by central water and sewer systems. Bioretention basins, or rain gardens, may be used only when approved by the County. All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development

Handbook, the County Subdivision Regulations, the County Soil Erosion and Stormwater Regulations, any applicable requirements of the County Engineer, and any applicable FAA requirements.

- 2) The Best Management Practices (BMPs) found in the Ohio Environmental Protection Agency's Industrial Stormwater Permit should be adopted as part of the applicant's development plan.
- k) Accessory Structures. Accessory Structures for all Uses shall be identified on and constructed in accordance with an approved Development Plan. Accessory Structures must comply with the architectural requirements in [Section 10.05\(d\) – Architectural Requirements](#) – and all Setback requirements under [Section 10.05\(c\) – Lot Size and Requirements](#).
- l) Fences and Retaining/Decorative Walls.
- 1) All Fences within the PFE shall comply with the following requirements:
 - i) No fence shall exceed ten (10) feet in height and shall be a minimum of five (5) feet from any vehicular pavement area.
 - ii) All chain link fencing shall be black PVC coated, RVG, or painted black. Cast iron and pre-finished aluminum fencing or other metal features shall be black.
 - iii) Barbed wire and razor fences are not permitted.
 - 2) All retaining/decorative Walls shall comply with the following requirements:
 - i) Exposed concrete block is not permitted. Walls shall be constructed with stone, brick or masonry material that matches the Building in color, design, and durability.
 - ii) Vegetation may be utilized as natural wall
- m) Storage Tanks and Fueling Areas. Storage tanks and fueling areas that are associated with a Permitted Use and required for the operation and maintenance of a property shall be permitted provided such tanks comply with the following criteria:
- 1) Above ground storage tanks and above ground water storage tanks shall: be located behind the front plane of the Building, be the same color as the Building, and be no taller than the Building it serves.
 - 2) Fueling areas and canopies shall be located behind the front plane of the Building, be the same color as the Building, and be no taller than the Building it serves. Roof colors, parapet and all exposed trims shall match the main building Structure. All lighting shall be recessed under the canopy. No signage or graphics shall be permitted on the canopy.

**ARTICLE XI
SR-161 OVERLAY DISTRICT (SR-161 OVERLAY)**

11.01 Nature of this District	11.08 Open Space and Signature Greenways
11.02 Overlay District Established	11.09 General Requirements for Walls and Fences
11.03 Permitted Uses by Subarea	11.10 Additional Development Standards
11.04 Permitted Densities by Subarea	
11.05 Permitted Building Size by Subarea	
11.06 General Overlay Standards	
11.07 Flood Plains and Environmentally Sensitive Areas	

11.01 NATURE OF THIS DISTRICT

- a) This Overlay Planned District Development (“OPD”) is an Overlay District created pursuant to Section 303.022 (C) of the Ohio Revised Code and intended to reflect the Madison County Commissioners’ comprehensive plan and vision for the OPD until such time as the County decides to pursue an amendment to the existing County-wide comprehensive planning review into which this OPD would be incorporated.
- b) For purposes of this OPD, these uses are referred to generally as “Overlay Planned District Development Principal Business Park Uses” or “Business Park Uses.”
- c) This OPD also encourages the planning of appropriate Residential development which, for purposes of this OPD, are referred to generally as “Residential” uses, and civic and community areas which, for purposes of this OPD are referred to generally as “Recreational” uses.
- d) The OPD achieves these purposes by allowing for a unified development that:
 - 1) Establishes the SR 161 entry corridor for the northeast portion of the County.
 - 2) Establishes signature greenways.
 - 3) Integrates open space within developments with an emphasis on connectivity through the use of thoughtful multi-use paths and sidewalk connections.
 - 4) Encourages the efficient use of infrastructure including paved surfaces and utility easements necessary for development.
 - 5) Provides an opportunity for an appropriate mix of Business Park, Governmental, Residential and Recreational Uses.
 - 6) Establishes design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.

- 7) Assures compatibility between proposed land uses within and around the OPD through appropriate development controls.
 - 8) Encourages an attractive branded corridor for development projects that exhibits creative planning and design in ways that cannot be achieved through a standard zoning district yet are imaginative in architectural design, consistent with applicable public plans for the area and are compatible with surrounding land uses.
- e) The OPD is intended to emphasize the development of the Business Park Uses in order to attract quality economic development opportunities to the SR 161 corridor of Madison County. The OPD provides for Residential Uses intended to support of the Business Park Uses by offering high quality housing to residents and persons employed within the County. Targeted quality developments include, but are not limited to, the following industries:
- 1) Regional and Local Commercial Retail
 - 2) Advanced Manufacturing, Focused Innovation and Technology
 - 3) Clean Manufacturing, Warehousing
 - 4) Insurance and Financial Services
 - 5) Health Care Companies and Education
 - 6) Corporate Headquarters and Multi-Tenant Office Buildings
 - 7) Research & Development
- f) In addition, the OPD promotes thoughtful commercial and retail development to support the employment center and residential uses.

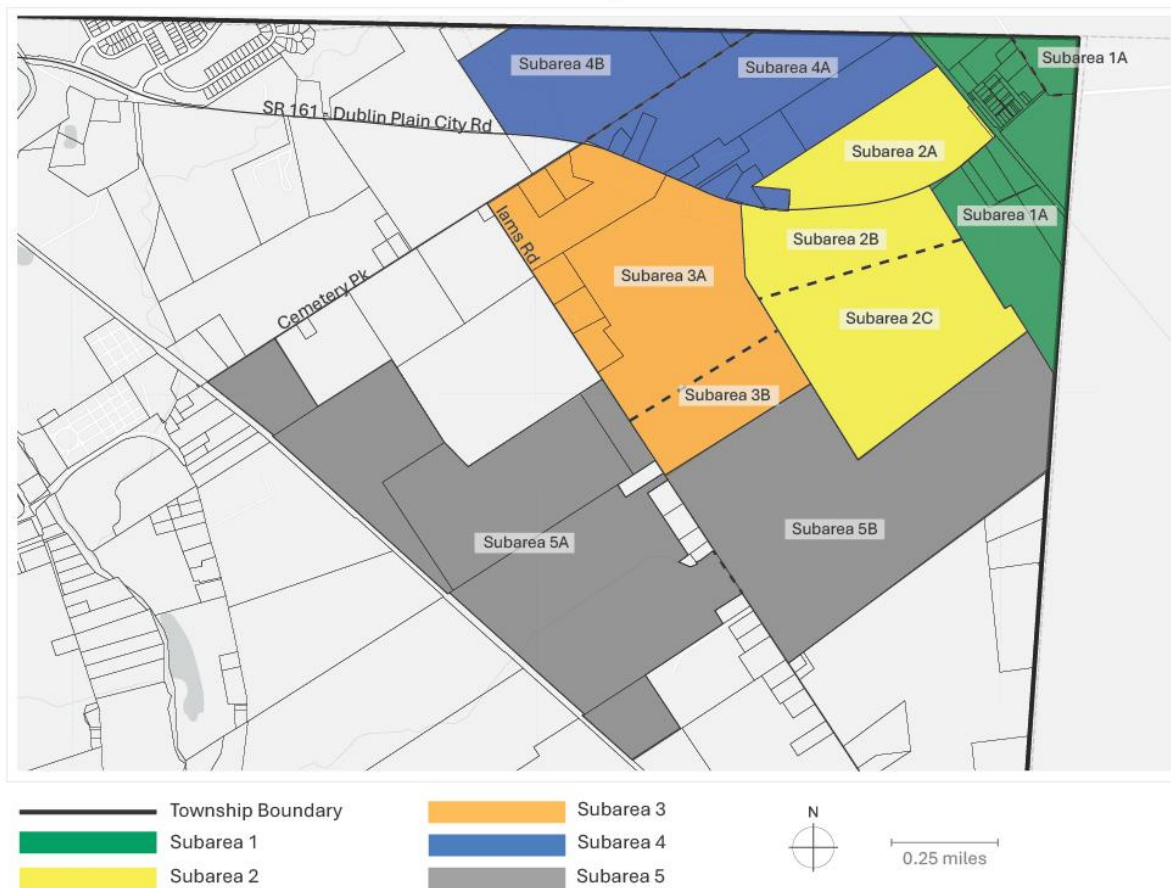
11.02 OVERLAY DISTRICT ESTABLISHED

- a) The OPD is created pursuant to Section 303.022(C) of the Ohio Revised Code. The OPD encompasses, includes, overlays and rezones the area shown on the OPD overlay map entitled: “Overlay Planned District Development Plan” (the “OPD Map”). The OPD Map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the Official Zoning Map for the OPD as part of this amendment.
- b) The existing zoning regulations and zoning districts for such area shall continue to apply to all parcels within the OPD unless the County Commissioners approves an application under this Article to subject the parcels to the provisions of the OPD. Unless otherwise required by applicable laws and regulations, existing residential properties using septic systems in the OPD will not be required to tap into water and sewer lines that may be extended to or through property within the OPD.
- c) Improvements to SR161, Warner Road, Iams Road, Cemetery Road, Kile-Warner Road and internal roads will be developed through Final Development Plan (s) or infrastructure agreements.

- d) Parcels within the OPD shall apply in accordance with the provisions of this OPD for Final Development Plan approval, in compliance with the provisions of this OPD. The approval of a Final Development Plan by the County Commissioners is a ministerial act and shall not be considered an amendment to the Zoning Resolution.
- e) Application of this Article XXIII, Section 23, to any parcel(s) within the Overlay Planned Development District (“OPD”) and the additional benefits of connection to sewer and water services shall be conditioned upon written application and consent of the property owner(s)/developers to a Joint Economic Development Agreement (JEDD) formed pursuant to ORC 715.72, upon such formation, or a New Community Authority (“NCA”) formed pursuant to ORC Chapter 349, as may be amended and expanded from time to time, for the benefit to such parcels, the OPD and general public purposes including but not limited to any community land acquisition, community land development, community facilities identified by the new community authority or JEDD, as may apply.

Attachment 1 – 161 Overlay Development Plan Map

161 Overlay District



11.03 PERMITTED USES BY SUBAREA

- a) Permitted, Conditional and Accessory Uses, are hereby established in Attachment 2. Uses not permitted herein are prohibited.
- b) Accessory uses are permitted only in connection with a permitted or approved on the same property or within the same development and must be clearly subordinate and incidental to that use.
- c) Permitted principal uses are permitted as accessory uses.
- d) Conditional uses shall require a permit and shall be applied for to the Madison County Commissioners pursuant to [Article XIV – Approval Procedures for Overlay Districts](#) – of this Zoning Regulations.

Attachment 2 – SR-161 Overlay Uses Chart

Attachment 2 - Overlay Planned Development District (OPD) Uses Chart													
The following table identifies permitted and conditional uses within the Subareas I, II, III, and IV identified on the OPD Use Map. In all cases, blank spaces or uses not included indicate that the uses are not permitted.													
A. Permitted Business Park Uses			Subarea 1		Subarea 2			Subarea 3		Subarea 4		Subarea 5	
			1a	1b	2a	2b	2c	3a	3b	4a	4b	5a	5b
	1	Adult Care Facilities			P	P	P					P	P
	2	Advanced Manufacturing; Clean Manufacturing; Manufacturing and Assembly	P	P	P	P	P	P	P	P	P	P	P
	3	Ambulatory Healthcare Services	P	P	P	P	P	P	P	P	P	P	P
	4	Building Material and Supplies Dealer /Hardware Store	P	P	P	P	P	P	P	P	P	P	P
	5	Breweries, Distilleries, and Wineries	P	P	P	P	P	P	P	P	P	P	P
	6	Car Washes	P	P	P	P	P		P				
	7	Conference Center	P	P	P	P	P	P	P	P	P	P	P
	8	Corporate Headquarters / R&D	P	P	P	P	P	P	P	P	P	P	P
	9	Data Center	P		P	P	P					P	P
	10	Drug Stores and Pharmacies	P	P	P	P	P	P	P	P	P	P	P
	11	Dry Cleaning and Laundry Services	P	P	P	P	P	P	P	P	P	P	P
	12	Eating and Drinking Establishments with or without internal seating (with drive-in, drive-thru or pick-up windows)	P	P	P	P	P	P	P	P	P	P	P
	13	Educational Facilities	P	P	P	P	P	P	P	P	P	P	P
	14	Entertainment / Recreation Outdoor / Recreation Indoor	P	P	P	P	P	P	P	P	P	P	P
	15	Exercise and Fitness	P	P	P	P	P	P	P			P	P

16	Fast Food Businesses with or without internal seating (with drive-in, drive-thru or pick-up windows)	P	P	P	P	P	P	P	P	P		
17	Focused Innovation Campus	P	P	P	P	P	P	P	P	P	P	P
18	Government Services - Safety	P	P	P	P	P	P	P	P	P	P	P
19	Grocery Store, Supermarket	P	P	P	P	P	P	P	P	P	P	P
20	Health Care Companies and Education	P	P	P	P	P	P	P	P	P	P	P
21	Healthcare Administrative and Support Services	P	P	P	P	P	P	P	P	P	P	P
22	Hospital	P	P	P	P	P	P	P	P	P	P	P
23	Hotels	P	P	P	P	P	P	P	P	P	P	P
24	Information and Technology Uses	P	P	P	P	P	P	P	P	P	P	P
25	Insurance and Financial Services	P	P	P	P	P	P	P	P	P	P	P
26	Library, Museum, or Gallery	P	P	P	P	P	P	P	P	P	P	P
27	Mixed Use Building								C			
28	Motorcycle & Automobile Dealers (so long as there are new vehicle sales associated with any dealership)	P	P	P	P	P	P	P	P	P	P	P
29	Nursing and Residential Care Facilities			P	P	P						
30	Office - Call Centers	P	P	P	P	P	P	P	P	P	P	P
31	Office - Flex	P	P	P	P	P	P	P	P	P	P	P
32	Office - Medical	P	P	P	P	P	P	P	P	P	P	P
33	Offices - General	P	P	P	P	P	P	P	P	P	P	P
34	Parking Structures	C	C	C	C	C	C	C	C	C	C	C
35	Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P
36	Personal Services, Repair and Rental (excluding Turkish bath, massage or steam bath)	P	P	P	P	P	P	P	P	P	P	P
37	Post Office	P	P	P	P	P	P	P	P	P	P	P
38	Public Service Facilities	P	P	P	P	P	P	P	P	P	P	P
39	Public and Institutional Use	P	P	P	P	P	P	P	P	P	P	P

	40	Renewable Wind and Solar Equipment/Facilities	C	C	C	C	C	C	C	C	C	C	C
	41	Research and Development; Research Activities	P	P	P	P	P	P	P	P	P	P	P
	42	Retail, General / Services Retail, General, Department Stores	P	P	P	P	P	P	P	P	P	P	P
	43	Retail Fuel Sales, Filling Stations, Convenience Stores and Automotive Services (freestanding automotive services or associated with a Retail Fuel/Convenience Location)	P	P	P	P	P	P	P	P	P	P	P
	44	Retirement Community	P		P	P	P					P	P
	45	Services for Elderly and Disabilities			P	P	P					P	P
	46	Senior Living Facilities, ACLF, Skilled Nursing Facilities, Facilities for Independent Living, Nursing Home, Memory Care, Retirement Communities			P	P	P				P		
	47	Sporting Goods and Outfitters Stores, Hobby, Book and Music Stores	P	P	P	P	P	P	P	P	P	P	P
	48	Renewable Energy Facility	C	C	C	C	C	C	C	C	C	C	C
	49	Wireless Communications	C	C	C	C	C	C	C	C	C	C	C
	50	Vehicle Charger(s)/ Stations	P	P	P	P	P	P	P	P	P	P	P
	51	Warehousing and Distribution	P	P	P	P	P	P	P	P	P	P	P
B. Accessory Business Park Uses			1a	1b	2a	2b	2c	3a	3b	4a	4b	5a	5b
	52	Bicycle Facilities	P	P	P	P	P	P	P	P	P	P	P
	53	Child Day Care	P	P	P	P	P	P	P	P	P	P	P
	54	Corporate Residences	P	P	P	P	P	P	P	P	P	P	P
	55	Drive-In / Drive-Thru for Eating and Drinking (with drive-in, drive-thru or pick-up windows)	C	C	C	C	C	C	C	C	C		

56	Eating and Drinking, Accessory (with drive-in, drive-thru or pick-up windows)	P	P	P	P	P	P	P	P	P		
57	Library, Museum, or Gallery	P	P	P	P	P	P	P	P	P	P	P
58	Helipad / Heliport	C	C	C	C	C	C	C	C	C	C	C
59	Outdoor Display / Seasonal Sales	C	C	C	C	C	C	C	C	C	C	C
60	Entertainment / Recreation Outdoor / Recreation Indoor	P	P	P	P	P	P	P	P	P	P	P
61	Temporary Construction Trailer / Office	P	P	P	P	P	P	P	P	P	P	P
62	Vehicle Charging Stations	P	P	P	P	P	P	P	P	P	P	P
63	Warehousing	C	C	P	P	P	P	C	P	P		
64	Wholesaling and Distribution Showroom	P	P	P	P	P	P	P	P	P	P	P
65	Vehicle Charger(s) / Charging Station(s)	P	P	P	P	P	P	P	P	P	P	P
A. Principal Residential Uses		1a	1b	2a	2b	2c	3a	3b	4a	4b	5a	5b
66	Dwelling, Multi-Family	P		P	P	P						
67	Dwelling, Single-Family					P		P				
68	Dwelling, Mixed-Use Single-Family								C			

	B. Accessory Residential Uses	1a	1b	2a	2b	2c	3a	3b	4a	4b	5a	5b
69	Rental or Sales Office	P		P	P	P		P	C			
70	Clubhouse, Recreation and Entertainment Facilities	P		P	P	P		P	C			
71	Home Occupation	P		P	P	P		P	C			
72	Sheds	P		P	P	P		P	C			
73	Play Structures	P		P	P	P		P	C			
74	Pools and Pool Fencing	P		P	P	P		P	C			
75	Private Garages	P		P	P	P		P	C			
76	Exercise and Fitness Facilities	P		P	P	P		P	C			
77	Model Homes	P		P	P	P		P	C			
78	Mail / Trash Collection Facilities	P		P	P	P		P	C			
79	Bicycle Storage Facilities	P		P	P	P		P	C			
80	Temporary Construction Trailer / Office	P		P	P	P		P	C			
81	Vehicle Charger(s) / Charging Station(s)	P		P	P	P		P	C			

11.04 PERMITTED DENSITIES BY SUBAREA

Permitted densities by subarea are hereby established in the OPD as provided in [Section 11.06\(c\) – Densities](#), herein below.

11.05 PERMITTED BUILDING SIZE BY SUBAREA

Permitted Building Size by Subarea: Maximum Building size limitations by subarea are hereby established within the OPD and are designated in Attachment 3, below. Any use containing one or more of the following components shall be a conditional use for which a Conditional Use Permit shall be applied for to the Madison County Commissioners which approval may be withheld pursuant to [Article XIV – Approval Procedures for Overlay Districts](#).

- a) Twenty (20) or more semi-truck and/or truck trailer parking spaces not contained within the loading docks/bay doors,
- b) Outdoor storage;
- c) One (1) or more loading dock/bay door facing a public road.
- d) Whether or not the above component (s) are associated with a permitted or conditional use as provided on Attachment 2, the subject component (s) shall be deemed a conditional use.

Attachment 3 – Overlay Planned Development District (OPD) – Standards Chart											
SUBAREAS	SUBAREA 1		SUBAREA 2			SUBAREA 3		SUBAREA 4		SUBAREA 5	
	1s	1b	2a	2b	2c	3a	3b	4a	4b	5a	5b
SETBACKS - Notes: 1) Streets are permitted within setbacks, 2) setbacks shall not apply to landscape features, 3) no setbacks required on interior property lines											
SR 161 (Building & Parking)	100' from propose d ROW	100' from propose d ROW	100' from proposed ROW		N/A	100' from prop osed ROW	N/A	100' from prop osed ROW	100' from prop osed ROW	N/A	N/A
Warner Road	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	25' from ROW	N/A	N/A
Iams Road	N/A	N/A	N/A	N/A	N/A	50' from prop osed ROW	50' from prop osed ROW	N/A	N/A	50' from prop. ROW	50' from prop. ROW
Cemetery Pike	N/A	N/A	N/A	N/A	N/A	50' from prop osed ROW	N/A	N/A	N/A	50' from prop. ROW	N/A
Kile-Warner Road	50' from propose d ROW	50' from propose d ROW	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Perimeter Building and Parking Setback Adjacent to Existing Residential Use (may include streets or drive aisles)	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'
Perimeter Building and Parking Setback Adjacent to Existing Non-Residential or Undeveloped Property (not including streets or drive aisles)	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Internal Roads- Public or Private (Building and Parking)	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Minimum Building Separation	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'

MULTI-FAMILY RESIDENTIAL STANDARDS * and **											
Minimum Lot Width (at Front Setback)	15'	N/A	15'	15'	15'	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Front Yard Setback (From POW or Edge of Pavement)	20'	N/A	20'	20'	20'	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Side Yard Setback (per side)**	5' or zero	N/A	5' or zero	5' or zero	5' or zero	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Building Separation	15'	N/A	15'	15'	15'	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Rear Yard Setback (or Perimeter Setback if greater)	10'	N/A	10'	10'	10'	N/A	N/A	N/A	N/A	N/A	N/A
SINGLE-FAMILY RESIDENTIAL STANDARDS											
Minimum Lot Width (at Front Setback)	N/A	N/A	N/A	N/A	50'	N/A	50'	N/A	N/A	N/A	N/A
Minimum Front Yard Setback (From POW or Edge of Pavement)	N/A	N/A	N/A	N/A	20	N/A	20'	N/A	N/A	N/A	N/A

Minimum Side Yard Setback (per side)**	N/A	N/A	N/A	N/A	7.5' or 15' total	N/A	7.5' or 15' total	N/A	N/A	N/A	N/A
Minimum Rear Yard Setback	N/A	N/A	N/A	N/A	20	20	20'	N/A	N/A	N/A	N/A
* May allow up to 2 feet encroachment for eaves, mansard roofs, and bay windows ** Multi-Family Dwelling Units may have zero internal side yard setbacks											

11.06 GENERAL OVERLAY STANDARDS

General OPD Standards: In order to achieve the stated purpose and intent of the OPD, the following general standards are hereby established for all applications within the OPD:

- a) Setbacks, Lot Width, and Yard Areas: Setbacks, lot width, and yard areas shown on Attachment 3, Standards Chart are incorporated by reference herein.
- b) Uses: Permitted, Conditional and/or Accessory Uses shall be clearly identified in the Final Development Plan submitted with the application to apply the OPD to a given lot.
- c) Densities: Densities for Residential Uses shall be calculated as the total Residential Dwelling Units divided by the total gross land area, including Right-of-Way, as measured in acres (Dwelling Units per acre). Each Two-Family or Multi-Family Dwelling Unit, irrespective of the number of bedrooms per Dwelling Unit, is considered to be one Residential Dwelling Unit. For Residential Uses, the maximum allowable density and maximum number of Dwelling Units shall be as follows:
 - 1) Subareas 1 (A) and 2:
 - i) Two-Family and Multi-Family Dwelling Units: 12 units/gross acre (not by any particular single acre) within a development, parcel, or subarea, not to exceed a total of 600 Two-family or Multi-Family Dwelling Units.
 - ii) Permitted uses 43-45 from [Attachment 2](#): maximum 250 dwelling units for one or more facilities.
 - 2) Subareas 2 (C) and 3 (B):
 - i) Detached Single-Family Dwelling Units: Three (3) units/gross acre (not by any particular single acre) within a development, parcel, or subarea, not to exceed a total of four hundred and eighty (480) Single-Family Dwelling Units.
 - 3) Subarea 4 (a):
 - i) Mixed Use Multi-Family Dwelling Units: Conditional Use Permit required. In no event shall units exceed a total of three hundred (300) Mixed Use Multi-Family Dwelling Units.
- d) Building Size. Business Park Uses shall be calculated as the total floor area as measured in square feet for all Buildings divided by the total gross property land area, including Right-of-Way or private drives adjacent or appurtenant to such development parcel (which may not necessarily be its own separate parcel), as measured in acres. Building Density will be expressed in square feet per acre or fraction thereof.

- e) Roadway, Storm Water Management and Access. The OPD shall be developed with all improvements meeting the applicable design standards of the Madison County Engineer:
- 1) Public roads shall be designed and constructed to the standards established by the Madison County Engineer's Office and/or Ohio law/ and Section 503 and Appendix D of the current Ohio Fire Code, effective as of the adoption date of this OPD. Public or private roadway and pedestrian interconnectivity shall be permitted and encouraged, but not required, to and from, among, and between adjacent properties in Union and/or Franklin Counties. [Section 15.49 – Visibility at Intersections](#) – contains the vision clearance design standards for roadway and pathway sight lines applicable to the OPD.
 - 2) Storm water management facilities shall be provided as required by the Madison County Engineer and State of Ohio. The Overlay Planned Development District shall follow applicable Ohio law utilizing a variety of approved storm water management facilities typically found in Central Ohio as dictated by the site conditions and civil engineering. In addition to these standards, it should be noted that agricultural field tiles are for agricultural drainage purposes only and, in general, may not be used as an outlet of any development or storm water facility except in instances where the field tile is the only available outlet of the site. Field tiles that are discovered or intercepted during construction shall be reconnected or connected into the proposed storm water conveyance system. Designers preparing plans for development on existing agricultural lands shall, at a minimum, contact the respective County Engineer's office and local Soil and Water Conservation District or if applicable, the Farm Service Agency to confirm the existence and location of existing tile systems, if any. Any plan information for field tile systems received from these agencies shall be shown on final engineering plans.
 - 3) Water Impoundments. All water impoundments adjacent to public roadways (such as ponds, lakes or swimming pools) shall be constructed and developed in compliance with the following standards: no impoundment shall be located closer than twenty-five (25) feet to the Right-of-Way or fifty-five (55) feet of the center line of any adjacent approved public road. For private roads or drive aisles, no impoundment shall be located closer than twenty feet (20) to the edge of pavement.
 - 4) A Final Development Plan shall depict site access, including through easement (s), to one or more dedicated and improved public roads. Provisions for future connections to other public roads or adjacent land may be shown, as may apply. In addition, means for safe pedestrian and bicycle access and circulation shall be provided.

- f) Buildings: The Final Development Plan shall specify architecture for all Residential and Business Park Uses and residential Buildings and shall include at a minimum, the proposed exterior materials, size, height, roof shape and pitch, if any.
- 1) Notwithstanding the above, vinyl with 0.044" (nominal) thickness shall be an approved material for residential uses. Any elevation of a residential Structure that is visible from the SR 161 corridor shall include a minimum of three (3) design elements. A typical "design element" includes but is not limited to:
 - i) A door of at least seventeen (17) square feet in area;
 - ii) A window of at least six (6) square feet in area. Windows with a horizontal separation of less than ten (10) feet shall be considered as one (1) design element. Sets of adjacent windows, such as double or bay windows, shall be considered as one (1) design element;
 - iii) A chimney;
 - iv) A gable vent of at least four (4) square feet in area;
 - v) Porches, decks or similar Structures or
 - vi) A similar significant permanent architectural feature consistent with the style of the Building upon approval by the County Commissioners.
 - 2) For all Business Park Uses, Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations recognizing service and loading areas must remain functionally for tenants and operators. Building additions and accessory Structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal Structure. The architectural style and design of Buildings shall create harmony and be compatible throughout the site. All materials used to construct Buildings within the OPD shall be utilized in such a manner as to be architecturally and aesthetically compatible. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the OPD.
 - 3) Buildings for all Business Park Uses shall be oriented so that at least one main entrance faces the road with clear pedestrian access.
 - 4) For larger Business Park Uses, Buildings with multiple tenants, multiple entries along the street frontage shall be incorporated into the Final Development Plan.
 - 5) For all Business Park Uses, large blank wall facades, prefabricated metal walls and highly reflective surfaces shall be prohibited. 60% of commercial front facades shall be brick, stone or similar materials (not window or door openings) / 40% shall be transparent.
 - 6) For all Business Park Uses, front and side building facades that are 100 feet or greater shall have architectural features at not less than 50-foot intervals for side facades and every 40 feet for front facades to create visual diversity and interest.

- 7) Dock or bay doors proposed in the front yard or front façade are permitted only as a conditional use. Dock or bay doors proposed for the sides or rear of Buildings shall be screened from view as provided in this Article and [Section 15.29 – Landscaping](#).
 - 8) Outdoor storage areas, if permitted by Conditional Use permit, shall be located to the rear of all Buildings and screened from view as provided within this Zoning Resolution. Outdoor storage areas shall be further limited to 75% of the floor area of the Building on site.
- g) Building Height. Permitted Business Park Uses [A1-A51] and Accessory Business Park Uses [A52-65]: No Building or Structure shall exceed fifty (50) feet in height plus a ten-foot screening wall for rooftop mechanical units, except, however, to encourage innovative development and provide a competitive advantage within the business district, a Building housing any of the following uses, may extend up to a maximum of one hundred ten (110) feet in height, provided all other applicable development standards are met: [A2] Advanced Manufacturing, Clean Manufacturing and Assembly; [A5] Breweries, Distilleries, and Wineries; [A7] Conference Center; [A8] Corporate Headquarters / R&D; [A9] Data Center; [A14] Entertainment/Recreation Outdoor / Recreation Indoor; [A17] Focused Innovation Campus; [A22] Hospital; [A23] Hotels and An [51] Warehousing and Distribution. Flat roofs are permitted for all Permitted and Accessory Business Park Uses.
- 1) Principal Residential Uses [A66-68] and Accessory Residential Uses [A69-A81] – No Building or Structure shall exceed fifty (50) feet in height plus a ten-foot screening wall for rooftop mechanical units. No residential Building or Structure shall exceed three stories in height, except when said residential use is located within a Mixed-Use Building.
 - 2) All Uses. Chimneys, flagpoles, parapets, cupolas, screening for mechanical units, and other similar architectural elements may exceed this height limitation by no more than eight (8) feet. Minimum roof pitch shall be 6:12 for Residential Uses, not including Residential Uses contained within Mixed Use Buildings which may have flat roofs.
- h) Impervious Areas. The ground area occupied by all the Buildings, Structures, driveways, traffic circulation areas, parking areas, sidewalks and all other impervious surfaces shall not exceed in the aggregate seventy (70%) of the total area of the tract. For purposes of this section, tract may refer to an individual tract or grouping of tracts that collectively to form a cohesive development, and the 70% threshold in this section shall be intended to apply to developments in their entirety. Green roofs and pervious pavers/pavement shall not be included in impervious calculations. This calculation shall not be construed to include public rights of way.

- i) Lighting. All Final Development Plans shall include a lighting plan with the type and description of all proposed street and parking lot lighting. Lighting within the OPD shall conform with the provisions of this OPD as set forth below:
- 1) For County or County roads, street lighting shall conform to the standards of the Madison County Engineer, if applicable
 - 2) The lighting plan submitted with each Final Development Plan shall specify the proposed pole and lantern design, maximum height, lighting source, wattage, shielding and any other information necessary to evaluate the lighting as proposed.
 - 3) The lighting plan submitted with each Final Development Plan shall be designed to promote an overall cohesiveness in the development of the plan and to minimize the amount of light pollution affecting the neighboring properties and the rural character of the County.
 - 4) For Business Park Uses, parking lot lighting specified within the OPD, shall be limited in height to the minimum required to effectively illuminate the parking areas to all applicable standards and shall incorporate a “cut-off” fixture to prevent light pollution on adjacent properties. The maximum parking lot light height shall be thirty (30) feet.
 - 5) For Residential uses, site lighting shall be required for each sub area, designed to sufficiently illuminate the site and minimize spillover from the property. Light poles shall not exceed twenty (20) feet in height and should be in harmony with the parcel, Building, and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source and type. The style shall reflect a traditional design, ideally consistent throughout the corridor.
 - 6) For Residential Uses, Building, pedestrian and landscape lighting may be incandescent, metal halide, LED or other sustainable lighting.
 - 7) For Residential uses, all parking lot areas exclusive of driveways serving garages shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one half (0.5) foot candle and three (3) foot candles. Where applicable, the Final Development Plan submittal will include a functional approximate lumen equivalent calculation.
 - 8) For Residential uses, all external lighting shall be decorative, cut-off type fixtures, and downcast to reduce spillover. Outdoor lighting shall be down lighting, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner’s right to enjoy his property. Light spillover shall not exceed one tenth (0.1) foot candles when adjacent to a Residential zoning district or an existing Residential use.
 - 9) For Residential uses, luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.

- 10) For Residential uses, all landscape up-light fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light spillover to adjacent properties.
 - 11) For Residential uses, no permanent-colored lights or neon lights shall be used on the exterior of the Buildings. Flashing lights shall be prohibited. External building lighting shall be limited to wall-mounted sconces and wall pack fixtures.
 - 12) For Business Park Uses, direct or reflected outdoor lighting shall be designed and located to be confined to the site. The maximum lighting levels at the property lines shall not exceed .2 foot-candles or the functional approximate lumen equivalent. All building lighting shall be cut off, downward directed. The average lighting values to be lit shall not exceed 1.0 foot-candles on average, or the functional approximate lumen equivalent. Flood lights, search lights or swivel luminaires, laser light sources above the horizon plane, mercury, quarts or other metal halide lights are prohibited. To the extent possible and practicable, applicants for Final Development Plan will consider and incorporate the lighting policy and standards set forth in Attachments 8 and 9. Applicable reconciliation for foot candle and lumen calculations will be provided at the time of application for Final Development Plan.
- j) Signage. Signage design and standards shall ensure a constant and comprehensive character throughout the project and compatible with the character of the County. Signage within the OPD shall conform with the provisions of [Article XVIII – Signs](#) – of the Madison County Zoning Resolution except as provided below:
- 1) All permitted signs and graphics within the OPD shall be compatible in size, location, material, height, shape, color, and illumination.
 - 2) A detailed sign plan and standards shall be submitted with the Final Development Plan and shall include the design, layout and dimensions of all proposed ground, window and wall signs as well as the setbacks from the Rights-of-Way for ground signs and the type and intensity of illumination.
 - 3) Sign Structures shall be consistent in materials and contribute to an overall cohesive design, reflect simplicity, reduce visual clutter and complement the rural character of the County.
 - 4) Wall signs shall be controlled and designed in a manner to complement the architecture of the Buildings and the development. Ground signs shall be designed to relate to and share common elements with the proposed architecture.
 - 5) Prohibited Signs. The following signs shall be prohibited:
 - i) Any signs not specifically permitted by the express terms of this OPD District.
 - ii) Any sign listed as prohibited in Article XXIV of the Madison County Zoning Resolution.

- 6) Permitted Signs - Permanent signs shall be those permitted in areas clearly designated herein and subject to the regulations of this Article. Permanent signs are permitted as follows:
- i) Ground Mounted Signs – All Business Park Uses shall be permitted one monument sign per street frontage. The setback of such monument signs shall be 10 feet from any Right-of-Way line so long as vision clearance is maintained, or unless site conditions do not provide for such a setback. Such signs shall have a maximum height of 8 feet and maximum total graphic area of 64 square feet, measured from the natural grade. All monuments shall be in harmony with the Buildings on the site and shall not detract from the appearance of the general neighborhood.
 - ii) Wall Signs – All Business Park Uses shall be permitted one wall sign. Whenever a Business Park Use fronts to two or more streets, each street frontage is permitted to have one wall sign. The display area for wall signs for Business Park Uses shall be a maximum of 1 square foot per linear foot of roadway frontage, per wall/per frontage, with a maximum total display area of 200 square feet for all wall permitted wall signs.
 - iii) Joint Identification Signs – Joint identification signs, ground mounted, shall be permitted as part of sign plan attached to an approved Final Development Plan and shall use the same or similar materials consistent with the project the signs are representing.
 - iv) Off premise signs may be permitted as part of an approved sign plan that is part of and approved Final Development Plan.
 - v) Projecting Signs are permitted only for Mixed Use Buildings as noted in [Section 18.06 – Projecting Signs](#).
- 7) Residential Development Entry Signs –A residential development shall be permitted one ground mounted monument sign at each vehicular entry to the development, subject to the following requirements:
- i) Minimum Size of Development – For a residential development entry sign to be permitted, the residential development shall contain a minimum of 10 units constituting one development.
 - ii) Setback – Such signs shall be set back a minimum of 10 feet from any Right-of-Way.
 - iii) Height and Display Area – Residential development entry signs shall not exceed 48 square feet in total display area and shall not exceed 10 feet in height as measured from the natural grade.
 - iv) Landscaping – Landscaping features shall be incorporated to shield from view any ground mounted lighting fixtures. Such landscaping may include, but shall not be limited to plantings, shrubs, grasses or other natural materials. Landscaping plantings, shrubs, grasses or other natural materials shall be provided around the base of a ground mounted monument styled sign.

- v) Lighting – Signs may not be internally illuminated. Signs may be externally illuminated, in which case external light sources shall be shielded by a decorative fixture or screened from view by plantings or other natural materials and directed only at the sign being lit.
- k) Temporary Signs, Permit Required.
 - 1) Construction / Development Signs – A sign for the purpose of future development of a property currently under construction shall be permitted as a temporary sign. Such signs shall be limited to 40 square feet per sign face or side of graphic area and seventeen (17) feet in height as measured from the natural grade and be a minimum of ten (10) feet from the public Right-of-Way. Permits granted for such signs shall be valid for a period of twenty-four (24) months and may be renewed for two (2) additional one (1) year periods upon application to the Planning and Zoning Director.
 - 2) Temporary signs for the purpose of leasing or sale of residential units shall be permitted within Subareas 1a and 2 upon application to the Planning and Zoning Director. Such signs shall be limited to 35 square feet per sign face or side of graphic area and 17 feet in height as measured from the natural grade and be a minimum of 10 feet from the public Right-of-Way.
 - 3) Temporary signs, other than those set forth above in this [Section 18.14 – Temporary Signs](#), shall be permitted for any other purpose (s) upon application to the Planning and Zoning Director. Such signs shall be limited to four (4) square feet per sign face or side of graphic area and five (5) feet in height as measured from the natural grade and be a minimum of ten (10) feet from the public Right-of-Way.
 - 4) Signs Advertising the Sale of Undeveloped Land – Signs for the purpose of the sale or lease of land available for development shall be permitted as a temporary sign. Such signs shall be limited to 32 square feet of graphic area per sign face or side and shall not exceed 8 feet in height. Permits granted for such signs shall be valid for a period of 1 year and may be renewed for 1 additional 1-year period upon application to the Planning and Zoning Director.
- l) Parking and Loading Areas. Parking and access requirements and standards shall be as defined in the approved Final Development Plan and shall meet the requirements of the Madison County Engineer (if on street), the Pleasant Valley Joint Fire District, and shall conform with the provisions of [Article XVII – Off-Street Parking and Loading](#) – of the Resolution except as provided below:
 - 1) Off street parking and loading shall be provided for all Non-Residential Buildings with adequate provisions for ingress and egress. There shall be no on street parking for commercial trucks, semi-trucks or trailers. Signage shall be provided to reflect this prohibition of on street parking. Violators may be towed.

- 2) Parking areas may be clustered in larger park fields in order to encourage the smaller the be aggregation and concentration of landscaping and other open space to create where appropriate.
- 3) The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the development. Parking shall be located along the side and rear yards. Where this is not possible, a limit of 2 rows of parking shall be permitted in between the front of the Building and the Right-of-Way line in accordance with parking setbacks contained in Attachment 3. For corner lots, parking is discouraged in areas nearest to an intersection.
- 4) All service, delivery and loading areas for any use shall be arranged and located to minimize the impacts and view of such uses throughout the development, when possible and appropriate, recognizing the loading and service areas must function efficiently and safely.
- 5) Required parking shall apply as set forth in Attachment 4 and may be modified in an approved Final Development Plan. Parking requirements may be calculated on a Building-by-Building basis or with aggregate considerations, as determined by the Final Development Plan.
- 6) Landscape Islands – Landscape islands shall be provided for Residential Uses and Commercial Retail uses. To reduce the effect of heat absorption and provide improved visual character in off street parking areas landscape islands provided within parking areas having 10 or more parking spaces shall be installed in accordance with the following:
 - i) Landscape islands shall be a minimum of 8 feet in width and 18 feet in length and shall have a minimum of 2-foot radius at the outside corners.
 - ii) Islands shall be provided at a rate of 1 island per each row of linear 10 parking spaces or per 20 spaces clustered (if not in a linear configuration). Landscape areas located in the corners of parking areas shall count as a required landscape island.
 - iii) Within double rows of parking, islands shall be combined end to end, where possible, and placed at the end of parking rows as a cap or between the sides of parking spaces in a row.
 - iv) Landscape islands shall be covered with mulch, grass or other landscape material and may be planted with grass and may be planted with trees or shrubs. If trees are provided, minimum size of plant materials at installations shall be as follows:
 - A) Shade Trees: 2.5” caliper
 - B) Ornamental Trees: 6’ height
 - C) Evergreen Trees: 6’ height
 - v) Reduced landscape islands for non-commercial retail Business Park Uses – If landscape islands are provided, they shall be a minimum of 10 feet wide and 19 feet in length, and half the number of required

spaces may be distributed along the perimeter of the parking areas. If landscape islands are not provided, trees shall be provided at the rate of 2 trees per 10 parking vehicle spaces and or 2.5 trees per truck parking space. Such trees shall be distributed primarily throughout the parking lot perimeter area and then throughout the remainder of the lot. Trees shall be as follows:

- A) Shade Trees: 2.5 caliper
- B) Ornamental Trees: 6' height
- C) Evergreen Trees: 6' height

- 7) Design and Location – All parking and circulation areas shall, at a minimum, be designed to meet the following standards:
 - i) Size – All parking spaces shall be a rectangular area not less than nine (9) feet in width by eighteen (18) feet in length with the exception of compact vehicle parking spaces or driveway and/or garage spaces.
 - ii) Compact Vehicle Parking Spaces – In parking areas where more than twenty-five (25) parking spaces are required the owner may provide compact vehicle parking spaces in lieu of standard vehicle parking spaces for a maximum of ten (10) percent of the total number of parking spaces required subject to the following requirements:
 - iii) Compact vehicle parking spaces shall be a minimum of eight (8) feet in width and sixteen (16) feet in length.
 - iv) Compact vehicle parking spaces shall be clearly marked with an aluminum sign measuring a minimum of twelve (12) inches by eighteen (18) inches and permanently affixed to a Building or signpost at the end of each space. Such sign shall be mounted at a minimum of three (3) feet and a maximum of four (4) feet in height as viewed from the center of the parking space.
 - v) Head in parking spaces shall be a minimum 9 feet in width by 18 feet in depth but may be reduced for subcompact car or motorcycle parking, to 8 x 16 feet and 10% of the total spaces if greater than 25 spaces in the Final Development Plan. On street or parallel parking spaces shall be a minimum of 8 feet wide by 20 feet long.
 - vi) Drive aisles shall be not less than 22 feet in width.
 - vii) Location – Required off-street parking facilities shall be located on the same lot as the Structure or use served, except where joint or combined parking areas are permitted by a Final Development Plan or elsewhere by this Resolution.

Attachment 4	Required Parking Spaces by Use
Proposed Land Use	Required Minimum Parking Spaces
Multi-family Residential and Mixed-Use Multi-family Residential	1.5 per dwelling unit (garages and driveways included)
Hotels, Lodges (without Public meeting facilities)	1 per rental unit plus 1 per employee on the largest shift plus 1 for each 4 seats in the dining room or restaurant area.
Hotels	1 per rental unit plus 1 per each 75 square feet of floor area used for public meeting or assembly purposes plus one per each 4 seats in any restaurant therein.
Public Meeting, Exhibition Halls, and private assembly areas (except churches)	1 for each 3 seats or 1 for each 45 square feet of assembly area, whichever is greater.
Churches or places of public assembly	1 for each 3 seats or 1 for each 45 square feet of assembly area, whichever is greater.
Clinics	1 ½ for each bed or exam room plus 1 for each employee on the largest shift
Nursing Homes	1 for each 2 beds plus 1 for each employee on the largest shift
Museums, libraries, etc.	1 for each 400 square feet of floor area open to public plus 1 for each employee on the largest shift
Child care services (not including home occupations)	1 space for each employee on the largest shift plus 1 space for each 5 children.
Primary or elementary schools	4 for each classroom
Secondary schools, colleges, trade schools, etc.	4 for each classroom plus 1 for each 4 students
Restaurants - fast food with drive thru	1 per 175 square feet
Restaurants – sit down with no drive thru	1 per 100 square feet

Shopping Center under 100,000 sf (freestanding single tenant buildings are not included in the square footage total or parking calculation total of a shopping center)	3 per 1,000 square feet (freestanding restaurant buildings shall park per the ratios listed above)
Shopping Center over 100,000 sf (freestanding single tenant buildings are not included in the square footage total or parking calculation total of a shopping center)	3.5 per 1,000 square feet (freestanding restaurant buildings shall park per the ratios listed above)
Professional and business offices and multi-tenant offices	1 for each 300 square feet of floor area
Research and testing offices	1 per each 350 square feet of floor area
Funeral Home Services	1 for each 25 square feet of floor area open to the public
Retail Stores/non-restaurant retail/commercial/non-restaurant free standing commercial	1 per 250 square feet of floor area
Single Family Residential	2 spaces per unit
Senior Living, Assisted Living, ACLF, Independent Living and Uses 1, 44, 45, 46	1.5 spaces per unit
All industrial warehousing	20 plus 1 for each 2 employees plus 1 for each vehicle maintained on the premises.
Industrial manufacturing	1 space for every employee on the maximum shift plus 1 per each 10,000 square feet of floor area.
Golf Courses	6 per hole
Athletic fields	12 spaces per field
Miniature golf	2 spaces per hole
Tennis courts / Clubs	4 spaces per court
Bowling alleys	3 spaces per lane
Driving range	1.5 spaces per tee

Riding stables	1 space per stall
Spectator sports	1 space per each 2 seats
Recreational camp	1 space per each 2 campers plus 1 space per counselor or staff
Picnic grounds	2 spaces per each picnic table plus 10 spaces per each open shelter

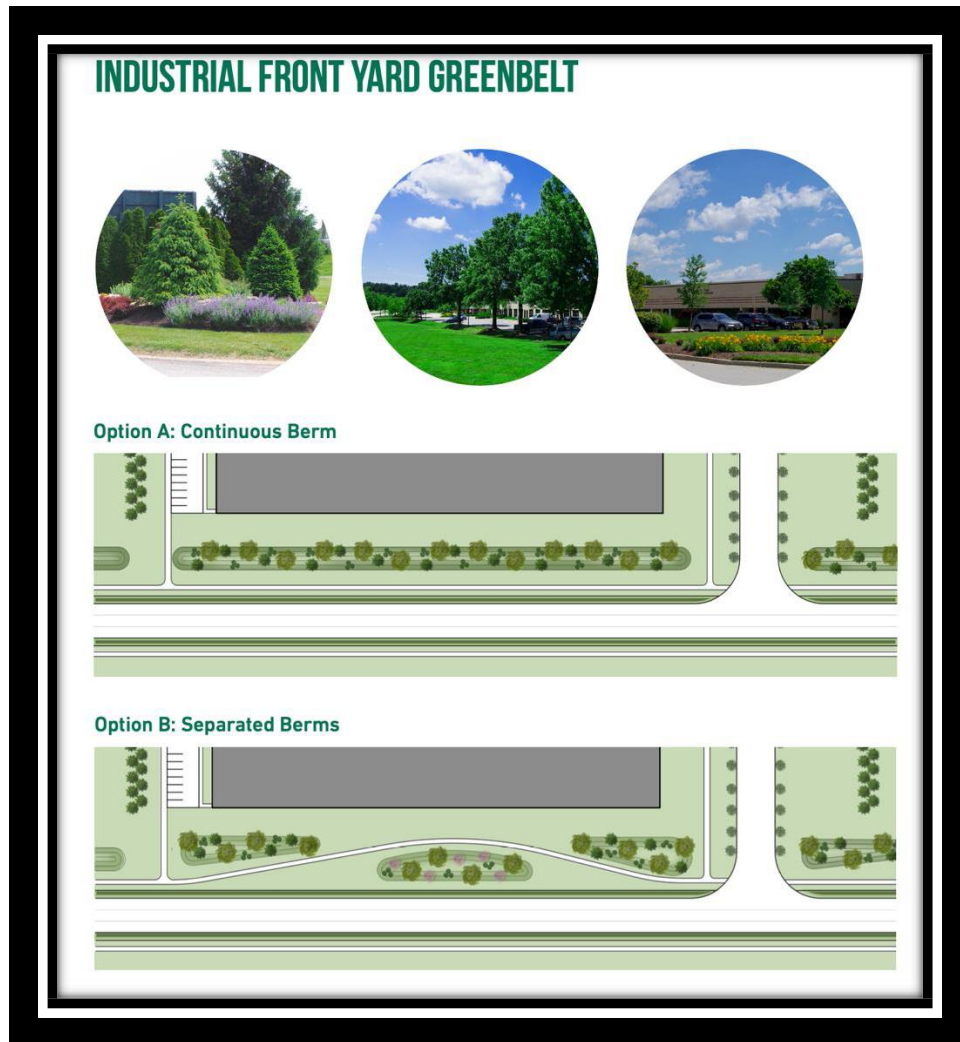
m) Landscaping. All Final Development Plans shall include a detailed landscape plan and standards for all areas, subareas, open spaces and uses with the proposed development. Landscaping within the OPD shall conform with the provisions of [Section 15.29 – Landscaping](#) – of the Madison County Resolution except as provided below:

- 1) All yards and open spaces not covered by Structure, paving and the like shall be landscaped with lawn as a minimum. Artificial turf may be an acceptable covering material in limited quantities, for decorative effect (ie. putting green, pool and recreational accents, covered areas) and areas as approved in the Final Development Plan.
- 2) All vacant and undeveloped areas shall be kept seeded and maintained, treed or farmed in such a manner as to prevent erosion of the property and excess drainage on adjoining land.
- 3) Landscaping shall be designed to enhance architectural features, screen incompatible uses, emphasize pedestrian environments, provide shade for streets and parking lots and strengthen views and vistas.
- 4) The landscape plan, where possible and practical, shall be designed to preserve and capitalize on the existing natural characteristics of the site and to promote overall unity in design.
- 5) Landscape design and the specification and use of trees and plant materials shall discourage monoculture. For the purpose of this section monoculture is defined as the dominance or overabundance of any one species that may expose the development to a substantial loss of plant material should said plant material be affected by pest or disease (ex. Emerald Ash Borer)
- 6) Plant material specified in the Final Development Plan shall be indigenous and hearty to the area and shall be harmonious to the design and consistent with adjacent land uses.
- 7) For publicly dedicated streets, street trees shall be required at a rate of 1:40 feet equally spaced. Tree species native to the area shall be provided by the developer for all existing and proposed public streets and placed outside the public Right-of-Way. Size, shape, type and location of street trees shall be specified in the Final Development Plan. Street trees shall not be placed over utility lines and shall not interfere with the function or maintenance of roadways and drainage areas.
- 8) Landscape buffer design shall be specified in the Final Development Plan with terms for ownership and maintenance. The following landscape buffers shall be required:

- i) Within the setback area along SR 161, there shall be a greenbelt of not less than 75 feet. In addition to the street trees required in [Section 11.06\(m\)\(7\)](#), additional tree plantings shall be required at a quantity of five (5) trees per one hundred (100) linear feet. Trees may be ornamental, shade or evergreen. If parking is located in the front yard of a lot proposed for development, then in addition to/inside of the greenbelt, there shall be a continuous evergreen hedge for headlight screening, not less than 36 inches. Additional features (mounding, fencing, walls etc. or an optional landscape treatment, such as ornamental grasses, may be presented and approved with the Final Development Plan).
 - ii) Within the setback area along Warner Road, Iams Road, Cemetery Pike, and Kile-Warner Road there shall be a greenbelt of not less than 50 feet. In addition to the street trees required in [Section 11.06\(m\)\(7\)](#), additional tree plantings shall be required at a quantity of five (5) trees per one hundred (100) linear feet. Trees may be ornamental, shade or evergreen. In addition to these trees shall be an undulating earth mound with a minimum height of three (3) feet. If parking is located in the front yard of a lot proposed for development, then in addition to/inside of the greenbelt, there shall be a continuous evergreen hedge for headlight screening, not less than 36 inches. Additional features (fencing, walls etc. or an optional landscape treatment such as ornamental grasses, may be presented and approved with the Final Development Plan).
 - iii) Within the setback area along internal public roads, there shall be a greenbelt of not less than 20 feet. In addition to the street trees required in [Section 11.06\(m\)\(7\)](#) and [Section 15.29 - Landscaping](#), additional tree plantings shall be required at a quantity of three (3) trees per one hundred (100) linear feet. Trees may be ornamental, shade or evergreen trees. In addition to these trees shall be an undulating earth mound with a minimum height of three (3) feet. If parking is located in the front yard of a lot proposed for development, then in addition to/inside of the greenbelt, there shall be a continuous evergreen hedge for headlight screening, not less than 36 inches. Additional features (fencing, walls etc. or an optional landscape treatment such as ornamental grasses, may be presented and approved with the Final Development Plan).
- 9) Attachment 5 contains Optional Illustrative Front Yard Greenbelt and Screening Concepts.
 - i) Adjacent to any property containing an existing residential dwelling, at installation, a fifty (50) foot buffer shall be required to screen the proposed use to a minimum seventy-five percent (75%) year-round opacity with a minimum height of eight (8) feet. Screening may include landscaping, mounding, fencing, walls or any combination thereof in

order to achieve the opacity and height requirement. Where necessary to ensure adequate access, roads, driveways, and paths may be permitted within the fifty (50) foot buffer. If a public road, private drive or service drive separates a non-residential use from an existing residential dwelling, the buffer requirement described above shall not be required.

Attachment 5 - Optional Illustrative Front Yard Greenbelt and Screening Concepts.



- 10) Street trees for signature entry roads (Iams, Kile-Warner, Cemetery Pike) shall be maintained by the property owner, or property owner adjacent to the Right-of-Way wherein such street trees are planted, unless otherwise determined by the County.
 - i) Minimum size of plant materials at installations shall be as follows:
 - A) Shade Trees: 2.5" caliper
 - B) Ornamental Trees: 6 height
 - C) Evergreen Trees: 6' height

D) Headlight Screening: 36 “

- n) Trash and Garbage Control. All trash and garbage for the Business Park Uses shall be stored in container systems (dumpsters or compactors) which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned right of-way(s) and must be enclosed on all four (4) sides with either a masonry enclosure or wood fencing a minimum of six (6) feet in height and one foot above containers.
- o) Utilities: All utility lines constructed to service the proposed development shall be located underground. Temporary utilities may be installed above ground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping at least one (1) foot above the tallest mechanical utility or equipment unit. Notwithstanding anything to the contrary, this provision shall not apply to high-tension electric transmission lines or other overhead utility lines existing as of the date hereof.
- p) Other Requirements: Conflicts between this OPD and the Madison County Zoning Resolution shall be resolved first in favor of this OPD and all approved divergences from these OPD standards, definitions and the general land uses as set forth herein. Divergences to this OPD, and other applicable uses or standards may be granted through the Final Development process.

11.07 FLOOD PLAINS AND ENVIRONMENTALLY SENSITIVE AREAS

Floodplains within the OPD shall be protected from building or pavement encroachment through the following standards:

- a) A riparian buffer, having a width of not less than 50’ as measured from the centerline of the stream or feature, shall be provided along the entire length and on both sides of a river, perennial stream channel.
- b) Buffer areas shall be restricted from development and managed to promote the growth of vegetation indigenous to the stream area capable of maintaining the structural integrity of the stream bank, with the exception of utilities, storm water management facilities and roadways.

11.08 OPEN SPACE AND SIGNATURE GREENWAYS

The OPD is planned to include several foundational elements, including signature greenways, that set a tone and vision for open space components of the OPD and each individual development therein. See Attachment 5.

- a) The OPD main roadway network will be comprised of SR 161, Warner Road, Cemetery Pike, Iams Road and Kile-Warner Road, and future public roads as determined by Final Development Plan(s). Applicable development standards and connectivity standards for public roadways shall be as follows:

SR 161	One side 10' Multi-Use Path (asphalt) Opposite side 5' Sidewalks (concrete)
Warner Road (South side and East side)	10' Multi-Use Path (asphalt)
Iams Road (East Side)	10' Multi-Use Path (asphalt)
Cemetery Pike (South Side)	10' Multi-Use Path (asphalt)
Kile-Warner Road (both sides)	5' Sidewalks (concrete)
All Other Public Roads	5' ' Sidewalks (concrete)

- b) Connectivity between OPD developments shall be required and shown on Final Development Plan(s).
- 1) For Business Park Uses, a minimum of 10 percent (10%) of the total gross land area of any development proposed for Final Development Plan approval is required for open space. These percentages may be aggregated among lots or tracts if presented as part of a larger master planned development. For Residential uses, a minimum of twenty-five percent (25%) of the total gross land area proposed for Final Development Plan approval is required for open space. Open space is intended for common use, preferably and intentionally interconnected with other similar spaces within the OPD or adjacent developments. In accordance with the provisions of [Section 14.09\(b\)](#), the applicant may request a divergence from the minimum requirements of this Section on the basis that providing said open space would be impractical or that the required open space is provided elsewhere or in another manner, or upon other such similar good showing.
 - 2) Open space shall be prohibited from further subdivision or development. This restriction from further subdivision or development shall also be noted in the Final Development Plan and the recorded plat, if applicable.

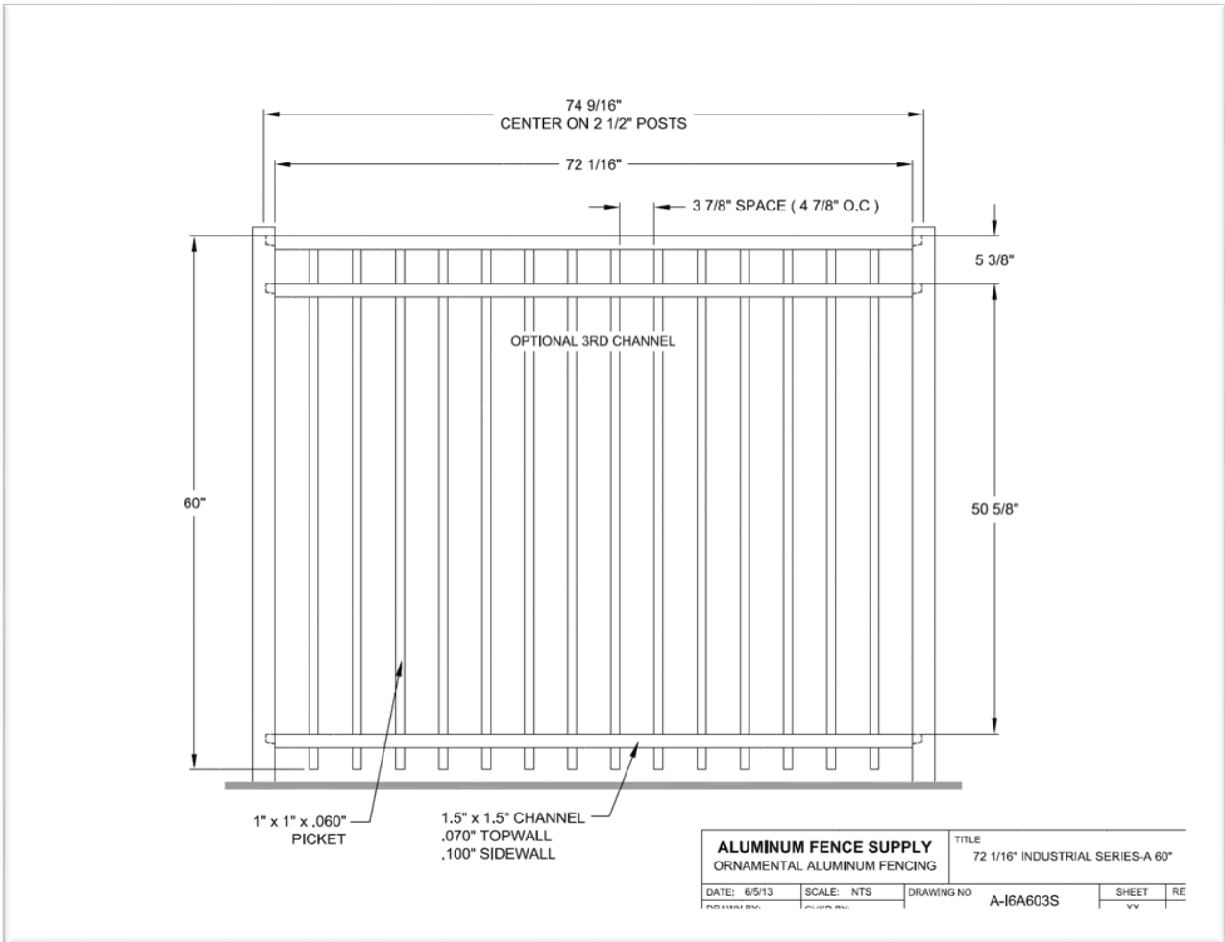
- 3) The following design standards for open space shall apply to the Final Development Plan:
- i) Open space, where possible, may be integrated into the overall design of the OPD and shall, absent unique and special circumstances, meet the standards contained herein. The types of uses buildings and Structures proposed to be permitted in open space shall be specified in the Final Development Plan.
 - ii) For the purposes of the OPD, uses may be proposed for active or passive use and may include natural areas and preserves, walkways, pathways/greenways, parks, and/or other recreational areas, public facilities such as public schools, libraries, community centers or private community recreation facilities and clubhouses and amenities associated therewith which may be included within open space. Access to all uses shall be specified.
 - iii) In identifying the location of open space, the developer shall consider as priorities existing natural features such as natural woodlands, wetlands, identified species habitat, tree lines, stream and creek corridors, and FEMA- designated 100-year floodplains.
 - iv) Storm water management facilities may be permitted in open space provided such ponds are designed and maintained as natural features that blend and incorporate a use into the landscape, natural and free form in shape (for example; bench, path, gazebo, fishing pier, or other). A landscape design for each pond or other storm water management facility shall be submitted with the Final Development Plan, to include at minimum 1 tree per 50 feet of linear pond perimeter, and with groupings of ornamental grasses and shrubs provided in a random and natural pattern. If security fencing is proposed for ponds, shrubs and trees should be planted outside of the proposed fencing.
 - v) Open space, when practicable, may be interconnected with open space areas on abutting parcels, greenbelts and/or landscape buffers, which may be included within the open space.
 - vi) In order to encourage the creation of large areas of contiguous open space, areas that should not be considered as open space include:
 - A) Required spacing between and around Business Park Uses buildings and parking areas, and
 - B) Residential lots.
 - vii) Any open space intended to be devoted to active recreational activities should be of usable size and shape for the intended purposes.
 - viii) The open space, including any recreational Structures and public facilities proposed to be constructed in such space, shall be clearly shown on the Final Development Plan.
 - ix) Open Space Ownership - Open space may be proposed to be owned by an association, new community authority, the County or other governmental entity, a land trust or other conservation organization

recognized by the State of Ohio or Madison County, or by a similar entity, or may remain in private ownership. The ownership of the open space shall be specified in the Final Development Plan.

- 4) Open Space Management and Maintenance: The owner(s) of the open space shall be responsible for funding the operations, maintenance, or physical improvements to the open space and public roadside ditches through any valid and enforceable collection methods. In the event that the organization established to own, operate and maintain the open space shall at any time after the establishment of the development fail to maintain the open space and public roadside ditches in reasonable order and condition in accordance with the Final Development Plan, such failure shall constitute a violation of both the Final Development Plan and the Zoning Resolution.

11.09 GENERAL REQUIREMENTS FOR WALLS AND FENCES

- a) A fence or wall shall be permitted on any portion of a lot located behind the front facade of the principal building or located in accordance with an approved Final Development Plan. The maximum height for such fences shall be four (4) feet for fences accessory to Single- and Two-Family Dwellings, and six (6) feet for all other uses unless otherwise approved as a divergence as part of, an approved Final Development Plan. Whenever there is no principal building, a fence of this type shall be located no closer to the Right-of-Way than the front yard setback provided for by this Chapter. Notwithstanding the foregoing, walls required for dumpster, compactor or mechanicals screening shall be at or at least one (1) foot above the height of the dumpster, compactor or mechanical to be screened.
- b) A fence may be permitted between the front facade of a principal building and the Right-of-Way subject to the following regulations:
 - 1) The fence shall be no taller than four (4) feet for fences accessory to Single- and Two-Family Dwellings.
 - 2) No portion of said fence shall exceed twenty-five percent (25%) opacity.
- c) Fences for security purposes for any Business Park Use may be installed to a maximum height of ten (10) feet provided that the fence is either decorative in style or materials, or fully screened from view from any public Right-of-Way and any surrounding lots by landscaping that meets or exceeds the height of the fence within five (5) years of planting with an opacity of one hundred percent (100%), and is located no closer to the Right-of-Way of a road than the front yard setback provided for in this Article.
- d) Fencing of the style depicted in Attachment 6 shall be permitted for pools associated with Residential Uses.

Attachment 6 – Pool Fence Detail

e) Fencing for all other uses not specified herein above shall be maximum five (5) feet.

f) Prohibited Fence Types:

- 1) Chain link fences shall not be permitted except for the following instances:
- 2) Chain link fences may be used when accessory to outdoor athletic facilities such as tennis courts, basketball courts, baseball or softball diamonds, pickle ball courts, swimming pools, dog parks or other similar outdoor facilities. Chain link installed for such uses must be black coated style and shown on an approved Final Development Plan.
- 3) Chain-link fencing shall not be used for Business Park Uses. Decorative, black security fencing (non-chain link) may be used for Business Park Uses, if shown on an approved Final Development Plan.

11.10 ADDITIONAL DEVELOPMENT STANDARDS

In addition to the general standards applicable to all uses in the OPD, the following additional development standards are established to further fulfill the purpose and intent of the OPD through the application of flexible land development techniques in the arrangement, design and construction of Structures and their intended uses and the integration of open space within the development. These standards are intended as general standards as circumstances dictate. The development standards filed and approved as part of a Final Development Plan and application shall establish the final requirements.

- a) Business Park Uses Land Use: Design standards should be incorporated into the Final Development Plan to ensure the aesthetic quality of this development type. Site access, where desirable and appropriate, should be shared across individual properties. Design standards should be incorporated into the Final Development Plan which will improve the aesthetic quality of this type of development. In addition, all Business Park Uses developed under the OPD shall, at a minimum, conform to the following standards, which shall be described and/or depicted in the Final Development Plan:
 - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
 - 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
 - 3) Glare, Heat, and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
 - 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
 - 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
 - 6) Vibrations and Noise – No uses shall be located, and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernable without instruments at or beyond the property line of the

subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.

- 7) Odors - No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

ARTICLE XII
Planned Unit Development (PUD) District

12.01 Purpose	12.06 Landscaping and Fencing
12.02 Permitted and Conditional Uses	12.07 Residential Density
12.03 Project Area	12.08 Private Roads
12.04 Common Open Space	12.09 Procedure for Approval
12.05 Utilities	12.10 Platting

12.01 PURPOSE

The Planned Unit Development (PUD) District is established to provide areas in Madison County a mixture of Uses and/or Dwelling densities. It is the intent of the PUD District to achieve:

- a) A greater choice of living environments by allowing a variety of housing and Building types and densities within a single development;
- b) A development pattern which preserves and utilizes natural terrain and geologic features, scenic vistas, trees, and other Landscaping and prevents the disruption of natural drainage patterns;
- c) A more efficient Use of land than is generally achieved through conventional development under standard Zoning District(s), resulting in substantial savings through shorter utilities and streets; and
- d) A development pattern consistent with the land use, density, transportation, and community facility objectives of the Comprehensive Land Use Plan for Madison County.

12.02 PERMITTED AND CONDITIONAL USES

An approved PUD may contain a combination of residential and nonresidential uses as specified in the Development Plan, as approved.

12.03 PROJECT AREA

The gross area of a Tract of land proposed to be developed in a single PUD District shall be a minimum of ten (10) acres.

12.04 COMMON OPEN SPACE

A minimum of fifteen (15) percent of the gross area of any Planned Unit Development project shall be reserved for common Open Space and/or recreational facilities. Such common Open Space shall be restricted by easement, covenant, deed, or dedication. Public utility and similar easements and Rights-of-Way for water courses or other similar channels are not acceptable for common Open Space dedication unless such land or Right-of-Way is usable as a bikeway, trail, or similar facility and has been approved by the Board of County Commissioners in the review of the Development Plan.

12.05 UTILITIES

- a) All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.
- b) Due to the generally higher building densities, the PUD District must be serviced, or planned to be serviced, by central water and systems as a condition of Development Approval.

12.06 LANDSCAPING AND FENCING

- a) Landscaping. Refer to [Section 15.29 - Landscaping](#) – as found in [Article XV - General Development Standards](#) – for setbacks and buffering between Uses.
- b) Fencing. Refer to [Section 15.21 – Fences and Walls](#) – as found in [Article XV - General Development Standards](#) – as well as the Madison County Regional Planning Commission Subdivision Standards for regulations concerning Fences.

12.07 RESIDENTIAL DENSITY

The overall residential density of the total development shall not exceed two (2) Dwelling Units per acre; however, the Zoning Commission shall have the authority to approve an overall density of four (4) Dwelling Units per acre for the residential portion of a PUD, provided that it is determined that the proposed development incorporates measures to effectively integrate the development with preserved Open Space and natural resources.

12.08 PRIVATE ROADS

Private Roads or Streets may be used to provide internal circulation to clustered Lots and/or individual residential Structures in Residential PUDs in accordance with the following requirements:

- a) The easement shall not be counted as required Open Space;

- b) The Road or Street is approved by the Madison County Engineer as the most appropriate form of access to Lots and/or Structures, and meets the design standards for Roads and/or Streets in the Madison County Subdivision Regulations.
- c) Maintenance for Private Roads and/or Streets is addressed through the creation of a Homeowner's Association or similar arrangement.

12.09 PROCEDURE FOR APPROVAL

- a) Pre-Application. The developer is encouraged to meet with the Planning and Zoning Director and the Subdivision Review Board prior to the submission of the Preliminary Development Plan. The purpose of this meeting is to discuss early and informally the purposes of this Article and the criteria and standards contained herein, and to familiarize the developer with the planned residential development process, other provisions of this Resolution, and the drainage and infrastructure systems within the County. The applicant is encouraging to attend an informal consultation with the Subdivision Review Board prior to formal submission of a development plan. Then, the applicant shall apply and attend the Subdivision Review Board, Board of Zoning Appeals (if necessary), Regional Planning Commission, County Zoning Commission, and the County Commissioners, understanding that no statement by Officials of the County shall be binding upon either.
- b) Contents of Application for Preliminary Development Plan. An application for a PUD shall be filed with the Planning and Zoning Department/Administrator by at least one (1) owner of the property for which the PUD is proposed. At a minimum, the application shall contain the following information:
 - 1) Name, address, and phone number of applicant(s).
 - 2) Legal description of property.
 - 3) Description of existing Use.
 - 4) Present Zoning District(s).
 - 5) A vicinity map drafted by a Professional Engineer/Surveyor at a suitable scale, showing Property Lines, Streets, and Existing Zoning Districts for all property adjacent to and within five hundred (500) feet from the proposed site.
 - 6) A list of all property owners contiguous to and directly across the Street from the Parcel(s) proposed to be rezoned and their address(es) as appearing on the Madison County Auditor's current tax list;
 - 7) Evidence that the applicant has sufficient control over the land in question to effectuate the proposed Development Plan.
 - 8) A Preliminary Development Plan drawn to scale by a Professional Engineer/Architect. Such plan shall include the following information at a minimum:
 - i) Selected land Uses by area and Building location and relationship to adjacent land Use.

- ii) The number of Dwelling Units, if applicable, by type; estimated residential population by type of Dwelling; public improvements for each Unit of the Development Plan;
 - iii) Open Space and the intended Uses therein and acreage provided;
 - iv) Residential Land Uses summarized by Lot Size, type, and density;
 - v) Existing and proposed Roads, Buildings, utilities, permanent facilities, and abutting property boundaries;
 - vi) Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines;
 - vii) Surface drainage and areas subject to flooding;
 - viii) General engineering feasibility studies and plans showing water, sewer, drainage, waste disposal facilities, street improvements, and the nature and extent of earth work required for site preparation and development. Such studies shall be in sufficient detail to document that the development of the site in the manner proposed is feasible.
 - ix) A description of the Resolution requirements from adjacent standard Zoning Districts that would require Variance or exception.
- 9) The Preliminary Development Plan shall be accompanied by a written statement by the applicant setting forth the reasons why the property should be developed as a Planned Unit Development and how the proposed development meets the objectives and purposes stated in [Section 12.01 – Purpose](#) – of this Article.
- c) Submittal of Preliminary Development Plan. Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Planning and Zoning Director at least thirty (30) days prior to the Zoning Commission’s next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Planning and Zoning Director shall transmit the complete application package to the County Commissioners, applicable Township Board of Trustees, and other parties as the Planning and Zoning Director deems appropriate.
- d) Public Hearing by the Madison County Zoning Commission. Within thirty (30) days after the proper submission of the Preliminary Development Plan, the Zoning Commission shall hold a public hearing following the notice procedures as specified in [Section 14.09\(b\)](#) of this Resolution.
- e) Recommendation by Madison County Zoning Commission. Within sixty (60) days from submittal of the items specified for approval of the Preliminary Development Plan, the Zoning Commission shall recommend to the Board of County Commissioners that the Preliminary Development Plan be approved as submitted, approved with modification, or disapproved.

- 1) Before making its recommendation as required above, the Madison County Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establishes that:
 - i) Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
 - ii) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate volumes of traffic which would overload the street network outside the development.
 - iii) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Preliminary Development Plan.
 - iv) The proposed project is generally compatible with existing development in the surrounding area in terms of type, size and scale.
 - v) The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.
 - vi) The proposed project is generally consistent with the principles of the adopted Comprehensive Land Use Plan for Madison County.
 - 2) In making its recommendation, the Zoning Commission may seek the assistance and input of the Madison County Engineer, and/or outside consultants and/or experts procured for that purpose. All expenses involved with such review shall be paid by the applicant.
- f) Action by Board of County Commissioners. Upon receipt of the recommendation by the Zoning Commission, the Board of County Commissioners shall review and take action on the application following the procedures specified in [Article XXI – Amendments](#) – of this Resolution. If approved by the Board of County Commissioners, the subject property shall be considered as zoned as a Planned Unit Development. The approval shall be conditional upon the development of the Tract being in conformance with the Preliminary and Final Development Plan.
- g) Final Development Plan. Not later than two (2) years from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Zoning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approval of the Preliminary Development Plan and the rezoning of the property null and void, and the property shall revert to its most recent Zoning District classification.

- h) Contents of Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall include the following:
- 1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, Structures, streets, easements, utility lines, and land uses.
 - 2) All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential Building intensity; and land use considered suitable for adjacent properties.
 - 3) A schedule for the development of units to be constructed in progression; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
 - 4) A proposed landscaping plan.
 - 5) Engineering plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
 - 6) Architectural renderings and accompanying narrative to discuss the design treatment of all Buildings and Structures where applicable.
 - 7) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.
- i) Action by the Zoning Commission. Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to by the applicant, the Zoning Commission shall approve, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan and the standards specified in this Resolution, and that no significant constraints exist to construction of the project as planned.
- j) Expiration and Extension of Approval Period. The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved Preliminary and Final Development Plans shall be null and void and the land shall revert to the Zoning

District in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Board of Zoning Appeals finds that such extension is necessitated by conditions beyond the control of the applicant.

12.10 PLATTING

The creation of new parcels under any planned unit development shall be subject to platting under the Madison County Subdivision Regulations. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Resolution rezoning the property to PUD has been approved by Board of County Commissioners and such amendment has become effective.

ARTICLE XIII
Darby Creek Conservation District (DCC)
And Other Waterways

13.01 Findings of Fact

13.02 Purpose

13.03 Boundaries

13.04 Permitted Uses

13.05 Conditional Uses

13.06 Prohibited Uses

13.07 Development Standards

13.01 FINDINGS OF FACT

- a) The Big Darby Creek flows through the County.
- b) The stream and its watershed contain an extraordinary array of wildlife, including eighty-six (86) species of fish – five (5) of which are endangered in Ohio including the federally endangered Scioto Madtom; forty-one (41) species of mussels – eight (8) of which are on the Ohio endangered list; one hundred and seventy-six (176) species of birds, thirty-four (34) species of mammals as well as more than one dozen rare plant species (Ohio Department of Natural Resources).
- c) Big Darby Creek is considered to have excellent water quality with the classification of “Exceptional Warmwater Habitat” by the state of Ohio under the Clean Water Act and as “Outstanding State Waters,” the highest level of protection under the state’s anti-degradation policy (National Wild and Scenic Rivers System).
- d) The Darby Accords establish that “to proactively protect resources which directly and indirectly contribute to biodiversity, improved water quality, habitat areas, and ecological procedures [through] increased protection in the form of land conservation and stewardship can only improve conditions of water quality and will contribute positively to retaining the unique character of the area” (Big Darby Accord Watershed Master Plan, 3-2 (2006)).
- e) “Stormwater discharges are generated by runoff from impervious surfaces such as paved streets, parking lots, and Building rooftops during [precipitation]. Stormwater often contains pollutants in quantities that could adversely affect water quality. Most stormwater discharges are considered point-source[pollutants] and require coverage by a National Pollutant Discharge Elimination System (NPDES) permit. (Ohio Department of Natural Resources).
- f) In order to accomplish the purposes set forth below, it is necessary to limit inappropriate land uses and development activity adjacent to this waterway.

13.02 PURPOSE

The purpose of the DCC District is to promote the public health and safety of the community by protecting and preserving this valuable water resource, in that the protection and conservation of an adequate free flowing safe water supply and the filtration and elimination of pollutants is of vital concern and interest to the County and its residents.

13.03 BOUNDARIES

a) Darby Creek Boundaries. The DCC District shall consist of an area determined by Option 1 of Criterion 2 – Local Stream Setbacks and Associated Development Restrictions as found in the 2024 State Water Quality Protection within the Big Darby Creek Watershed Plan – Appendix 3-3. This setback distance is determined by the greater of the following:

- 1) The regulatory 100-year floodplain based on FEMA mapping;
- 2) A minimum of 100 feet from the top of the streambank on each side; or
- 3) A distance calculated along the following equation:

$$W = 133DA^{0.43}$$

Where:

DA = drainage area (mi²)

W = total width of riparian setback (ft)

W shall be centered over the meander pattern of the stream such that a line representing the setback width would evenly intersect equal elevation lines on either side of the stream.

If the DA remains relatively constant throughout the stretch of interest, then the DA of the downstream edge of the stretch should be used. Where there is a significant increase in the DA from the upstream edge to the downstream edge of the area of interest, the setback width shall increase accordingly.

b) All Other Waterways. Where applicable, the following provisions govern all other floodplains, wetlands, and steep slopes. In the event of a conflict among the following five (5) provisions, the greatest Setback distance applies:

- 1) For areas with a FEMA-defined 100-year Floodplain – If the 100-year Floodplain is wider than the riparian setback on either side of a watercourse, the riparian setback is extended to the outer edge of the 100-year floodplain.

- 2) For areas without a FEMA-defined 100-year floodplain – The administrative officer may require a site-specific floodplain delineation in conformance with standard engineering practices. The final delineation must be approved by the administrative officer. Any costs associated with reviewing this site-specific floodplain delineation will be borne by the applicant.
 - 3) Where a wetland is identified within a riparian setback, the riparian setback width must be extended to the outermost boundary of the wetland, which should include an additional wetland buffer wherever possible. Wetlands must be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this Article. Any costs associated with reviewing these delineations may be assessed by Franklin County to the applicant.
 - 4) Where a slope of twelve (12) percent or greater is wholly contained within the riparian setback, the riparian setback width must be extended a distance equal to the horizontal distance of the twelve (12) percent slope area.
 - 5) Where a slope of twelve (12) percent or greater is partially contained within the riparian setback, the riparian setback width must be extended a distance equal to the horizontal distance of the twelve (12) percent slope area that lies within the originally determined setback plus the lesser of the following three distances:
 - i) One hundred (100) feet for the Big Darby Creek and Little Darby Creek.
 - ii) Fifty (50) feet for all other Watercourses as defined in [Article II – Definitions](#).
 - iii) A distance equal to the horizontal distance of the remainder of the twelve (12) percent slope.
- c) Except as otherwise provided in this Article, riparian setbacks must be preserved in their natural state.

13.04 PERMITTED USES

The following are Permitted Uses within the Stream Setback Distance as defined in [Section 13.03 – Boundaries](#), above.

- a) Passive private or public recreational uses such as fishing, walking, bird watching, etc. (No public easement over such public is hereby created). Unpaved public or private trails are included in this definition. Paved trails are a Conditional Use (see, [Section 13.05 – Conditional Uses](#), below). The following conditions apply to unpaved trails as a Permitted Use in the riparian setback:
 - 1) Trail Surface: unimproved/earthen;
 - 2) Trail Width: minimum three (3) feet, maximum five (5) feet;
 - 3) No clearing of woody vegetation shall be permitted;

- 4) Distance from edge of stream, minimum 125 feet (except spurs for river access);
 - 5) River access points may be developed.
- b) Selective harvesting of timber, provided not more than twenty-five (25) percent of the tree crown cover within the portion of the particular land owner's parcel within the DCC District is removed and trees on the immediate stream bank are not harvested, unless a specific silviculture plan for the property is submitted to and approved by the Madison County Soil and Water Conservation District. Damaged or diseased trees may be removed. The stump and roots of trees on the stream bank shall be left in place to prevent erosion.
- c) Revegetation or reforestation.
- d) Agriculture on Lots greater than five (5) acres, pursuant to Section 303.21 of the Ohio Revised Code.

13.05 CONDITIONAL USES

The following are Conditional Uses within the Stream Setback Distance as defined in [Section 13.03 – Boundaries](#).

- a) Streambank stabilization/erosion control work and/or large-scale stream channel and riparian setback restoration work, that are ecologically compatible and substantially use natural materials and native plant species where practical and available, is an approvable conditional use of the riparian setback. Providing that separate authority exists, such streambank stabilization erosion control, and stream channel restoration work shall be approved by the local jurisdiction or the Director of Ohio EPA. All streambank stabilization plans should provide long-term streambank protection. In reviewing this plan, the local jurisdiction or the Director of Ohio EPA may consult with representatives of the Ohio Department of Natural Resources, Division of Natural Areas and Preserves (ODNR DNAP); the Ohio EPA, Division of Surface Water; the local County Soil and Water Conservation District; or other technical experts as necessary. The local jurisdiction should provide language stating that erosion control measures be limited to the purposes of water quality protection, the prevention of flooding, or the protection of existing Structures.
- b) Construction of unpaved trails in the riparian setback to further passive recreation uses shall be an approvable conditional use. However, trails that become damaged due to natural erosion shall not be repaired but shall be moved upland or removed altogether. The following conditions apply to paved trails in the Setback:
- 1) Trail surface: (hard) asphalt or concrete
 - 2) Trail width: minimum ten (10) feet, maximum twelve (12) feet

- 3) Clearing width: maximum twenty (20) feet (clearing not included as part of overall setback width)
 - 4) Distance from edge of stream: minimum three hundred (300) feet
 - 5) River access points may be developed but must be unpaved
 - 6) Private trails should not have stream crossings, and crossings on public trails are a conditional use and will be permitted only if they are part of a comprehensive trail plan.
- c) Unpaved trails as a component of a paved trail system may be necessary for Americans with Disabilities Act compliance. For an approvable Conditional Use in the riparian setback, those trails should have the following conditions:
- 1) Trail surface: (soft) compacted gravel
 - 2) Trail width: minimum five (5) feet, maximum twelve (12) feet
 - 3) Clearing width: maximum twenty (20) feet (clearing not included as part of overall setback width)
 - 4) Distance from edge of stream: minimum two hundred (200) feet, unless developed as a river access point under Section 13.05(b)(5), above.
 - 5) Trail segments located within the Stream Setback that are damaged by water erosion shall not be rebuilt but shall be removed or moved to a more suitable location. The moved trail shall comply with the standards herein.
- d) A driveway or non-arterial roadway may be an approvable conditional use. A new crossing or new roadway for a street other than an arterial may be permitted to cross the stream corridor protection zone only in those circumstances when the parcel has no other existing access, when such crossing is necessary for public health or safety, or when the applicant can demonstrate that important ecological protection and ecological benefits are realized (such as saving a mature wood lot). In addition, the applicant must demonstrate that the new crossing or new roadway in the setback is necessary to achieve important ecological protection or maximizes ecological benefit. Such activity shall minimize disturbance to the riparian setback and shall mitigate any disturbances.

13.06 PROHIBITED USES

The following are Prohibited Uses within the Stream Setback Distance as defined in [Section 13.03 – Boundaries](#).

- a) Construction within the riparian setback zone is a prohibited use. This restriction applies to new construction and does not apply to existing residential Structures and associated appurtenances.
- b) Dredging and filling is a prohibited use in the riparian setback zone.

- c) Motorized vehicles shall be a prohibited use, except for emergency vehicles when necessary for public health and safety or for vehicles that support approved uses.
- d) There shall be no disturbance of native vegetation in the riparian setback zone at any time during development on the remainder of the site, except for:
 - 1) such conservation maintenance that the landowner deems necessary to control noxious weeds and invasive plants (as defined by ODNR or Ohio Department of Agriculture for invasive plants);
 - 2) such plantings as are consistent with these regulations;
 - 3) the passive enjoyment, access and maintenance of lawns and landscaping on existing parcels; and
 - 4) such plantings as are necessary to implement a properly designed and permitted stream restoration project. If native vegetation does not exist, replanting is required with native plant species in accordance with a plan approved by the local jurisdiction.
- e) Parking lots in the riparian setback are a prohibited use. There shall be no parking lots or other human made impervious cover. Exceptions may be appropriate for trails approved under the conditional use provisions of [Section 13.05\(c\)](#).
- f) The riparian setback shall not be used for the application and/or spraying of wastewater treatment plant residuals.

13.07 DEVELOPMENT STANDARDS

- a) No new Structure or surficial (pavement) construction of any kind shall be permitted, with the exception of Fences running perpendicular to the stream bank when used for the containment of livestock.
- b) No discharge is permitted onto any public or private sewer, drain, tile or stream, or onto the ground of any liquids or materials which, because of their toxic properties or temperatures when discharged, would contaminate the Big Darby watershed, groundwater or stream. The OEPA standards shall apply and be met in making a determination as to the propriety of the discharge. Discharges expressly permitted by the Madison County Board of Health and/or OEPA are not restricted by this Section.
- c) No grading or filling within the DCC District shall be permitted unless a floodplain development permit is acquired from the County floodplain coordinator that proves the grading and filling adheres to the Madison County Flood Damage Prevention Regulations that the cumulative effect of the proposed activities shall not increase the water surface elevation of the Base Flood by more than one (1) foot at any point.

In acting on such proposal, the Board may seek the input of the Madison Soil and Water Conservation District.

- d) The natural vegetation within the DCC District shall remain undisturbed except for the removal of noxious weeds as otherwise permitted under the Ohio Revised Code Chapters 5579 and 5589, subject to the activities referenced in this Article.
- e) In addition to the standards above, the requirements for floodplain management adopted by the County shall apply.
- f) All agricultural activities, including but not limited to, plowing, discing, and/or cultivating cropland; protecting against streambank erosion; and construction, maintenance and/or repair of levees shall follow “Best Management Practices” as set forth by the Madison Soil and Water Conservation District.

Article XIV
Approval Procedures for Overlay Districts

14.01 Purpose	14.07 Effect of Approval
14.02 Pre-Application Meeting	14.08 Applications Including
14.03 Application	Conditional Uses
14.04 Proposed Final Development	14.08 Extension of Time for Final
Plan	Development Plan
14.05 County Commissioners' Action	14.09 Fees
14.06 Basis of Approval	

14.01 PURPOSE

This Article provides the procedure for approval of a Development Plan within the Clustered Conservation Residential Overlay District (CCR), the Planned Residential Overlay District (PRO), the Planned Mixed-Use Overlay District (PMU), the Planned Business Overlay District (PBO), the Planned Flex Employment Overlay District (PFE), and the SR-161 Overlay District when submitted by an applicant. The description and development standards of these two Overlay Districts are found under [Articles VI – Clustered Conservation Residential Overlay District \(CCR\)](#), [VII – Planned Residential Overlay District \(PRO\)](#), [VIII – Planned Mixed-Use Overlay District \(PMU\)](#), [IX – Planned Business Overlay District \(PBO\)](#), [X – Planned Flex Employment Overlay District \(PFE\)](#), and [XI – SR-161 Overlay District](#) of this Resolution.

14.02 PRE-APPLICATION MEETING

The applicant is encouraged to engage in informal consultations with staff from the County and the County Regional Planning Commission prior to formal submission of an application for approval of a Final Development Plan. No statement or action by Public officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by County or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Revised Code) is required to be observed at pre-application meetings involving a quorum of members of any public body. Once the Overlay District is approved, the Subdivision Review Board shall be engaged.

14.03 APPLICATION

Within the overlay district, the overlay district designation shall not apply, no use shall be established, and no Structure shall be constructed or altered until a Final Development Plan for each such use and/or Structure has been approved by the County Commissioners. An application, in a form approved by the County, shall be completed by the property owner and submitted with the Final Development Plan. A total of ten (10) copies of the application and supporting material shall be submitted. The application form shall be provided by the

Planning and Zoning Director. All mapping shall be prepared using the County's graphic standards.

14.04 PROPOSED FINAL DEVELOPMENT PLAN

In addition to the application required herein, 10 copies of the Final Development Plan shall be submitted with the application. The Final Development Plan shall contain, in text and map form, the following information at a minimum:

- 1) Proposed name of the development and its location;
- 2) Names and addresses of owners and developers;
- 3) Date, north arrow and plan scale. Scale shall be one inch equals 100 feet or larger scale;
- 4) Boundary lines of the proposed development and the total acreage encompassed therein;
- 5) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent Structures, and section and corporation lines within or adjacent to the tract;
- 6) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- 7) The adjoining lines of adjacent tracts, parcels or lots;
- 8) Residential density, dwelling types, nonresidential building intensity and specific uses to be included within the proposed development, specified according to area or specific building location;
- 9) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
- 10) Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts, street lighting and other major improvements;
- 11) Layout, numbering and dimensions of lots if more than one;
- 12) Anticipated Buildable Envelopes and general architectural style and character of proposed Structures;
- 13) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant and for the dedications;
- 14) Building setback lines with dimensions;
- 15) Tentative street grades and sewer size slope;
- 16) Proposed traffic volumes, traffic circulation, parking areas, curb cuts and pedestrian walks;
- 17) Landscaping plans, including site grading and landscape design;
- 18) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the County Commissioners;

- 19) For other than Detached Single-Family Structures, provide:
 - i) Drawings for Buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
 - ii) Color rendering of Building(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with sample, and materials, with samples to be used;
 - iii) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;
 - iv) Intended measures to screen rooftop mechanical equipment from view;
- 20) A detailed signage and exterior lighting plan;
- 21) Accommodations and access for emergency and firefighting apparatus;
- 22) The management plan or mechanism to provide for the perpetual maintenance of all open space, landscaping, buffers and shared parking areas by the ultimate owner and/or user and the controlling instruments;
- 23) Location of open space area and designation of intended uses; and
- 24) Any additional information as may be required by the County Commissioners.
- 25) The applicant may request a divergence from the development standards set forth in this Chapter, or otherwise from the Zoning Resolution. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Final Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Final Development Plan. All proposed standards shall be contained in the Final Development Plan.

14.05 COUNTY COMMISSIONERS' ACTION

Upon receipt of the completed application materials and payment of required fees, the County Commissioners shall schedule a public hearing not less than forty-five (45) days, not more than sixty (60) days after the filing of the complete application.

- a) The County Commissioners' Clerk shall immediately forward a copy of the completed application materials to the County Zoning Commission. The County Commissioners' Clerk shall issue written notice of the date, time and place of such meeting to property owners within 200 feet of the property subject of a Final Development Plan application. The County Zoning Commission shall notice and hold a public hearing within thirty-five (35) days after such application was filed with the County. The County Zoning Commission may make a recommendation to the County Commissioners on the application for Final Development Plan. Such recommendation shall consider and apply the Basis of Approval as provided for in [Section 14.06 – Basis of Approval](#).

- b) The County Commissioners shall render a decision on the application for Final Development Plan within thirty (30) days after the conclusion of the hearing.

14.06 BASIS OF APPROVAL

In determining whether or not to approve an application for Final Development Plan approval, the County Commissioners shall consider and approve a Final Development Plan with a simple majority vote, upon a finding of substantial compliance based upon the following:

- a) Whether the proposed development is consistent with the purpose, policies, criteria, intent, and standards of this Overlay District, and, if applicable, determine if divergence(s) are reasonably related to or facilitate the use(s), criteria and/or standards of the Overlay District;
- b) Whether the proposed development is in conformity with the plan for the Overlay District or such portion thereof as may apply, or whether the benefits from a difference, improved arrangement and/or design of the development justify deviation therefrom;
- c) Whether the development is located and designed in such a way as to minimize any unreasonable adverse impact on existing residential or agricultural areas of the County;
- d) Whether the development contributes to the stated purposes as expressed in this Overlay District;
- e) Whether the development is harmonious with the standards, spirit and intent of the Overlay District, or whether the benefits from a difference, improved arrangement and/or design of the development justify deviation therefrom.

14.07 EFFECT OF APPROVAL

- a) The County Commissioners' determination shall not be considered an amendment to the County Zoning Resolution for purposes of Section 303.12 of the Revised Code but may be appealed pursuant to Chapter 2506 of the Revised Code. If the County Commissioners make a final determination that the Final Development Plan included in the application complies with this Article and the relevant Overlay District, or if the County Commissioners final determination is one of noncompliance, then if a court of competent jurisdiction makes a final non-appealable order finding compliance, the County Commissioners shall approve the application and upon approval shall cause the Official Zoning Map to be changed so that any other zoning district that applied to the property that is the subject of the owner's application no longer applies to that property. The removal of the prior zoning

district from the Official Zoning Map is a ministerial act and shall not be considered to be an amendment or supplement to the County Zoning Resolution for the purposes of Section 303.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.

- b) The approval of a Final Development Plan shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Final Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning certificate(s). If no plat has been recorded within this approval period or, if platting is not required, if construction or other affirmative actions, efforts, planning or other expenditures has not commenced, or unless the County Commissioners approves an extension of this time limit, a Final Development Plan shall expire. Extensions of an approved Final Development Plan shall not be unreasonably denied, and otherwise shall be approved upon showing of other affirmative actions, efforts, planning or expenditures by an owner/applicant. Upon the expiration of the Final Development Plan, the subject parcel(s) shall remain zoned OPD, but no use shall be established or changed, and no Building, Structure or improvement shall be constructed until an application for a new Final Development Plan, accompanied by a new Final Development Plan and all information required therewith, has been filed with and approved by the County using the procedures and process established herein for the approval of a Final Development Plan.

14.08 APPLICATIONS INCLUDING CONDITIONAL USES

- a) The County Commissioners may grant conditional use permits of the land, Buildings or other Structures where such conditional uses are provided for in this Overlay District. The applicant shall seek and obtain any necessary approval of a proposed conditional use prior to the County Commissioners making a determination on the Final Development Plan. If the County Commissioners grants such conditional use permit for the use(s), but the County Commissioners fail to approve the Final Development Plan, the conditional use permit is rendered void.
- b) The basis for approval of a conditional use permit shall be as follows:
 - 1) The request does not violate the spirit and intent of this Overlay District;
 - 2) The request meets or exceeds the screening and buffering standards of this Overlay District or any approved divergence or modification; and
 - 3) The request does not significantly impact the delivery of governmental services.

14.09 EXTENSION OF TIME FOR FINAL DEVELOPMENT PLAN

- a) An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the County Commissioners upon application of the owner(s), provided the County Commissioners determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of any reasonable effort toward the accomplishment of the recordation of the plat or the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the application submitted and shall not be unreasonably denied. A request for extension shall be filed prior to the expiration of the established approval period.
- b) Proposed modifications from an approved Final Development Plan that involve: only one (1) lot; Lot Line adjustments less than five feet; height adjustments less than five feet, submission of like for like materials substitutions including plantings; time frame(s) for temporary signage not to exceed one month; reductions in density or increased open space(s) may be considered by the Planning and Zoning Director as minor modifications and approved without the hearing process pursuant to [Article XXI – Amendments](#). Increases in density or reductions of open space shall not be considered minor. All other modifications to the Final Development Plan shall be presented to the County Commissioners for its consideration pursuant to [Section 14.05 – County Commissioners Action](#), hereof. Upon application, the County Commissioners may, after a duly held hearing, modify an approved Final Development Plan pursuant to the same procedures as the original application in [Section 14.05 – County Commissioners Action](#). The request for modification may be approved upon a showing of a compelling reason and necessity for the same and upon a showing that the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Final Development Plan , and that such modification is administrative in nature and not in conflict with the intent and purpose of the relevant Overlay District.

14.10 FEES

A fee as established by the County Commissioners shall accompany an application requesting approval of a final development plan, as well as any request for extension or modification thereof.

ARTICLE XV
General Development Standards

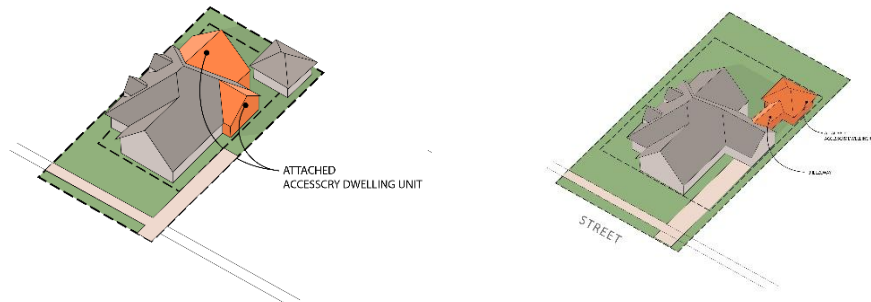
15.01 Accessory Dwelling Units (ADUs)	15.27 Hotels and Motels
15.02 Accessory Uses and Structures	15.28 Junkyards and Automobile Wrecking Yards
15.03 Agritourism	15.29 Landscaping
15.04 Animal Service Facilities	15.30 Laydown Yards
15.05 Automobile Oriented Uses and Repair	15.31 Lighting
15.06 Battery Energy Storage Facilities	15.32 Model Homes
15.07 Bed and Breakfasts	15.33 Nuisance Violations
15.08 Beverage Sales, Bars and Taverns	15.34 Nursing Homes
15.09 Borrow Pits	15.35 Outdoor Service Facilities
15.10 Campgrounds	15.36 Penal and Correctional Facilities
15.11 Cannabis Dispensaries	15.37 Places of Assembly
15.12 Car Washes	15.38 Portable Home Storage Units
15.13 Cemeteries	15.39 Recreational Areas (Indoor and Outdoor)
15.14 Clustered Mailboxes	15.40 Recreational Vehicles
15.15 Commercial Kennels, Riding Stables, and Animal Shelters	15.41 Rehabilitation Centers
15.16 Community Gardens	15.42 Sanitary Landfills
15.17 Data Centers	15.43 Schools (Primary and Secondary)
15.18 Day-Care Facilities	15.44 Short-Term Rentals
15.19 Drainage	15.45 Small Solar Energy Systems
15.20 Drive-Thru and Stacking Regulations	15.46 Swimming Pools
15.21 Fences and Walls	15.47 Telecommunication Towers
15.22 Flood Plain Regulations	15.48 Temporary Structures
15.23 Food Trucks	15.49 Visibility at Intersections
15.24 Funeral Services Facilities	15.50 Wind Energy Systems
15.25 Home Occupations	
15.26 Hospitals and Auxiliary Facilities	

15.01 ACCESSORY DWELLING UNITS (ADUS)

- a) Applicability. These standards apply to any Residential District where ADUs are listed as a Conditional Use.
- 1) Detached ADUs. Detached ADUs as defined in [Article II – Definitions](#) – shall be prohibited within the County.
- 2) Number. Only one (1) Attached ADU shall be permitted on a Lot.

- 3) **Density.** Attached ADUs do not count toward the density calculations for the District in which they are located.
 - 4) **County Permits Approval.** A permit shall not be issued until the requirements of this section are met and permits from the Madison County Public Health, Soil and Water Conservation District, and Building Department are received.
- b) **Accessory Suite (Attached) Standards.** All Attached ADUs shall comply with the following design standards:
- i) An Attached ADU must be attached to the primary Structure through either a common wall or a breezeway corridor enclosed with four solid walls and a roof;
 - ii) The breezeway shall be a maximum of nine (9) feet from the primary Dwelling to the Attached ADU;
 - iii) The Attached ADU may contain a Full Kitchen and one (1) bedroom and bathroom if sharing a common wall;
 - iv) The Attached ADU may contain a Partial Kitchen and one (1) bedroom and bathroom if connected by breezeway, but shall not contain a Full Kitchen;
 - v) The primary dwelling in which the ADU is located shall be owner occupied;
 - vi) An ADU may be no larger than eight hundred (800) square feet or the size of the primary dwelling unit, whichever is less;
 - vii) ADUs shall be limited to residential uses including a Minor Home Occupation and shall not be utilized for any other purpose;
 - viii) One (1) additional parking space is required for the ADU;
 - ix) No new entrances into the primary dwelling shall be created for the Accessory Suite ADU; and

- x) Any required fire escapes or exterior stairs for access to an upper-level Accessory Suite ADU shall not be located along the front façade of the primary dwelling.



15.02 ACCESSORY USES AND STRUCTURES

- a) Applicability. These standards apply to all Accessory Structures greater than two hundred (200) square feet, except Private Swimming Pools. Shipping Containers are a prohibited Use and shall neither be utilized as a Dwelling Unit nor as an Accessory Structure.
- b) Location. All Accessory Structures located on less than five (5) acres shall be in conformity with the following provisions:
 - 1) The Accessory Structure shall comply with the minimum Setback requirements of the applicable Zoning District; and
 - 2) Accessory Structures less than two hundred (200) square feet may not be erected within fifteen (15) feet from the Primary Structure.
 - 3) Any permanent Accessory Structures over two hundred (200) square feet and anchored into the ground (including Family Swimming Pools) shall meet all required Setbacks set in the applicable Zoning District.
- c) Height. No Accessory Building in any Zoning District shall exceed twenty-five (25) feet in Building Height.
- d) Number of Structures.
 - 1) On a parcel of less than one (1) acre, the number of Accessory Structures, excluding Low-Impact Accessory Structures, shall be limited to one (1) and shall not exceed six hundred (600) square feet;

- 2) On a parcel of one acre or more but less than five (5) acres, the number of Accessory Structures, excluding Low-Impact Accessory Structures, shall be limited to two (2) Structures. The maximum floor area of any single accessory building and the maximum of all accessory Structures combined shall not exceed twelve hundred (1200) square feet.

Figure 15.02 – Accessory Uses

	Acreage	
	Acreage Less than 1 acre	1 acre or more, but less than 5
Permit Required	A Permit shall be required for any Accessory Structure greater than two hundred (200) square feet	
Location	Cannot be located within fifteen (15) feet of the Primary Structure.	
Maximum Number of Accessory Structure	One (1) Accessory Structure	Two (2) Accessory Structures
Maximum Square Footage	Six Hundred (600) Square Feet	Twelve Hundred (1,200) Square Feet
Height	Twenty-Five (25) Feet	

15.03 AGRITOURISM

- a) Purpose. In the interest of the public health and safety, the County Commissioners and the Zoning Commission may regulate by resolution, in accordance with the Comprehensive Plan, and Ohio Revised Code Section 303.21 property within the County for the public health and safety of the County.
- b) Authority. Section 303.21 of the Ohio Revised Code permits the County Zoning Resolution to regulate Agritourism Structures and property as necessary to protect the public health, safety, and general welfare. The following regulations apply to the “size of Structure used primarily for agritourism, size of parking areas that may be required, Setback Building Lines for Structures used primarily for agritourism, egress or ingress where such regulation is necessary to protect public health and safety.”
- c) Declaration of Intent.
 - 1) In order to qualify for an Agritourism Use, an applicant must obtain a Conditional Use Permit and meet the requirements found in this Section. A Conditional Use Permit is required to demonstrate compliance with the

standards for setback, Structure size, height, parking, and other elements defined as Agricultural Uses under Ohio Revised Code 303.21 and authorized for County regulations under Section 303.21, and listed herein.

- 2) The applicant shall provide documentary evidence to the Planning and Zoning Director that the farm upon which the Agritourism operation is proposed meets all of the requirements of Ohio Revised Code Section 901.80.
- 3) In order to qualify, the applicant will be required to provide a property site plan to the Planning and Zoning Director that clearly shows the location, setbacks, parking areas, plan for Access Points from the Structure as well as for traffic entering and leaving the parking area, and size of the Agritourism Structure.
- 4) No Conditional Use Permit will be granted that does not comply with the requirements of the setbacks and size of the Structure as outlined under the Zoning District in which it is located.
- 5) All Buildings and Structures primarily used for Agritourism shall not exceed the maximum Building square footage of five thousand (5,000) square feet.
- 6) All Buildings and Structures utilized primarily for Agritourism shall not exceed thirty-five (35) feet in height.
- 7) The property site plan must provide information necessary to evaluate that the Access Points from the Structure and Use meet all public safety requirements as established by the Ohio Fire Code and enforced by the Fire Department. Information necessary for the property site plan shall be submitted electronically to the Planning and Zoning Director in PDF format and shall include the following:
 - i) The site plan shall be drawn to a scale that is legible in print and electronic formats;
 - ii) A scale bar and the written scale (Example: 1"=100');
 - iii) North arrow;
 - iv) A table that specifies the number of parking spaces, the dimension(s) of the parking spaces, the dimensions of the Structure for all floors, including garages, and basements;
 - v) The drawing shall depict the parking spaces and must comply with [Article XVII - Off-Street Parking and Loading](#) – of this Resolution;
 - vi) The drawing shall depict the dimension of the drive lanes and the dimension of the overall area of the parking area;
 - vii) The dimension of the driveway throat length, which is measured from the edge of the road Right-of-Way to the point where the driveway throat turns into any parking stall or internal drive lane; and
 - viii) The drawing shall specify the location and dimensions of the Building footprint, the required yard setback lines, the road Right-of-Way, and the Lot Lines based on the recorded legal description.
- 8) The property site plan must provide information necessary as noted above to evaluate the parking area ingress and egress and shall show that it meets all public safety requirements as established by the County or the County as applicable.

- 9) The applicant shall submit evidence to the County Planning and Zoning Director that the Access Points to and from the parking area has been approved by the County Engineer and/or the Ohio Department of Transportation. Additionally, the applicant shall provide written documentation that the access and access location(s) comply with the Madison County Access Management Regulations or the Madison County Subdivision Regulations Congestion Prevention Regulations as applicable. These regulations are adopted by the Madison County Board of County Commissioners. As of the adoption of this zoning text amendment these regulations are administered by the Madison County Planning Commission.
 - 10) The applicant shall specifically provide documentary evidence to the County Planning and Zoning Director that identifies the educational, entertainment, historical, cultural and/or recreational relationship of the proposed agritourism operation to the existing agricultural use of the property.
- d) Parking. All parking demands created by the Agritourism use shall be met off public roads. In no case shall any portion of any public road pavement be used for or considered customer parking to serve an Agritourism operation. Parking areas shall adhere to the following Setback requirements:
- 1) Fifty (50) feet from any Lot boundaries; and
 - 2) A minimum setback of fifty (50) feet for any parking stall or internal drive lane from the road Right-of-Way to the point where the throat of the driveway connects to the parking stall or internal drive lane. Parking areas shall be set back a minimum of six (6) feet from any Driveway Throat. The purpose of which is to preserve the driveway throat length to allow adequate area for vehicles to enter the site and make maneuvers during the peak hour trip generator for the site, and not cause back up onto the public road. A greater throat length may be necessary for larger trip generators and may be required by other government agencies including regulations from the Ohio Department of Transportation Access Management and/or Location and Design Manual, and the Madison County Access Management Regulations as of the adoption date of this zoning text as administered by the Madison County Planning Commission.
- e) Signage. Signs located on Agritourism Use property shall comply with [Article XVIII – Signs](#). Additionally, a warning notice Sign shall be placed in a clearly visible location at or near each entrance to the Agritourism location or at the site of each Agritourism activity. The warning notice shall consist of a sign in black letters with each letter to be a minimum of one (1) inch in height. The warning notice shall contain the following notice of warning:

“WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an Agritourism activity conducted at this Agritourism location if that injury or death results from the inherent risks of that agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.”

ORC 901.80(D)

- f) Small Places of Assembly. For the purposes of this Section, a Small Place of Assembly tied to an Agritourism Use shall have a heightened standard requiring a minimum Lot Size of twenty (20) acres and on a Lot located along a State or County Road. Small Places of Assembly located in conjunction with an Agritourism Use therefore require a Conditional Use Permit. This heightened standard is permitted due to not falling under Agritourism regulations per the definition found in ORC 901.80(2).

15.04 ANIMAL SERVICE FACILITIES

- a) Applicability. This Section regulates Uses that involve the following:
- 1) The care of ill and/or injured household animals.
 - 2) The overnight boarding of ill and/or injured household animals.
 - 3) The overnight boarding of healthy household animals.
 - 4) The sale of goods used in the care of household animals.
 - 5) The care or overnight boarding of large animals such as horses or cattle is prohibited in any Zoning District except if it falls under Agricultural Exemptions under the Ohio Revised Code.
- b) Standards.
- 1) All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed Structure.
 - 2) A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital, veterinary clinic, or kennel is located adjacent to Residential Uses.
 - 3) Exterior lighting shall comply with [Section 15.31 - Lighting](#).

15.05 AUTOMOBILE ORIENTED USES AND REPAIR

- a) Purpose. The purpose of these regulations is to regulate services involved in the refueling, servicing, and repairing of automobiles within the County.
- b) Applicability. These regulations apply to Uses that fall under the “Automobile-Oriented Uses” and “Automobile Repair” umbrellas as defined in [Article II – Definitions](#). Other Automobile-Oriented Use regulations may be found in [Section 15.12 – Car Washes](#) and [15.20 – Drive-Thru and Stacking Regulations](#).
- c) General Standards.
 - 1) All Automobile-Oriented Uses and Automobile Repair Facilities shall maintain a twenty (20) foot buffer around the Property Line.
 - 2) All areas associated with the Automobile-Oriented Use and/or Automobile Repair shall be paved.
 - 3) A solid Wall, Fence, and/or evergreen hedge shall be constructed or planted to a height of six (6) feet where this Use abuts a Residential Use or a Dwelling.
- d) Refueling Facilities.
 - 1) Two (2) separate Access Points shall be provided within the Development Plan associated with refueling facilities.
 - i) There shall be a minimum distance of twenty (20) feet between each Access Point.
 - ii) The size of the Access Point shall not exceed thirty (30) feet in width at the curb line nor twenty-five (25) feet in width at the Property Line.
 - iii) Access Point shall not be located within twenty-five (25) feet of an adjacent Uses’ Property Line.
- e) Repair Facilities.
 - 1) No outdoor disassembly or repair of motor vehicles shall be permitted.
 - 2) Storage of motor vehicles shall not be permitted in the Front Yard. Storage of motor vehicles shall be permitted on the premises for period of time not exceeding seven (7) days unless stored entirely within an enclosed Building.
- f) Services Facilities. Storage of motor vehicles shall not be permitted except when stored entirely within an enclosed Structure.

15.06 BATTERY ENERGY STORAGE FACILITIES

- a) Intent. In the interest of health and public safety, the County shall regulate Battery Energy Storage Facilities as defined in [Article II – Definitions](#).

- b) **Location.** All Battery Energy Storage Facilities shall be configured so that battery cells shall be placed in a Battery Energy Storage System (BESS) with a battery management system. The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.
- 1) **Setbacks.** Due to their potentially combustible nature, the installation of Battery Energy Storage Facilities and related equipment shall:
- i) Be located at least two hundred (200) feet from any abutting Residential District Lot Lines;
 - ii) Be located at least one hundred (100) feet from any abutting AG District and abutting Commercial or Industrial District Lot Lines;
 - iii) Buffer the facility from the surrounding areas by siting toward the interior of the Lot, at least twenty (20) feet away from vegetation;
 - iv) Comply with any applicable [Section 10.05\(e\) – Buffering, Landscaping, and Screening](#) – found in the Planned Flex Employment Overlay District and [15.29 – Landscaping](#).
 - v) Prevent encroachment and runoff onto agricultural land, wetlands, floodplains, and any other environmentally sensitive areas.
- c) **Operation.** A Battery Energy Storage Facility shall be constructed, maintained, and operated in accordance with applicable codes and standards, including but not limited to, applicable fire, electrical, and building codes; National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, 2020 Edition and subsequent editions; and Underwriters Laboratories (UL) 9540A Ed. 4-2019, Standard for Test Method for Evaluating Thermal Runway Fire Propagation in Battery Energy Storage Systems and subsequent editions.
- d) **Utilities.** Public on-site water and fire hydrants shall be available to the property.
- e) **Noise.** A sound study shall be conducted by a third party that is mutually agreed upon between the Owner and the County to establish a baseline, existing decibel level. Following this sound study, the operation of the Battery Energy Storage Facility shall not exceed whichever of the following is lower at the required Setback Line: the decibel level baseline or forty-five (45) dBA from 10 pm to 7 am and fifty-five (55) dBA from 7 am to 10 pm. Reports shall be submitted annually or more frequently if requested by the Planning and Zoning Director to verify compliance with this standard. Failure to maintain sound levels at or below the required decibel limits at the required Setback Lines or to submit the required reports shall constitute a zoning violation and may result in enforcement action pursuant to [Article XXIII – Planning and Zoning Director and Enforcement](#) – of this Resolution.
- f) **Security Fencing and Signage.** NFPA 704 placards shall be placed on Building entrances along with emergency contact information. The facility shall be enclosed by security Fencing:

- 1) All security fencing shall be a minimum of ten (10) feet in height;
 - 2) Designed to substantially lessen the likelihood of entry by unauthorized individuals;
 - 3) A performance bond reflecting the costs of anticipated security fence maintenance shall be posted and maintained;
 - 4) Failure to maintain the security fencing shall result in a revocation of the Zoning Certificate following notice of violation and enforcement as provided in [Article XXIII – Planning and Zoning Director and Enforcement](#).
 - 5) All security fencing shall be placed behind the landscape buffers required in [Section 10.05\(e\)](#) and [Section 15.29 – Landscaping](#).
- g) Decommissioning Plan. Applications for Battery Energy Storage Facilities shall include a decommissioning plan to be implemented upon abandonment and/or conjunction with removal of the facility. All decommissioning plans shall be certified by an engineer or contractor with demonstrated expertise in Battery Energy Storage Facility removal and shall include the following:
- 1) Anticipated life of the project;
 - 2) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all components of the Battery Energy Storage Facility;
 - 3) An estimated deconstruction schedule;
 - 4) A description of mediation procedures for the release of hazardous materials or other emergency events during the decommissioning process;
 - 5) The estimated decommissioning cost in current dollars; and
 - 6) The full estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
 - i) The Owner shall deposit the required amount into the approved escrow account before any Zoning Certificate is issued to allow construction of the Battery Energy Storage Facility.
 - ii) The escrow account agreement shall prohibit the release of the bond without the written consent of the County. The County shall consent to the release of the bond upon the Owner's compliance with the approved decommissioning plan. The County may approve the partial release of the bond as portions of the approved decommission plan are performed.
 - iii) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - iv) The Owner or occupant shall recalculate the estimated cost of decommissioning every five (5) years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten (10) percent, then the Owner or occupant

shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety (90) percent of the original estimated cost of decommissioning, then the County may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.

- 7) Decommissioning shall include removal of all BESS components, structures, components, equipment, security barriers, and transmission lines from the site so that any ground upon which the facility and/or system was located is again tillable and suitable for Agricultural Use.
- h) Emergency Plan. Applications for Battery Energy Storage Facilities shall include an emergency plan that, at a minimum, contains the following:
- 1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, release of hazardous materials, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - 2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - 3) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to the Fire Department for potentially hazardous conditions in the event of a system failure.
 - 4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - 5) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

15.07 BED AND BREAKFASTS

- a) Applicability. This Section applies to the hosting of “Bed and Breakfasts” as a Use defined in [Article II – Definitions](#). The operation of Bed and Breakfasts is limited to the Primary Dwelling of the owner and does not include the Use of separate or additional Structures on the property for lodging purposes.
- b) Standards.
 - 1) Guests. A maximum of eight (8) guests may be housed at any time.

- 2) Parking. All Bed and Breakfasts shall provide Off-Street Parking for the public. Eight (8) spaces shall be required to reflect the maximum number of guests. The driveway of the Bed and Breakfast may be utilized for not more than two (2) parking places. All parking places shall be screened from view from any adjacent, existing Residential Use or Dwelling, by a masonry Wall or a solid Fence of acceptable design. Such Wall or Fence shall not be less than four (4) feet nor more than six (6) feet in height.
- 3) Screening and Landscaping. Shall comply with the conditions set forth in [Section 15.29 – Landscaping](#).
- 4) Signs. No more than one (1) Ground-Mounted Sign, no larger than six (6) square feet, shall be permitted.

15.08 BEVERAGE SALES

- a) Purpose. It is the purpose of this Resolution to regulate Beverage Sales in order to promote the health, safety, and general welfare for the citizens of the County.
- b) Applicability. This Section applies to the sale of alcoholic beverages within bars and taverns as defined as “Beverage Sales, Alcoholic” and Beverage Sales, Microbrewery” in [Article II – Definitions](#).
- c) Standards.
 - 1) No Business associated with Alcoholic or Microbrewery Beverage Sales shall be located closer than one hundred fifty (150) feet from a school, church, school, public library, public playground, public park, or similar institution.
 - 2) An assessment shall be made of the probable effects of the proposed facility’s parking provisions and evening operations on the surrounding area.

15.09 BORROW PITS

- a) Applicability. The regulations of this Section shall apply to Borrow Pits within the A-1 District as a Conditional Use as defined in [Article II – Definitions](#).
- b) Standards.
 - 1) Borrow Pits, provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of County Commissioners and/or the County Engineer to ensure compliance with the restrictions and conditions imposed to insure regrading, and reseeding and general restoration of the area including haul roads.
 - 2) All applications or plans submitted incident thereto shall be reviewed by the Madison County Engineer, and the Madison County Engineer’s comments

shall be included in the record regarding the matter. An extension of the time limit may be approved by the Board of Zoning Appeals.

15.10 CAMPGROUNDS

- a) Applicability. The regulations of this Section shall apply to an area of land providing space for or containing two (2) or more Recreational Vehicles, camping tents, or other similar temporary recreational Structure, where they may be parked or erected for a continuous period of time.
- b) Standards.
 - 1) A Site Plan shall be submitted with the application showing proposed incidental uses and their relationship to the site. Such incidental uses may include, but shall not be limited to, concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, toilet facilities and shower facilities.
 - 2) Incidental uses shall clearly be appropriate to the proposed primary campground activity. The Board of Zoning Appeals may establish such requirements as they deem necessary to regulate the duration of stay by individuals at the campground in order to preclude such extended periods of stay that might be construed as the establishment of permanent residency at the campground.
 - 3) A twenty (20) foot landscape buffer shall be planted on the exterior of the property adjacent existing residential development or from any adjacent dwelling.
 - 4) All exterior lighting must be down lighting (Cut-off light), so that no light shall be cast onto adjoining residential properties.
 - 5) All parking areas shall be screened from view from any adjacent existing residential development or from any adjacent dwelling, by a masonry wall or a solid fence of acceptable design. Such Wall or Fence shall not be six (6) feet in height.

15.11 CANNABIS DISPENSARIES

- a) Purpose. It is the purpose of this Resolution to regulate Businesses that sell Cannabis products in order to promote the health, safety, and general welfare for the citizens of the County.
- b) Applicability. These standards shall apply to “Cannabis Dispensaries” as defined in Article 2 – Definitions – and governed by Chapter 3796 of the Ohio Revised Code as well as the applicable standards of the Ohio Administrative Code (OAC).

c) Standards.

- 1) No boundary of a parcel of real estate having situated on it a proposed dispensary shall be located within one thousand (1,000) feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, and public park.
- 2) The store/establishment must meet all standards within Ohio Revised Code Section 3796.29 and Ohio Administrative Code 3796:6-3-02.
- 3) Cannabis Facilities shall not be located within one thousand (1,000) feet of any school (K-12), church, public park, public playground, public library, pre-school, child day care center, publicly owned property, or other use established specifically for the activities of minors (see, ORC 3796.29 and 3796.30).
- 4) No Cannabis Store shall be located within two thousand (2,000) feet of the boundaries of a parcel of real estate having situated on it a Rehabilitation Center. (see, ORC 3780.25 and ORC 3796.29).
- 5) No Cannabis Store shall be located within one (1) mile of an existing Cannabis Store or another proposed Cannabis Store (see, ORC 3796.29).
- 6) In addition to the regulations described herein, Medical Cannabis Stores must show compliance with ORC 3796.20 by exhibiting the proper license and ability to adhere to the rules for dispensing medical marijuana. Recreational Cannabis Stores must show compliance with ORC 3780.15 by exhibiting the proper license and ability to adhere to the rules for dispensing recreational marijuana. If the Cannabis Store will operate under a “dual-use license” as defined in OAC 1301:18-1-01(C)(4), then it must exhibit this license and exhibit the ability to adhere to the rules for both selling medical and recreational marijuana as found in the Ohio Revised Code.

15.12 CAR WASHES

- a) Purpose. The purpose of this Section is to provide regulations regarding Car Washes, which are defined as “Automobile Oriented Uses” under [Article II – Definitions](#). The purpose of these requirements is to reduce impacts of this Use on surrounding Lots. [Section 15.05 - Automobile-Oriented Uses and Repair](#) and [15.20 - Drive-Thru and Stacking Regulations](#).

b) Standards.

- 1) All washing facilities shall be included entirely within an enclosed Building except that entrance and exit doors may be left open during the hours of operation.
- 2) Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining Residential Uses.

- 3) Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.
- 4) A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.
- 5) A solid fence, wall, or hedge six (6) feet high shall be required when a car wash is adjacent to Residential Districts.
- 6) The following hard-surfaced, dust-free, off-street parking shall be provided:
 - i) Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or
 - ii) Ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process;
 - iii) Two (2) employee parking spaces for every three (3) employees; and
 - iv) Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.

15.13 CEMETERIES

- a) Applicability. These regulations concern Cemeteries, as defined in [Article II – Definitions](#) and controlled by Section 719.03 of the Ohio Revised Code, that occupy a Tract of not less than five (5) acres. This Section also provides regulations for Private Family Cemeteries, as defined in [Article II – Definitions](#).
- b) Standards for Cemeteries.
 - 1) No Building shall be placed closer to the Right-of-Way of any approved road than the setback prescribed by the applicable Zoning District as controlled in this Resolution.
 - 2) No internment may be made nearer than fifty (50) feet to the Right-of-Way of the approved Public Road adjacent thereto.
 - 3) No burial shall be permitted nearer than twenty-five (25) feet to any other property line, unless a natural screen has been established along said property line at least six (6) feet in height that conforms with the standards found within [Section 15.29 – Landscaping](#), in which case, burials may be permitted not closer than ten (10) feet to said property line.
 - 4) No mausoleum, crematory, office facility, maintenance Building, or storage area shall be constructed except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening, and other improvements shall be furnished as required.
 - 5) As controlled by Section 719.03 of the Ohio Revised Code, no land shall be purchased for a public Cemetery within two hundred (200) yards of a Dwelling without the consent, in writing, of the owner of the tract of land on which such house is situated. If the consent, in writing, of the owner of the tract of land on which such house is situated cannot be obtained, the applicable municipal corporation may appropriate such land for the establishment of a Cemetery

or for the enlargement of any existing cemetery, within two hundred (200) yards of such house, by making the owner of the house a party to all proceedings and actions for such appropriation.

- 6) As controlled by Section 1721.03 of the Ohio Revised Code, land shall not be appropriated, nor shall a Cemetery be located, by an association incorporated for Cemetery purposes or by a benevolent or religious society, within one hundred (100) yards of a Dwelling, unless the owner of such dwelling house gives his consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a cemetery already in use. The limit shall not be less than one hundred (100) yards when it is sought to appropriate for cemetery purposes property adjoining a cemetery already in use, when such dwelling house was erected subsequent to the laying out and establishing of such cemetery. When a cemetery lies within or adjoins a municipal corporation the association or corporation owning such cemetery, without such consent, may appropriate property within one hundred (100) feet, or the width of a street or alley, of any dwelling house.

c) Standards for Private Family Cemeteries.

- 1) The Private Family Cemetery shall be located on a single Parcel under common ownership, requires a Conditional Use Permit approved by the Board of Zoning Appeals, and shall comply with all applicable federal, state, county, and local regulations.
- 2) The Private Family Cemetery shall have a maximum area of one (1) acre.
- 3) The minimum Lot Size for a Private Family Cemetery is ten (10) acres.
- 4) The minimum Setback from any Dwelling not on the same Parcel is two hundred (200) feet.
- 5) The minimum Setback from any water, well, stream, pond, drainage ditch, or wetland is one hundred (100) feet.
- 6) The Private Family Cemetery must be located outside of any FEMA-designated floodway and flood hazard area.
- 7) A minimum six (6) foot-tall Privacy Fence shall be constructed around the Private Family Cemetery.
- 8) A recorded perpetual access easement shall be documented allowing adequate vehicular access from a Public Road.
- 9) The Owner shall sign a "Maintenance Agreement Letter" with the Township for the Owner to maintain the Private Family Cemetery for one hundred (100) years.
- 10) The Private Family Cemetery shall comply with all applicable health department requirements.
- 11) No commercial operation or sale of burial lots shall be conducted within a Private Family Cemetery.
- 12) Permanent monuments, fencing, landscaping, or other markers may be installed provided they comply with all applicable zoning regulations.

- 13) A Private Family Cemetery shall not be deemed abandoned solely because burials cease. Any removal, relocation, or disinterment of the remains shall comply with applicable Ohio law.

15.14 CLUSTERED MAILBOXES

When clustered mailboxes are required by the U.S.P.S. in the CCR, PRO, and PMU Overlay Districts, said Units must comply with the following requirements:

- a) Be located outside the public Right-of-Way and appropriately distributed throughout the development. An appropriate number of parking spaces shall be provided to ensure proper traffic circulation throughout the development.
- b) Final unit, parking locations, and number of Off-Street Parking Spaces shall be determined and controlled by the development plan approved by the Planning and Zoning Board, upon recommendation from the Design Board; and
- c) All clustered mailbox units and associated Off-Street Parking areas shall be privately maintained.

15.15 COMMERCIAL KENNELS, RIDING STABLES, AND ANIMAL SHELTERS

- a) Applicability. This section applies to “[Commercial Kennels](#),” “[Riding Stables](#),” and “[Animal Shelters](#)” as defined in Article II – Definitions.
- b) Standards.
 - 1) No Building or Structure used for the purpose of a boarding kennel, riding stable or animal shelter shall be located closer than two hundred (200) feet from the lot line of any residence, church, school or any institution of human care.
 - 2) Full compliance with Madison County Health Department shall be satisfied.
 - 3) Suitable fencing and/or screening shall be provided as approved by the Madison County Board of Zoning Appeals.
 - 4) Such use can be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.

15.16 COMMUNITY GARDENS

When Community Gardens are listed as a Permitted Use in a Zoning District, they shall be prohibited within the Right-of-Way and required Front Setback. Any shed, storage container,

or similar Structure within a Community Garden shall be considered an Accessory Structure and shall comply with the requirements of [Section 15.02 – Accessory Uses and Structures](#).

15.17 DATA CENTERS

- a) Purpose. The intent of this section is for the County to regulate the placement and construction of Data Centers as a Conditional Use within the Planned Flex Employment Overlay District (PFE) and SR-161 Overlay District.
- b) Process.
 - 1) Within these Overlay Zoning Districts, Data Centers may be permitted as a Conditional Use, subject to the approval and conditions established by the Board of Zoning Appeals in accordance with [Article XXII – Board of Zoning Appeals; Appeals and Variances; and Conditional Uses](#) – of this Resolution.
 - 2) An applicant shall obtain a Conditional Use Permit under [Section 22.07 – Procedure on Application for Conditional Use Permit](#) – before submitting a Development Plan application under [Article XIV – Approval Procedures for Overlay Districts](#).
 - 3) No Development Plan application proposing a Data Center shall be considered complete or accepted for review by the Zoning Commission until a Conditional Use Permit has been approved by the Board of Zoning Appeals pursuant to [Section 22.07 – Procedure on Application for Conditional Use Permit](#).
 - 4) Conditionally Permitted Uses shall be considered abandoned if said Use(s) are not commenced within one (1) year from the date of Board of Zoning Appeal approval or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or Structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit. The subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals if said Uses are to be continued. A designation by the Board of Zoning Appeals that a Conditional Use Permit is permanent and shall run with the land does not affect the rights of authorities to revoke the Conditional Use Permit for failure to comply with conditions imposed. No Conditional Use shall be implemented until a Permit of Zoning Compliance is issued by the Planning and Zoning Director.
- c) Conditions.
 - 1) No Building shall exceed the maximum height of the applicable Overlay District, measured vertically from the established grade to the highest point of the Structure including parapets, screening walls, or rooftop Structures

- 2) A sound study shall be conducted by a third party that is mutually agreed upon between the Owner and the Township to establish a baseline, existing decibel level. Following this sound study, the operation of the Data Center shall not exceed whichever of the following is lower at the required Setback Line: the decibel level baseline or forty-five (45) dBA from 10 pm to 7 am and fifty-five (55) dBA from 7 am to 10 pm. Reports shall be submitted annually or more frequently if requested by the Planning and Zoning Director to verify compliance with this standard. Failure to maintain sound levels at or below the required decibel limits at the required Setback Lines or to submit the required reports shall constitute a zoning violation and may result in enforcement action pursuant to [Article XXIII – Planning and Zoning Director and Enforcement](#) – of this Resolution.
 - 3) All Data Centers must connect into and solely rely upon central water and sewer services. The Data Center shall utilize a closed-loop water system.
 - 4) Data Centers shall adhere to all requirements in to [Section 10.05\(e\) – Buffering, Landscaping, and Screening](#) – and [Section 15.29 – Landscaping](#).
 - 5) The maximum lot coverage shall not exceed sixty-five (65) percent.
 - 6) Data Centers shall be located no closer than five hundred (500) feet from the Property Line of any parcel that is zoned or used for residential purposes, with the setback measured from the nearest point of the Data Center building to the nearest residential property line.
 - 7) No principal building, generator, mechanical equipment yard, loading area, fuel storage, Laydown Yard, or parking area shall be located within a required Setback.
 - 8) No Building, Structure, or Temporary Structure shall be utilized to house or temporarily house people during construction or operation of the Data Center.
 - 9) Any external equipment shall be located between the Primary Structures and/or screened with ten (10) foot-high Walls to reduce noise and vibration impacts.
 - 10) The Setback area shall be maintained as a landscaped buffer including woodland buffers, evergreen plantings, and fencing.
 - i) A continuous two hundred (200) foot Woodland Buffer adhering to the standards found in [Section 10.05\(e\) – Buffering, Landscaping, and Screening](#) – and [Section 15.29 – Landscaping](#) – shall be required along the Property Line of the Tract.
 - ii) The Woodland Buffer minimum opacity shall be fifty (50) percent in winter / seventy (70) percent in summer.
 - iii) Ground areas shall be planted with low-maintenance native ground cover plants.
 - iv) Dead landscaping must be replaced within six (6) months.
- d) Decommissioning Plan. Applications for Data Centers shall include a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the facility. All decommissioning plans shall be certified by an

engineer or contractor with demonstrated expertise in Data Center removal, and shall include the following:

- 1) Anticipated life of the project;
- 2) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all storage components of the Data Center;
- 3) An estimated deconstruction schedule;
- 4) A description of mediation procedures for the release of hazardous materials or other emergency events during the decommissioning process;
- 5) The estimated decommissioning cost in current dollars; and
- 6) The full estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
 - i) The owner shall deposit the required amount into the approved escrow account before any Zoning Permit is issued to allow construction of the Data Center.
 - ii) The escrow account agreement shall prohibit the release of the bond without the written consent of the County. The County shall consent to the release of the bond upon on the owner's compliance with the approved Decommission Plan. The County may approve the partial release of the bond as portions of the approved Decommission Plan are performed.
 - iii) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - iv) The owner or occupant shall recalculate the estimated cost of decommissioning every five (5) years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten (10) percent, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety (90) percent of the original estimated cost of decommissioning, then the County may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.

- 7) Decommission shall include removal or plans for repurposing of all Data Center Structures, equipment, security barriers, and transmission lines from the site so that the Building may be utilized for a future Use or returned to an Agricultural Use.



15.18 DAY-CARE FACILITIES

- a) Applicability. This Section pertains to [Day-Care Centers](#) and [Day-Care Homes](#) as defined in Article II – Definitions.
- b) Standards.
 - 1) Day-Care Centers.
 - i) A drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles.
 - ii) A maximum of one hundred (100) children shall be permitted in all areas not provided with public water.

- iii) An outdoor recreation area shall be provided as required by the appropriate state agency.
 - iv) A copy of the state agency's approval must be submitted.
 - v) All outdoor recreation areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition and constructed so as to preclude trespass by any person.
 - vi) All parking areas and/or areas where vehicles may pick-up or discharge passengers shall be screened from view from any adjacent existing or platted Residential Area. No off-street pick-up or discharge of passengers shall be permitted.
 - vii) In all Residential Districts, operating hours shall be limited to 6:00 AM to 9:00 PM.
 - viii) The maximum percentage of site coverage by all principal and Accessory Buildings and outdoor play areas shall be seventy-five (75) percent.
- 2) Day-Care Homes.
- i) An outdoor recreation area shall be provided as required by the appropriate state agency.
 - ii) A copy of state agency's approval must be submitted.
 - iii) All outdoor recreation areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition so as to preclude trespass by any person; said Fence shall not be permitted in the Front Yard.
 - iv) Operating hours shall be limited to between 6:00 am. to 9:00 pm.

15.19 DRAINAGE

- a) All construction within this County shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servient properties is maintained or improved.
- b) In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.
- c) Setbacks Along Publicly Established Drainage Ditches: In all districts a setback of seventy-five (75) feet from the top of the nearest bank and sixty (60) feet from subsurface drainage tile shall be provided for all Buildings, Structures, fences, or plantings, unless written permission has been received from the Madison County Engineer.

15.20 DRIVE-THRU AND STACKING REGULATIONS

- a) **Applicability.** Drive-Thrus are considered “Automobile-Oriented Uses” as defined in [Article II – Definitions](#), and require a Conditional Use Permit. Other Automobile-Oriented Use regulations may be found in [Section 15.12 – Car Washes](#) and [15.05 – Automobile-Oriented Uses and Repair](#).
- b) The following criteria shall be utilized by the Board of Zoning Appeals when approving a Conditional Use permit for a drive thru.

Activity	Minimum Stacking Spaces (per lane)	Measured From and Including
Banks and ATMs	3	Teller/Window or ATM machine
Restaurant, Coffee Shop, or other similar use	8	First pick up window
Full Service Car Wash*	20	Entrance of tunnel
Self Service – Automated Car Wash*	4	Washing Bay
Fuel/Gasoline Pump Island	1	Pump Island
Other -Not specified	As determined by the County Board of Zoning Appeals	

*County BZA shall also ensure adequate spaces are provided at the end of the tunnel or wash bay for the drying and vacuuming of vehicles.

- c) **Design and Layout.**
- 1) There shall be two (2) separate driveways located along the frontage (s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of thirty (30) feet between them, and shall not exceed thirty (30) feet in width at the curb line, nor twenty-four (24) feet in width at the property line.
 - 2) No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a Residential District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the Right-of-Way lines of the two (2) streets.
 - 3) A solid wood fence or masonry wall six (6) feet high shall be constructed where the delivery window is located adjacent to Residential Districts.
 - 4) All landscaped areas shall be separated from all paved areas by a six (6) inch high curb.
 - 5) A raised curb six (6) inches high and six (6) inches wide shall be constructed along all street frontages, except within driveway openings, and shall form a landscaped island having a minimum width of five (5) feet including the width of the curbs.

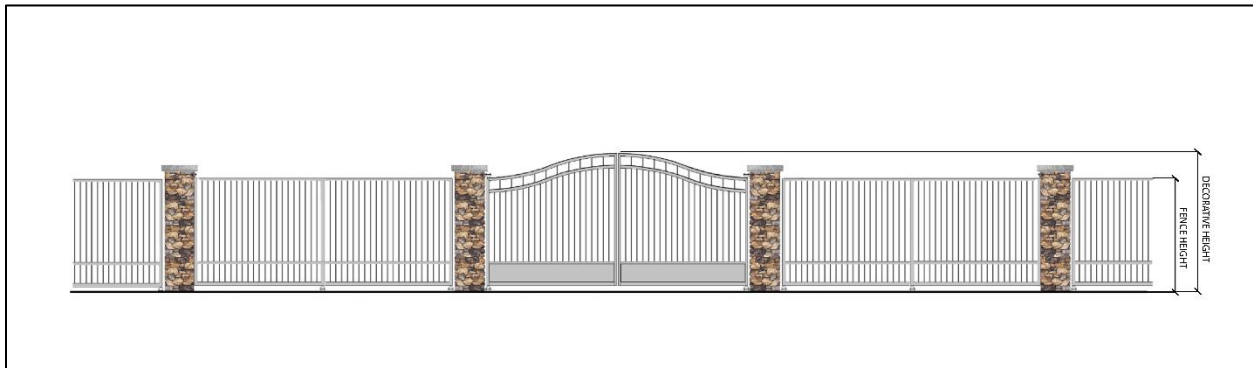
- 6) The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- 7) Pump spaces can count toward the stacking space requirement.
- 8) Stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size.
- 9) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. There shall be a separate drive aisle allowing ingress and egress of vehicles that are not waiting in the drive-thru lanes.
- 10) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- 11) These stacking space requirements shall be in addition to the off-street parking space requirements in [Section 17.05 – Schedule of Required Off-Street Spaces](#).
- 12) When adjacent to the Residential Districts, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

15.21 FENCES AND WALLS

- a) Fences for non-agricultural uses are required to obtain a permit through the application process of [Section 23.04 – Application for Zoning Permits](#). No fence or wall shall be placed on any corner lot to create a sight impediment within seventy-five (75) feet of the intersecting center lines of any two (2) or more streets. In determining if any sight impediment exists, the Planning and Zoning Director shall measure the sight distance between the center lines of such streets at a height of forty-five (45) inches above the actual grades of the streets.
- b) Fences shall not be permitted within any road right of way.
- c) Fences shall not be permitted to obstruct any road viewshed.
- d) Fences supported by posts on the side of the Fence or Wall shall be erected so that exposed posts and supporting cross elements shall face inward towards the property initiating the request. This requirement shall not apply if the Fence is the same on both sides.
- e) The following types of fences are permitted in front of the front façade provided they do not fully enclose a lot, are used only for decorative purposes and have a maximum height of three (3) feet:
 - 1) Accent Fences
 - 2) Open Fences
 - 3) Picket Fences

- f) The following types of fences are permitted in the side and rear yards and to the rear of the front façade, where they shall have a maximum height of four (4) feet:
- 1) Accent Fences
 - 2) Open Fences
 - 3) Picket Fences
 - 4) Wrought Iron Fences
- g) Perimeter Fence. A six (6) foot tall perimeter fence may be erected to fully enclose a lot or tract provided it is an Open Fence style, as defined in [Article II – Definitions](#). Figure 15.21 below provides an example rendering of a Perimeter Fence; it is a general depiction and the permitted fencing materials are not specific to the rendering.

Figure 15.21f



- h) Privacy and Buffer Fences. Privacy and Buffer Fences shall be permitted to fully enclose a patio or other similar area immediately adjacent to the primary Structure. Privacy fences shall be six (6) feet in height unless otherwise required to be taller.
- i) No fence or wall shall obscure, hide, enclose, or screen fire hydrants, street address numbering, and other security or emergency service equipment, controls, or components, and shall not affect the vision of drivers on the public streets or from driveways intersecting public streets.
- j) Prohibited Fencing.
- 1) Electrified, barbed wire, razor wire and stockade fences are prohibited in all districts except for the following situations:
 - i) This prohibition shall not be construed to prohibit electrified and/or barbed wire fences when used in conjunction with a purely agricultural use as defined by the Ohio Revised Code.

k) Maintenance.

- 1) Permitted fences, walls, or Structures shall be maintained in good condition, be structurally sound and completely finished at all times. Any grounds between such fences, walls or Structures and property lines shall be well maintained at all times by the appropriate property owner. Supporting members for walls and fences shall be located to not be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.
- 2) Normal repairs and maintenance. None of the provisions of this Code shall be interpreted to prevent normal repairs and maintenance or to strengthen or correct any unsafe condition of any fence.
- 3) Non-Conforming Fences and Walls shall be subject to [Section 19.07 – Damage or Destruction](#) – on damages and continued non-conformity.
- 4) adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.
- 5) Normal repairs and maintenance. None of the provisions of this Code shall be interpreted to prevent normal repairs and maintenance or to strengthen or correct any unsafe condition of any fence.

15.22 FLOOD PLAIN REGULATIONS

Certain limited areas under County Zoning lie within the flood plain of the Deer Creek, Big Darby, Little Darby, Paint, Glade Run, and Spring Fork Creeks and their tributaries. Inundations of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the County, the following regulations shall be imposed and apply to all land use districts within the Flood Plain.

- a) The County Zoning Department and/or County Building Department shall maintain on file for public examination, current maps, delineating the boundaries within the County of all lands subject to inundation by waters of the one-hundred (100) year flood. The boundaries of the Flood Plain shall delineate the area of special flood hazard which have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study (FIS) for the unincorporated area of Madison County.” This study, with accompanying Flood Boundary and Floodway and/or Flood Insurance Rate Maps (FIRM) dated effective latest and any revisions thereto is hereby adopted by reference and declared to be a part of this Resolution. The Flood Insurance Study is on file at the Madison County Zoning Office. Please refer to Ohio Department of Natural Resources.

- b) In the event a property owner contests the boundaries of such flood plain shall be given reasonable opportunity to present technical evidence to support their position.
- c) The Madison County Subdivision Review Board may require that a developer provides technical engineering evidence of the levels of flooding of a property, even if said property is not shown to be in a flood zone on the "Flood Insurance Study," if the Review Board believes that property is at flood risk.
- d) Open space uses shall be permitted within the one hundred (100)-year flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require Structure fill or storage of material or equipment.
- e) No Structure shall be permitted within the one hundred (100)-year flood plain, and no use shall be permitted within the flood plain which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system. Possible adverse impact to the natural benefits and function of the one hundred (100)-year floodplain includes:
 - 1) Detrimental changes in hydrology.
 - 2) Detrimental changes in geomorphology.
 - 3) Detrimental changes in water quality.
 - 4) Detrimental changes in aquatic and terrestrial habitat, and ecology.
 - 5) Detrimental changes in natural flood and erosion control function.
- f) No fill shall be deposited within the flood plain without permission from the Board of Zoning Appeals. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulk heading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the Board of Zoning Appeals that all State and Federal permits are issued as required by law.
- g) State Of Ohio Floodplain: Please go to Department of Natural Resources for more information on floodplains rules and regulations, floodplain maps, and burn laws at <https://ohiodnr.gov/rules-and-regulations/rules-for-landowners/floodplains>. Also, you can find FEMA Map Service Center (MSC) Description: FEMA's official online public source to find all flood hazard mapping products created under NFIP. Download and print legal, to scale copies of flood maps. <https://msc.fema.gov/portal/home>.
- h) On a floodplain map, the terms "0.2% annual chance of flood," "A," and "AE" refer to specific flood risk zones as designated by FEMA (Federal Emergency Management Agency). Here's what each means:
 - 1) 0.2% Annual Chance of Flood (500-Year Floodplain):

- i) This represents areas with a 0.2% chance of flooding in any given year, also known as the 500-year floodplain. Though rare, these areas can still experience significant flooding over time.
- 2) Zone A:
 - i) Zone A designates areas subject to a 1% annual chance of flooding (also called the 100-year floodplain) where no detailed flood study has been conducted. As a result, base flood elevations (BFEs), which indicate the expected height of floodwaters during a flood, are not provided for these areas.
- 3) Zone AE:
 - i) Zone AE is also part of the one hundred (100)-year floodplain, but unlike Zone A, it has been studied in detail, and BFEs are established. These areas have a 1% annual chance of flooding and are typically at higher risk than the 0.2% areas.
- 4) In summary:
 - i) 0.2% annual chance of flood = five hundred (500)-year floodplain (lower risk but still possible).
 - ii) Zone A = one hundred (100)-year floodplain without detailed elevation data.
 - iii) Zone AE = one hundred (100)-year floodplain with detailed flood data and base flood elevations provided.

15.23 FOOD TRUCKS

- a) Purpose. The intent of these regulations is to provide the food industry with creative opportunities outside of the traditional brick and mortar restaurants while controlling potential impacts such as traffic, food safety, and compatibility with the surrounding areas. These regulations ensure that Food Trucks are properly integrated into the overall existing or future streetscape designs of the County. These regulations also limit the time frame for Food Trucks to allow ample time for business incubation while also discouraging them from becoming permanent fixtures.
- b) Applicability.
 - 1) Food Trucks that are located on private property shall only be allowed in the PMU, PBO, PFE, and SR-161 Overlay District, and these Food Trucks shall be subject to this Section.
 - 2) Food Trucks located within the public Right-of-Way shall be governed by a Right-of-Way Permit and are not subject to this Code.
- c) All Food Trucks located on private property must comply with the following regulations:

- 1) Food Trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the Food Truck for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights are prohibited;
- 2) No signs shall be permitted except as follows:
 - i) Signs directly painted or directly applied onto the Food Truck shall be permitted; and
 - ii) One small Temporary Sign that does not exceed eight (8) square feet.
- 3) The selling of alcohol shall be prohibited, unless otherwise permitted within DORAs, if applicable;
- 4) There shall be one (1) trash receptacle for use by patrons and placed in a convenient location that does not impede pedestrian or vehicular traffic. Trash must be removed daily from the site;
- 5) The Food Truck shall be located on an entirely paved, level parking lot to enhance the safety of pedestrians and patrons;
- 6) All equipment and storage associated with and required for the operations of the Food Truck, except for the trash receptacles required in this section, shall be located on or within the Food Truck. This includes any generators;
- 7) There shall be no furniture, umbrellas, or other objects outside of the Food Truck. Any proposed furniture or umbrellas shall be subject to the outdoor dining standards of the applicable District in addition to these regulations;
- 8) The Food Truck shall have access to water (i.e., water tank, connection to central water line, etc.) and electricity (generator, connection to utility lines, etc.) and such services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians;
- 9) When a Food Truck is proposed to be located within 500 feet of an existing One-Unit Dwelling Unit, operations of said Food Truck are limited to 10:30 a.m. to 3:30 p.m. daily. The operations of Food Trucks are limited to 6:00 a.m. to 9 p.m. Sunday-Thursday and 7 a.m. to 11 p.m. Friday and Saturday;
- 10) There shall be no obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to or from, any business, public Building, the remainder of the parking area, or adjacent Right-of-Way;
- 11) There shall be no impediments to the visibility area sight distance at any driveway or intersection;
- 12) The Food Truck may only operate in the location approved on the site plan for the Zoning Certificate and may not be moved to any other location on the property or to a different property within the County without first receiving a new Zoning Certificate;
- 13) Each Food Truck shall have a minimum thirty-five by fifteen (35 x 15)-foot area. Any Food Truck that exceeds twenty-seven (27) feet in length shall have a minimum seventy by fifteen (70 x 15)-foot area. In no case shall the combined area of all Food Trucks permitted on one lot exceed twenty-five percent (25%) of the Lot Area;

- 14) The applicant, if not the owner of the property, shall provide written permission from the property owner to utilize the property for a Food Truck.
 - 15) The Food Truck shall pass a health and fire safety inspection;
 - 16) Due to the temporary nature of Food Trucks, the standards of this Code for Parking ([Article XVII](#)), Landscaping ([Section 15.29](#)), and Signs ([Article XVIII](#)) do not apply to Food Trucks; and
 - 17) If the Food Truck complies with all the above standards, a Zoning Certificate may be issued for up to thirty (30) consecutive days on a property within any sixty (60) consecutive calendar days.
- d) Exemptions. Food Trucks are exempt from obtaining a Zoning Certificate when:
- 1) It is parked in one location for a period of less than eight (8) hours while not operating; or
 - 2) It operates exclusively as a subset of a County approved special event, within the approved areas and time frames. The County may increase the number of Food Trucks allowed for one (1) lot during Township approved special events.
 - 3) However, the exemption of requiring a Zoning Certificate, however, does not preclude the requirement for the Food Truck to have passed a health and fire safety inspection according to the standards of the Fire Department.

15.24 FUNERAL SERVICES FACILITIES

- a) Applicability. The following regulations apply to “Funeral Services Facilities” as defined in [Article II – Definitions](#).
- b) Standards.
- 1) Funeral Services Facilities shall only be located along Major Thoroughfares.
 - 2) A traffic study shall be conducted to assess the probable impact of the proposed facility on the existing and future traffic on the adjacent Major Thoroughfare.
 - 3) All hearses, limousines, and other related business vehicles shall be stored within an enclosed Building when not in use.
 - 4) The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.

15.25 HOME OCCUPATIONS

- a) A Home Occupation shall be clearly subordinate and secondary to the use of the Dwelling Unit.

b) The following regulations apply to all Home Occupations:

- 1) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the Building in which the home occupation is located;
- 2) There shall be no sale on the premises of commodities other than those produced as the result of the home occupation;
- 3) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard;
- 4) Equipment or processes shall not be used in such home occupation, which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- 5) There shall be no increased burden placed upon existing public services provided to the residence because of a home occupation. The Home Occupation shall not involve delivery trucks other than normal parcel delivery services; and
- 6) Minor and Major Home Occupations may be conducted within Accessory Structures, such as garages or sheds.

c) The following regulations apply to Minor Home Occupations:

- 1) There shall be no workers other than the residents of the Dwelling Unit in which the Home Occupation is conducted;
- 2) There shall be no signs associated with the Minor Home Occupation;
- 3) Have an area of no more than twenty percent (20%) of any primary dwelling unit shall be used for a home occupation; and
- 4) No Zoning Certificates are associated with Minor Home Occupations.
- 5) No Minor Home Occupations can be conducted in Accessory Structures.

d) The following regulations apply to Major Home Occupations:

- 1) Up to two (2) workers who are not residents of the dwelling may work in the Major Home Occupation;
- 2) Floor Area. If conducted in the primary dwelling unit, then an area of no more than forty percent (40%) of any dwelling unit shall be used for the home occupation;

- 3) Major Home Occupations may be conducted in Accessory Structures as determined by the Board of Zoning Appeals. One (1) Wall Sign or Ground-Mounted Sign is permitted that does not exceed six (6) square feet per sign face and has a maximum height of three (3) feet. Ground-Mounted Signs shall not be more than three (3) feet in height relating to [Section 18.05 – Ground-Mounted Signs](#); and
- 4) A Conditional Use Permit is required for approval of a Major Home Occupation.

15.26 HOSPITALS AND AUXILIARY FACILITIES

- a) Applicability. The following regulations apply to “Hospitals” as defined in [Article II – Definitions](#).
- b) Location.
 - 1) Hospitals shall only be located along Major Thoroughfares.
 - 2) A traffic study shall be conducted to assess the probable impact of the proposed facility on the existing and future traffic on the adjacent Major Thoroughfare.
- c) Landscaping. A six (6) foot solid wall or fence or compact hedge shall be required when located closer than one-hundred fifty (150) feet to an existing or platted residential development.

15.27 HOTELS AND MOTELS

- a) Applicability. The following regulations apply to “[Hotels](#)” and “[Motels](#)” as defined in Article II – Definitions.
- b) Location.
 - 1) Hospitals shall only be located along Major Thoroughfares.
 - 2) A traffic study shall be conducted to assess the probable impact of the proposed facility on the existing and future traffic on the adjacent Major Thoroughfare.

15.28 JUNKYARDS AND AUTOMOBILE WRECKING YARDS

- a) Purpose. The intent of these regulations is to provide for the regulation of Junkyards and Automobile Wrecking Yards in order to promote the health, safety, and wellbeing of the citizens of the County.

- b) Applicability. The following regulations apply to “Junkyards” as defined in [Article II – Definitions](#).
- c) Standards.
 - 1) Immediate access to a major thoroughfare shall be required.
 - 2) The lot shall be a minimum distance of: Two thousand (2,000) feet from any residence.
 - 3) One thousand (1,000) feet from any Residential and Planned Residential Districts.
 - 4) The site shall be entirely surrounded by a solid wood or masonry fence or wall not less than six (6) feet high.
 - 5) A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a Conditional Use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of Madison County Engineer.
 - 6) A minimum area of twenty (20) acres shall be required. The junkyard shall be located not less than two hundred (200) feet from any zoning district that specifies residences as a permitted use, and/or any publicly dedicated thoroughfare.
 - 7) A landscaped strip not less than fifty (50) feet shall be provided within the two hundred (200) foot setback specified in 3 above. Such strip shall be planted with Norway Spruce, evergreens, or similar vegetation of similar screening value.
 - 8) The applicant shall certify that the junk contained within the junkyard shall not be piled or located to such height to exceed the landscaped screen or fence surrounding the property.
 - 9) The applicant shall submit evidence that applicable state and other local regulations have been met.

15.29 LANDSCAPING

This Section applies to all Overlay Districts. In addition, the Board of Zoning Appeals may require a screening plan in approving a Conditional Use. Any regulations that are more specific as found within this Article or within the Overlay District regulations shall take priority.

- a) Landscaping Screening shall be provided for one or more of the following purposes:
 - 1) A visual barrier to obstruct the view of Structures or activities partially or completely.
 - 2) As an acoustic screen to aid in absorbing or deflecting noise.
 - 3) For the containment of debris and litter.

- b) A continuous planting hedge and tree combination to provide screening between non-Residential and Residential Uses shall be installed. This required combination shall be a minimum of five (5) feet in height at the time of installation. Fencing may be incorporated to provide additional screening. Fencing shall only be utilized in addition to and not in lieu of the planting hedge and tree combination.
- c) Visual screening walls, fences, or plantings shall be a minimum of five (5) feet high in order to accomplish the desired screening effects.
- d) Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings.
- e) 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. All screening shall be trimmed and maintained in good condition.

15.30 LAYDOWN YARDS

- a) Purpose. The purpose of this section is for the County to regulate the placement and construction of Laydown Yards as a Conditional Use within the Planned Flex Employment Overlay District.
- b) Standards. All Laydown Yards shall have direct access to a Major Thoroughfare, and if applicable, shall be located on the same site as a Data Center or equivalent Use, and follow same Setback, Landscaping, and development standards within [Section 10.05\(e\) – Buffering, Landscaping, and Screening](#). All laydown yards shall also adhere to the following standards:
 - 1) Activities within a laydown yard shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.
 - 2) Materials stored in a laydown yard shall be managed to prevent dust, debris, or other nuisances from leaving the site.
 - 3) No materials, equipment, or vehicles shall be stored in the laydown yard on a permanent basis; all items shall be removed or used within a reasonable time frame, not to exceed one year.

15.31 LIGHTING

- a) Exterior lighting in all Overlay Districts and existing Commercial and Industrial Districts shall comply with the following standards unless otherwise specified in this Code.

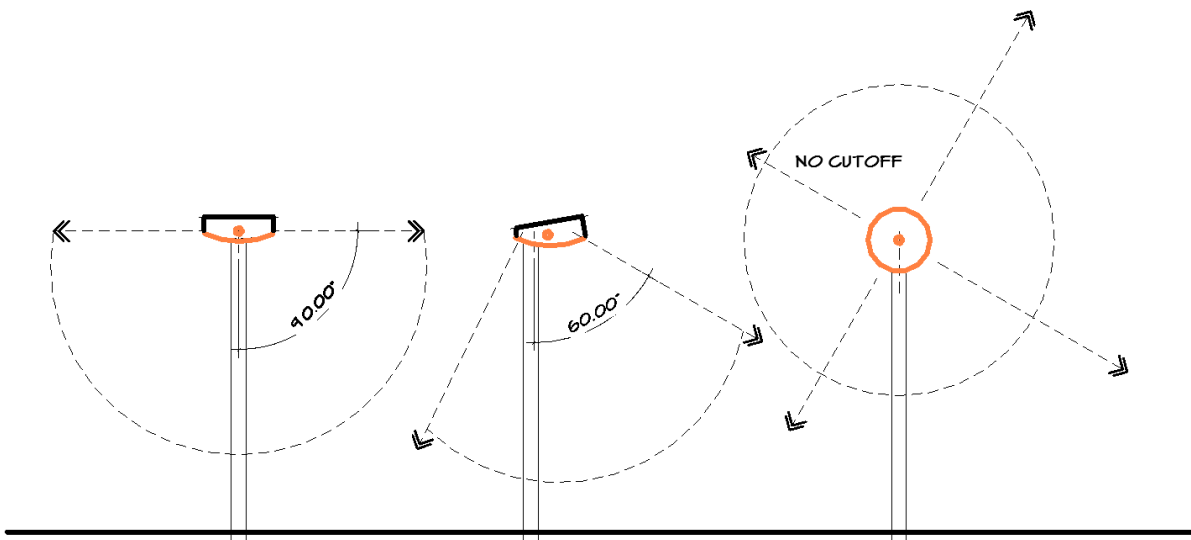
b) Exceptions:

- 1) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section;
- 2) Holiday lighting shall be exempt from the requirements of this section;
- 3) All temporary emergency lighting needed by the following shall be exempt from the requirements of this section including flashing or blinking lights:
 - i. Police;
 - ii. Fire department;
 - iii. Other emergency service vehicles;
 - iv. Public service vehicles; and
 - v. All vehicular luminaries; and
- 4) Street lights shall be exempt from the provisions of this section.

c) Prohibited Lighting. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and fire department personnel.

d) Types of Fixtures. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.

Full cutoff fixtures qualify with a cutoff angle to or less than ninety (90)-degrees with no light projecting skyward.

e) Fixture Height.

- 1) The fixture height in the parking lots shall not exceed twenty (20) feet.

- 2) Lighting located under canopies shall be flush mounted or recessed within the canopy.
 - 3) Fixture height shall be measured from the finished grade to the topmost point of the fixture.
- f) Kelvin Temperature. The color temperature for all lights shall not exceed 4,000K.
- g) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:
- 1) The maximum illumination at a Lot Line that abuts a lot within an existing Residential District or is zoned or designated for residential uses shall be 0.3 foot-candles;
 - 2) The maximum illumination at a Lot Line that abuts any other use shall be one (1)-foot candles;
 - 3) The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public Rights-of-Way; and
 - 4) The illumination across any property shall be designed to not create excessive dark spots that may create safety issues.
- h) Automobile Oriented Uses – Canopy Lighting. Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light.
- i) Abutting Residential Uses. Any light fixture that abuts an existing Residential Use or an area zoned for Residential Uses shall comply with the following:
- 1) All non-essential outdoor lighting fixtures for non-Residential Uses, including Lighting for parking areas, Signs, displays, and aesthetics, shall be turned off after business hours.
 - 2) Lighting needed for safety and security may remain lit after close of business, in which case the Lighting shall be reduced to the minimum level necessary.
 - 3) Automatic shut-off fixtures, auto-dimming fixtures based on ambient lighting, and the use of as little light as necessary without creating safety issues is encouraged.

15.32 MODEL HOMES

- a) Applicability. These regulations apply to “Model Homes” as defined in [Article II – Definitions](#).
- b) Standards.
 - 1) Hours of operation: All model homes shall close prior to 9:00 P.M.
 - 2) Lighting: All exterior lighting fixtures shall comply with [Section 15.31 – Lighting](#).
 - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals.
 - i) The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking places.
- c) Termination of Use. The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90) percent of the lots.

15.33 NUISANCE VIOLATIONS

Performance Standards to Regulate Potential Hazards and Nuisances The following minimum standards shall apply to all uses within their permitted Districts.

- a) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- b) Air Pollution - No emission of air pollutants shall be permitted which violates the Clean Air Act Amendments of 1977 as enforced by the Ohio Environmental Protection Agency.
- c) Glare, Heat, and Exterior Light - Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed Building and not be visible beyond any lot line bounding the property where on the use is conducted. External lighting must be shielded to prevent direct light spill into residential areas or adjacent property.

- d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
- h) Toxic Materials - No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.
- i) Chemicals - The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other material shall be permitted subject to the following conditions:
- j) No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in Madison County, OH Zoning Regulations accord with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
- k) The storage, utilization, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized, or manufactured within completely enclosed Buildings having incombustible exterior walls and protected throughout by

an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.

- l) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above-ground storage shall be in enclosed fireproof vaults.
- m) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the “Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids.”
- n) Radioactivity - The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:
 - 1) The applicable regulations of the Atomic Energy Commission.
 - 2) The applicable regulations of any agency of the State of Ohio.

15.34 NURSING HOMES

- a) Applicability. The following regulations apply to “Nursing Homes” as defined in [Article II – Definitions](#). This also includes regulating “[Assisted Living Facilities](#)” and “[Life Care Retirement Centers](#)” as defined in Article II – Definitions.
- b) Location.
 - 1) Nursing Homes shall only be located along Major Thoroughfares.
 - 2) A traffic study shall be conducted to assess the probable impact of the proposed facility on the existing and future traffic on the adjacent Major Thoroughfare.
 - 3) The Use is to provided with an adequate water supply for a fire suppression system.
- c) Landscaping. A six (6) foot solid Wall or Fence shall be constructed with evergreen trees planted at thirty (30) foot intervals along the outside face of the required Wall/Fencing.

15.35 OUTDOOR SERVICE FACILITIES

- a) Applicability. The following regulations apply to garden centers, greenhouses, and landscaping Businesses, which fall under the definition of “Outdoor Service Facilities” in [Article II – Definitions](#).
- b) Standards.
 - 1) Structures used for garden centers, greenhouses, and landscaping Businesses shall be a minimum distance of one hundred fifty (150) feet from any dwelling and one hundred (100) feet from any Residential District.
 - 2) The site shall have adequate access onto a hard surfaced state highway, county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.
 - 3) Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
 - 4) The Applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
 - 5) No repair facilities shall be permitted.
 - 6) All equipment used in the operation of the Outdoor Service Facility shall be maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or cause nuisance to persons living in the vicinity.
 - 7) All exterior lighting fixtures shall comply with [Section 15.31 – Lighting](#).

15.36 PENAL AND CORRECTIONAL FACILITIES

- a) Purpose. The purpose of the following regulations is to regulate the development of Penal and Correctional Facilities within the County in order to promote the health, safety, and welfare for the people of the County.
- b) Applicability. These regulations govern Penal and Correctional Facilities which are defined under [Article II – Definitions](#).
- c) Standards.
 - 1) Minimum Site Size. A Penal and Correctional Facility requires a tract at least ten (10) acres large in order to proceed with a Development Plan.
 - 2) Location. The site shall be a minimum distance of:
 - i) Two thousand (2,000) feet from any Dwelling, School, Place of Assembly, Nursing Home or similar Use, and any other similar institution.
 - ii) One thousand (1,000) feet from any District that is not designated as Agricultural (A-1).

- iii) The location shall have immediate access to a Major Thoroughfare.

15.37 PLACES OF ASSEMBLY

- a) Applicability. The following regulations apply to both Small and Large Places of Assembly as defined in [Article II – Definitions](#).
- b) Standards.
 - 1) Places of Assembly shall be located with access to a Major Thoroughfare is required and shall provide at least two (2) Access Points for ingress and egress.
 - 2) A traffic study shall be conducted to assess the probable impact of the proposed facility on the existing and future traffic on the adjacent Major Thoroughfare.

15.38 PORTABLE HOME STORAGE UNITS

Portable Home Storage Units shall be a Permitted Use within Residential Districts provided the following regulations are met. A Zoning Certificate shall be obtained for any Portable Home Storage Unit.

- a) Portable Home Storage Units shall be prohibited from being located within any Right-of-Way.
- b) Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the street.
- c) Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
- d) Portable Home Storage Units shall be permitted for thirty (30) consecutive calendar days within any 365 calendar-day period.
- e) The Planning and Zoning Director may grant a one-time extension of up to thirty (30) consecutive calendar days. Any additional extensions would require action by the Board of Zoning Appeals, which would be processed as a Variance from these regulations.
- f) Portable Home Storage Units and roll-off containers shall not be utilized for living purposes.

15.39 RECREATIONAL AREAS (INDOOR AND OUTDOOR)

- a) Applicability. These Regulations concern both Outdoor Recreation Facilities and Commercial Facilities, generally, as defined in Article II in order to prevent accessibility of hazardous conditions by children and any other improvement necessary to protect users from harm or danger.
- b) Standards.
 - 1) The Development Plan shall be submitted with the application showing proposed incidental uses and their relationship to the site. Such incidental uses may include, but shall not be limited to, concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, toilet facilities, and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary activity associated with the Use.
 - 2) A twenty (20) foot landscape buffer shall be planted on the exterior of the property adjacent existing residential development or from any adjacent dwelling.
 - 3) All exterior lighting shall comply with the standards of [Section 15.31 – Lighting](#).
 - 4) All parking areas shall be screened from view from any adjacent existing residential development or from any adjacent dwelling, by a masonry wall or a solid fence of acceptable design. Such Wall or Fence shall be six (6) feet in height.

15.40 RECREATIONAL VEHICLES

- a) Purpose. It is the purpose of this Resolution to regulate Recreational Vehicles, as defined in [Article II – Definitions](#), within Residential Districts in order to promote the health, safety, and general welfare for the citizens of the County while also respecting the County’s rural character.
- b) Recreational Vehicles in the CCR District. Residents shall be permitted to park a Recreational Vehicle on a Lot located in the CCR District provided the following criteria are met:
 - 1) There shall be a maximum of one Recreational Vehicle per Dwelling Unit permitted on said Lot. For purposes of this Resolution, a boat stored on a boat trailer is considered one Recreational Vehicle. Said Recreational Vehicle shall not exceed thirty (30) feet in length, nine (9) feet in width, and twelve (12) feet in height.
 - 2) Recreational Vehicles shall be parked on a paved or gravel surface located behind or beside the primary Structure and shall not be parked in the grass.

- 3) Recreational Vehicles shall be parked no closer than three (3) feet from any side property line.
 - 4) Recreational Vehicles shall not be located forward of the front plane of the main dwelling, except however, the Recreational Vehicle may be parked on the paved driveway in front of the main dwelling for a period not to exceed forty-eight (48) hours for loading and unloading. In no case shall said Recreational Vehicle be parked, stored, or displayed for sale in a manner that blocks any sidewalk or obstructs sight lines for any vehicle entering or exiting the Right-of-Way.
 - 5) In no case, shall a Recreational Vehicle, or any motor vehicle be utilized for living, sleeping, housekeeping, business, or storage purposes.
- c) Recreational Vehicles in the A-1 Districts – Residents shall be permitted to park a Recreational Vehicle on a Lot located in the A-1 Districts provided the Recreational Vehicle shall be located in a location on the Lot that is not visible from the Right-of-Way.

15.41 REHABILITATION CENTERS

- a) Purpose. The purpose of this Resolution is to regulate Rehabilitation Centers, as defined in [Article II – Definitions](#), to promote the health, safety, and general welfare of the citizens of the County.
- b) Applicability. The regulations under this Resolution apply to the Districts where the following Drug Rehabilitation Centers are located:
- 1) Small Residential Facilities may only be located as a Permitted Use in all Zoning Districts where One-Unit Dwellings are a Permitted Use.
 - 2) Emergency and Protective Shelters, Residential Treatment Facilities, Permanent Supportive Housing, and Transitional Living Centers may only be located as a Conditional Use in the PMU and PBO Districts as designated in [Section 4.03 – Commercial/Industrial Use Table](#).
- c) Development Standards. Emergency and Protective Shelters, Permanent Supportive Housing, Large Residential Facilities, Residential Treatment Facilities, and Transitional Living Centers are a Conditional Use within the PMU and PBO District. The Board of Zoning Appeals shall ensure all the following standards are met prior to issuing a Conditional Use Permit for said facility:
- 1) The facility shall obtain all approvals and/or licenses as required by state and local laws;
 - 2) The facility shall meet all applicable local and/or state building, safety, and fire safety requirements for the proposed facility and level of occupancy.

- 3) The facility shall provide twenty-four (24)-hour supervision by trained and qualified professional personnel;
- 4) For facilities located within any Residential Districts, the architectural design and site layout of the facility shall be compatible with the residential character of the neighborhood;
- 5) For facilities located within or adjacent to any Residential District, planting a hedge and tree combination along the facility for landscaping screening purposes is required. The required hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation;
- 6) In addition to the minimum lot size requirement specified in their respective District, there shall be an additional 500 square feet of lot area required per tenant accommodated by the facility;
- 7) There shall be a minimum of 2,000 feet between any existing and proposed Rehabilitation Center. This distance shall be measured from the closest point of the Lot Lines for said facilities;
- 8) A Rehabilitation Center shall not be located closer than 2,000 feet from a school, park, or state-licensed liquor store;
- 9) Facilities shall be reasonably accessible, which requires adequate parking spaces for employees, visitors, and tenants at the main entrance of the facility and adequate pedestrian access;
- 10) All facilities shall follow the Sign regulations provided in [Section 18.02](#) (for Sign Permits); and
- 11) All exterior lighting fixtures shall be shaded to avoid casting direct light upon any adjoining property located in any Residential Districts.

15.42 SANITARY LANDFILLS

- a) **Purpose.** The purpose of this Section is to regulate Sanitary Landfills in order to promote the health, safety, and welfare for the people of the County. These regulations are designed to align with the objectives of the North Central Ohio Solid Waste District (NCO), the Ohio Environmental Protection Agency (OEPA), Madison County Subdivision Review Board (SRB), and Madison County Public Health (MCPH).
- b) **Applicability.** These regulations shall apply to applicants seeking to use any site that is defined as a Sanitary Landfill under [Article II – Definitions](#).
- c) **Application Requirements and Approvals.**
 - 1) The Applicant shall obtain approval from the Board of Directors of the North Central Ohio Solid Waste District (NCO) and Madison County Public Health (MCPH). In order to obtain an approval, the applicant will need to attend and approval from the Subdivision Review Board (SRB), Regional Planning Commission, County Zoning Commission, and the Board of County Commissioners prior to the Planning and Zoning Director issuing a Zoning

Certificate authorizing the Applicant to commence the construction or operation of the sanitary landfill, solid waste, Biodigester, or anything relating to this type of business as granted hereunder by the Board of Zoning Appeals. In order to obtain said NCO Board of Directors approval, the Applicant must submit the landfill development proposal to the Solid Waste Facility Siting Review process contained in the current version of the Madison County Solid Waste Management Plan.

- 2) The Applicant must secure both a permit and an operating license from the Director of the Ohio EPA prior to the Planning and Zoning Director issuing a zoning certificate authorizing the Applicant to commence the construction or operation of the sanitary landfill as granted hereunder by the Board of Zoning Appeals.
- 3) In addition to the requirements of the NCO and MCPH Plan, the sanitary landfill site shall have adequate access onto a hard surfaced state highway, or county or township road that is regularly maintained.
- 4) The sanitary landfill site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.
- 5) In order to obtain approval by the Board of Zoning Appeals of a proposal to construct and/or operate a sanitary landfill, the Applicant must provide a sufficient long-term and post-closure recreational end-use of a sanitary landfill.
 - i) For purposes of determining whether the long-term and post-closure aspects of a sanitary landfill proposal is sufficient to obtain a Zoning Certificate, the Board of Zoning Appeals shall consider whether the developer has proposed a satisfactory recreational end use of the facility, such as a golf course, bike paths, soccer fields or a similar recreational activity.
 - ii) The Board of Zoning Appeals shall require the owner/operator/developer of a sanitary landfill to provide full and complete independent financial security to secure the construction of any proposed end use development.
 - iii) The failure of an Applicant to demonstrate a sufficient end-use development or to provide adequate financial assurance, as described herein, shall constitute sufficient reason for the Board of Zoning Appeals to disapprove general plans and specifications for the proposed sanitary landfill and deny the Conditional Use Permit. This or any similar type of company shall submit plans and obtain approval from the Subdivision Review Board, Regional Planning Commission, County Zoning Commission, and Board of County Commissioners with Preliminary and Final plans.
- 6) The Siting Strategy of the North Central Ohio Solid Waste District Management Plan is incorporated herein by reference and is applicable to any proposal to construct a sanitary landfill subject to this section – regulations for Sanitary Landfills. The Siting Strategy as incorporated herein shall survive any

determination by a court of competent jurisdiction or the Director of the Ohio Environmental Protection Agency that all or any portion of the plan is unenforceable.

- i) The Planning and Zoning Director shall not issue a Zoning Certificate authorizing the Applicant to construct or operate a sanitary landfill unless the County Commissioners determines that the proposed sanitary landfill complies with the North Central County Solid Waste Management Plan.
- ii) In the event that all or any portion of the North Central Ohio Solid Waste Management Plan is enjoined by a court of competent jurisdiction or by the Director of the Ohio Environmental Protection Agency, the County Commissioners shall nevertheless conduct a siting strategy review of a proposal for the construction and operation of a Sanitary Landfill for purposes of complying with this Section and shall make its determination of whether any such proposal complies with the North Central Ohio Solid Waste District Management Plan.
- iii) The Board of Zoning Appeals shall not approve any proposals for the construction of a sanitary landfill, nor shall the Planning and Zoning Director issue a Zoning Certificate to an Applicant for the construction of a sanitary landfill if the Applicant fails or is not able to adequately address a significant adverse impact, as defined in the North Central Ohio Solid Waste District Management Plan, or the failure of an Applicant to comply with any other provision of the Siting Strategy or provisions of this section.

d) Siting and Standards. In addition to the application requirements above, any Sanitary Landfill must comply with the following siting standards:

- 1) A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a Conditional Use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Madison County Engineer, or outside consultants.
- 2) A minimum of fifty (50) acres shall be required.
- 3) Truck routes shall be established for movement in and out of the development in such a manner so as to minimize use of non-arterial thoroughfares and prevent damage and/or hazards to other properties.
- 4) All Structures and activity areas shall be located at least five hundred (500) feet from any adjacent residential property.
- 5) Evidence shall be submitted that the landfill will be operated and maintained in a neat and orderly manner consistent with practices accepted by the industry. The Board of Zoning Appeals may require a suitable bond to ensure this provision is met.

- e) **Biodigester Requirements.** This type of Use shall require a Planning and Zoning Utility Agreement prior to starting the process in order to be considered as a Utility and exempt from Planning and Zoning Resolution. A road agreement shall need to be approved with the Madison County Engineer's Office for future road repairs and local roads will need to be improved in order to handle the Use-associated traffic. A traffic study shall be completed before this Use is approved. Additionally, approvals from the Subdivision Review Board, Regional Planning Commission, County Zoning Commission, and Board of County Commissioners shall be required with regard to environmental, safety, fire, and health plans.

15.43 SCHOOLS (PRIMARY AND SECONDARY)

- a) **Applicability.** These regulations shall apply to applications for the construction of Schools of any type, as defined under [Article II – Definitions](#).
- b) **Standards.**
 - 1) A traffic study shall be conducted to assess the probable impact of the proposed School on the existing and future traffic.
 - 2) Parking shall not be permitted within the Right-of-Way.
 - 3) Parking and student pick-up/drop-off zones shall be screened from view of adjacent Residential Uses and Dwellings. On-street pick-up/drop-off zones shall not be permitted.
 - 4) An assessment shall be made of the probable reuse of the facility for non-School purposes in the future, with special consideration given to how the facility design might limit preferred reuse alternatives.

15.44 SHORT-TERM RENTALS

- a) **Purpose.** The purpose of this section is to adapt to new rental market trends that include online platforms, such as Airbnb and VRBO, while also protecting residential neighborhoods from disruption that could result from Short-Term Rentals and to create a convenient, safe, and harmonious environment in which Short-Term Rentals can be permitted and consistent with neighborhood tranquility.
- b) **Applicability.** Short-Term Rentals are considered Conditional Uses in Residential Districts. If the Ohio Revised Code (ORC) is amended to contradict with any portion of the standards of this section, then said contradicting standards shall become null and void. All other standards in this section that are consistent with state law shall remain in full force and effect.
- c) **Registration.** An application for a Short-Term Rental permit, and/or renewal of a permit, shall be made to the County, with an application fee listed in the separate Fee Schedule adopted by the County.

- d) **Requirements.** Prior to issuing a Conditional Use Permit, the BZA must determine that the specific criteria for [Section 22.07 – Procedure on Application for Conditional Use Permit](#) – are met in addition to the following regulations:
- 1) Short-Term Rentals shall be wholly within the Principal or Accessory Dwelling Unit. The Accessory Structure shall be no larger than one thousand (1,000) square feet or the principal Structure, whichever is smallest.
 - 2) The Short-Term Rental establishment shall be operated by the occupant or owner of the premises and may be a Hosted or Unhosted Short-Term Rental as defined in [Article II - Definitions](#).
 - 3) Exterior Signs shall be limited to a single nameplate not more than six (6) square feet in size. No Signs shall be internally illuminated.
 - 4) The applicant must submit proof of compliance with all applicable building and fire codes.
 - 5) Adequate Off-Street Parking shall be provided as determined by the Board of Zoning Appeals. Off-Street Parking shall not be allowed in the Front Yard.
 - 6) There shall be a limit of one (1) Short-Term Rental per Dwelling Unit on a parcel.
 - 7) The Planning and Zoning Director may revoke the Conditional Use Permit if the property is delinquent in filing or payment of any County or Township tax.

15.45 SMALL SOLAR ENERGY SYSTEMS

- a) **Purpose.** The purpose of this Section is to provide a regulatory framework for the installation and construction of Solar Energy Systems (SES) in the County, subject to reasonable restrictions, which shall preserve the public health, safety, and general welfare, while also maintaining the character of the County. This Section applies to SES to be installed and constructed on any property in any Zoning District.
- b) **Roof-Mounted and Integrated SES Standards.**
- 1) Roof-Mounted and Integrated SES shall be considered an Accessory Use and permitted by right within all Zoning Districts if mounted to an existing Structure subject to the standards for Accessory Uses as found under [Section 15.02 – Accessory Uses and Structures](#) – and any other criteria found under this Section as well as the Zoning District.
 - 2) On a pitched/sloped roof, the SES shall be installed parallel to the roof surface and shall not extend beyond the roof peak or roof edge.
 - 3) On a flat roof, the SES is permitted to exceed the respective Zoning District Building Height limit by up to one (1) feet.
 - 4) Screening shall not be required for Roof-Mounted or Integrated SES.

c) Ground-Mounted SES Standards.

- 1) The County allows for the development of commercial or utility-scale SES where such systems present few land-use conflicts with current and future development patterns. Ground-Mounted SES that are the principal Use on the developed Lot(s) are a Conditional Use within the applicable District.
- 2) Ground-Mounted SES shall not be taller than eight (8) feet in height.
- 3) No Ground-Mounted SES shall be located within the Front or Side Yards.
- 4) Ground-Mounted SES shall meet the required Setbacks of the underlying Zoning District in which they are located. Setbacks shall be the same as what is required for Accessory Buildings in the underlying Zoning District in which they are located.
- 5) All Ground-Mounted SES shall adhere to the Lot Coverage as found in the Lot Area, Setback, Height, and Lot Coverage Requirements Table for the underlying Zoning District. Additionally, Ground-Mounted SES treated as an Accessory Use shall be subject to [Section 15.02 – Accessory Uses and Structures](#).
- 6) Power transmission lines, not including lines that connect one panel to another or from the project to the main transmission lines, from Ground-Mounted SES must be located underground and must be completely shielded against shock hazards.
- 7) For Ground-Mounted SES utilized as a Primary Use, parking areas are exempt from the Off-Street Parking regulations but must still meet the required Setbacks in the underlying Zoning District and the landscaping requirements.
- 8) An owner of a Ground-Mounted SES site shall follow site management practices that:
 - i) Provide and maintain for the project's duration diverse native perennial vegetation and foraging habitat beneficial to pollinators.
 - ii) Reduce stormwater runoff and erosion at the solar generation site at a rate of one (1) square foot of plantings for each one (1) square foot of panels.
 - iii) A landscape plan shall be submitted showing the proposed layout and types of plantings for the site. The landscape plan must provide evidence and implementation of a buffer zone that prevents observation of the Ground-Mounted SES from the Right-of-Way or adjacent agricultural land and Residential Dwellings. A list of native perennial vegetation may be found in Section 15.45(f) – Solar Vegetation. Other low-growing meadow/prairie plants and native or flowering perennials may also be approved.
 - iv) Screening shall integrate natural vegetation to create a woodland buffer with adjacent road frontage and adjacent Agricultural and Residential Districts. A Woodland Buffer shall be required for Ground-Mounted SES projects. This woodland buffer shall be submitted as a

landscape plan as required in its respective Overlay District or in [Section 15.29 – Landscaping](#).

- v) A drainage and water flow plan shall be submitted showing the impacts of stormwater that the Ground-Mounted SES shall have upon the land. The project area shall be graded and drained to dispose of surface water to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff and subsurface drainage to a suitable and adequate storm water drainage system

- d) The SES Matrix below identifies the types of SES permitted in each Zoning District, or if a Conditional Use is required. Certain SES may be prohibited in certain Zoning Districts.

Solar Energy System (SES) Matrix							
Use District	A-1	R-1	CCR	PRO	PMU	PBO	PFE
Accessory Use							
Integrated SES	P	P	P	P	P	P	P
Roof Mounted SES	P	P	P	P	P	P	P
Ground Mounted SES							
SES <625 square feet	–	C	C	C	–	–	–
SES <0.5 acres	C	–	–	–	–	–	–
SES <2.0 acres	–	–	–	–	–	–	C
Primary Use							
Integrated SES	–	–	–	–	–	–	–
Roof Mounted SES	–	–	–	–	–	–	–
Ground-Mounted SES	–	–	–	–	–	–	–

P: Permitted Use. The SES is allowed in this District.

C: Conditional Use. Applicant must be granted permission to install an SES in this District.

Blank (–): Prohibited. The SES is prohibited in this District or is not applicable.

- e) Removal and Decommissioning. Applications for Solar Energy System shall include a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the facility. All decommissioning plans shall be certified by an engineer or contractor with demonstrated expertise in Solar Energy System removal, and shall include the following:

- 1) Anticipated life of the project;
- 2) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all components of the battery energy storage facility;
- 3) An estimated deconstruction schedule;
- 4) A description of mediation procedures for the release of hazardous materials or other emergency events during the decommissioning process;
- 5) The estimated decommissioning cost in current dollars; and
- 6) The full estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
 - i) The owner shall deposit the required amount into the approved escrow account before any Zoning Permit is issued to allow construction of the Solar Energy System.
 - ii) The escrow account agreement shall prohibit the release of the bond without the written consent of the County. The County shall consent to the release of the bond upon on the owner's compliance with the approved Decommission Plan. The County may approve the partial release of the bond as portions of the approved Decommission Plan are performed.
 - iii) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - iv) The owner or occupant shall recalculate the estimated cost of decommissioning every five (5) years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten (10) percent, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety (90) percent of the original estimated cost of decommissioning, then the County may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.
- 7) Decommission shall include removal of all Solar Energy System Structures, equipment, security barriers, and transmission lines from the site so that any ground upon which the facility and/or system was located.

f) Solar Vegetation.

Native Perennial Vegetation for Ground-Mounted SES:

Flowering Plants

- Aster
- Bee Balm
- Black-Eyed Susan
- Blue-Eyed Grass
- Blue False Indigo
- Butterfly Weed
- Cardinal Flower
- Giant Catmint
- Golden Alexander
- Gray-Headed Coneflower
- Heath Aster
- Jerusalem Artichoke
- Lanceleaf Coreopsis
- Lavender/Anise Hyssop
- Prairie Dock/Rosinweed
- Milkweed
- Mountain Mint
- Nodding Onion
- Obedient Plant
- Ohio Goldenrod

- Ohio Spiderwort
- Prairie Blazing Star
- Purple Coneflower
- Purple Prairie Clover
- Rough Blazing Star
- Shooting Star
- Showy Goldenrod
- Sky Blue Aster
- Smooth Aster
- Smooth Penstemon
- Stiff Goldenrod
- White Prairie Clover
- Wild Bergamot
- Wild Geranium
- Wild Quinine

Grasses & Sedges

- Blue Grama
- Little Bluestern
- Prairie Dropseed
- Sideoats Grama

15.46 SWIMMING POOLS

a) Private Swimming Pools. A Private Swimming Pool, but not including farm ponds, as regulated herein, shall be any pool or open tank not located within a completely enclosed Building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such Private Swimming Pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed in any AG, CCR, or PRO District except as an Accessory Use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal Building of the property on which it is located and their guests.

- 2) The pool may be located anywhere on the premises except in the required front yards, provided it shall not be located closer than 65 feet to any property line on which it is located.
- b) Community or Club Swimming Pools: A Community or Club Swimming Pool shall be considered as a pool constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Such Community or Club Swimming Pools shall comply with the following:
- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
 - 2) The pool and accessory Structures thereto, including the areas used by the bathers and fences defining those areas, shall not be closer than one hundred (100) feet to any Property Line of the property on which it is located.
 - 3) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access from the street or adjacent properties. The Fence or Wall shall not be less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees, and maintained in good condition. Alternatively, an approved rigid pool cover may be used to substitute the Fence or Wall.

15.47 TELECOMMUNICATION TOWERS

- a) Intent. The intent of this section is to regulate the placement and construction of Telecommunication Towers in Residential Districts in order to protect the public, health, and safety of the County residents without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage Co-Location of antennas on existing towers in order to minimize tower locations and to protect residential areas through the use of height, Setback, and Lot Area requirements.
- b) Applicability. The following regulations shall apply, through the Conditional Use process, to Free-Standing Telecommunication Towers located within the A-1 District. These regulations shall not apply to Telecommunication Towers proposed in Districts that list such Structures as Permitted Uses.
- c) Conditions. The Board of Zoning Appeals shall issue a Conditional Use Permit when a proposed Free-Standing Telecommunication Tower in the A-1 District complies with all of the conditions listed below. When measuring Setbacks and Lot Areas, the dimension of the entire Lot shall control, even though the tower may be located on a leased area within such Lot.

- 1) The minimum Lot Area shall be one and a half (1.5) acres.
- 2) The maximum height of the Free-Standing Telecommunication Tower shall be as one hundred fifty (150) feet.
- 3) The Telecommunication Tower and any stabilization Structure or guy-wires shall not be located less than thirty (30) feet from any Side or Rear Property Line.
- 4) The Telecommunication Tower shall be located not less than three hundred (300) feet from any existing Dwelling or Public Street.
- 5) The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Towers shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA or FCC regulation. In such cases, the tower shall comply with those color requirements. Alternative tower designs that camouflage the tower and/or antenna, such as man-made trees, may also be permitted as approved by the Board of Zoning Appeals. The proposed tower must comply with [Section 22.07 – Procedure on Application for Conditional Use Permit](#).
- 6) A fence (minimum six (6) feet in height) shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider. All towers must be un-climbable by design or protected by anti-climbing devices.
- 7) A landscaped Buffer of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the tower and any adjacent public Right-of-Way and any adjacent properties. The 15-foot Buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional Landscaping upon review of an individual application. All required Landscaping shall be continuously maintained and promptly restored, if necessary.
- 8) No signage shall be permitted anywhere on the Telecommunication Tower, antenna, or fence, except for a Sign, not to exceed four (4) square feet, containing emergency contact information and no trespassing language, which shall be attached to the gate of the required fence. Any other signage required by Federal regulations shall be permitted.
- 9) No lighting shall be permitted, except as required by Federal regulations.
- 10) One point of access from a public road to the Free-Standing Telecommunications Tower shall be provided. The Board of Zoning Appeals may require review by the Fire Department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
- 11) The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
- 12) The applicant shall demonstrate that Co-Location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.)

Engineer, inventorying all existing Telecommunication Towers in the County. Unless the applicant can demonstrate that Co-Location is not feasible, the Board of Zoning Appeals may deny the Conditional Use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if Co-Location is not feasible:

- i. Written documentation from the Owner of the existing tower(s) refusing to allow Co-Location;
 - ii. The proposed antenna would exceed the structural capacity of the existing tower and the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer who is licensed in the State of Ohio and hired by the applicant.
 - iii. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer who is licensed in the State of Ohio and hired by the applicant.
 - iv. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably, as documented by a qualified R. F. engineer who is licensed in the State of Ohio and hired by the applicant.
- 13) The tower owner shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the tower is no longer being operated or utilized, it shall be removed within 180-days after the Use of the tower is discontinued.
 - 14) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential Co-Location of other antenna to the extent to which the tower is designed.
 - 15) Any other conditions as warranted by the Board of Zoning Appeals and in accordance with [Section 22.07 – Procedure on Application for Conditional Use Permit](#).
- d) Exemptions. In the event a Telecommunication Tower is proposed within a Residential District, the Telecommunication Tower may be exempt from all Telecommunication Tower regulations and may be considered to be a permitted Use, if criteria listed in all subsections of Section 15.47(d) below have been met:
- 1) The telecommunication provider provides each of the following by certified mail:
 - i. Written notice to each Owner of property, as shown on the County Auditor's then current tax list, whose land is contiguous to or directly across a Street or roadway from the property on which the

Telecommunication Tower is proposed to be constructed, stating all of the following in clear and concise language:

- A. The Person's intent to construct the tower.
 - B. A description of the property sufficient to identify the proposed location;
 - C. That, no later than fifteen (15) days after the date of mailing of the notice, any such property Owner may give written notice to the Board of Trustees requesting that the telecommunication regulations of the Zoning Resolution apply to the proposed location of the tower.
- ii. Written notice to the Board of Trustees of the information specified in Sections 1717(d)(1)(i)(A)-(B). The notice to the Board of Trustees shall also include verification that the Person has complied with Section 1717(d)(1)(i). Within fifteen (15) days of a telecommunications provider mailing the notices, a Township Trustee may object to the proposed location of the telecommunications tower.
- 2) If the Board of Trustees does not receive any notice from a notified property Owner nor any objection from a Township Trustee is provided within fifteen (15) days of a provider mailing the notices, then the proposed Telecommunication Tower is exempt from all telecommunication regulations within the Zoning Resolution.
 - 3) If a notice from a notified property Owner or an objection from a Township Trustee is made, then all applicable Telecommunication Tower regulations within the Zoning Resolution shall apply. The County Planning and Zoning Assistant, within five (5) days of receiving the first objection from a property Owner or Trustee, shall notify the telecommunications provider that the telecommunication regulations within the County Zoning Resolution apply.
 - 4) If a provider fails to send proper notices, then the regulations within this section shall apply.

15.48 TEMPORARY STRUCTURES

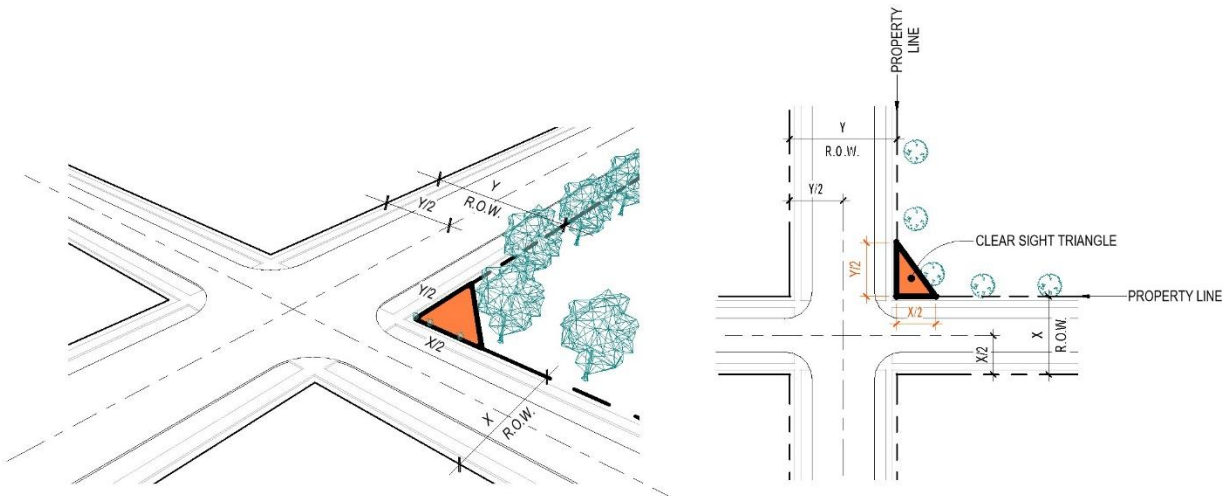
- a) Temporary Structures may be permitted in the PMU, PBO, and PFE Districts during the construction of Building(s) and site improvements provided the following regulations are met. A Zoning Certificate shall be obtained prior to installing and utilizing the temporary construction trailer/office.
- b) The Temporary Trailer/Office shall be prohibited from being located in the Right-of-Way and shall have a minimum setback of ten (10) feet from the Right-of-Way.
- c) In all Districts, except the CCR, the Temporary Trailer/Office shall only be permitted for a period of two (2) years. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Planning and Zoning Director.

- d) Temporary Structures in the CCR:
 - 1) Shall be prohibited from being located in the Right-of-Way and shall have a minimum Setback that matches the Setbacks of the District; and
 - 2) Temporary Structures for single lots with a One-Unit Dwelling must be removed upon completion of the residential use.

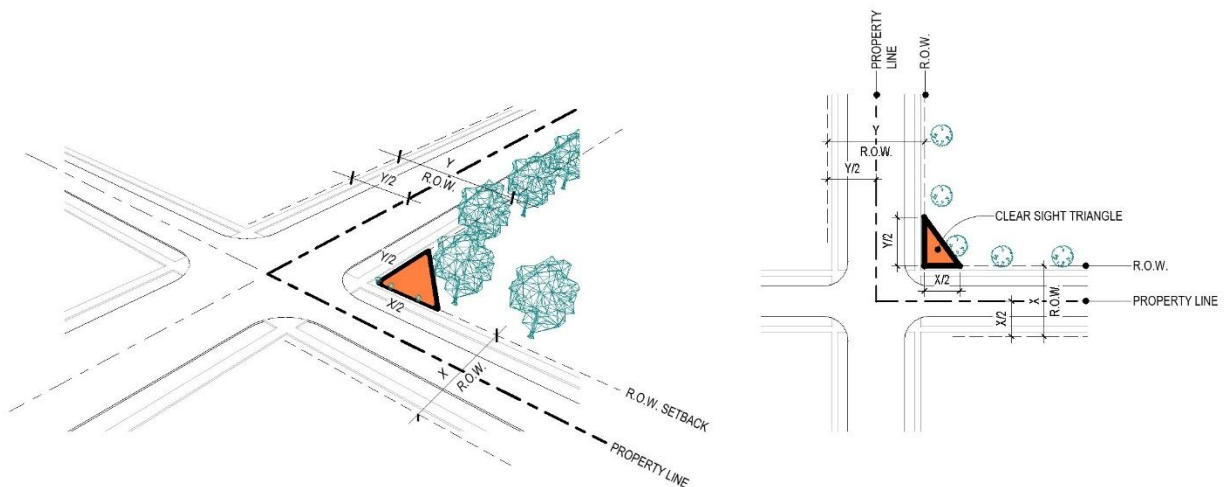
15.49 VISIBILITY AT INTERSECTIONS

- a) Sight Triangle. There shall be a sight triangle established at every intersection of two public Rights-of-Way. The sight triangle is the triangular area where two (2) streets intersect, bounded by the edge of the street and a line joining the points on the Rights-of-Way from their point of intersection for a distance equal to half the width of each street Right-of-Way. The vision triangle shall be measured along the Right-of-Way within the boundaries of the property.
- b) Visibility Maintained. There shall be no visual obstructions within the defined sight triangle. A visual obstruction is any object between the height of no more than three (3) feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three (3) feet (based on the American Association of State Highway and Transportation Official standards). Overhanging branches or other elevated obstructions shall not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.
- c) Non-Signalized, Arterial and Collector Road Intersection Sight Distances. In order to properly calculate the intersection sight distance for cars turning left and right onto non-signalized Arterial or Collector Roads, look to the equation and table provided in Section 201.3.2 of the ODOT Location & Design Manual, Volume 1 – Roadway Design. These standards for sight distances shall additionally be met during the application procedures found for Madison County Subdivision Regulations, where applicable.

d) **Example where Right-of-Way is measured for the Lot Line:**



e) **Example where Lot Line is the Centerline of the Road:**



15.50 WIND ENERGY SYSTEMS

- a) **Purpose.** The purpose of this section is to regulate the placement and construction of Individual Wind Energy Systems, as defined in [Article II – Definitions](#), to protect the health and safety of County residents without interfering with the expansion of clean, sustainable, and renewable energy sources.
- b) **Applicability.** The following regulations shall apply as a Conditional Use to Individual Wind Energy Conversion Systems when proposed to be located within a Zoning District, unless otherwise exempted by state or federal law.
- c) **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use Permit when a proposed Individual Wind Energy System complies with all of the conditions listed below:
 - 1) An Owner is limited to only one (1) turbine within any Zoning District.
 - 2) An Individual Wind Energy System shall not be located in the Front Yard of a Parcel.
 - 3) In no case shall any tower within an Individual Wind Energy System be located closer than two (2) times the tower height to any residential Structure, Public Street/Right-of-Way, third party transmission lines, or adjacent Property Lines. New residential Structures shall not be permitted within this Setback area.
 - 4) No individual wind tower shall be taller than eighty (80) feet.
 - 5) Individual Wind Energy Systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL) or an equivalent third party.
 - 6) Once a Conditional Use permit is granted per the requirements of this Section, a licensed Ohio professional engineer shall certify, as part of the Zoning Permit application, that the foundation and tower design of the Individual Wind Energy System, including substation, transformer, underground cabling, or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.
 - 7) All Individual Wind Energy System shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for overspeed protection. The applicant shall provide sufficient information to assure the Board of Zoning Appeals that this requirement will be met.
 - 8) All electrical components of the Individual Wind Energy System shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).

- 9) Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
- 10) All towers within an Individual Wind Energy System are unclimbable by design or protected by anticlimbing devices.
- 11) No signage shall be permitted within any portion of an Individual Wind Energy System except for a Sign, not to exceed six (6) square feet;
- 12) One point of access from a public road to the Individual Wind Energy System shall be provided. The Board of Zoning Appeals may require review by the applicable Fire Department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
- 13) The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Individual Wind Energy System.
- 14) The applicant shall demonstrate that the noise levels associated with the Individual Wind Energy System will not be disruptive to any adjacent residential areas. Noise shall comply with any nuisance requirements as adopted by separate resolution.
- 15) No Lighting shall be permitted, except as required by Federal regulations.
- 16) The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Individual Wind Energy System, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Individual Wind Energy System, the Owner or operator receives a written complaint related to the above-mentioned interference, the Owner shall take reasonable steps to respond to the complaint or shall be in violation of said Conditional Use permit, which shall be punishable per [Article XXIII – Planning and Zoning Director and Enforcement](#) .
- 17) The Owner or operator of the Individual Wind Energy System shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the Individual Wind Energy System is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the County), the Individual Wind Energy System shall be removed within 180-days after the Use has been discontinued. In addition to removing all towers within the system, the Owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with an Individual Wind Energy System shall be removed from the site to a depth which is at least forty-eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover

crops. All transmission equipment, Buildings and fences shall also be removed.

ARTICLE XVI
Madison County Airport Airspace Hazard Regulations

16.01 Purpose	16.07 Enforcement
16.02 Airport Zones	16.08 Board of Airport Zoning Appeals
16.03 Airport Zone Height Limitations	16.09 Airport Appeals Procedure
16.04 Use Restrictions	16.10 Penalties
16.05 Nonconforming Uses	16.11 Conflicting Regulations
16.06 Permits	

16.01 PURPOSE

- a) This Article is adopted pursuant to the authority conferred by Chapter 4563 of the Ohio Revised Code. The following is hereby found that:
- 1) An obstruction has the potential for endangering the lives and property of the users of Madison County Airport and the property or occupants of land in its vicinity;
 - 2) An obstruction may affect existing and future instrument approach minimums of the Madison County Airport; and
 - 3) An obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Madison County Airport and the public investment therein.
- b) Based upon the finding above, it is declared:
- 1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Madison County Airport;
 - 2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented;
 - 3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and
 - 4) That the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration, or mitigation of hazards to air navigation; or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

16.02 AIRPORT ZONES

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Madison County Airport. Such zones are shown on the Madison County Airport Airspace Zoning Map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established defined as follows:

- a) Approach Zone. The following applies to Non-Precision Instrument Runways larger than Utility Runways with a visibility minimum greater than 0.75 miles. The inner edge of this Approach Zone coincides with the width of the Primary Surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a Horizontal Distance of ten thousand (10,000) feet from the existing or proposed Primary Surface. Its centerline is the continuation of the centerline of the existing or proposed runway.
- b) Transitional Zone. The Transitional Zones are the areas beneath the Transitional Surfaces.
- c) Horizontal Zones. The Horizontal Zone is established by swinging arcs of five thousand (5,000) feet radii for all utility or visual and ten thousand (10,000) feet for all other Runways from the center of each end of the Primary Surface of each Runway and connecting the adjacent arcs by drawing lines tangent to the arcs. The Horizontal Zone does not include the Approach and Transitional Zones.
- d) Conical Zone. The Conical Zone is established as the area that commences at the periphery of the Horizontal Zone and extends outward therefrom a Horizontal Distance of four thousand (4,000) feet.

16.03 AIRPORT ZONE HEIGHT LIMITATIONS

No Structure shall be erected, altered, or maintained, and no Tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height herein established for such zone. Unless granted a Permit or Variance, any Structure or Trees that exceed the height restrictions within any zone shall be removed by the property owner at the property owner's expense. Such applicable height limitations are hereby established for each of the zones as follows:

- a) Approach Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the existing or proposed Primary Surface and extending to a Horizontal Distance of ten thousand (10,000) feet along the extended runway centerline.

- b) Transitional Zone. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the Primary Surface and the Approach Surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is 1,081.37 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the Approach Surface, and extending to where they intersect the Conical Surface.
- c) Horizontal Zone. Established at one hundred fifty (150) feet above the airport elevation or at a height of one thousand two hundred thirty-one and thirty-seven (1,231.37) feet above mean sea level.
- d) Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the Horizontal Zone and at one hundred fifty (150) feet above the airport elevation (1,231.37 AMSL) and extending to a height of three hundred fifty (350) feet above the airport elevation (1,431.37 AMSL).

16.04 USE RESTRICTIONS

- a) Notwithstanding any other provision of this Resolution, no use may be made of land or water within any zone established by this Resolution in such a manner as to:
 - 1) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
 - 2) Make it difficult for pilots to distinguish between airport lights and others;
 - 3) Result in glare in the eyes of pilots using the airport;
 - 4) Impair visibility in the vicinity of the airport;
 - 5) Create bird strike hazards; or
 - 6) Endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- b) No Highway shall be constructed within one thousand (1,000) feet of the end of the existing or proposed Runway or less than fifteen (15) feet below the plane of the Approach Surfaces.
- c) No railroad shall be constructed within one thousand (1,000) feet of the end of the existing or proposed runway or less than twenty-five (25) feet below the plane of the Approach Surfaces.

16.05 NONCONFORMING USES

- a) Regulations Not Retroactive. The regulations prescribed in this Resolution or Amendments shall not be construed to require the removal, lowering, or other change or alteration of any Structure or Tree not conforming to the regulations as of

the effective date of this Resolution, or amendment thereto, or otherwise interfere with the continuance of a Nonconforming Use, **unless the Structure or Tree is a Nonconforming Use under the regulations of this Article.** Nothing contained herein shall require any change in the construction, alteration, or intended Use of any Structure, the construction or alteration of which already began prior to the effective date of this Resolution, and is diligently prosecuted, **unless this construction is in violation of existing Airspace Hazard Regulations.**

- b) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing Nonconforming Structure or Tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.

16.06 PERMITS

- a) Requirements. No new Structure shall be erected or otherwise established and no new Tree shall be planted in any zone hereby created if such alteration would exceed the established zone heights requirements found in [Section 16.03 – Airport Zone Height Limitations](#) – unless a permit has been obtained in advance of the alteration from the Airport Zoning Board. In order to determine if a proposed Structure or Tree will exceed the height of the established zones, an application for such alteration shall be submitted to the Madison County Planning and Zoning Director for review whenever such alteration would penetrate a 100:1 (one hundred (100) foot horizontal for each one (1) foot vertical) imaginary surface from the nearest point of the existing or proposed Runway Centerline. If the proposed Structure or Tree would exceed a 100:1 surface from the nearest point on the existing or proposed Runway, but would not exceed the specified zone heights or otherwise pose a hazard to aviation, a permit for the alteration shall be granted. No permit for a Use inconsistent with the provisions of this Resolution shall be granted unless a Variance has been approved in accordance with Section 16.06(d) –Variances.
- 1) Form of Application. When required to submit an application, the application shall be a copy of the completed Federal Aviation Administration “Notice of Proposed Construction or Alteration Form (7460-1),” which must by federal law be submitted to the Federal Aviation Administration whenever the requirements of Section 16.06(a) – Requirements, above, are met. The required form (7460-1) is available from the Madison County Planning and Zoning Director.

- 2) The original form must be submitted to the following address:

Federal Aviation Administration
Great Lakes Regional Office
Air Traffic Division, AGL-530
2300 East Devon Avenue
Des Plaines, Illinois 60018

- 3) In addition, the applicant shall file a copy of Form 7460-1 with the Madison County Planning and Zoning Director in accordance with Section 4561 of the Ohio Revised Code, which requires that a copy be submitted to the Ohio Department of Transportation.
- 4) Supporting Information. The original form and the copies submitted to the Madison County Planning and Zoning Director and the Ohio Department of Transportation shall each be accompanied by a drawing showing the location of the proposed Structure or Tree on a U.S.G.S. 7.5-minute quadrangle map and other supporting information that indicates the purpose for which the permit is desired and other information to permit it to be determined whether the resulting Structure, or Tree, would conform to the regulations herein prescribed.
- 5) Nothing contained in any of the foregoing exceptions shall be construed or permitting or intending to permit any construction, alteration, or growth of any Tree in excess of any of the height limits established by this Resolution. In addition, compliance with this Section does not relieve a proponent of growth or erection of Structures from the requirement to obtain a permit from the Ohio Department of Transportation, as required under Sections 4561.33 – 4561.39 of the Ohio Revised Code or filing a Form 7460-1 “Notice of Proposed Construction or Alteration” with the Federal Aviation Administration.
- b) Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a Nonconforming Use, Structure, or Tree to become a greater hazard to air navigation than it currently existed on the effective date of this Resolution or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- c) Nonconforming Uses Abandoned or Destroyed. Whenever the Airport Zoning Board determines that a Nonconforming Tree or Structure has been abandoned, voluntarily discontinued for two (2) years or more, or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such a Structure or Tree to exceed the applicable height limit or otherwise deviate from this Article.

- d) **Variances.** Once a permit has been denied by the Airport Zoning Board, any person desiring to erect or increase the height of any Structure or permit the growth of any Tree or use the property not in accordance with the regulations herein, may apply to the Board of Airport Zoning Appeals for a Variance from such regulations. The application for Variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of airspace. Such Variances shall be allowed where it is found that a literal application or enforcement of the regulations will result in Unnecessary Hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Resolution. Additionally, no application for Variance to the requirements of this Resolution may be considered by the Board of Airport Zoning Appeals unless a copy of the application has been furnished to the Airport Owner for advice as to the aeronautical effects of the Variance. If the Airport Owner does not respond to the application within fifteen (15) days after receipt, the Board of Airport Zoning Appeals may act on its own to grant or deny said application.
- e) **Obstruction Marking and Lighting.** Any permit or Variance granted may, if such action is deemed advisable to effectuate the purpose of this Resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the Structure or Tree in question to install, operate, and maintain at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Airport Zoning Appeals, this condition may be modified to require the owner to permit the Airport Owner, at its own expense, to install, operate, and maintain the necessary markings and lighting.

16.07 ENFORCEMENT

- a) It shall be the duty of the staff of the Madison County Planning and Zoning Director, as the administrative agency of the Airport Zoning Board, to administer and enforce the regulations prescribed herein.
- b) Applications for permits and Variances shall be made to the staff of the Madison County Zoning Board upon a form published for that purpose. Applications required by this Resolution to be submitted to the staff of the Madison County Zoning Board shall be promptly considered and granted or denied.
- c) All application shall be submitted in duplicate accompanied by accurate plans showing the height above ground, the height above mean sea level, and the location of the proposed Structure as well as such information as may be necessary to determine and provide for the enforcement of these regulations. The locations and elevations contained in the application must be certified by a registered professional engineer or surveyor in the State of Ohio.

- d) If the application is ultimately accepted and the construction accomplished, the applicant shall submit the actual “As-Built” locations and elevations certified by a registered professional engineer or surveyor licensed in the State of Ohio.
- e) All applications for permits, Variances, and Appeals shall be accompanied by a fee as determined by the Airport Zoning Board to be paid to the administrative agency.

16.08 BOARD OF AIRPORT ZONING APPEALS

- a) There is hereby created a Board of Airport Zoning Appeals to have and exercise the following powers:
 - 1) To hear and decide appeals, filed pursuant to Section 4563.18 of the Ohio Revised Code, from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this Article, as provided in Sections 4563.11 and 4563.12 of the Ohio Revised Code;
 - 2) To hear and allow, refuse, or allow with modifications or conditions, any Variance from the terms of this Article which the Board of Airport Zoning Appeals may be authorized to pass upon pursuant to such regulations; and
 - 3) To hear and decide specific Variances under Section 4563.16 of the Ohio Revised Code.
- b) The Board of Airport Zoning Appeals shall adopt rules for its governance in accordance with Chapter 4563 of the Ohio Revised Code. Meetings of the Board of Airport Zoning Appeals shall be held at the call of the Chairperson and at such other times as the Board of Airport Zoning Appeals may determine. The Chairperson, or in the absence – the acting Chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Airport Zoning Appeals shall be public. The Board of Airport Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. These records shall be kept with the office of the Clerk of the Madison County Commissioners and on due cause shown. The Board of Airport Zoning Appeals shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Resolution.
- c) The concurring vote of a majority of the members of the Board of Airport Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency or decide in favor of the application on any matter upon which it is required to pass under this Article, or to effect variation to this Resolution.

16.09 AIRPORT APPEALS PROCEDURES

- a) Any person aggrieved, or any taxpayer affected, by any decision of the administrative agency, made in the administration of this Article, may appeal to the Board of Airport Zoning Appeals.
- b) All Appeals hereunder must be taken within twenty (20) days after an order is filed in the office of the administrative agency, as provided by the rules of the Board of Zoning Appeals, by filing with the administrative agency a notice appeal specifying the grounds thereof. The administrative agency shall forthwith transmit to the Board of Airport Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrative agency certifies to the Board of Airport Zoning Appeals, after the notice of appeal has been filed, that by reason stated in the certificate a stay would, in the opinion of the administrative agency, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Airport Zoning Appeals or notice to the administrative agency and on due cause shown.
- d) The Board of Airport Zoning Appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- e) The Board of Airport Zoning Appeals may, in conformity with the provisions of this Resolution, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.
- f) Any person aggrieved, or any taxpayer affected, by any decision of the Board of Airport Zoning Appeals may appeal to the Madison County Common Pleas Court.

16.10 PENALTIES

Each violation of this Resolution or of any regulation, order, or ruling promulgated hereunder shall constitute and be punishable in accordance with [Section XXIII – Planning and Zoning Director and Enforcement](#).

16.11 CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Resolution and any other regulation applicable to the same area, whether with respect to the height of Structure or Trees, and the use of the land, etc., the more stringent limitation or requirement shall govern and prevail.

ARTICLE XVII
Off-Street Parking and Loading

- | | |
|---|---|
| 17.01 Purpose | 17.06 Loading Spaces |
| 17.02 General Requirements | 17.07 Electric Vehicle Charging Stations |
| 17.03 Joint-Use Parking | |
| 17.04 Public Parking Facilities | |
| 17.05 Schedule of Required Off-Street Spaces | |
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17.01 PURPOSE

The purpose of this Article is to encourage the orderly development of parking areas within the County and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

17.02 GENERAL REQUIREMENTS

- a) Surfacing and Drainage. All off-street parking areas for commercial or industrial projects within the PMU Overlay District shall be properly graded, marked, and surfaced to provide a hard, durable, and dustless surface. All parking areas shall be graded and drained to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.
- b) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting. Other provisions in [Section 15.31 – Lighting](#) – also apply.
- c) Location of Parking Spaces. A five (5) foot clear zone shall be maintained between the roadway Right-of-Way and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.
- d) Parking of Inoperable or Disabled Equipment or Vehicles. The exterior parking or storage of inoperable, unlicensed, or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated under Sections 4737.05-12 of the ORC, shall be

prohibited. The County reserves the right to remove junk cars from private property under Section 4513.65 of the ORC.

- e) Landscaping, Parking Bays, and/or Parking Lot Islands. See, Sections [8.05\(p\)](#), [9.05\(o\)](#), and [10.05\(e\)](#) as applies to the PMU, PBO, and PFE Overlay District.

17.03 JOINT-USE PARKING

Two (2) or more uses may jointly provide and use parking spaces, provided that together they meet the parking space requirements of [Section 17.05 – Schedule of Required Off-Street Spaces](#).

17.04 PUBLIC PARKING FACILITIES

- a) Property within a 500-foot radius of a public parking facility shall not be required to provide or maintain a specific number of off-street parking spaces. All other properties shall conform to [Section 17.05 – Schedule of Required Off-Street Spaces](#), below.
- b) Public parking facilities shall not be required to provide a specific number of parking spaces. However, the Zoning Commission can recommend a desired number of parking spaces based on expected traffic.

17.05 SCHEDULE OF REQUIRED OFF-STREET SPACES

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

- a) Residential. One (1) parking space for every residential dwelling unit on a property.
- b) Commercial. One (1) parking space for every one hundred (100) feet in GFA with the following exceptions:
 - 1) Campground: One (1) per each campsite and one per employee for the largest shift;
 - 2) Hotels and Motels: One (1) per sleeping room; and
 - 3) Office: Four (4) spaces per 1,000 square feet in GFA.
- c) Institutional. One (1) parking space for every 500 feet in GFA with the following exceptions:

- 1) Assisted living, nursing homes, and hospitals: One (1) for each employee on the largest shift and one (1) for every four (4) beds;
 - 2) Places of assembly: One (1) for every six (6) seats in the main area of assembly.
 - 3) Schools: One (1) for every ten (10) students and one (1) for each employee on the largest shift; and
 - 4) Daycare Centers: One (1) for each employee on the largest shift.
- d) Industrial – Innovation, Technology, and Advanced Manufactured Uses: One-half (½) space per 1,000 square feet in GFA and/or one (1) for each employee on the largest shift, with the following exception:
- 1) Data Centers: One (1) for each employee on the largest shift.

17.06 LOADING SPACES

- a) All loading spaces must be located to the side or rear of the principal Structure and screened under [Section 15.29 – Landscaping](#) – and are prohibited within any front yard; however, loading spaces shall be located in the front or side of the principal Structure if the rear of the Building is adjacent to or across the street from a Dwelling;
- b) A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area;
- c) All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve;
- d) A required loading space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area;
- e) Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet;
- f) Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard;
- g) All required, off-street loading spaces should have access to a public street in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion;
- h) All required loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic concrete or Portland cement concrete pavement to provide a durable and dust free surface;

- i) All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water onto adjacent properties or walkways and damage to public streets;
- j) Screening shall be required as provided in [Section 15.29 – Landscaping](#);
- k) Any loading area, which is intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property;
- l) No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any lot zoned for residential use;
- m) For uses in excess of 10,000 square feet of gross floor area one (1) additional off-street loading space shall be required for each additional 20,000 square feet of gross floor area or fraction thereof; and
- n) The number of off-street loading spaces required for the CB District shall be no less than as set forth in the following:
 - 1) Less than 5,000 square feet in GFA: None required;
 - 2) 5,000 to 250,000 square feet in GFA: One (1) space; and
 - 3) Over 250,000 square feet in GFA: One space for each 250,000 square feet in GFA.

17.07 ELECTRIC VEHICLE CHARGING STATIONS

- a) The purpose of this section is to encourage electrical vehicle charging stations but not mandate them.
- b) To promote the installations of these stations, the total number of required automobile Off-Street Parking Spaces required by this Resolution shall be reduced by two (2) automobile Off-Street Parking Spaces for every one (1) electric vehicle space with a charger provided.

ARTICLE XVIII

Signs

18.01 Purpose	18.11 Drive-Thru Signs
18.02 Zoning Permit	18.12 Total Maximum Square Footage of All Signs
18.03 Regulations for All Signs	18.13 Sign Lighting
18.04 Canopy Signs	18.14 Temporary Signs
18.05 Ground-Mounted Signs	18.15 Changeable Copy and Electronic Message Displays
18.06 Projecting Signs	18.16 Murals
18.07 Wall Signs	18.17 Billboards
18.08 Window Signs	
18.09 Pylon Signs	
18.10 Way-Finding Signs	

18.01 PURPOSE

The purpose of the following Sign regulations is to:

- Provide effective and attractive identification for businesses, services, and uses;
- Provide a reasonable system of regulations for signs as a part of the County's Zoning Resolution and consistent with state and federal laws;
- Promote reasonable sign standards to limit the aesthetic impact of signs on properties within the County to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety;
- Attract and direct the public to available activities, goods, and services;
- Enhance the economic value of the community through attractive and effective signage; and
- Provide for vehicular and pedestrian safety by prohibiting or restricting distracting signs.

18.02 ZONING PERMIT

Unless otherwise exempted below, a Zoning Permit shall be obtained prior to erecting any Sign in any Zoning District. The following types of Signs are exempt from obtaining a Zoning Permit:

- a) Signs not exceeding two (2) square feet in area that are customarily associated with a Residential Use and are not of a commercial nature, including the address and/or the name of the occupants;

- b) Signs erected by a government entity for a recognized public purpose and duly authorized by any law, statute, or code. Such Signs include legal notices and traffic control devices, provided such Signs carry no supplementary advertising;
- c) Signs that are on the inside of a Structure or Building that are designed or located to not be typically seen from outside the window;
- d) Temporary Signs clearly in the nature of decorations customarily associated with a national, local, or religious holiday. Such Signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created; and
- e) All Signs and graphics shall be carefully coordinated with the Building and architecture.

18.03 REGULATIONS FOR ALL SIGNS

The following regulations apply to all Signs within the County:

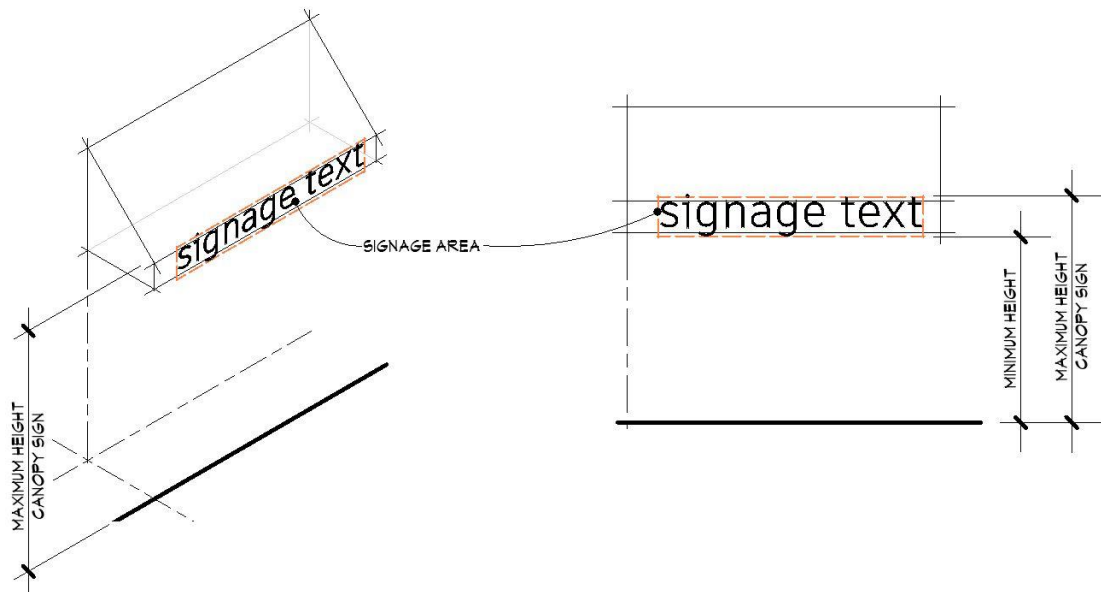
- a) No roof Signs or roof mounted Signs shall be permitted. No part of any Sign shall extend higher than the eave of any Building, except when placed on the parapet of a Building;
- b) The following permanent signs shall be prohibited: portable displays or mobile display (except sandwich board signs), gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, rotating signs, signs with flashing messages or bare bulbs, signs on backlit awnings, flashing signs, video signs, signs with moving text or pictures, bench signs, and Wallscape;
- c) Each Building and Unit, if applicable, shall have an address number that is clearly visible from the public Right-of-Way. Such Signs shall not require a Zoning Permit; and
- d) Original Art Mural and Vintage Art Murals as defined in Article 2 - Definitions, shall only be permitted in accordance with [Section 18.16 – Murals](#) – of this Resolution

18.04 CANOPY SIGNS

- a) All Canopy Signs shall comply with the following requirements:

	NCD, C-2, M-1, M-2	Overlay Districts
Maximum Number of Signs Per Business	2	Per Approved Development Plan
Maximum Square Footage	10	Per Approved Development Plan
Maximum Height (Feet)	15	Per Approved Development Plan
Minimum Height (Feet)	8	Per Approved Development Plan
Maximum Projection from Edge of Building (Feet)*	3	Per Approved Development Plan
*Shall only apply if the proposed Sign projects into the Right-of-Way		

- b) Measurement of Canopy Sign Area and Height:

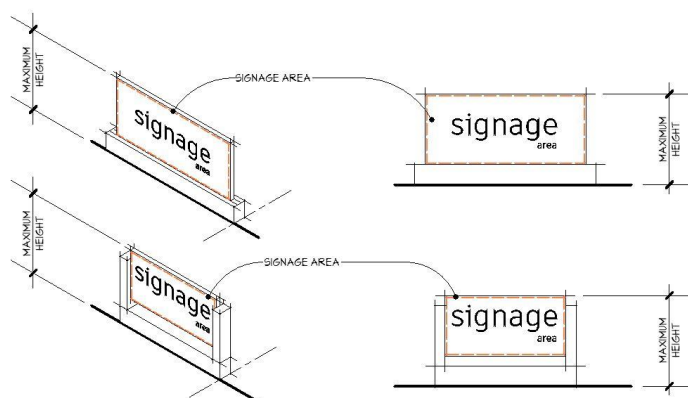


18.05 GROUND-MOUNTED SIGNS

- a) All Ground-Mounted Signs shall comply with the following requirements:

	A-1, R-1, R-2, R-3*	NCD, C-2, M-1, M-2	Overlay Districts
Maximum Number of Signs Permitted Per Public Road Frontage	1	1	Per Approved Development Plan
Maximum Square Footage	6	32	Per Approved Development Plan
Maximum Height (Feet)	3	6	Per Approved Development Plan
Minimum Distance from ROW (Feet)	10	10	Per Approved Development Plan
*Ground-Mounted Signs in Residential Districts shall be a Conditional Use, contingent upon a non-Residential Use requesting a Sign, such as a Major Home Occupation.			

- b) The maximum square footage in the above table is per Sign Face. Each Sign Face shall count towards the maximum size of the Sign and total maximum square footage of all Signs. There shall be a maximum of two (2) Sign Faces per Sign.
- c) All Ground-Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of Landscaping around all sides of the Ground-Mounted Sign. Signs shall be affixed directly to a base having a width at least equal to that of the sign.
- d) Ground-Mounted Signs shall not be permitted along rear access roads.
- e) Measurement of Ground-Mounted Signs Area and Height:

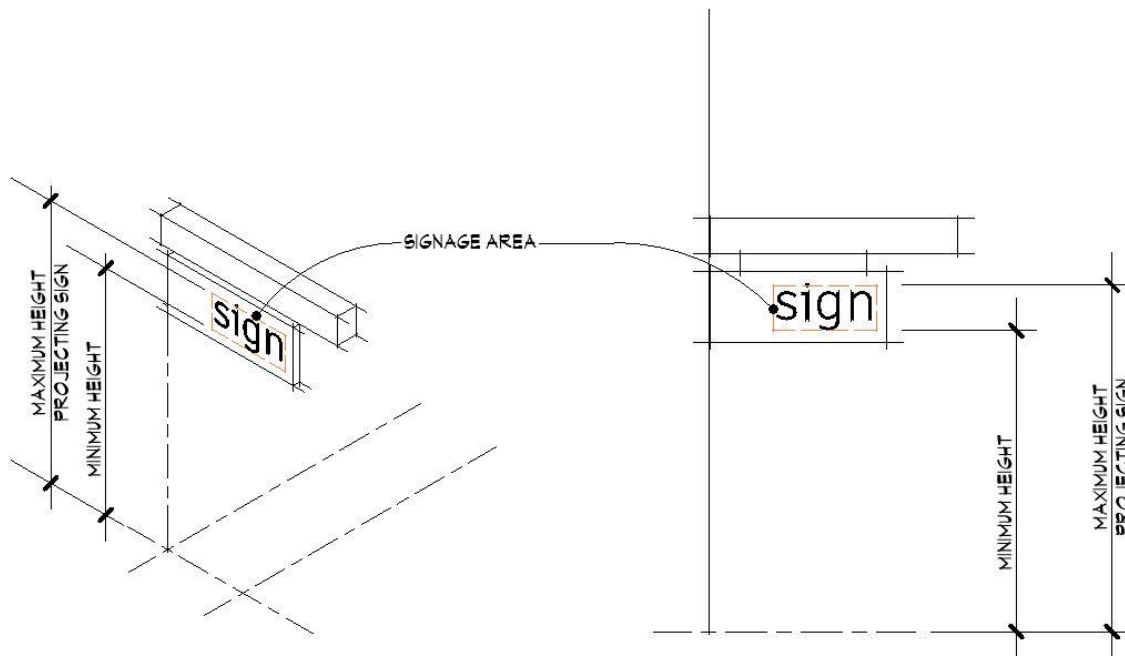


18.06 PROJECTING SIGNS

- a) When permitted, such signs should be scaled with the building design and should blend with the architectural design of the Building to which it is attached. Each Sign Face shall count to the maximum size of the sign and total maximum square footage of all Signs. There shall be a maximum of two (2) Sign faces per Sign. Projecting signs are permitted as follows:

	NCD, C-2, M-1, M-2	Overlay Districts
Number of Signs Per Business	1	Per Approved Development Plan
Maximum Square Footage	10	Per Approved Development Plan
Maximum Height (Feet)	8	Per Approved Development Plan
Minimum Height (Feet)	15	Per Approved Development Plan
Maximum Projection from Edge of Building (Feet)*	4	Per Approved Development Plan
*No Projecting Sign shall extend into the Right-of-Way		

- b) Measurement of Projecting Sign Area and Height:

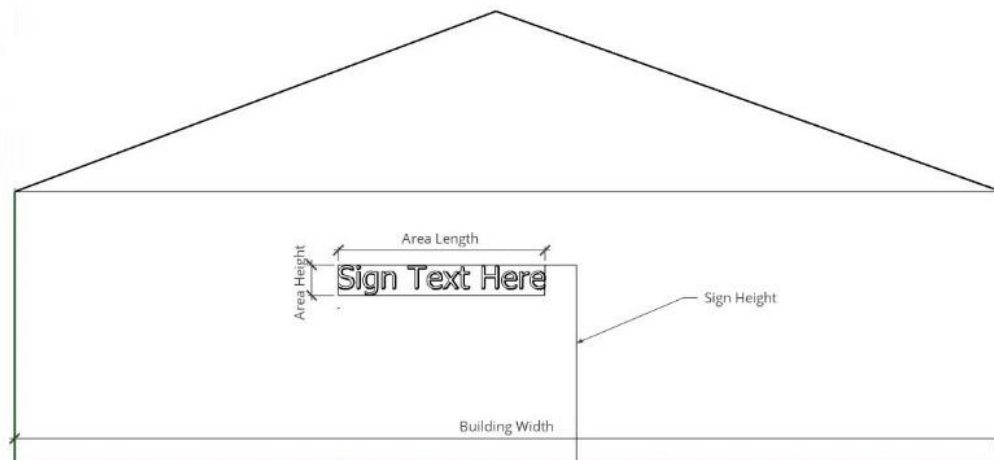


18.07 WALL SIGNS

- a) All Wall Signs shall comply with the following requirements:

	NCD, C-2, M-1, M-2	Overlay Districts
Maximum Number of Signs Permitted Per Public Road Frontage	1	Per Approved Development Plan
Maximum Square Footage	1 square foot per 1 lineal foot of tenant space	Per Approved Development Plan
Maximum Height (Feet)	20	Per Approved Development Plan

- b) Measurement of Wall Signs Area and Height:



18.08 WINDOW SIGNS

- a) All Window Signs shall comply with the following requirements:

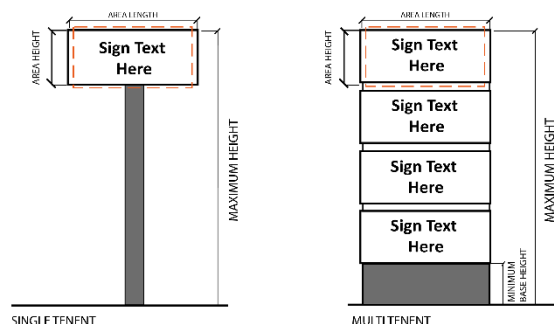
	NCD, C-2, M-1, M-2	Overlay Districts
Maximum Square Footage	25 percent of window area	Per Approved Development Plan
Maximum Height (Feet)	15	Per Approved Development Plan

18.09 PYLON SIGNS

- a) All Pylon Signs shall comply with the following requirements:

	NCD, C-2, M-1, M-2	Overlay Districts
Maximum Number of Signs Permitted Per Public Road Frontage	1	Per Approved Development Plan
Maximum Square Footage	50	Per Approved Development Plan
Maximum Height (Feet)	15	Per Approved Development Plan
Minimum Distance from ROW (Feet)	10	Per Approved Development Plan

- b) Measurement of Pylon Sign Area and Height:



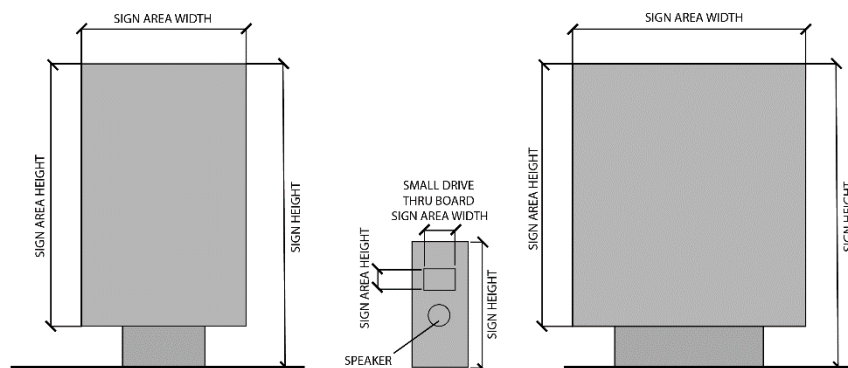
18.10 WAY-FINDING SIGNS

There may be two way finding signs per access driveway connecting to a public or private street. Way finding signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the Right-of-Way and on the property of the user(s) of which they are identifying the entry or exit.

18.11 DRIVE-THRU SIGNS

Signs accessory and adjacent to Drive-Thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:

- a) One large Drive-Thru Board shall be permitted per Drive-Thru Lane. Said Sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot from and a maximum of five (5) feet from the edge of pavement of the Drive-Thru lane to which it serves and shall not exceed eight (8) feet in height.
- b) One medium Drive-Thru Board shall be permitted per Drive-Thru Lane. Said Sign shall not exceed fifteen (15) square feet in area, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the Drive-Thru Lane to which it serves and shall not exceed eight (8) feet in height.
- c) One small Drive-Thru Sign board shall be permitted per Drive-Thru lane shall be permitted. Said Sign shall not exceed two and half (2.5) square feet area, must be located on the Drive-Thru speaker and shall not exceed five (5) feet in height.
- d) Drive-Thru Board Signs shall be permitted to have changeable copy electronic display messages provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.
- e) Measurement of Drive-Thru Sign Area and Height.



18.12 TOTAL MAXIMUM SQUARE FOOTAGE OF ALL SIGNS

	Total Maximum Square Footage for All Signs
Overlay Districts	Per Approved Development Plan
A-1, R-1, R-2, R-3	6 square feet
NCD	150 square feet
M-1, M-2	400 square feet

18.13 SIGN LIGHTING

Sign lighting shall be consistent, understated, and properly disguised. Unless noted in this Resolution, one of the following methods of lighting may be employed:

- a) A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the Sign, and is otherwise prevented from beaming directly onto adjacent properties or Rights-of-Way.
- b) A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
- c) The color temperature of the sign lighting shall not exceed 4,000K.
- d) The level of illumination emitted or reflected from a Sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any Right-of-Way or parking lot from which the sign can be viewed.
- e) Light fixtures shall be screened from view by site grading or landscaping.

18.14 TEMPORARY SIGNS

The following Temporary Sign regulations apply:

- a) A Temporary Sign Permit is required to erect a Temporary Sign;

- b) Temporary Signs shall be prohibited within the Right-of-Way;
- c) In the A-1 District, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other Zoning Districts, up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height;
- d) In all Zoning Districts, one (1) temporary banner is permitted per parcel per street frontage without a permit. Each temporary banner shall not exceed eight (8) feet in height and thirty-two (32) square feet in area and shall not be displayed for more than fourteen (14) days within any one hundred eighty (180) day period;
- e) In the NCD, C-2, M-1, M-2, PMU, PBO, and PFE Districts, two (2) Large Temporary Signs shall also be permitted per parcel provided a Sign Zoning Permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
 - 1) Exceed eight (8) feet in height;
 - 2) Exceed thirty-two (32) square feet in area (per Sign face);
 - 3) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Planning and Zoning Director may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to one hundred eighty (180) days. Upon the expiration of this permit, the Planning and Zoning Director may grant one (1) extension up to an additional one hundred eighty (180) days. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. In no case, shall such signs be erected for more than three hundred sixty-five (365) days.
- f) Small and Large Temporary Signs and Temporary Banners shall not count toward the total maximum square footage of signs permitted on a Lot; and
- g) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

18.15 CHANGEABLE COPY AND ELECTRONIC MESSAGE DISPLAYS

Changeable Copy and Electronic Message Display Signs shall be prohibited within the County.

18.16 MURALS

- a) Original Art Mural Requirements. Original Art Murals that meet all the following requirements shall be issued a Mural Permit by the Planning and Zoning Director:
- i) Original Art Murals are permitted only in the NCD, C-2, PMU, PBO, and SR-161 Overlay Districts.
 - ii) The Mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in accordance with this regulation.
 - iii) The applicant, if different from the property owner, must obtain an affidavit from the Building's owner giving permission for the applicant to adhere the mural to the Building.
 - iv) There shall be no more than one Original Art Mural per parcel or per Building, whichever is more restrictive.
 - v) Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of Buildings.
 - vi) No part of the Mural shall exceed the height of the Structure to which it is tiled or painted.
 - vii) The materials or paint utilized to create the mural shall be weatherproof or resistant to wear.
 - viii) The Mural shall be properly maintained through repair and paint, or any necessary treatment to prevent decay. Defective or insufficient weather protection for exterior treatments and façades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in [Section 23.12 Violation Process and Penalties](#) – of this Resolution.
 - ix) Murals on properties within any planned district must be part of the originally approved development plan or an amendment to said plan must be approved by [Section 21.01 – Amendments or Supplements](#) – prior to the Zoning Commission issuing a Zoning Permit.
 - x) Murals that would result in a property becoming out of compliance with any other County Resolution shall be prohibited.
- b) Vintage Art Mural Requirements. All Murals created prior to the date of adoption of this Resolution shall be considered existing non-conforming and may be maintained in accordance with [Article XIX – Nonconformities](#) – of this Resolution.

18.17 BILLBOARDS

- a) Sign Table – 18.17, below, lists all Zoning Districts in which Billboards are permitted. If a Zoning District is not listed, Billboards are considered prohibited in said District.

All Billboards shall comply with the time, place, and manner regulations found in Sign Table – 18.17 – Billboards.

- b) Billboards shall have a maximum of two (2) faces per Billboard.
- c) Billboards shall be back-to-back and shall not have more than one (1) face visible from each direction of the road to which it faces.
- d) Sign Table – 18.17 – Billboards

	A-1, NCD, C-2, M-1, M-2, Overlay Districts
Maximum Square Footage Per Face	125
Minimum Setback from any Structure or Sign (Feet)	1,000
Minimum Spacing from Other Billboards (Feet)	3,000
Maximum Height (Feet)	15
Minimum Distance from ROW (Feet)	75

- e) Relation to Other Laws. Signs adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Chapter 5516 and Section 5531.07, as amended, shall be permitted in accordance with those state laws. The Planning and Zoning Director shall only issue a Zoning Certificate when the applicant produces a permit from the state, and the proposed Billboard meets the requirements of this section.

ARTICLE XIX

Nonconformities

19.01 Purpose**19.02 Grace Period****19.03 Conformance Required****19.04 Lots of Record****19.05 Nonconforming Structures****19.06 Nonconforming Uses****19.07 Damage or Destruction**

19.01 PURPOSE

Within the Districts established by this Resolution or future amendments that may later be adopted, there exist Structures, Uses, and Lots – both individually and collectively – which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment. These will be known as “Nonconformities.” It is the intent of this Resolution that Non-Conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other Structures or Uses prohibited elsewhere in the same Zoning District.

19.02 GRACE PERIOD

The construction, change, or remodeling of a Use, Structure, or Building that was legally commenced prior to the effective date of this Resolution or amendment thereto but does not conform to these regulations may be continued as long as the following criteria are met:

- a) The property was purchased or otherwise legally acquired prior to the effective date of this Resolution or amendment thereto making it Non-Conforming.
- b) Said work has been completed within two (2) years of the effective date of this Resolution or amendment making it Non-Conforming.

19.03 CONFORMANCE REQUIRED

Unless otherwise specifically permitted by this Article, all Buildings, Structures, and Uses shall comply with the regulations for the Zoning District in which they are located.

19.04 LOTS OF RECORD

- a) A Lot of Record is any Lot or Parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder’s Office prior to the effective date of this Resolution.

- b) Any Lot of Record existing on the initial effective date of this Resolution may be used for any One-Unit Dwelling when such use is permitted in the Zoning District, regardless of the width or area of said Lot, provided all the following criteria are met:
 - 1) The Side Setback for any Lot of Record shall not exceed ten (10) percent of the width of the Lot, but in no case shall a Side Yard be less than ten (10) feet.
 - 2) The Rear Setback for any Lot of Record shall not exceed twenty (20) percent of the depth of the Lot, but in no case shall the Rear Yard be less than ten (10) feet.
 - 3) Accessory Structures shall comply with all Side and Rear Setback requirements in the applicable Zoning District regulation.
- c) In any Zoning District where Dwellings are not listed as a Permitted Use, a Lot of Record may be used for any Permitted Use in the Zoning District in which it is located, provided the following criteria are met:
 - 1) The Side Setback shall be a minimum of ten (10) percent of the Lot Width.
 - 2) The Rear Setback shall be a minimum of twenty (20) percent of the Lot Depth.
 - 3) All other regulations for the Zoning District including, but not limited to, the Maximum Lot Coverage, shall apply as stated in the applicable Zoning District.
- d) Any Lot of Record that contains a Structure that complies with the regulations in this Section shall be considered to be in compliance with this Resolution.

19.05 NONCONFORMING STRUCTURES

- a) A Non-Conforming Structure is any Building or Structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the Zoning District in which it is located.
- b) A Non-Conforming Structure may continue to exist in accordance with the provisions of this Article.
- c) A Non-Conforming Structure may be maintained, repaired, or structurally altered, provided the existing Non-Conformity is not increased or extended, and so no new Non-Conformities are created.
- d) A Non-Conforming Structure shall not be moved in whole or in part for any distance to any other location on the same or any other Lot. If such Structure is moved, the entire Structure shall conform to the regulations of the applicable Zoning District in which it is located. A Zoning Permit shall be required prior to moving such Structure.
- e) A Non-Conforming Mobile Home located in any Zoning District, once removed shall not be relocated on such Lot, or replaced with another Mobile Home.

19.06 NONCONFORMING USES

- a) A Non-Conforming Use is any Use that was lawfully being conducted within any Building or on any land on the effective date of these regulations or amendment thereto but is not listed as a Permitted Use of the Zoning District in which it is located.
- b) A Non-Conforming Use may continue to operate in its current location in accordance with the provisions of this Article.
- c) The Board of Zoning Appeals may authorize a Non-Conforming Use to be changed to another Non-Conforming Use, provided the proposed use is equally appropriate or more appropriate to the Zoning District than the existing Non-Conforming Use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which if violated are punishable under [Section 23.12 Violation Process and Penalties](#) – of this Resolution.
- d) Unless otherwise permitted by this Article, a Non-Conforming Use shall not be enlarged, extended, or expanded.
- e) The Board of Zoning Appeals may permit, on a once-only basis, the expansion of a Non-Conforming Use, provided such expansion does not exceed twenty-five (25) percent of the Ground Floor area of the existing Building(s) devoted to a Non-Conforming Use at the time of enactment of this Resolution or at the time of its amendment making a Use Non-Conforming. The Board of Zoning Appeals shall not authorize any enlargement which would:
 - 1) Result in a violation of the provisions of this Resolution with respect to any adjoining premises;
 - 2) Occupy ground space required for meeting the Setback or other requirements of this Resolution.
- f) A Non-Conforming Use which has been replaced or abandoned shall not be returned to a Non-Conforming Use. A Non-Conforming Use shall be considered abandoned when there is intent either express or implied to cease the Non-Conforming Use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the owner or responsible party has not been using the Non-Conforming Use for said time period. A Non-Conforming Use shall be considered replaced when either one of the following conditions exists:
 - 1) When a Non-Conforming Use has been changed to a Permitted Use in the applicable Zoning District.
 - 2) When the Non-Conforming Use has been changed to another Non-Conforming Use under permit from the Board of Zoning Appeals.

19.07 DAMAGE OR DESTRUCTION

- a) In the event that any Non-Conforming Building, Structure, or Use is damaged or destroyed by any means, to the extent of more than fifty (50) percent of its fair market value at the time of damage, such Building or other Structure shall not be restored unless such Building or other Structure and the Use thereof conform to the regulations of the Zoning District in which it is located.
- b) If such damage is fifty (50) percent or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous Use may be permitted, if all of the following are met:
 - 1) A Zoning Permit is obtained;
 - 2) Restoration commences within one (1) year after the date of such destruction; and
 - 3) The restoration is substantially completed within two and a half (2 ½) years from when the Zoning Permit is issued.

ARTICLE XX
Zoning Commission

20.01 County Zoning Commission
20.02 Compensation and Expenses
20.03 Functions of the County Zoning Commission

20.04 Planning and Zoning Assistant
20.05 Meetings and Agenda of County Zoning Commission
20.06 Minutes

20.01 COUNTY ZONING COMMISSION

The Board of County Commissioners hereby creates and establishes a County Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the County under this Resolution, to be appointed by the Board, and the terms of the members shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the County Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of County Commissioners and shall be for the unexpired term.

20.02 COMPENSATION AND EXPENSES

The members of the County Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of County Commissioners may approve and provide. The County Zoning Commission may, within the limits of monies appropriated by the Board of County Commissioners for the purpose, employ such executives, professionals, technical assistants or other assistants as it deems necessary.

20.03 FUNCTIONS OF THE COUNTY ZONING COMMISSION

- a) The County Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the County Zoning Commission for the carrying out by the Board of County Commissioners of this Zoning Resolution when requested to do so by the Board of County Commissioners.
- b) The County Zoning Commission may, within the limits of the monies appropriated by the Board of County Commissioners for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

- c) The County Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.
- d) No Board of County Commissioner shall be employed by the County Zoning Commission.
- e) The County Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to County zoning shall make them available for the use of the County Zoning Commission.
- f) In any county where there is a County or Regional Planning Commission, the County Zoning Commission may request such planning commission to prepare or make available to the County Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the County or any portion of the same.

20.04 PLANNING AND ZONING ASSISTANT

To assist in the administration of this Zoning Resolution, the Board of the County Commissioners shall appoint a Planning and Zoning Assistant whose duty it shall be to maintain County zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the County Zoning Commission and the Board of Zoning Appeals, assist the Planning and Zoning Director, and perform such other duties relating to this Zoning Resolution as the County Commissioners may from time to time direct. The Planning and Zoning Assistant shall be compensated at rates set from time to time by the Board of the County Commissioners.

20.05 MEETINGS AND AGENDA OF COUNTY ZONING COMMISSION

The County Regional Zoning Commission shall meet as necessary in a public Building within the County.

20.06 MINUTES

The minutes of each meeting of the County Zoning Commission shall be kept by the Planning and Zoning Assistant on file in the County Zoning Office with the other zoning records. Said minutes shall be open for public inspection during County Zoning Commission meetings and normal business hours.

ARTICLE XXI

Amendments

21.01 Amendments or Supplements

21.02 Form of Application

21.03 Record

21.04 Fees

21.01 AMENDMENTS OR SUPPLEMENTS

- a) This Article is intended to be a restatement of Section 303.12 of the Revised Code of Ohio and is adopted herein for the convenience of the citizens of Madison County. Any amendments to Section 303.12 adopted by the Ohio Legislature shall be considered adopted herein. Amendments or supplements to the Zoning Resolution may be initiated by motion of the County Zoning Commission, by the passage of a resolution therefor by the Board of County Commissioners or by filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the County Zoning Commission. The Board of County Commissioners may require that the owner or lessee of the property filing an application to amend or supplement the Zoning Resolution to pay a fee therefor to defray the cost of advertising, mailing, and other expenses. If the Board of County Commissioners require such a fee, it shall be required generally, for each application. The Board of County Commissioners shall upon the passage of such resolution certify it to the County Zoning Commission.
- b) Upon the adoption of such motion, or the certification of such resolution or the filing of such application the County Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of adoption of such motion or the date of the filing of such application.
 - 1) In accordance with Section 303.06 of the Ohio Revised Code, before certifying its recommendations to the Board of County Commissioners, the County Zoning Commission shall hold at least one public hearing in each township affected by the proposed zoning plan, notice of which shall be given by one (1) publication at least thirty (30) days before the date of such hearing using at least one (1) of the following methods:
 - i) In the print or digital edition of a newspaper of general circulation in the township;
 - ii) On the official public notice web site established in accordance with the Ohio Revised Code; or
 - iii) On the web site and social media account of the County.

- c) If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the County Zoning Commission, by first class mail, at least thirty (30) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County or Regional Planning Commission and to the Board of County Commissioners as the case may be.
- d) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the County Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a commission.
- e) The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendations to the County Zoning Commission. Such recommendation shall be considered at the public hearing held by the County Zoning Commission on such proposed amendment or supplement.
- f) The County Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the County or Regional Planning Commission thereon to the Board of County Commissioners.
- g) The Board of County Commissioners shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the County Zoning Commission. Notice of such public hearing shall be given by the Board of County Commissioners by one (1) publication in one (1) or more push app, Madison County Facebook, and Madison County Website of general circulation in the County, at least ten (10) days before the date of such hearing.
- h) The published notice shall set forth the time and place of the public hearing and summary of the proposed amendment or supplement.

- i) Within twenty (20) days after such public hearing the Board of County Commissioners shall either adopt or deny the recommendations of the County Zoning Commission or adopt some modification thereof. In the event the Board of County Commissioners denies or modifies the recommendation of the County Zoning Commission the unanimous vote of the Board of County Commissioners shall be required.
- j) Such amendment or supplement adopted by the Board of County Commissioners shall become effective in thirty (30) days after the date of such adoption. Unless, within thirty (30) days after the adoption of the amendment or supplement, there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the County or part thereof. This shall be included in the zoning plan equal to not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of County Commissioners to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
- k) No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.
- l) All procedures thereafter shall be in strict compliance with the requirements of Chapter 303 of the Ohio Revised Code.

21.02 FORM OF APPLICATION

All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Board of County Commissioners. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

21.03 RECORD

On any application for an amendment or supplement to the Zoning Resolution of which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the County Zoning Commission or the Clerk of the Board of County Commissioners, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the County Commissioners to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the Planning and Zoning

Assistant of the County Zoning Commission or of the Clerk of the Board of County Commissioners, as the case may be, shall serve as the sole transcript of such hearing.

21.04 FEES

The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as cost of advertising, mailing and other expenses. This fee shall be required generally for each application, and the amount of such fee shall be established annually by the Board of County Commissioners.

ARTICLE XXII**Board of Zoning Appeals; Appeals and Variances; and Conditional Uses**

22.01 Board of Zoning Appeals Created	22.08 Decision of Board
22.02 Organization	22.09 Public Information
22.03 Compensation and Expenses	22.10 Record
22.04 Powers of the Board	22.11 Fees To Accompany Notice Of
22.05 Procedure on Hearing Appeals	Appeal Or Application For
22.06 Procedure on Application for	Variance Or Conditional Use
Variances	
22.07 Procedure on Application for	
Conditional Use Permits	

22.01 BOARD OF ZONING APPEALS CREATED

A County Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of County Commissioners and who shall be residents of the unincorporated territory of the County included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for the reason specified and in compliance with the procedure established in Chapter 303 of the Ohio Revised Code. Vacancies shall be filled by the Board of County Commissioners and shall be for the unexpired term.

22.02 ORGANIZATION

The Board of Zoning Appeals shall organize, electing a chairman and vice-chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the County Zoning Office and shall be public record. Attendance of three (3) members shall constitute a quorum. The Board of County Commissioners, the County Clerk and the Planning and Zoning Director shall be notified in advance of all meetings conducted by the Board.

22.03 COMPENSATION AND EXPENSES

The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of County Commissioners may approve and provide. The Board of Zoning Appeals may, within the limits of monies appropriated by the Board of County Commissioners for the purpose, employ such executives, professionals, technical assistants and other assistants as it deems necessary.

22.04 POWERS OF THE BOARD

The County Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 303.02 to 303.25(F) the Revised Code, or of any resolution adopted pursuant thereto.
- b) Authorize upon appeal, in specific cases, such Variances from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Appeals Board shall state if all of the conditions are complied with when granting a requested Variance.
 - 1) The elements to be considered by the Board of Zoning Appeals in determining whether a property owner has encountered Unnecessary Hardship are the following:
 - i) The applicant must demonstrate a substantial inability to realize a reasonable return on the property;
 - ii) The hardship must be unique to the property and not common across the District;
 - iii) Granting the Variance should not change the essential character of the surrounding area; and
 - iv) The hardship must not be self-created by the applicant.
 - 2) Burden of Proof. The burden of proof is on the applicant to present reliable, probative, and substantial testimony and evidence that supports the request of the Variance.
- c) Grant conditional zoning certificates for the use of land, Buildings, or other Structures if such certificates are provided for in the Zoning Resolution.
- d) Revoke an authorized Variance of Conditional Zoning Certificate granted for the extraction of minerals, if any condition of the Variance or Zoning Certificate is violated.

- e) The Board of Zoning Appeals shall notify the holder of the Variance certificate by certified mail of its intent to revoke the Variance or certificate under [Section 22.06 – Procedure on Application for Variance](#) – of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he requests so. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the Variance or Certificate without a hearing. The authority to revoke a Variance or Certificate is in addition to any other means of Zoning Enforcement provided by law.
- f) In exercising the above-mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

22.05 PROCEDURE ON HEARING APPEALS

- a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the County affected by any decision of the Planning and Zoning Director. Such appeal shall be taken within twenty (20) days after the decision by filing with the Planning and Zoning Director from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Planning and Zoning Director from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- b) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing in accordance with Section 303.15 of the Ohio Revised Code by using at least one (1) of the following methods at least ten (10) days' notice before the date of such hearing:
 - 1) In the print or digital edition of a newspaper of general circulation within the County;
 - 2) On the official public notice web site established in accordance with the Ohio Revised Code; or
 - 3) On the web site and social media account of the County.
- c) At the hearing, any party may appear in person or by attorney.

22.06 PROCEDURE ON APPLICATION FOR VARIANCE

- a) The County Board of Zoning Appeals, appointed by the County Board of Commissioners, may upon application, grant such Variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.
- b) Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have power to authorize a Variance from the terms of this Resolution.
- c) Applicants are asked to submit 10 (or more) copies of plans for Rezoning applications because multiple agencies, boards, and officials need to review the materials as part of the approval process. Each Board or Commission involved in the Rezoning process—like the Planning Commission, Zoning Commission, and County Commissioners—needs its own set of plans to review in advance of meetings. Various government departments may need copies for input, such as: Engineering Department, Soil and Water, Environmental, Madison County Public Health, Planning and Zoning, Building, Inspector (s), Building Department, and Fire Department.
- d) Public Notice - Written application for a Variance shall be made to the County Planning and Zoning Director who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within five hundred (500) feet of the exterior boundaries of the land for which a Variance is requested.
 - 1) An application for a Variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing utilizing the methods found in Section 22.05(b)(1-3), above.
- e) Hearing and Decision - At such hearing the applicant shall present a statement and adequate evidence, in such form as the County Board of Zoning Appeals may require. In granting such Variance the Board shall determine that said Variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the Resolution will result in unnecessary hardship and that the spirit of this Resolution will be observed and substantial justice done. In granting any Variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the Variance is granted.

- f) Form of Application - All applications for Variances under this section shall be submitted on such forms as designated and approved by the County Commissioners. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.
- g) Application for Variance shall contain the following information:
 - 1) Name, address, and phone number of the applicant. Legal description of property as approved by the Madison County Engineer and recorded in Madison County Recorder's office.
 - 2) A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed Building.
 - 3) The names and addresses of all property owners within five hundred (500) feet, contiguous to, and directly across the street from the property, as appearing on the Madison County Auditor's current tax list.
 - 4) Each application for a Variance or appeal shall refer to the specific provisions of this Resolution which apply.
 - 5) A narrative statement explaining the following:
 - i) Details of the Variance or appeal that is applied for and the grounds on which it is claimed that the Variance or appeal should be granted.
 - ii) The specific reasons why the Variance is justified, according to [Section 22.04\(b\)\(1\)](#).

22.07 PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT

The owner or lessee of any land or Building within a zoning district within the County may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

- a) Application - An application for a Conditional Use Permit shall be submitted on such forms as designated and/or approved by the County Commissioners. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- b) At the minimum, the application shall contain the following information:
 - 1) Name, address, and phone number of applicants.
 - 2) Legal description of the property as recorded in the Madison County Recorder's office.
 - 3) Present zoning district.
 - 4) Description of proposed Conditional Use.
 - 5) A plan of the proposed site for the Conditional Use showing the location of all Buildings, parking and loading area, traffic circulation, open spaces,

landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution.

- 6) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
 - 7) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board. The applicant shall provide specific evidence that the proposed use complies with the standards in [Article XV – General Development Standards](#).
- c) Hearing - The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
 - d) Notice - Notice of the application for a Conditional Use Permit and the hearing thereon shall be given to all property owners within five hundred (500) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition, thereto one (1) notice of said meeting shall be published in a Madison County Facebook, and Madison County Website of general circulation within the County not less than ten (10) days prior to the scheduled hearing.
 - e) Decision - The Board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use Permit, it may impose such reasonable conditions as it deems necessary to ensure that the use will be conducted in the best interest of the zoning district.
 - f) Revocation - The Board of Zoning Appeals may revoke a Conditional Use Permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he/she so requests. In lieu of said certified mail service, service may be made personally by the County Planning and Zoning Director in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of Zoning Enforcement provided by law.

22.08 DECISION OF BOARD

The Board of Zoning Appeals shall act by resolution, in which three (3) members concur and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for a granting or denying of the request. A copy of the Board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.

22.09 PUBLIC INFORMATION

All communications to members of the Board of Zoning Appeals, written or oral, which shall be reduced to writing pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the County Zoning Office, subject to the order of the Madison County Common Pleas Court, and available for inspection by the public.

22.10 RECORD

For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the Planning and Zoning Assistant requesting that a court reporter be retained to make such record, and the applicant shall deposit with his request cash in the amount established by the County Commissioners to be used to defray the expenses of making a record. In all hearings wherein no request has been made for a record, the notes of the Secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing.

22.11 FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE

For all actions of the Board of Zoning Appeals the Board of County Commissioners shall establish fees to be deposited with each application. Such fees shall be set annually and shall be required generally for each application to defray the costs of advertising, mailing and other expenses.

ARTICLE XXIII
Planning and Zoning Director and Enforcement

23.01 Office of the Planning and Zoning Director	23.08 Void Zoning Permit
23.02 Duties of the Planning and Zoning Director	23.09 Violations
23.03 Zoning Permit Required	23.10 Remedies
23.04 Application for Zoning Permits	23.11 Penalty
23.05 Approval of Zoning Permits	23.12 Violation Process and Penalties
23.06 Expiration of Zoning Permits	23.13 Abandonment
23.07 Certificate of Zoning Compliance	23.14 Notice of Abatement
	23.15 Demolition
	23.16 Complaints Regarding Violations

23.01 OFFICE OF THE PLANNING AND ZONING DIRECTOR

A Planning and Zoning Director designated by the County Commissioners shall administer and enforce this Resolution. The Planning and Zoning Director may be provided with the assistance of such other persons as the County Commissioners may direct. The County Planning and Zoning Director, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

23.02 DUTIES OF PLANNING AND ZONING DIRECTOR

For purposes of this Resolution, the Planning and Zoning Director shall have the following duties:

- a) Upon finding that any of the provisions of this Resolution are being violated, the Planning and Zoning Director shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
- b) Order discontinuance of illegal uses of land, Buildings, or Structures. Order removal of illegal Buildings or Structures or illegal additions or structural alterations.
- c) Order discontinuance of any illegal work being done.
- d) Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on Zoning Permits and such similar administrative duties as are permissible under the law.

23.03 ZONING PERMIT REQUIRED

- a) A Zoning Permit is required for any of the following and is subject to the limitations of the Ohio Revised Code.
 - 1) Construction, Structural Alteration, or enlargement of any Building or Structure, including Accessory Structures and Temporary Structures;
 - 2) Change in the Use of any existing Building, Structure, or land to a Permitted Use in the Zoning District where the Building, Structure, or land is located;
 - 3) Occupying or using vacant land.
- b) The failure to obtain a Zoning Permit shall be considered a violation of this Resolution and shall be punishable in accordance with this Article.

23.04 APPLICATION FOR ZONING PERMITS

- a) The Applicant shall submit three (3) copies of an application for a Zoning Permit to the Planning and Zoning Director and shall include the following information.
 - 1) Name, address, phone number, and email address of the applicant;
 - 2) Address and parcel number of the property subject to the application;
 - 3) Legal description of the property as recorded in the County Recorder's office. If there is not a complete and accurate survey readily available from existing records, the Planning and Zoning Director may require the Applicant to supply a survey of the property by a registered surveyor in the State of Ohio;
 - 4) Existing and proposed Uses; and
 - 5) The Zoning District in which the property is located.
 - i) The dimensions of the property;
 - ii) The dimensions of existing and proposed Buildings or Structures on the property;
 - iii) The distance between Lot Lines and the existing and proposed Structures;
 - iv) The dimensions and number of existing and proposed parking spaces (if applicable);
 - v) Any existing or proposed signage (not required for One-Unit Dwelling permits);
 - vi) The height of existing and proposed Buildings;
 - vii) Number of proposed Dwelling Units, if applicable;
 - viii) The Owner is required to sign the application or submit an affidavit authorizing a representative to sign and serve as the contact on behalf of the Owner;
 - ix) Any other information as determined by the Planning and Zoning Director to determine compliance with this Resolution; and

- x) A copy of any required approvals including, but not limited to, any necessary Variances or Conditional Use Permits.
- b) The Planning and Zoning Director may increase or decrease the requirements for the Zoning Permit application when the scope and scale of the proposed request warrants. Where complete and accurate information is not readily available from existing records, the Planning and Zoning Director may require the applicant to furnish a survey of the Lot by a registered surveyor with the State of Ohio.

23.05 APPROVAL OF ZONING PERMITS

- a) The Planning and Zoning Director shall approve or deny the Zoning Permit application within thirty (30) days after the receipt.
- b) If a Zoning Permit is approved:
 - 1) The Planning and Zoning Director shall mark the Zoning Permit as approved and sign, date, and return the approved Zoning Permit to the Applicant;
 - 2) The Applicant shall Commence Work within one (1) year of the date of the Zoning Permit approval unless an extension is granted by the Planning and Zoning Director. The Planning and Zoning Director may grant a one-time extension of up to six (6) months due to unexpected delays that are not a result of any action of the applicant and provided there are no changes in area conditions, as determined by the Planning and Zoning Director. Otherwise, the Zoning Permit shall be considered null and void and a new Zoning Permit must be obtained; and
 - 3) The work described in the Zoning Permit must be completed and a Certificate of Occupancy must be issued within two (2) years of the date of the Building described in the Zoning Permit that has not been completed within this two (2) year period, or as extended by the Planning and Zoning Director, shall not proceed unless a new Zoning Permit is obtained.
- c) If a Zoning Permit is denied:
 - 1) The Planning and Zoning Director shall mark the Zoning Permit as denied and sign, date, and provide a list of reasons for denying the Zoning Permit and return it to the Applicant.
 - 2) The Applicant shall have thirty (30) days from the date that the Planning and Zoning Director denied the Zoning Permit to file an appeal application and submit it to the Board of Zoning Appeals.
- d) A record of all Zoning Permits shall be kept on file by the Planning and Zoning Director, or their designee, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the Building or Lot affected.

23.06 EXPIRATION OF ZONING PERMITS

- a) If the work described in the Zoning Permit has not Commenced Work within one (1) year from the date of issuance thereof or has not been completed within two (2) years from the date of issuance thereof, said Zoning Permit shall expire. For the purposes of these regulations, a Building or Structure shall be considered complete when a Certificate of Zoning Compliance, pursuant to Section 23.07 – Certificate of Zoning Compliance –has been issued.
- b) In cases where a Zoning Permit has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired Zoning Permit shall not proceed unless and until a new Zoning Permit has been obtained or extension granted by the Board of Zoning Appeals.

23.07 CERTIFICATE OF ZONING COMPLIANCE

- a) It shall be unlawful to use or occupy or permit the use or occupancy of any Building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its Use or structure until a Certificate of Zoning Compliance shall have been issued by the Planning and Zoning Director, stating that the proposed Use of the Building or land, as completed, conforms to the requirements of this Resolution and maintains a Madison County Building Department's Certificate of Occupancy. A Certificate of Zoning Compliance may be processed as an indication of final approval on the Zoning Permit.
- b) An applicant shall apply for a Certificate of Zoning Compliance after completing the work described in an approved Zoning Permit. The application shall be submitted to the Planning and Zoning Director. After the completion of the excavation for any new Buildings and prior to the commencement of construction of the footers or foundation for any new Building(s), the applicant shall request an inspection from the Planning and Zoning Director to determine that all approved Setbacks are being adhered to.
- c) No Building or Structure shall be occupied or utilized in any manner until such time a Certificate of Zoning Compliance has been issued by the Planning and Zoning Director. The Certificate of Zoning Compliance shall state:
 - 1) The proposed Use is in conformance with the approved Zoning Permit;
 - 2) The Buildings and/or Structures have been constructed in accordance with the approved Zoning Permit; and
 - 3) If there are any Nonconforming Uses or Structures located on said property, the Certificate of Zoning Compliance shall note the existing Nonconforming status on the Certificate of Zoning Compliance.

- d) A Certificate of Zoning Compliance shall not be issued until the following items have been submitted:
 - 1) A signed letter from the applicable water and sewer authority has been provided stating that water and sanitary sewer systems (on-site or central) have been installed and approved by said authority.
 - 2) A copy of the Certificate of Occupancy from the Madison County Building Department.
- e) The Planning and Zoning Director shall maintain a record of all Certificates of Zoning Compliance.

23.08 VOID ZONING PERMIT

- a) The Planning and Zoning Director and all other officials and public employees of the County vested with the authority to issue permits or certificates shall conform to the provisions of this Resolution and shall issue no permit or certificate for any Use, Building, or purpose in conflict with the provisions of this Resolution. Any permit or certificate that is issued in conflict with the provisions of this Resolution shall be null and void.
- b) A Zoning Permit shall be void if any of the following conditions exist:
 - 1) The Zoning Permit was issued contrary to the provisions of this Resolution by the Planning and Zoning Director;
 - 2) The Zoning Permit was issued based upon a false statement by the applicant; and/or
 - 3) The Zoning Permit has been assigned or transferred.
- c) When a Zoning Permit has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to the Applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the Building(s), Structure(s) or land cease unless, and until, a new Zoning Permit has been issued.

23.09 VIOLATIONS

No Building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the County Board of Commissioners pursuant to Chapter 303, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a

separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

23.10 REMEDIES

In case any Building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 303, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of County Commissioners under such Resolution, such Board, the Prosecuting Attorney of the County, the County Planning and Zoning Director, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of County Commissioners may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

23.11 PENALTY

- a) Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 303 of the Ohio Revised Code, shall be fined not more than five hundred (500) dollars for each offense per day in accordance with Section 303.99 of the Ohio Revised Code or the maximum fine or imprisonment as provided by law, whichever is greater. Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than three-hundred fifty (350) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of 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 herein provided. Nothing herein contained shall prevent the County or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

23.12 VIOLATION PROCESS AND PENALTIES

- a) Property owner will receive a Notice of Violation Letter from the Madison County Planning and Zoning Department in regard to their violation. The First Notice of Violation Letter will be mailed to the property owner that he/she has will have thirty (30) days to comply and correct the violation. Once violation(s) have been corrected,

the case shall close. If violations are not satisfied, then a Certified Notice of Violation Letter will be mailed to the property to deal with the violation. This Second Notice of Violation Letter will inform the owner that he/she has thirty (30) days to correct the violation and they have been fined for each offense. Please refer to the Madison County Violation Fee Schedule. If the owner still does not comply with the violation(s), a third Notice of Violation Letter will be mailed to the owner will be fined and they will need to attend court. Please refer to the Madison County Violation Fee Schedule. During this time, Madison County Prosecutor will be notified of the violations. The judge can fine the owner up to five hundred (500) dollars per day for each offense or the maximum fine or imprisonment as provided by law, whichever is greater. If court fines are not paid within thirty (30) days, then the amount will be placed on owner's tax assessment.

- b) Residential Work-Stop Order is any violation like Building an Accessory Building (shed, barn, deck, pool, Structure, house, and/or grading) without a proper permit. The First Work-Stop Order Letter will be mailed to the property owner that he/she has will have thirty (30) days to comply and correct the violation with fine for each offense. Please refer to the Madison County Violation Fee Schedule. Once violation(s) have been correct, the case is closed. If violations are not satisfied, then a Certified Notice of Violation Letter will be mailed to the property to deal with the violation. This Second Notice of Violation Letter will inform the owner that he/she has thirty (30) days to correct the violation and they have been fined for each offense. Please refer to the Madison County Violation Fee Schedule. If the owner still does not comply with the violation (s), a third Notice of Violation Letter will be mailed to the owner will be fined and they will need to attend court. Please refer to the Madison County Violation Fee Schedule. During this time, Madison County Prosecutor will be notified of the violations. The judge can fine the owner up to five hundred (500) dollars per day for each offense or the maximum fine or imprisonment as provided by law, whichever is greater. If court fines are not paid within thirty (30) days, then the amount will be placed on owner's tax assessment.
- c) Commercial and Major Subdivisions Work-Stop Order for violation like constructing a Building (shed, barn, deck, Structure, house, signs, and/or grading) without a proper permit. The First Work-Stop Order Letter will be mailed to the property owner that he/she has will have thirty (30) days to comply and correct the violation for each offense. Please refer to the Madison County Violation Fee Schedule. Once violation (s) have been correct, the case is closed. If violations are not satisfied, then a Certified Notice of Violation Letter will be mailed to the property to deal with the violation. This Second Notice of Violation Letter will inform the owner that he/she has thirty (30) days to correct the violation for each offense. Please refer to the Madison County Violation Fee Schedule. If the owner still does not comply with the violation (s), a third Notice of Violation Letter will be mailed to the owner will be fined and they will need to attend court. Please refer to the Madison County Violation Fee Schedule. During this time, Madison County Prosecutor will be notified of the violations. The

judge can fine the owner up to five hundred (500) dollars per day for each offense or the maximum fine or imprisonment as provided by law, whichever is greater. If court fines are not paid within thirty (30) days, then the amount will be placed on owner's tax assessment.

23.13 ABANDONMENT

House Bill 134, formerly known as HB 223 aims to:

- a) Authorize a municipal corporation to file for foreclosure on vacant and abandoned residential properties,
- b) Permits blighted properties on sale at a sheriff's auction to be listed without a minimum bid on the second sales attempt, and
- c) Permits a municipality to dispose of blighted properties at their convenience if such properties have not been disposed of through a sheriff's auction.
- d) Please refer to [Section 23.12 – Violation Process and Penalties](#). If the house is abandoned and fines are delinquent 90 days after the court hearing, then the County can take over an abandoned house and unpaid taxes by condemnation. Please see Ohio Revised Code 2308.03 Securing and Protecting Vacant and Abandoned Property.

23.14 NOTICE OF ABATEMENT

- a) A Notice of Abatement for Lawn Care is an official notice issued by Madison County Planning and Zoning Department informing a property owner that their yard or lawn is in violation of local property maintenance or nuisance regulations. Madison County Planning and Zoning can order the abatement, control, or removal of vegetation (weed/grass), refuse, garbage, other debris, etc., if they deem it a "nuisance." Please refer to Section 505.87 of the Ohio Revised Code. A Notice of Abatement for Lawn Care typically instructs the property owner to:
 - 1) Mow overgrown grass/weeds
 - 2) Remove debris, brush, or nuisance vegetation
 - 3) Creating a nuisance or health hazard (harboring pests, obstructing visibility, affecting neighborhood property values)
- b) The First Warning Violation Letter will be sent to the property owner to inform them of unkept property. The owner will have thirty (30) days to satisfy the fine. Please refer to [Section 23.12 – Violation Process and Penalties](#).

- c) Process and Penalties. After second site visit, Madison County Planning and Zoning Department must notify the owner at least 7 days before they do the abatement. A Second Notice of Violation “Notice to Abate/Abatement Notice” will be mailed out to property owner, stating Madison County Planning and Zoning paid and sending out a lawn service company to their site and the owner of the property will be billed for the lawn care service cutting services. If Madison County Planning and Zoning Department pays for a lawn service company to cut unkept grass or clean-up crew for the property, then the bill will be sent to the owner. If fine is not paid after sixty (60) days, then owner will go to court and the fine will be placed on owner’s tax assessment.

23.15 DEMOLITION

- a) General - The code official shall order the owner of any premises upon which is located any Structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the Structure, to demolish and remove such Structure; or if such Structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any Structure for a period of more than two years, to demolish and remove such Structure.
- b) Notices and Orders - All notices and orders shall comply with Section 31.
- c) Failure to Comply - If the owner of a premises fails to comply with a demolition order within the time.
- d) Prescribed, the Planning and Zoning Director shall cause the Structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the Structure is located and shall be a lien upon such real estate.
- e) Salvage Materials. When any Structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

23.16 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred; any person may file a written or electronic complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Planning and Zoning Director. The Planning and Zoning Director shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Zoning Resolution.

ARTICLE XXIV
Extraction of Natural Resources

24.01 General Requirements**24.02 Applicant – Financial Ability****24.03 Application, Contents,
Procedure****24.04 Public Hearing****24.05 Rehabilitation****24.06 Additional Requirements**

24.01 GENERAL REQUIREMENTS

Any owner, lessee, or other person, firm, or corporation having an interest in mineral lands in the A-1 District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that he or she shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

- a) Distance from Property Lines. No quarrying operation shall be carried on or any stockpile placed closer than one hundred (100) feet to any property line unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property.
- b) Distance from Public Right-of-Way. In the event that the site of the mining or quarrying operations is adjacent to the Right-of-Way of any Public Street or Road, no part of such operation or any stockpile from such operation shall take place closer than one hundred (100) horizontal feet to the nearest line of such Right-of-Way.
- c) Fencing. Fencing shall be erected and maintained at a height of six (6) feet around the entire site or portions thereof where in the opinion of the Board of Appeals such fencing is necessary for the protection of public safety and shall be of a type specified by the Board.
- d) Equipment. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
- e) Processing. The crushing, washing, and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

- f) Inspections. The inspections of nearby Structures and water wells to determine structural integrity and water levels.
- g) Compliance with State Regulations. Proof of compliance with Chapter 1514 of the Ohio Revised Code and any federal and other state standards concerning the extraction of natural resources.

24.02 APPLICANT – FINANCIAL ABILITY

In accepting such plan for review, the Board of Zoning Appeals must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted based upon the surety bond standards found under Chapter 1514 and Section 1514.04 of the Ohio Revised Code. All bonds and assurances for remediation must comply with [Section 24.05 - Rehabilitation](#) of this Resolution.

24.03 APPLICATION – CONTENTS, PROCEDURE

An application for such an extraction operation shall contain the information found under [Section 24.01 – General Requirements](#) of this Article and set forth the following information:

- a) Name of the owner(s) of land from which removal is to be made;
- b) Name of the applicant making request for such permit;
- c) Name of the person or corporation conducting the actual extraction operation;
- d) Location, description, and size of the area from which removal is to be made;
- e) Location of processing plant used, if applicable;
- f) Type of resources or minerals to be removed;
- g) Proposed method of removal and whether or not blasting or other use of explosives will be required;
- h) Description of equipment to be used;
- i) Method of rehabilitation and reclamation of the extraction area; and
- j) Method for monitoring neighboring water wells.

24.04 PUBLIC HEARING

Upon receipt of such application, the Board of Appeals shall set the matter for a public hearing in accordance with the provisions of [Section 22.05 – Procedure on Hearing Appeals](#).

24.05 REHABILITATION

To guarantee the restoration, rehabilitation, and reclamation of a mined-out area, every applicant granted a mining permit as herein provided shall provide receipt of a performance bond in compliance with Chapter 1514 of the Ohio Revised Code as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

- a) Surface Rehabilitation. All excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, noninflammable, and noncombustible solids, to secure:
 - 1) That the excavated area shall not collect and permit to remain therein stagnant water.
 - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- b) Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.
- c) Banks of Excavations Not Backfilled. The banks of all excavations not backfilled shall be sloped to the waterline at a foot vertical, and shall not be less than three feet horizontal to one foot vertical; said bank shall be seeded.

24.06 ADDITIONAL REQUIREMENTS

In addition to the foregoing, the Board may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. Prior to issuance of the Conditional Use Permit, the Board of Zoning Appeals shall determine the said conditions and confirm the bonds held under Chapter 1514 of the Ohio Revised Code.

ARTICLE XXV
Adult Entertainment Facilities

25.01 Rationale and Findings**25.03 Criteria****25.02 Definitions****25.04 Severability**

25.01 RATIONALE AND FINDINGS

- a) **Purpose.** In enacting this Resolution, pursuant to Sections 303.02(B) of the Ohio Revised Code, the County Commissioners makes the following statement of intents and findings:
- 1) That Adult Entertainment Businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and general welfare of the patrons and employees of the business as well as the citizens of the County.
 - 2) That Adult Entertainment Businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
 - 3) That the concern over sexually transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of Adult Entertainment Businesses by the County in the specified manner, and expanded authority for reasonable regulation of Adult Entertainment Businesses by local governments, in order to protect the health and well-being of the citizens.
 - 4) That minimal regulations enacted by the County are a legitimate and reasonable means of accountability to ensure that operators of Adult Entertainment Businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
 - 5) There is convincing documented evidence that Adult Entertainment Businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increase crime – particularly in the overnight hours, and downgrade property values.
 - 6) The County Commissioners desires to minimize and control these adverse effects by regulating Adult Entertainment in the specified manner. And by minimizing and controlling these adverse effects, the County Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

- 7) It is determined that the current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people and that expanded regulation of Adult Entertainment Businesses is necessary.
 - 8) It is not the intent of the County Board of Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of Adult Entertainment Businesses.
 - 9) It is not the intent of the County Commissioners to condone or legitimize the distribution of obscene material, and the County Commissioners recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.
- b) It is the intent of the County Commissioners in enacting this Resolution to regulate Adult Entertainment Businesses in the specified manner in order to promote the health, safety, and general welfare of the citizens of the County Commissioners and establish reasonable regulations to prevent the deleterious secondary effects of Adult Entertainment Businesses within the County. The provisions of this Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including Sexually Oriented Materials. Similarly, it is not the intent of the County Commissioners in enacting this Resolution to restrict or deny, or authorize the restriction or denial of, access by adults to Sexually Oriented Materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of Adult Entertainment and Sexually Oriented Materials to their intended market. Neither is it the intent nor the effect of the County Commissioners in enacting this Resolution to condone or legitimize the distribution or exhibition of obscene material.
- c) Findings and Rationale. Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, aff'd (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d

710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 440 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; 729, *Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the County Commissioners' independent review of the same), the Board of County Commissioners finds:

- 1) Adult Entertainment Businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
- 2) Certain employees of Adult Entertainment Businesses, as defined in this Ordinance as adult theaters and cabarets, engage in a higher incidence of

certain types of illicit sexual behavior than employees of other establishments.

- 3) Sexual acts, including masturbation and oral and anal sex, occur at Adult Entertainment Businesses, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The “couch dances” or “lap dances” that frequently occur in Adult Entertainment Businesses featuring live nude or seminude dancers constitute or may constitute the offense of “engaging in prostitution” under Section 2907.25 of the Ohio Revised Code.
- 4) Offering and providing private or semi-private booths or cubicles encourages such activities, which create unhealthy conditions.
- 5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those Adult Entertainment Businesses.
- 6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.
- 7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
- 8) A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.
- 9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
- 10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
- 11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- 12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
- 13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- 14) Sanitary conditions in some Adult Entertainment Businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part,

because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

- 15) The findings noted in divisions 25.01(c)(1) to (14) of this section raise substantial governmental concerns.
- 16) Adult Entertainment Businesses have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.
- 17) The enactment of this Ordinance will promote the health, safety, and general welfare of the citizens of the County.

25.02 DEFINITIONS

The words in this Article shall have the meanings therein respectively ascribed to them by [Article II – Definitions](#) – of this Resolution unless a different meaning is clearly indicated by the context.

25.03 CRITERIA

- a) Adult Entertainment Businesses shall be considered a Conditional Use in the PFE Overlay District, subject to the following conditions:
 - 1) No Adult Entertainment Business shall be established within one thousand (1,000) feet of any Residential Dwelling or any single or multi-family use.
 - 2) No Adult Entertainment Business shall be established within a radius of one thousand (1,000) feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
 - 3) No Adult Entertainment Business shall be established within a radius of one thousand (1,000) feet of a nursery, preschool or daycare facility.
 - 4) No Adult Entertainment Business shall be established within a radius of one thousand (1,000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
 - 5) No Adult Entertainment Business shall be established within a radius of one thousand (1,000) feet of any church, synagogue, or worship facility.
 - 6) No Adult Entertainment Business shall be established within a radius of one thousand (1,000) feet of any other Adult Entertainment Business.
 - 7) Lighting on the exterior of the Building shall be arranged to illuminate the entire off-street parking area with sufficient intensity to provide illumination of not less than one (1.0) foot candles as measured at the floor level.
- b) The distances as cited in this section above shall be measured by following a straight line, without regard to intervening Buildings, from the nearest point of the Building in which the proposed Adult Entertainment Business is to be located, to the nearest

point of the property line, or District from which the proposed Adult Entertainment Business is to be separated.

25.04 SEVERABILITY

This ordinance and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

APPENDIX A Existing Zoning District Designations

The purpose of the following concerns areas with the County that are currently zoned under the principles of the previously adopted zoning resolution as referenced in [Section 3.01 – Zoning Districts Established](#). These areas shall maintain the same Zoning District designation until they are purposefully amended. These areas shall also maintain the same Lot sizes, Setbacks, and Uses as made originally available to them under the previously adopted zoning resolution. It is not intended for these Zoning Districts to be expanded in any scope within the County.

APPENDIX A-I: LOW-DENSITY RESIDENTIAL DISTRICT (R-2)

Development Standards	Low-Density Residential (R-2)
Minimum Lot Size (Square Feet)	20,000
Maximum Density (Utilize Square Feet)	1 Dwelling Unit per 20,000 square feet
Maximum Dwelling Units per Residential Lot	1
Minimum Ground Floor Area (Square Feet)	1,100
Minimum Frontage (Feet)	100 (Lots Less than 1 Acre) See, Table A-I-and R-1 – Lot Split Development Standards, below
Minimum Front Setback (Feet)	100 (Highways) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	20
Minimum Rear Setback (Feet)	40
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	25

Projection into required Setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required Setback up to two (2) feet.

Exemptions from required Side and Rear Setbacks

Swimming pools; tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or Agricultural Kennel; and similar Structures customary and ancillary to the primary residential use of the property may be placed in a required minimum Side or Rear Setback, but in no case shall such uses be closer than fifteen (15) feet from a Side or Rear Lot Line.

A-1-and-R-1 – Lot Split Development Standards			
ACREAGE	MINIMUM ROAD FRONTAGE	MAXIMUM DEPTH	RATIO
1 Acre and Greater and Less than 2.7548	200'	326.7'	3:1
2.7548	200'	600'	3:1
3.5	225.43'	676.29'	3:1
4.99	269.17'	807.51'	4:1
5	270'	806.67'	4:1
6.6942	270'	1,080'	4:1
8	295.16'	1,180.64'	4:1
9.9	329.83'	1,319.32'	4:1
10	330'	1,320'	4:1
20	466.69'	1,866.76	4:1
20.001 Acres and Above	60'	None	None

PERMITTED USES
Single-Family Residence
Accessory Buildings
Projects Designed for Watershed Protection, Water or Soil Conservation, or for Flood Control
Temporary Structures
Roadside Sales of Agricultural Products

CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
Home Occupations
Child Care Facilities
Churches
Playgrounds, Playfields, Picnic Areas, and Summer Camps
Group Homes
Bed and Breakfast
Model Homes
Small Solar and Wind Facility

APPENDIX A-II: MULTI-TYPE RESIDENTIAL DISTRICT (R-3)

Development Standards	Multi-Type Residential (R-3)
Minimum Lot Size (Square Feet)	20,000
Maximum Density (Utilize Square Feet)	1 Dwelling Unit per 20,000 square feet
Maximum Dwelling Units per Residential Lot	1
Minimum Ground Floor Area (Square Feet)	1,100 (Single-Family Dwellings) 800 (One-Unit Bedroom Dwellings) 900 (Two-Unit Bedroom Dwellings) 1,000 (Three-or-More-Unit Bedroom Dwellings)
Minimum Frontage (Feet)	200 (Less than 2-Acre Lots) 250 (2 Acres and greater to Less than 3 Acres) 300 (3 Acres and Greater to Less than 10 Acres) 350 (10 Acres and Greater)
Minimum Front Setback (Feet)	100 (Highways) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	25
Minimum Rear Setback (Feet)	50
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	50 (Structures and Pavement) 25 (Structures Only)

Projection into required Setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required Setback up to two (2) feet.

Exemptions from required Side and Rear Setbacks

Swimming pools; tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or kennel; and similar Structures customary and ancillary to the primary residential use of the property may be placed in a required minimum Side or Rear Setback, but in no case shall such uses be closer than fifteen (15) feet from a Side or Rear Lot Line.

PERMITTED USES
NONE
CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
Single or Multi-Family Residence
Accessory Buildings
Watershed Protection, Water or Soil Conservation, and/or Flood Control
Agriculture
Home Occupations
Group Homes
Model Homes
Private Schools, or Colleges
Kindergarten or Child Care Facilities
Churches
Roadside Sale and Storage of Agricultural Products
Storage, Sorting, Preliminary Processing, or Sale of Agricultural Products
Bed and Breakfast
Small Solar and Wind Facility

APPENDIX A-III: NEIGHBORHOOD COMMERCIAL DISTRICT (NCD)

Development Standards	Neighborhood Commercial (NCD)
Minimum Lot Size (Square Feet)	N/A
Maximum Building Size (Square Feet)	5,000
Minimum Ground Floor Area (Square Feet) (Multi-Family Dwellings Above Commercial Uses Only)	800 (One-Unit Bedroom Dwellings) 900 (Two-Unit Bedroom Dwellings) 1,000 (Three-or-More-Unit Bedroom Dwellings)
Minimum Frontage (Feet)	N/A
Minimum Front Setback (Feet)	100 (Highways) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	25
Minimum Rear Setback (Feet)	30
Maximum Building Height (Feet)	45
Maximum Lot Coverage (Percent)	N/A

PERMITTED USES
Retail Stores (Small-Format Commercial)
Office Facilities For Personal Services
Banks And Financial Institutions
Veterinary Offices
Temporary Structures
Public Uses Like Parks
Special Uses

CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS' APPROVAL
Apartments
Outside Display of Products
Kindergarten or Child Care Facilities
Outdoor Storage of Goods Facilities: Construction Materials (covered lumber and timber), steel, beams, pipes, and rebar, gravel, sand in bins), Transportation and Logistics such as vehicle storage lots for cars, boats, RV's, truck trailers or flatbeds storing goods temporarily, Retail and Wholesale such as garden center like soil, mulch, plants, outdoor seasonal goods such as grills or patio furniture, and Agricultural Products (hay bales, farm machinery and equipment). All materials should be fenced or in Building/shed.
Drive-In or Drive-Through: Fast Food Restaurants, Coffee Shops, Ice Cream or Smoothie Stands, Drive-Thru ATM's, Bank Teller Lanes, Prescription drop-off and pick-up, Oil

change or Car Wash, Drive-in Movie Theaters, Drive-in Clinics, and Inspection and Service bays for repairs or tire changes.

APPENDIX A-IV: GENERAL COMMERCIAL DISTRICT (C-2)

Development Standards	General Commercial (C-2)
Minimum Lot Size (Net Acres)	1
Minimum Frontage (Feet)	150
Minimum Front Setback (Feet)	100 (Highways) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	50
Minimum Rear Setback (Feet)	50
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	50 (Structures and Pavement) 25 (Structures Only)

PERMITTED USES
NONE

CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS' APPROVAL
Commercial and Office Establishments: Banks and Credit Unions, Investment Firms, Accounting and Auditing Firms, Insurance Agencies, Recruitment and Staffing Agencies, Notary Public Offices, Tax Preparation and Financial Planning Firms, Garment Repair and Alterations, Shoe Store, Laundromats, Furniture and Appliance Store, Bowling Alley, Skating and Ice Skating Rinks, Gymnastics, Restaurants, Funeral Homes, Barber and Beauty Shop, Tattoos Parlors, Butcher Shop or Meat Market, Title and Escrow Companies, Software Development Firms, and Web Design.
Private Community Facilities: Community-only access Swimming Pools, Tennis or Pickleball Courts, Basketball Courts, Skate Parks, Private Parks or Playgrounds, Clubhouses with Lounges, Community Gyms/Fitness Centers, Saunas and Spas, Dining Halls, Private Parking Garages or Lots, and Maintenance or Storage Sheds for Community Use.
Commercial Establishments: Department Stores, Grocery Stores, Convenience, Electronic Retailers, Restaurants, Hair and Nail Salons, Dry Cleaners, Travel Agencies, Real Estate Office, Law Firms, Gas Stations, Car Dealerships, Car Wash, Auto Repair Shops, Hotel and Motels, and Gyms/Fitness Centers.
Hospitals, Medical Facilities, Nursing Homes, Convalescent Homes, Doctor's offices/General Practitioners, Dental Clinics, Chiropractic, Psychology or Counseling Practices, Physical Therapy or Rehabilitation Centers, Spas and Massage Parlors, and Dermatology or Cosmetic Clinics.
Medical, Dental, and Optical Laboratories
Kindergarten or Child Care Facilities

Public or Private Golf Courses Country Clubs, Hunting Clubs, Sportsmen’s Clubs, Fishing Lakes, Sport Fields (soccer or basketball or baseball fields), Lakes or Docks for Resident use, and Boat Ramps and Marinas (private lake communities).
Other Commercial Ventures: Consulting Firms, IT and Software Development Companies, Graphic Design or Media Studios, Architectural Firms, Photography or Videography Studios, Film Production Companies, Music Recording Studios, Publishing Houses, Pet Grooming and Boarding, Cleaning and Janitorial Services, Landscaping and Lawn Care Businesses, Property Management Firms, and Handyman Services).
Wholesale Business – Storage and Warehousing: Consumer, Food and Beverage, Home and Furniture, Industrial and Construction, Packaging and Supply, Healthcare and Pharmaceutical, Automotive, Technology Wholesalers, Resellers, or Professional Users, Public Storage, and Distribution Centers.
Apartments or Residences
Temporary Structures: Emergency shelters, mobile clinics or medical units, and temporary stages or bleachers.
Small Solar and Wind Facility

APPENDIX A-V: LIGHT INDUSTRIAL DISTRICT (M-1)

Development Standards	Light Industrial (M-1)
Minimum Lot Size (Net Acres)	N/A
Minimum Frontage (Feet)	150
Minimum Front Setback (Feet)	100 (Highways) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	50
Minimum Rear Setback (Feet)	50
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	N/A

PERMITTED USES
Wholesale Business: Consumer, Food and Beverage, Home and Furniture, Industrial and Construction, Packaging and Supply, Healthcare and Pharmaceutical, Automotive, and Technology Wholesalers.
Enclosed Warehouse or Storage Activities
Manufacturing Industries
Service or Repair Activities
Business Offices
Enclosed Research Facilities
Temporary Structures
Public Uses: Public Parks, Public Schools, Police and Fire Stations, Public Utilities, Government Buildings, Public Transportation, and Open Space.

CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS' APPROVAL
Circuses, Carnivals or Similar Enterprises
Outdoor Storage and Display
Sale of Raw Materials and Supplies: Examples of raw materials include steel, oil, corn, grain, gasoline, lumber, forest resources, plastic, natural gas, coal, and minerals.
Commercial Uses: Examples of Commercial Uses are Retail, Services, Office, and Restaurants.
Small Solar, and Wind Facility

APPENDIX A-VI: HEAVY INDUSTRIAL DISTRICT (M-2)

Development Standards	Heavy Industrial (M-2)
Minimum Lot Size (Net Acres)	N/A
Minimum Frontage (Feet)	150
Minimum Front Setback (Feet)	100 (Highways) 50 (All Other Roads)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	50
Minimum Rear Setback (Feet)	50
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	N/A

PERMITTED USES
NONE

CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS' APPROVAL
Manufacturing, Processing, Warehousing, and Industrial Service Activities
Temporary Structures
Sanitary Landfills
Junkyards, Salvage Yards, and Recycling Facilities
Industrial or Commercial Uses
Small Solar and Wind Facility