

CAESARSCREEK TOWNSHIP BOARD OF TRUSTEES
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CAESARSCREEK TOWNSHIP ZONING RESOLUTION

August 20, 2016

I hereby certify that this Zoning Resolution is a true and accurate copy as of the date of its filing with Greene County, Ohio.



Jim Randall, Fiscal Officer
Date: 20 Aug 2016

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PREFACE

A RESOLUTION AMENDING THE TEXT OF THE ZONING RESOLUTION FOR CAESARSCREEK TOWNSHIP, Greene County, Ohio under the authority of Caesarscreek Township Zoning Resolutions adopted in 1955 and Amendments.

This Resolution is for the purpose of protecting and promoting public health and safety, conserving and protecting property and facilitating adequate but economical provisions of public improvements. Within Caesarscreek Township there is a desire to preserve and protect the land necessary for the continuation of farming in the township. A strategy for regulating development in our rural areas is vital to the future of farming. We must do all we can to retain this historically important industry, which contributes so strongly to our sense of uniqueness. We must also focus our attention on the needs of a healthy farming community and the issues and concerns that the development of our rural township brings to the viable farmland within Caesarscreek Township.

Farming also results in the continuation of the township's rural character. The visual appearance of open space that results from the land being farmed can provide some essence of community well-being through: 1) community identity and separation; 2) aesthetic quality; and 3) resource protection. The entire community can capitalize on the open space qualities of this farmland resource.

Further, this Resolution will establish guidelines and categories for the Zoning Commission, Township Trustees, Board of Zoning Appeals and Zoning Inspector to operate by.

It is not the intent or purpose to eliminate the "Zoning Resolutions of Caesarscreek Township, Greene County, Ohio as adopted in 1955," but to provide a complete rewrite and restructure that incorporates updates and clarifications to meet the present day needs of Caesarscreek Township Zoning requirements for orderly growth. The prior official Resolution from 1955 and subsequent amendments shall be retained as part of the official record for historical purposes, but this Resolution dated above, and all future amendments shall be the official Resolution for the implementation of Caesarscreek Township Zoning.

The Official Zoning District Map which is on file in the office of the Caesarscreek Township Board of Trustees is a part of the Zoning Resolution of Caesarscreek Township. This map is periodically revised as provided by law by official action of the Governing Body of Caesarscreek Township to reflect the current changes in Zoning Districts.

For questions or comments on the Caesarscreek Township Zoning Resolution, contact the Caesarscreek Township Zoning Inspector.

ARTICLE 1 GENERAL PROVISIONS

SECTION 101 PURPOSE:

This is a Zoning Resolution for Caesarscreek Township, Greene County, Ohio, adopted and amended pursuant to Chapter 519 of the Ohio Revised Code (ORC) for the following purposes:

- 101.1 To promote the public health and safety of present and future residents of Caesarscreek Township;
- 101.2 To protect the agriculturally based economy in accordance with the Perspectives 2020: A Future Land Use Plan for Greene County, Ohio (or current version) and the Greene County Farmland Preservation Plan;
- 101.3 To protect the quality of life within Caesarscreek Township through the protection of the man made and natural environment;
- 101.4 To ensure that the density and distribution of uses will retain the Township's rural character;
- 101.5 To ensure that the density and distribution of uses will prevent pollution of private wells, on-site wastewater disposal systems, storm water drainage, and the overloading of systems for providing fire protection and other public services within Caesarscreek Township;
- 101.6 To ensure that the density of uses within Caesarscreek Township promote safety from fire, floods, and other dangers;
- 101.7 To achieve a distribution of uses that will protect and preserve the designed capacity of the streets and roads within Caesarscreek Township, prevent traffic congestion or hazards and provide for the convenience of access to property;
- 101.8 To achieve such density and distribution of housing that will protect and enhance residential properties; and
- 101.9 To ensure the compatibility of land uses and to ensure land uses follow the stated intent and purpose for each Zoning District,

SECTION 102 TITLE:

This Resolution, including the Official Zoning District Map made a part hereof, shall be known and may be referred or cited to as the "Caesarscreek Township Zoning Resolution."

SECTION 103 INTERPRETATION:

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health and safety. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restriction or private covenant, the most restrictive, or that imposing the higher standards shall govern. Uses not identified in the Zoning Districts shown in Article 2 shall not be permitted unless one of the following occurs:

- 103.1 An amendment to the Zoning Resolution takes place as regulated in Section 605, or
- 103.2 A use variance is granted as regulated in Subsection 603.2, or

103.2 A similar use determination is made by the Zoning Inspector as regulated in Subsection 601.7.

SECTION 104 AREA OF JURISDICTION:

The provisions of this Resolution shall apply to all land within the unincorporated area of Caesarscreek Township, Greene County, Ohio,

SECTION 105 COMPLIANCE WITH REGULATIONS:

- 105.1 No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area; height and yard regulations of the District in which such building or structure is located.
- 105.2 No building, structure or lot shall be used for any purpose other than that which is permitted in the District in which such building, structure or lot is located.
- 105.3 No yard or other open space within the same parcel or any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Resolution.
- 105.4 No lot held under one ownership at the time of the effective date of this Resolution and all prior Caesarscreek Township Resolutions versions and Amendments shall be reduced or subdivided in any manner below the minimum area and yard provision required by this Resolution.
- 105.5 Article 6 of this Resolution explains the processes to modify the foregoing compliance regulations.

SECTION 106 USES EXEMPTED FROM PROVISIONS OF THIS RESOLUTION:

- 106.1 The use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purpose of the land on which such buildings or structures are located shall be permitted in all Districts established by this Resolution. The agricultural use determination shall be made by the Zoning Inspector.
- 106.2 Except for wireless telecommunication towers and facilities in the "R" Rural Residential District, the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use and/or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in any Districts established by this Resolution and no Zoning Certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad, but the determination as to the qualification of public utility or railroad shall be made by the Zoning Inspector after submittal of documented criteria.
- 106.3 Per Section 519.211 of the Ohio Revised Code, no part of this zoning resolution shall confer any power on the Board of Township Trustees, Board of Zoning Commission, or Board of Zoning Appeals, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any building or structure

of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of business.

SECTION 107 VALIDITY:

If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

SECTION 108 EFFECTIVITY:

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

ARTICLE 2 DISTRICTS AND BOUNDARIES

SECTION 201 GENERAL

Caesarscreek Township is an agrarian community. To retain the Township's historical land use patterns of agriculture and its rural character this Zoning Resolution has been developed. With this Zoning Resolution the township is building the foundation for balanced and managed uses of the land that will retain the unique characters of Caesarscreek Township and preserve its physical beauty, natural resources and its predominantly agricultural use of the land.

In order to carry out the intent and purpose of this Resolution the unincorporated territory of Caesarscreek Township, Greene County, Ohio, is divided into the following districts:

- A Agricultural District
- R Rural Residential District
- CIB Combined Industrial Business District
- F-1 Flood Plain Overlay District

The boundaries of these districts are established as shown on the Official Zoning District Map of Caesarscreek Township, Greene County, Ohio. The Zoning District Map and all notations, references and other information shown thereon are a part of this Zoning Resolution and shall have the same force and effect as if such map and all notations, references and other information shown thereon were all fully set forth or described herein; which Zoning District Map is properly attested and on file in the office of the Board of Township Trustees.

Where the district boundary lines on said map follow either streets or alleys or lot lines, and where the district designed on the map are bounded by such street, alley or lot line, the centerline of the street, alley or lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all such cases, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

SECTION 202 USES NOT SPECIFICALLY MENTIONED:

Any use of land or buildings which are not specifically mentioned as a permitted principal, permitted accessory, or conditional use within any District shall not be permitted by the Zoning Inspector unless one of the following occurs:

- 202.1 An amendment to the Zoning Resolution takes place as regulated in Section 605, or
- 2012 A use variance is granted as regulated in Subsection 603.2, or
- 202.2 A similar use determination is made by the Zoning Inspector as regulated in Subsection 601.7.

SECTION 203 A AGRICULTURAL DISTRICT:

The intent of the Agricultural District is to recognize the long range physical, social, and economic needs of the agricultural community within Caesarscreek Township. Since agricultural pursuits provide a substantial economic base for Caesarscreek Township, it is the intent of this district to maintain and protect those areas which possess an existing agricultural character and high quality agricultural soils from unnecessary encroachment by non agricultural land uses which limit agricultural effectiveness through encroachment of land resources and/or incompatibility of land uses. Land uses which perform necessary functions within the agricultural community will be encouraged to locate within the Agricultural District.

203.1 PERMITTED PRINCIPAL USES:

- a. Agriculture.
- b. Single-family dwelling
- c. Essential services
- d. Forests and wildlife preserves.
- e. Commercial Greenhouses

203.2 PERMITTED ACCESSORY USES:

- a. Signs as regulated in Section 313.
- b. Private garage.
- c. Home occupations as regulated in Section 318.
- d. Parking and storage of recreational vehicles as regulated in Section 308.
- e. Farm market offering for sale agricultural products produced on the premises.
- f. Private swimming pools as regulated in Section 317 and game courts for the use of occupants and their guests.

203.3 CONDITIONAL USES:

The following uses shall be permitted only in accordance with Section 604:

- a. Private grass airstrip
- b. Cemeteries, provided that:
 - 1. Any mausoleum, crematorium, or burial site shall be at least 200 feet from any property line or street right-of-way line;
 - 2. Any new cemetery shall contain an area of 40 acres or more.
- c. Commercial riding stables and riding academies provided that any building or stable shall be a minimum of 500 feet from any rural residential district.
- d. Public buildings and/or uses such as parks, playgrounds, schools, community centers, and local government buildings.
- e. Recreation facilities, including but not limited to fishing lakes, swimming pools, tennis courts, gun clubs, country clubs, camping areas, and golf courses (excluding driving ranges and

- miniature golf courses)
- f. Radio, television, or other transmission towers or masts, and any accessory buildings, provided that:
 1. The height and location have been approved by the governmental agency charged with the responsibility for maintaining air safety;
 2. There shall be a yard area with a radius no less than the height of the tower or mast; and
 3. Telecommunication Towers are exempt per ORC 519.211
- g. Agribusiness operations as regulated in Subsection 604.3.
- h. Churches and other places of worship.
- i. Summer houses, for seasonal occupation only. The period of occupancy shall commence no earlier than April 15th of one year and may continue until no later than October 15th of that same year.
- j. Agritourism in accordance with Section 324.

203.4 MINIMUM DIMENSIONAL REQUIREMENTS:

Minimum Lot Frontage	350 feet
Minimum Lot Area	10 acres
Minimum Front Setback	75 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	20 feet
Minimum Sum of Side Setbacks	50 feet
Maximum Height of buildings	35 feet
Lot Coverage	5%

203.5 FLOOR AREA REQUIREMENTS FOR DWELLINGS:

The floor area per family in dwellings erected on any lot shall not be less than 1,200 square feet. The interior floor area of a dwelling shall include stairways, halls and closets, but not include basements, porches, garages, breezeways, carports or other unheated areas attached to the dwelling.

SECTION 204 R RURAL RESIDENTIAL DISTRICT:

The intent of the Rural Residential District is to recognize the existence of the demand for residential lots of a rural and spacious nature. It is the intent of this district to encourage the proper placement of rural residential development within Caesarscreek Township in order to insure the following: 1) the protection of prime agricultural soils, farmland and other irreplaceable natural resources, 2) to maintain a low-density/rural character, 3) sufficient lot area for long term use of individual on-site leaching devices for wastewater disposal, and 4) on-going adequacy of the underground water supply. The Rural Residential District should only be encouraged in those areas of Caesarscreek Township which do not possess prime agricultural soils and/or in areas where similar non-farm residential development has already occurred to such an extent that the principal use of the land for large scale agricultural activities is no longer feasible.

204.1 PERMITTED PRINCIPAL USES:

- a. Agriculture.
- b. Single-family dwelling.
- c. Essential services
- d. Forests and wildlife preserves.

204.2 PERMITTED ACCESSORY USES:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Signs as regulated in Section 313.
- c. Private garage.
- d. Home occupations as regulated by Section 318.
- e. Parking and storage of recreational vehicles as regulated in Section 308.
- f. Private swimming pools as regulated in Section 317 and game courts for the use of occupants and their guests.

204.3 CONDITIONAL USES:

The following uses shall be permitted only in accordance with Section 604:

- a. Churches and other places of worship.
- b. Mobile Homes.
- c. Public buildings and/or uses Such as parks, playgrounds, schools, community centers, and local government buildings which are supported in whole or in part by local or county taxes.
- d. Recreation facilities, including but not limited to fishing lakes, swimming pools, tennis courts, gun clubs, country clubs, camping areas, riding stables, trails and riding academies, and golf courses (excluding driving ranges and miniature golf courses).
- e. Agritourism in accordance with Section 324.

Minimum Lot Frontage	350 feet
Minimum Lot Area	3 acres
Minimum Front Setback:	50 feet
Minimum Rear Setback	40 feet
Minimum Side (Either) Setback	20 feet
Minimum Sum of Side Setbacks	50 feet
Maximum Height of buildings	35 feet
Lot Coverage	5%

204.4 MINIMUM DIMENSIONAL REQUIREMENTS:

204.5 FLOOR AREA REQUIREMENTS FOR DWELLINGS:

The floor area per family in dwellings erected on any lot shall not be less than 1,200 square feet. The interior floor area of a dwelling shall include stairways, halls and closets, but not include basements, porches, garages, breezeways, carports or other unheated areas attached to the dwelling.

SECTION 205 CIB COMBINED INDUSTRIAL BUSINESS DISTRICT:

The intent of the Combined Industrial Business District is to provide appropriate areas for a variety of uses which serve the needs of the township population and supports the agricultural community, with limited objectionable external effects, in areas of the Township that are best suited by reason of location, topography, soil conditions, transportation systems and adequate area for on-site well(s) and on-site wastewater collection.

205.1 PERMITTED PRINCIPAL USES:

- a. Agricultural uses.
- b. Agribusiness.
- c. Commercial Greenhouses.
- d. Farm Implementation and Equipment Sales and Services.
- e. Farm Supplies.
- f. Veterinary clinic.
- g. Uses similar to the above as determined by the Zoning Inspector.

205.2 PERMITTED ACCESSORY USES:

The following uses shall be permitted as accessory to a principal use:

- a. Fences, Walls and Hedges as regulated in Section 314,
- b. Uses, Buildings and Structures Incidental to a Permitted Use.

Accessory uses and buildings shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings shall not be erected prior to the erection of 'a principal building.

205.3 CONDITIONAL USES:

The following uses shall be permitted only after approval by the Board of Zoning Appeals pursuant to the Conditional Use process in Sect. 604:

- a. Adult Entertainment as regulated in Section 604.4.
- b. Any use not listed as a permitted or accessory use can be considered a conditional use on a case by case basis as long as the use meets the intent of the CIB District as identified in Section 205 of this Zoning Resolution and *Perspective 2020: A Future Land Use Plan for Greene County, Ohio*, Caesarscreek Township Planning Partnership Area vision, current version.
- c. Agritourism in accordance with Section 324.

205.4. MINIMUM DIMENSIONAL REQUIREMENTS:

Minimum Lot Frontage	350 feet
Minimum Lot Area	10 acres
Minimum Front Setback	100 feet
Minimum Rear Setback	50 feet
Minimum Side (Either) Setback	50 feet
Minimum Sum of Side Setbacks	120 feet
Maximum Height of buildings	35 feet
Lot Coverage -	20%

Parking as provided in Section 311

All set-backs shall be measured from the property line.

SECTION 206 F-I FLOOD PLAIN OVERLAY DISTRICT:

This district encompasses underlying zoning districts and imposes additional requirements above that required by the underlying zoning districts.

The intent of the Flood Plain Overlay District is to prevent the loss of property and life, to prevent the disruption of commerce and governmental services, to prevent the unnecessary and extraordinary expenditure of public funds for flood protection and relief, and to prevent the impairment of the tax base, by:

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

206.1 Basis for establishing the initial areas of the Flood Plain Overlay District: The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based upon the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The Flood Insurance Study, with accompanying maps is adopted by reference and declared to be a part of this Resolution.

206.2 OVERLAY OF EXISTING DISTRICTS:

- a. The Flood Plain Overlay District described above shall be an overlay to the existing underlying district(s) as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Overlay District shall serve as a supplement to the underlying district provisions.
- b. Where there happens to be any conflict between the provisions or requirements of the Flood Plain Overlay District and those of any underlying district(s) the more restrictive provisions and/or those pertaining to the Flood Plain Overlay Districts shall apply.
- c. In the event any provision concerning a Flood Plain Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

206.3 ZONING MAP:

The boundaries of the Flood Plain Overlay District are established per the Flood Insurance Study for the Unincorporated Areas of Greene

County, Ohio and as shown on the Official Zoning Map of Caesarscreek Township which is declared to be a part of this Resolution and which shall be kept on file at the Caesarscreek Township Office.

206.4 PERMITTED, ACCESSORY AND CONDITIONAL USES:

Uses shall be that of the underlying district.

206.5 PROHIBITED USES:

The following uses shall be expressly prohibited from locating within the Flood Plain Overlay District

- a. Structures, fill or storage of materials and/or equipment.
- b. Uses which require below ground placement of material. •
- c. Uses that adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or other drainage facility or system.
- d. Channel modifications that increase flow and/or reduce the storage capacity and/or increases velocity.

206.6 MINIMUM AREA, FRONTAGE, YARD AND HEIGHT REQUIREMENTS:

The following standards shall be adhered to within the Flood Plain Overlay District where such uses are permitted.

- a. The minimum lot size, width and percent of coverage shall be that of the underlying district.
- b. In the Flood Plain Overlay District, the yard areas shall be that of the underlying district.
- c. Maximum permitted building height regulations in this district shall be that of the underlying district.

ARTICLE 3 GENERAL STANDARDS

SECTION 301 CONFORMANCE

No land, building, structure, or premises shall be used, and no building shall be located, erected, reconstructed, extended, enlarged or altered except in full conformity with this Resolution.

SECTION 302

PRINCIPAL BUILDING PER LOT

No more than one principal building or structure may be constructed upon any one lot for the purpose of this Resolution except as provided in Section 323 of this Resolution or exempt as a tenant farmer dwelling.

PUBLIC STREET FRONTAGE REQUIRED

SECTION 303

No new lot shall be created nor shall any building be erected upon a lot which does not have the required minimum frontage upon a public street established for the district in which such lot is located or unless a variance is granted by the Board of Zoning Appeals.

SECTION 304

REDUCTION OF AREA OR SPACE

No 16t, yard, court, parking area, or other space shall be reduced in area or dimension, thus making said area or dimension less than the minimum required by this Resolution unless a variance is granted by the Board of Zoning Appeals. If said area or dimension is already less than the minimum required by this Resolution, it shall not be further reduced.

SECTION 305

MINIMUM FLOOR AREA REQUIREMENTS

All dwellings shall contain the required minimum floor area as identified in Subsections 203.5 and 204.5.

SECTION 306

ARCHITECTURAL PROJECTIONS

306.1 Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys or similar architectural projections may extend or project into the minimum required side, front or rear yard not more than 18 inches.

306.2 Open structures such as porches, balconies, decks, platforms and porte-cocheres, carports and covered patios or decks, shall be considered a part of the building to which attached and shall not project into the required minimum front, side or rear yard.

SECTION 307

EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in Article 2 do not apply to spires, belfries, cupolas, antennas, water tanks/towers, ventilators, chimneys, wind turbines, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structure will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 308 PARKING AND STORAGE OF RECREATIONAL VEHICLES

Parking and/or storage of a recreational vehicle in any district may be permitted provided that no living quarters shall be maintained or any business conducted in connection therewith while such recreational vehicle is parked. The parking of a recreational vehicle outside of an enclosed garage or other accessory building shall be permitted only after the Zoning Inspector has been notified of such intention,

SECTION 309 ACCESSORY BUILDINGS

An accessory building must meet the zoning district setback requirement(s).

SECTION 310 TEMPORARY STRUCTURES

310.1 Temporary structures shall require a permit from the Caesarscreek Township Zoning Inspector

310.2 Temporary structures must meet the zoning district setback requirement(s).

310.3 Temporary structures shall be limited to 30 days.

310.4 Temporary structures shall be incidental to the primary use of the lot.

SECTION 311 PARKING FACILITIES

In all Districts, in connection with every use except single-family residential uses, there shall be provided, at any time a building or structure is erected or is enlarged or increased in capacity or any change in use of an existing structure, off-street parking space for vehicles shall be provided in accordance with the following requirements:

311.1 Each off-street parking space shall have the minimum dimensions of 10 feet wide by 20 feet long exclusive of access drives and aisles, and handicapped parking spaces shall not be less than 12 feet wide by 20 feet long exclusive of access drives and aisles. All parking spaces shall be of usable shape and condition,

311.2 There shall be adequate provisions for ingress and egress to all parking spaces. There shall be provided an access drive not less than 24 feet in width leading to the parking spaces.

311.3 Every parcel of land used as a public parking area shall be screened on each side adjoining or facing residences by a fence, wall or hedge in accordance with Section 314 and shall be sufficient to shield headlights.

311.4 Public parking areas shall be surfaced with asphalt or cement binder pavement and shall be properly graded and drained.

311.5 Lighting used to illuminate the parking areas, including any commercial parking lot, shall be so arranged and shielded to keep the light from leaving the property.

311.6 Handicapped parking shall be in accordance with the American Disabilities Act.

311.7 Parking of business vehicles in a District zoned for residential use. The parking of business vehicles other than ordinary passenger automobiles, pickup or panel trucks shall be within a garage or carport or within a side yard or rear yard.

311.8 The number of off-street parking spaces to be provided shall meet the business or franchise standard.

Note: It shall be at the discretion of the Caesarscreek Township Zoning Inspector to determine the appropriate number of parking spaces required if not specifically identified by the applicant

SECTION 312 NOISE

Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted if the use of the same is for the occupants of the building only, within which such equipment is installed and does not create a nuisance and disturb the peace of the other persons or properties.

SECTION 313 SIGNS

The regulations contained within this Section shall apply to all signs and to all zoning districts. All signs shall require a zoning permit and a payment of fee(s). No zoning permit is required for the maintenance of a sign or for the change of copy on painted, printed or changeable copy signs.

Outdoor advertising signs shall be setback 10 feet from the established right-of-way and 20 feet from any adjacent property line. The maximum sign area shall be 32 square feet. No sign or any portion of the structure shall exceed six feet in height.

Directional signs, not exceeding four square feet in area, required in connection with the operation of a business, parking lot, or similar establishment, provided however that the directional signs do not encroach upon the established right-of-way, obstruct or impair the safety of pedestrians or motorists.

Temporary real estate signs advertising the sale, rental or lease of the premises on which they are maintained shall not exceed six square feet in area and shall not be closer than 10 feet from any established right-of-way and 20 feet from any adjacent property line.

SECTION 314 FENCES, WALLS AND HEDGES

The location and height of all fences, walls, and hedges shall be in accordance with the following provisions:

314.1 Agricultural partition fences and livestock fences shall be constructed and maintained in accordance with Chapter 971 of the Ohio Revised Code.

314.2 Fences, walls, and hedges in front yards: Fences, walls or hedges within any required front yard shall be a minimum of 15 feet from the edge of pavement of a roadway, and shall not interfere with visibility from driveways or the drainage of roadside ditches.

314.3 Visibility at intersections: No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within 75 feet of the intersecting centerlines of any two or more streets. In determining if any sight impediment exists,

the Zoning Inspector shall measure the sight distance between the centerlines of such streets at a height of 3'9" above the actual grades of the streets.

- 314.4 Fences, walls and hedges in side and rear yards: No fences, walls or hedges shall be permitted within any side or rear yard which exceeds six feet in height above the elevation of the surface of the ground at any point.

SECTION 315 TENANT FARM DWELLINGS

An agricultural use zoning permit is required, at no fee, for the erection of tenant farm dwelling(s), provided the land owner/lessee states in writing to the Zoning Inspector that the purpose of the dwelling is to house person(s) who will be engaged in assisting them with the farming of the land in question and/or maintaining and protecting the farm in the owner/lessee's absence. The agricultural use determination shall be made by the Zoning Inspector.

SECTION 316 JUNK

The accumulation of trash, refuse, waste matter, unlicensed vehicles, junk vehicles, vehicle parts, rags, or discarded furniture, appliances, or any other debris, or miscellaneous junk material, in any district shall be a nuisance per se and shall be prohibited. The purpose of this section is to promote the health, safety, and welfare of the Township by eliminating environments for breeding of vermin, rodents, insects and infestations.

SECTION 317 PRIVATE SWIMMING POOLS

Private swimming pools may be permitted in any zoning district that allows single family residential structure as an accessory use, provided the following provisions are met.

- 317.1 The pool is intended solely for the enjoyment of the occupants and guests of the property on which it is located
- 317.2 The pool must meet the zoning district setback requirements and shall not be within 15 feet of required on-site waste water leaching area and the replacement area as designated by the Greene County Combined Health District.

SECTION 318 HOME OCCUPATIONS

Home occupations shall be incidental to the residential use and shall not exhibit any external evidence of such occupation except for a single work vehicle and a small work sign no larger than 2 square feet. The home occupation shall be conducted only within the residential structure and may employ only one person who is not a resident of the property. The home occupation shall not impact the surrounding area significantly different than other residential uses.

SECTION 319 GARAGE SALE

No zoning permit is required; however the person conducting the garage sale shall give prior written or oral notice to the zoning inspector. It shall be unlawful for any person to conduct a garage sale within Caesarscreek Township

for more than 10 days within any consecutive thirty day period. Off-street parking shall be provided by the party or parties having the garage sale.

SECTION 320 DRIVEWAYS

Driveways shall have a culvert at least 12 inches in diameter and a 30 foot minimum opening. Driveways shall not cause any traffic safety issues with ingress and egress. Driveway locations shall be acceptable to the Greene County Engineer, Township Road Superintendent or Ohio Department of Transportation dependent upon the road jurisdiction.

SECTION 321 FEES

Each application shall be accompanied by a fee as established by the Board of Township Trustees.

SECTION 322 BERMS

The location and height of all earthen berms shall be in accordance with the following provisions:

- 322.1 Berms in front yards: Berms within any required front yard shall be a minimum of 15 feet from the established right of way or 40 feet from the roadway centerline and shall not interfere with visibility from driveways or the drainage of roadside ditches.
- 322.2 Berms shall be permitted within any front, side or rear yard and shall not exceeds six feet in height above the elevation of the surface of the ground at any point.
- 322.3 Berms within any side or rear yard shall not restrict, impede or interfere with the drainage of adjacent properties.
- 322.4 Visibility at intersections: No berm or vegetation on the berm or structure on the berm shall be allowed on any corner lot so as to create a sight impediment within 75 feet of the intersecting centerlines of any two or more streets. In determining if any sight impediment exists, the Zoning Inspector shall measure the sight distance between the centerlines of such streets at a height of 3'9" above the actual grades of the streets.

SECTION 323 MORE THAN ONE PRINCIPAL BUILDING ON LOT

A second principal building or structure (single family dwelling) may be constructed upon any lot located in an Agricultural or Rural Residential District in accordance with the following provisions:

- 323.1 The existing single family dwelling may remain until the new single family dwelling is completed. Once the new single family dwelling is completed the old single family dwelling must be removed.
- 323.2 Temporary housing may be brought onto the site as a residence while a new single family dwelling is being completed. Once the new single family dwelling is completed the temporary housing must be removed.
- 323.3 Each structure must meet the district setback requirements.
- 323.4 Each structure must us as approved individual on-site sewage treatment systems and a private well or other type of private water system.

323.5 The existing/ old single family dwelling or temporary housing can remain for a maximum of one year or until the new single family dwelling is completed, whichever is the least amount of time. A six month extension may be applied for.

323.6 A progress report must be provided to the Caesarscreek Township Zoning Inspector every three months. This report must include:

- a. work completed
- b. a time line of work to be completed, including the removal of the old single family dwelling or the temporary housing.

323.7 A bond shall be provided to the Caesarscreek Township Trustees as identified on the fee schedule, this bond can be refunded upon the removal of either the old single family dwelling or the temporary housing.

SECTION 324 AGRITOURISM:

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

- 324.1 The agritourism provider shall provide evidence the farm on which the agritourism operation is proposed is ten (10) acres or more in area. If such farm is less than ten (10) acres and more than five (5) acres in size, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- 324.2 The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.
- 324.3 The agritourism provider shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.
- 324.4 The size and setback for any structure used primarily for agritourism activities shall meet the following requirements:
 - a. All structures used primarily for agritourism activities shall be subject to the standard minimum front, side and rear yard setbacks for principal structures for the zoning district regardless of the size of such structure. When applicable, more restrictive setback requirements set forth in 324.4 (b) shall overtake the standard district setbacks.
 - b. All structures used primarily for agritourism shall be set back from any existing residential structure in accordance with the following table:

SIZE OF STRUCTURE	SETBACK FROM EXISTING RESIDENCE
Less than 500 square feet	200 feet
500 to 1,499 square feet	300 feet
1,500 to 2,499 square feet	400 feet
Equal to or greater than 2,500 square feet	500 feet

- 324.5 The agritourism operator shall provide off-street parking in accordance with the following:
- a. Agritourism operations providing educational, entertainment and/or cultural activities in a farm setting and open to the general public, regardless of whether or not an entry fee is charged, shall provide a minimum number of parking spaces as determined by the Board of Zoning Appeals based upon the intensity of the use such as peak attendance periods and the size of the structure and/or land area designated for agritourism activities provided in the application.
 - b. The Board of Appeals shall not require the parking area be improved, including any requirements governing drainage, parking area base, parking area paving or other such improvement.
- 324.6 The agritourism operator shall provide ingress and egress via access points on a public road approved by the Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the fire department having jurisdiction over the property upon which the agritourism operation is located.

ARTICLE 4 NON-CONFORMITIES

SECTION 401 SECTION INTENT:

Where there exists within the Districts established by the current Resolution or amendments that may later be adopted, lots, structures, or uses of land and structures which were lawful before the original Resolution was passed or subsequently amended, but which would currently be prohibited or more restricted under the terms of the Resolution. It is the intent of the Resolution to permit these nonconformities to continue until they are removed, but not to encourage their continuance. It is further the intent of the Resolution that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

SECTION 402 NONCONFORMING LOTS OF RECORD

402.1 Dimension/Frontage/Area: All nonconforming lots of record shall be in accordance with the following provisions:

- a. Nonconforming Lots of Record: In any District in which single-family dwellings are permitted, a single-family dwelling may be erected on any legal single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of the Zoning Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District. Yard dimensions and requirements, other than those applying to area, width, or both, of the lot shall conform to the regulations for the District in which such lot is located, or a variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

SECTION 403 NONCONFORMING USES OF LAND

403.1 Where, at the time of adoption or amendment of the Zoning Resolution, lawful uses of land existed which would not be permitted by the current or any previous regulations imposed by the Zoning Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- a. No such nonconforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Resolution.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of any amendments of the Zoning Resolution, but no such use shall be extended to occupy any land outside such building.
- c. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of the Zoning Resolution unless it increases conformity with these regulations.

- d. If any such nonconforming uses of land are voluntarily discontinued for a period of more than two years, any subsequent use of such land shall conform to the regulations specified by the Zoning Resolution for the District in which such land is located.
- e. Additional structures not conforming to the requirements of the Zoning Resolution shall not be erected in connection with such nonconforming use of land.

SECTION 404 NONCONFORMING STRUCTURES

404.1. Where a lawful structure exists at the effective date of adoption of the Zoning Resolution that could not be built under the terms of the current Zoning Resolution by reason of restrictions on area, heights, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- b. Should such nonconforming structure be destroyed by any means, for 50 percent or more of its most current assessed value as recorded in the Office of the Greene County Auditor, as determined by a registered or licensed professional, it shall not be reconstructed except by granting of a variance by the Board of Zoning Appeals.
- c. Should such nonconforming structure be damaged by any cause, with damages determined by a registered or licensed professional to be less than fifty percent (50%) of its most current assessed value as recorded in the Office of the Greene County Auditor, the destroyed portion may be reconstructed provided that the height and area requirements shall not be greater than those which existed prior to said damage.
- d. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
- e. To avoid undue hardship, nothing in the Zoning Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date Of adoption or amendment of the Zoning Resolution and upon which actual building construction has been carried on diligently.
- f. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing provided that the cubic area content existing when it become nonconforming shall not be increased. Upon the order of any official charged with protecting the public safety, nothing in this Section shall be deemed to prevent the

strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by such official,

404.2 When a nonconforming use of a structure, or structure and premises in combination, is voluntarily discontinued or abandoned for more than two years, except when government action impedes access to the premises, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located and all other applicable provisions of the Zoning Resolution.

ARTICLE 5 ADMINISTRATIVE BODIES AND THEIR DUTIES

SECTION 501 TOWNSHIP ORGANIZATION:

The Caesarscreek Township Administrative bodies as described below, shall be established and governed in accordance with the Ohio Revised Code, Section 519.

SECTION 502 BOARD OF TOWNSHIP TRUSTEES:

It is the intent of this Resolution that all questions of interpretation and enforcement shall be presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent if this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise.

502.1 DUTIES: The Township Trustees shall be responsible for the following duties, relative to zoning in Caesarscreek Township:

- a. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;
- b. To establish a schedule of fees for issuing Zoning Permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications; •
- c. To consider and adopt, reject or modify all proposed amendments to this Resolution as provide in Section 605,

SECTION 503 ZONING COMMISSION:

503.1 CREATION, MEMBERSHIP, APPOINTMENT:

- a. The Board of Township Trustees of Caesarscreek Township proceeding under sections 519.01 to 519.99 inclusive, of the Revised Code, shall create and establish a Township Zoning Commission. The Zoning Commission shall be composed of five members and two alternates (optional) who reside in the unincorporated territory of .Caesarscreek Township, Greene County, Ohio, to be appointed by the Board of Township Trustees, and the terms of the members and alternates shall be of such length and so arranged that the term of one member will expire each year. The Trustees may remove Zoning Commission members in accordance with Ohio Revised Code, Section 519.04.

503.2 ORGANIZATION:

- a. The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution and Ohio Revised Code 519.05. None of the members of the Zoning Commission shall concurrently serve as a member of the Board of Zoning Appeals.

- b. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.
- c. A majority of the Zoning Commission shall constitute a quorum for conducting business.
- d. An alternate Zoning Commission member may be assigned at the Zoning Commission Chair's discretion, to substitute for any absent Zoning Commission member. Alternate members may only vote when substituting for an absent member and have been present to hear the case.

503.3 OFFICIAL ACTION:

- a. The Zoning Commission shall act by resolution or motion on which a majority of the members present at the meeting must concur in any action before the Zoning Commission. The results of such resolution or motion shall be forwarded to the Board of Trustees for its action, except as may otherwise be provided herein.

503.4 COMPENSATION:

- a. The Zoning Commission may, within the limits of the moneys appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants, engineers and/or other professionals as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. No Township Trustee shall be employed by the Zoning Commission.

SECTION 504 BOARD OF ZONING APPEALS:

504.1 CREATION, APPOINTMENT, ORGANIZATION:

- a. The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members and two alternates (optional) who shall be residents of the unincorporated territory of Caesarscreek Township, Greene County, Ohio. The term of each member shall be five years, beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals shall organize annually and elect a president • and vice president at the regularly scheduled January meeting. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members of the

Board of Zoning Appeals may receive such compensation as the Board of Trustees provides.

- b. Three or more of the five Board of Zoning Appeals members shall constitute a quorum for conducting business. All Board of Zoning Appeals actions shall be in the form of a resolution, The Board of Zoning Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution. The Trustees may remove Board of Zoning Appeals members in accordance with Section 519.13 of the ORC upon their discretion based on performance of duties.
- c. An alternate Board of Zoning Appeals member may be assigned at the Board of Zoning Appeals Chair's discretion, to substitute for any absent Board of Zoning Appeals member. Alternate members may only vote when substituting for an absent member and have been present to hear the case.

504.2 POWERS AND DUTIES:

- a. Hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by the zoning inspector in the enforcement of Section 519.02 to 519.25 of the Ohio Revised Code or this Resolution.
- b. Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship.
- c. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for special uses are provided for in the zoning resolution.

504.3 HEARINGS, RULES, ETC.: The hearings of the Board of Zoning Appeals shall be public, The Board of Zoning Appeals shall fix a reasonable time for the public hearing, allow at least 10 days notice to the owners of record of property within a minimum of 500 feet of the property line in question before the day of such hearing (owners notified by the Zoning Inspector) and decide the Appeal within a reasonable time after it is submitted. Upon the hearing, the applicant or appointed representative, with written authorization from the property owner, shall appear in person. The Board of Zoning Appeals may go into executive session for discussion but not to vote on any case before it, as provided by law. The Board of Zoning Appeals shall hear testimony from any other parties of interest upon their being sworn in.

- a. Based on the nature, scale, and intensity of the operations or use for which is being applied, the Zoning Inspector shall determine if the surrounding area shall be expanded for the purposes of notification to the surrounding property owners,
- b. If an issue cannot gain a majority vote at a hearing, the vote fails.

504.4. MINUTES AND RECORDS:

The Board of Zoning Appeals shall keep minutes of its proceeding showing the vote of each member on each question, including a finding of facts regarding each vote; and keep records of its examinations, exhibits and other official actions, all of which shall be filed in the office of the Board of Trustees once approved by the Board of Zoning Appeals and shall be a public record.

504.5. WITNESSES, OATHS, ETC.:

The Board of Zoning Appeals shall have the power to subpoena witnesses, administer oaths, and request additional information.

504.6 DEPARTMENTAL ASSISTANCE:

The Board of Zoning Appeals may call upon departments of the county and local governments for assistance in the performance of its duties.

SECTION 505 ZONING INSPECTOR:

505.1. DUTIES:

It shall be the duty of the Zoning Inspector, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him/her upon seeing new construction, reconstruction, or land uses or upon seeing violations. The Zoning Inspector shall:

- a. Review of all applications for Zoning Certificates within the township to insure they conform to all applicable provisions of this Resolution, then a Zoning Certificates shall be issued, and a record of all such Zoning Certificates maintained.
- b. Attend Caesarscreek Township Board of Zoning Appeals and Zoning Commission meetings, hearings and work sessions or other such activities as called by the Chairman of the Board of Zoning Appeals and Zoning Commission.
- c. Act as staff for the Board of Zoning Appeals and Zoning Commission.
- d. Conduct on-site inspections to insure the actual construction will conform to the Zoning Certificate.
- e. Upon finding that any of the provision of this Resolution are being violated, take " the necessary action necessary to correct such violation(s).
- f. May order discontinuance of illegal uses of land, buildings or structures.
- g. May order removal of illegal buildings or structures or illegal additions or structural alterations.
- h. Review all land divisions in order to determine if the plat or replat or survey record conforms to all applicable provisions of this Resolution.
- i. Make similar use determinations for uses not specifically mentioned in this Zoning Resolution.

- j. Perform other particular duties as designated by the Township Trustees, Board of Zoning Appeals and Zoning Commission.
- k. Provide a monthly report that includes new issued Zoning Certificates, complaints, and other issues pertaining to the Township and Resolution to the Township Trustees, Board of Zoning Appeals and Zoning Commission.
- l. Report emergency situations to the proper authorities and work in coordination with other governmental agencies, such as but not limited to: Greene County Combined Health District, Environmental Protection Agency, Ohio Department of Transportation, Ohio Department of Natural Resources, Fire Department, Building Inspections, Soil & Water Conservation District, Prosecutor's Office, etc.
- m. Bring to the attention of the Zoning Commission and Trustees inconsistencies, errors, conflicts, etc encountered in the Zoning Resolution.
- n. Keep suitable records on file of all zoning complaints and corrective actions taken. All original notes or records made by the Township Zoning Inspector shall be signed and properly filed for permanent record.
- o. At the beginning of each calendar year, the Township Zoning Inspector shall prepare and file with the Township Trustees an annual report summarizing the activities of his office during the proceeding calendar year and containing his comments, recommendations and other pertinent matters in connection therewith.

505.2 Appeal for the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Section 602.

SECTION 506 ZONING CLERK:

506.1 DUTIES:

The Zoning Clerk shall be hired by the Board of Trustees, and shall perform the following duties:

- a. Prepares legal advertisements for Board of Zoning Appeals and Zoning Commission public hearings and public meetings, and notifies surrounding property owners (as prescribed in the Zoning Resolution) for zoning cases.
- b. Prepares the agenda and records the minutes of Board of Zoning Appeals and Zoning Commission meetings.
- c. Attends Board of Zoning Appeals and Zoning Commission meetings, records proceedings, and reads notices of public hearings.
- d. Prepares, submits and records Resolutions for zoning cases before the Board of Zoning Appeals and Zoning Commission.
- e. Assists in preparation for Board of Zoning Appeals and Zoning Commission meetings.

- f Responds to public information requests from the public concerning information about upcoming meetings, and minutes of past meetings, and handles miscellaneous public inquiries.
- g. Disseminates information and meeting agendas in both print and electronic formats, as appropriate, to the Board of Zoning Appeals, Zoning Commission and the Zoning Inspector.
- h. Performs Other duties as required.

ARTICLE 6 ACTIONS AND PROCEDURES

SECTION 601 ZONING INSPECTOR—ZONING CERTIFICATES

601.1 ZONING CERTIFICATES:

It shall be unlawful for an owner or their agent to use or to permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a zoning certificate, provided he/she is satisfied that the structure, dwelling, building, land or related and required amenities and the proposed use thereof conform with all the requirements of this Resolution. No zoning certificate for excavation, construction, reconstruction or use shall be issued by the Zoning Inspector unless plans, specifications and the intended use conform to the provisions of this Resolution.

Upon written request from the owner or their agent, the Zoning Inspector shall issue a zoning certificate for any lawful uses of building, dwelling, structure, land or related and required amenities existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. A charge shall be made for issuing a zoning certificate in accordance with this section.

601.2 CONDITIONS UNDER WHICH ZONING CERTIFICATES ARE REQUIRED:

No building or other structure shall be erected, moved, added to, structurally altered or any use commenced without a zoning certificate issued by the Zoning Inspector. No zoning certificate shall be issued except in conformity with the provisions of this Resolution. A Certificate of Exception will be issued for any building or structure to be used for bona fide agricultural, public or parochial school purposes when a signed statement of the specific qualified use is received by the Zoning Inspector from the owner or owners' designee. A Certificate of Exception will be issued. No fee is required.

601.3 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES:

Written applications shall be made for a zoning certificate. Said certificate shall be issued within 10 days after a written request for the same has been made to the Zoning Inspector or his agent, provided such is in conformity with the provisions of the Resolution and the application is complete.

Every application for a zoning certificate shall be accompanied by:

- a. One complete set of construction drawings to scale, dimensioned, with square footage, with all elevations, floor plans, wall sections, and a foundation plan.
- b. Plot plan or site plan, to scale, with property dimensions, north arrow, with dimensions for the proposed structure or addition to all property lines at the closest point of the structure to the closest property line. Ensure all fireplaces, bay windows, decks (with stairs shown), parking areas, and driveways are on both the construction drawing and/or site plan.
- c. If the site does not have public wastewater collection, a Greene County Combined Health District on-site wastewater collections permit with layout is needed.
- d. Name, address and phone number of owner of the property.
- e. Name, address and phone number of contractor.
- f. Identify who is to be contacted if additional information is needed or to pick up the zoning certificate.
- g. Pool certificates — Need to show apron or deck on site plan, with setbacks from deck/apron to property lines and distance from the on-site waste water leaching area and the replacement area as designated by the Greene County Combined Health District.
- h. Non-residential sites — Require a parking plan with parking dimensions, access lanes; landscaping plan, drainage calculations, lighting, and other site specific information as determined by the zoning inspector.
- i. Agricultural exemption — Require a letter identifying the use of the structure, items to be stored in the structure, what the agricultural use of the property is (such as — what crops are planted, what animals are being raised, etc.).
- j. Use compliance — Require a letter describing the nature of the business in detail, a parking plan, number of employees, number of business vehicles, square footage, etc.
- k. Front yard setback(s) must be measured from the right-of-way.
- l Application may be subject to a review by the Greene Soil and Water Conservation District and if so, issue date of zoning certificate may be delayed beyond 10 days.

601.4 REVOCATION OF ZONING CERTIFICATES:

The Township Zoning Inspector may revoke any certificate of approval issued under the provisions of this Resolution or may stop the work for any of the following reasons:

- a. Whenever there is a violation of any of the provisions of this Resolution.
- b. Whenever the continuance of any work becomes dangerous to life or property.
- c. Whenever there is a violation of any condition on which the issuance of the zoning certificate or approval was based.

- d. Whenever any false statement or misrepresentation has been made in the application, plans or specifications on which the issuance of the certificate or approval was based.

The notice of revocation of the certificate shall, in every instance, be in writing and shall be served upon the owner or their agent. A revocation notice shall also be posted on the building in question by the Township Zoning Inspector. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation until such operations are brought into conformance with the zoning certificate and approved by the Zoning Inspector. No part of the fees for such certificate shall be returned. The Zoning Inspector shall notify the Department of Building Regulations about the notice of revocation of the zoning certificate.

601.5 FEE FOR ZONING CERTIFICATES:

- a. Each application shall be accompanied by a fee as established by the Board of Township Trustees.
- b. Application fees shall not be refunded in any case.
- c. The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer,

601.6 VIOLATION AND PENALTIES:

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation or provision(s) of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees under Section 519.02 et. Seq. of the Ohio Revised Code of the State of Ohio. Any person, firm or corporation, violating any regulation in, or any provision of this Resolution, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or uses continues, may be deemed a separate offense.

601.7 SIMILAR USE DETERMINATION:

The Zoning Inspector shall determine, in writing and subject to appeal to the Board of Zoning Appeals, whether a proposed use not listed in this Resolution shall be allowed if the proposed use is substantially similar to another use listed in this Resolution. A use that is determined to be substantially similar to another listed use is subject to the same requirements and standards as that use. The Zoning Inspector shall make the determination in accordance with:

- a. The proposed use sustains the intent for which the zoning district has been created;
- b. The proposed use does not sacrifice any of the purposes identified in Section 101 of this Zoning Resolution; and

- c. Protects the adjoining land owners or does not limit the ability of landowners to use their land in a manner consistent with the zoning district intent.

SECTION 602 BOARD OF ZONING APPEALS- APPEALS:

602.1 APPEALS:

An appeal from a decision of the Zoning Inspector with respect to the interpretation or application of this Resolution, may be taken to the Board of Zoning Appeals by any person aggrieved, Or their agent, or by any Officer of the Township affected by such decision of the Zoning Inspector

602.2 NOTICE OF APPEAL:

Appeals to the Board of Zoning Appeals shall be filed within twenty (20) days after the decision of the Zoning Inspector by filling a notice of appeals with the zoning inspector and with the Board of Zoning Appeals.

The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the zoning inspector shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the recording upon which the decision being appealed was based.

602.3 HEARING ON APPEAL:

The Board of Zoning Appeals shall select a time and place for the hearing of an appeal and give at least 10 days written notice thereof to the parties in interest, owners of the property within and contiguous to and directly across the street from the applicant's property. In addition, public notice of such hearing as to the time, place and subject of the hearing, shall be published in a newspaper of general circulation at least 10 days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

602.4 DECISION ON APPEAL:

The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, or decision, and shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board of Zoning Appeals may appeal the decision to the Court of Common Pleas of Greene County.

Each application for appeal shall be accompanied by a fee as established by the Board of Township Trustees.

SECTION 603 BOARD OF ZONING APPEALS — VARIANCES:

There are two (2) types of variances the Board of Zoning Appeals may grant, each requires different considerations.

603.1 STANDARDS FOR AREA VARIANCE:

The Board of Zoning Appeals, only in specific instances, shall have the power to authorize upon application in specific cases, such area variances from the requirements of this Resolution as will not be contrary to the public interests; but only in such cases where, the property owner has encountered practical difficulties in the use of their property. The Board of Zoning Appeals shall not grant an area variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support the following conclusions:

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

603.2 STANDARDS FOR USE VARIANCE:

A use variance is seldom granted. The Board of Zoning Appeals may grant a use variance only when an applicant can demonstrate an unnecessary hardship so severe that it would require a use of land not normally permitted to overcome the hardship.

In cases of a use variance, the proof of unnecessary hardship is placed on the applicant and the following must be demonstrated:

- a. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zoning district;
- b. The hardship condition is not created by actions of the applicant;
- c. The granting of the variance will not adversely affect the rights of adjacent owners;
- d. The granting of the variance will not adversely affect the public health, safety or general welfare;
- e. The variance will be consistent with the general spirit and intent of the zoning resolution;
- f. The variance sought is the minimum which will afford relief to the applicant; and
- g. There is no other economically viable use which is permitted in the zoning district.

603.3 APPLICATION FOR VARIANCE:

- a Every application for a Variance shall be accompanied by:
 - 1. Application for a Zoning Certificate.
 - 2. Reason for the Request — properly address the above listed standards.
 - 3. Map of the area including all lots within 200 feet of any part of the property involved and location and use of building thereon.
 - 4. Names and addresses of owners of lots shown on said map.
 - 5. Each application for a variance shall be accompanied by a fee as established by the Board of Township Trustees.

603.4 HEARING ON VARAINCE:

The Board of Zoning Appeals shall select a time and place for the hearing of an appeal and give at least 10 days written notice thereof to the parties in interest, owners of the property within 200 feet of any part of the property involved. In addition, public notice of such hearing as to the time, place and subject of the hearing, shall be published in a newspaper of general circulation at least 10 days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

603,5 DECISION:

Within 30 days after the hearing concludes, the Board of Zoning Appeals shall make a decision on the application.

The written decision of the Board of Zoning Appeals constitutes a final appealable order. Any party adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Greene County

SECTION 604 BOARD OF ZONING APPEALS - CONDITIONAL USES:

Conditional uses shall be permitted only upon issuance of Conditional Use Permit by the Board of Zoning Appeals, provided that such uses comply with the requirements of this Resolution. An application by at least one owner or lessee of the property for a Conditional Use Permit is required prior to any authorization by the Board of Zoning Appeals.

604.1 APPLICATION FOR CONDITIONAL USE:

The application shall contain the following information:

- a. Name, address, and phone number of applicant;
- b. D a t e :
- c. Property description; address, lot number, parcel ID or other legal description of the property that provides identification;
- d. Description of existing use;
- e. Current zoning district;
- f. Description of the proposed Conditional Use;
- g. A site plan showing the site with the proposed conditional use; including a graphic scale, a north arrow, the location of all

buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, fire hydrants, utilities, rights-of-way, signs, yards and such other information as the Board of Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;

- h. A narrative statement discussing the merits of the proposal;
- i. Other information requested by the Board of Appeals; and
- j. A fee as established by the Township Trustees.

604.2 STANDARDS FOR CONDITIONAL USE:

Conditional Uses shall be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- a. The use is so designed, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected;
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the neighborhood where it is to be located;
- d. The use shall be compatible with adjoining development and the proposed intent of the zoning district where it is to be located;
- e. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such services adequately;
- f. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Adequate landscaping and screening are provided as required;
- h. Adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;
- i. The use conforms to all applicable regulations governing the district in which it is located;
- j. The use is compatible with the standards, objectives, and policies of the comprehensive plan of Caesarscreek Township;
- k. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and/or
- l. Any other supplementary requirements as prescribed by the Board of Appeals.

The Board of Zoning Appeals shall hold a public hearing within 20 days from the receipt of the application. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation within the Township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use. Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Appeals, by first class mail, at least 10 days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers. Within 30 days after the public hearing, the Board of Appeals shall either - approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a Conditional Use Permit listing the specific conditions specified by the Board of Appeals for approval. If the application is disapproved by the Board of Appeals, the applicant may seek relief through the Court of Common Pleas.

A conditional use permit shall be deemed to authorize only one particular conditional use. The Conditional Use Permit shall automatically expire if, for any reason, the conditional use shall cease for more than six months, or construction is not begun within the amount of time indicated on the Conditional Use Permit.

604.3 AGRIBUSINESS OPERATIONS

No conditional use permit shall be issued for any agribusiness operation unless the following conditions have been satisfied:

- a. All material submitted as required in Section 604.1
- b. The agribusiness establishment shall be incidental and necessary to the conduct of agriculture within the agricultural district;
- c. The agribusiness establishment shall be located at least 500 feet from any existing residential dwelling unit or residential district;
- (I. The agribusiness establishment shall have approval from the Ohio Environmental Protection Agency for any on-site water supply and/or wastewater disposal system;
- e. The agribusiness shall not emit noise, odor, dust, or chemical residues which result in the creation of a nuisance or trespass to surrounding properties; and
- f. The agribusiness shall not be located upon any thoroughfare which the Board of Zoning Appeals determines is inadequate to accommodate the traffic which might be generated by the agribusiness establishment.

604.4 REGULATION OF ADULT ENTERTAINMENT FACILITY

An adult entertainment facility is a conditional use within the CIB District. A conditional use permit shall not be authorized unless the following conditions are met, and there is compliance with any other

requirement(s) determined to be necessary by the Board of Zoning Appeals:

- a. All material submitted as required in Section 604.1
- b. Minimum setback from Residential District: No adult entertainment facility shall be established within 1000 feet of a Rural Residential District.
- c. Minimum setback from Library and Schools: No adult entertainment facility shall be established within a radius of 2000 feet from any school, library, or teaching facility, whether public or private, governmental or commercial.
- d. Minimum setback from Park or Recreation Facility: No adult entertainment facility shall be established within a radius of 2000 feet from any park or recreational facility.
- e. Minimum setback from Churches and other places of worship: No adult entertainment facility shall be established within a radius of 2000 feet from any church, synagogue, or permanently established place of religious services or worship.
- f. Minimum setback from other adult entertainment facility: No adult entertainment facility shall be established within a radius of 2000 feet of any other adult entertainment facility.
- g. Prohibited public display: No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- h. Public view to be prevented: All building openings, entries, windows, etc. for adult uses shall be located, covered, or 'serviced in such a manner as to prevent a view into the interior from any public or semi-public area; sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- i. External audio and visual impact: No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- j. Prohibited sale or consumption of alcohol: No sale or consumption of alcoholic beverages shall be permitted on property with an adult entertainment facility.

SECTION 605 ZONING COMMISSION - ZONING RESOLUTION CHANGES:

The Caesarscreek Township Trustees may from time to time amend, supplement, change or repeal this Resolution to the manner prescribed by Section 519.12 of the ORC and in accordance with the following.

605.1 PROCEDURE FOR CHANGE:

Initiation of Amendments: Amendments to this Resolution may be initiated by:

- a. Motion of the Township Zoning Commission;
- b. Adoption of a resolution by the Board of Township Trustees; or

- c. Filing of an application by at least one owner or owners designee of property within the area proposed to be changed or affected by said amendment with the Township Zoning Commission.

605.2 APPLICATION FOR CHANGE:

- a. Application for Change of Zoning District Boundary: All applications for zoning district boundary amendments shall include the following:
 - 1. Complete application, including verification by the applicant attesting to the truth and accuracy of all facts and information presented in the application;
 - 2. Description and location of the property;
 - 3. Present use;
 - 4. Current zoning district, proposed zoning district and reasons for change;
 - 5. Description of proposed use;
 - 6. A vicinity map at a scale of 1 inch — 500 ft. showing property lines, streets, existing and proposed zoning, etc;
 - 7. A list of all property owners and addresses within 500 feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the application for change of the zoning district boundary;
 - 8. A statement as to how the proposed amendment relates to *Perspectives: A Future Land Use Plan for Greene County, Ohio.*
 - 9. Any other information as requested by the Board of Township Trustees and/or Zoning Commission; and
 - 10. Filling fee, as established by the Township Trustees;

- b. Application for Zoning Resolution Text Amendment All applications for text amendments shall include the following:
 - I. Complete application, including Verification by the applicant attesting to the truth and accuracy of all facts and information presented in the application;
 - 2. Proposed amendment to the Resolution text;
 - 3. Any other information as requested by the Board of Township Trustees and/or Zoning Commission; and
 - 4. Filling fee, as established by the Township Trustees.

605.3 AMENDMENT LIMITATIONS:

Petitions for zoning amendment concerning any parcel of property or portion thereof, or text amendment shall not be accepted for consideration more than once during any consecutive 12 month period, unless there is a significant change, as determined by the zoning inspector, in the application.

605.4 SUBMITTAL TO OHIO DEPARTMENT OF TRANSPORTATION:

Before any zoning change is granted affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification by the Director of the Ohio Department of Transportation, or within a radius of 500 feet from the point of intersection of said center line with any public road or highway, the Zoning Commission shall give notice, by certified mail, to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law, however, the Zoning Commission shall not approve a zoning change for 120 days from date notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the zoning. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon expiration of the 120 day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

605.5 REFERRAL OF PROPOSED CHANGE TO THE PLANNING COMMISSION:

Within five days after the application for change in the Resolution or Districts, the Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto, to the Planning Commission. The Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

605.6 PUBLIC HEARING BY ZONING COMMISSION:

Before submitting its recommendation of a proposed amendment to the Board of Township Trustees, the Zoning Commission shall hold a public hearing, not less than 20 days nor more than 40 days, from the date of receiving the amendment. The hearing notice is to appear by one publication in one or more newspapers of general circulation in the township at least 10 days before the hearing. The notices shall state the place or places and times at which the proposed amendment to the Resolution, including where the text and map(s), may be examined, during the 10 day period prior to the hearing.

605.7 NOTICE TO PROPERTY OWNERS:

Notification of the public hearing shall be given in accordance with section 519.12 of the Ohio revised Code.

605.8 ACTION OF ZONING COMMISSION:

Within 30 days after the Zoning Commission's public hearing, the Zoning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it, and submit a written recommendation together with such motion, application or Resolution, the text and/or map pertaining_ to the proposed amendment, and the recommendation of the Regional Planning and Coordinating Commission of Greene County to the Board of Township Trustees.

605.9 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES:

The Board of Township Trustees, upon receipt of the Zoning Commission's recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more that 30 days from the date of receipt of that recommendation. Notice of the hearing shall by the Board of Township Trustees by one publication in one or more newspapers of general circulation in the Township, at least 10 days before the date of the hearing.

605.10 ACTION OF THE BOARD OF TOWNSHIP TRUSTEES:

Within 20 days after holding the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof, in accordance with the provisions of Section 519.12 of the Ohio Revised Code. Such decision shall be made in writing. A simple majority vote among the Board of Township Trustees shall be required for adoption with modifications of the Zoning Commission written recommendation.

605.11 EFFECTIVE DATE:

Such amendment adopted by the Trustees shall become effective in 30 days after the date of such adoption unless within 30 days after the adoption of the amendment, there is presented to the Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding election at which a governor was elected, requesting the Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election.

ARTICLE 7 TERMS AND DEFINITIONS

SECTION 701 GENERAL:

For the purpose of this Resolution certain terms and words are defined as follows: Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, and arranged, and designed to be used or occupied." Except where specifically defined all words used in this Resolution shall carry their customary meaning as defined in Webster's New World Dictionary.

SECTION 702 DEFINITIONS:

ACCESSORY BUILDING: A structure physically unattached to the principal structure or conditionally permitted structure (such as a garage) and is incidental to the principal structure or conditionally permitted structure. All accessory buildings shall be permanently affixed to the ground and shall not be erected prior to the erection of a principal building.

ACCESSORY USE: Accessory use shall mean a subordinate use of a building or portion of a building, the use of which is incidental to that of the main building or use, and is located on the same lot.

ABUTTING or ADJACENT: The land, lot, or property adjoining the property in question along a lot line or separated only by an alley or street.

ADULT ENTERTAINMENT FACILITY: A facility having any portion of its use listed in the following categories.

- a. **Adult Book or Video Store:** A business having any portion of its stock devoted to the sale and/or display and/or trade of materials such as: books, magazines, videos, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or specified anatomical areas" as herein defined.
- b. **Adult Motion Picture Theater:** A facility used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or specified anatomical areas" as herein defined.
- c. **Adult Entertainment Business:** A business involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of "specified sexual activities" and/or "specified anatomical areas" and/or physical contact of live males or females, and which is characterized and/or portrayed by either photography, dancing, stripping, reading, massage, male or female impersonation, or similar activity or medium.
- d. **Sexual Oriented Social/Recreational Facility:** Any facility involved in the sale, service, presentation, or activities relating to "specified sexual activities" and/or "specified anatomical areas" for-profit or non-profit.

- e. Sexually oriented Activity or Event: A meeting, gathering, or event to take place on non-residential used property within the Township for the purpose of sexual activities herein defined that is sponsored, organized, promoted, or spontaneous.
- f. Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of full or partial (exposed specified anatomical areas) nudity in the performance of their duties.

AGRIBUSINESS: Manufacturing, warehousing, storage, and related industrial and commercial activities that provide services for or are dependent upon agricultural activities.

AGRICULTURAL PRODUCTION: Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

AGRICULTURE: See ORC 519.01.

AGRITOURISM: An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity

AGRITOURISM PROVIDER: A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

ALLEY: Alley shall mean a permanent service way providing secondary means of access to abutting properties.

BASEMENT OR CELLAR: That portion of a building which is partly

underground but having less than half its clear height above finished grade. A basement shall not be considered a story for purpose of height measurement,

BOARDING HOUSE: A dwelling, or part thereof, other than a hotel, that involves the taking in of boarders for compensation or other arrangement(s) for an arranged amount of time, whereby lodging is provided, with or without meals, for not more than six (6) persons,

BUILDING: Any structure, either temporary or permanent, having a roof supported by poles, columns, or by walls, which are designed for the shelter, or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT: The vertical distance from the floor of the main entry level to the highest point of the roof.

BUILDING, PRINCIPAL: The building containing the main or principal use on the lot.

BUILDING, PUBLIC: Any building held, used, or controlled exclusively for governmental or public purposes by any department or branch of government including, township, state, county, municipal, or other recognized public entity.

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

COMMERCIAL GREENHOUSES: An establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building, for sale on a retail or wholesale basis.

CONDITIONAL USE: A use subject to review and final determination by the Board of Appeals. Such uses are subject to the requirements and standards of Section 604.

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

DWELLING: A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, recreational vehicles, tents, cabins, boarding houses, etc.

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DWELLING, SINGLE-FAMILY: A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

DWELLING, TWO-FAMILY: A building or portion thereof designed for or used exclusively for residential purposes by 2 families or housekeeping units.

DWELLING, MULTI-FAMILY: A building or portion thereof designed for or used exclusively for residential purposes by 3 or more families or housekeeping units. Multi-family dwelling shall include apartment buildings, condominiums, group homes, etc,

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

ESSENTIAL SERVICES: The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities county, or other government agencies of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, roadways, traffic signals, hydrants and other similar equipment and accessories and the use of the land in connection therewith, for the furnishing of adequate service by such utilities or governmental departments for the public health, safety and general welfare.

FAMILY: Family shall mean one or more persons occupying the premises and living as a single housekeeping unit in a dwelling.

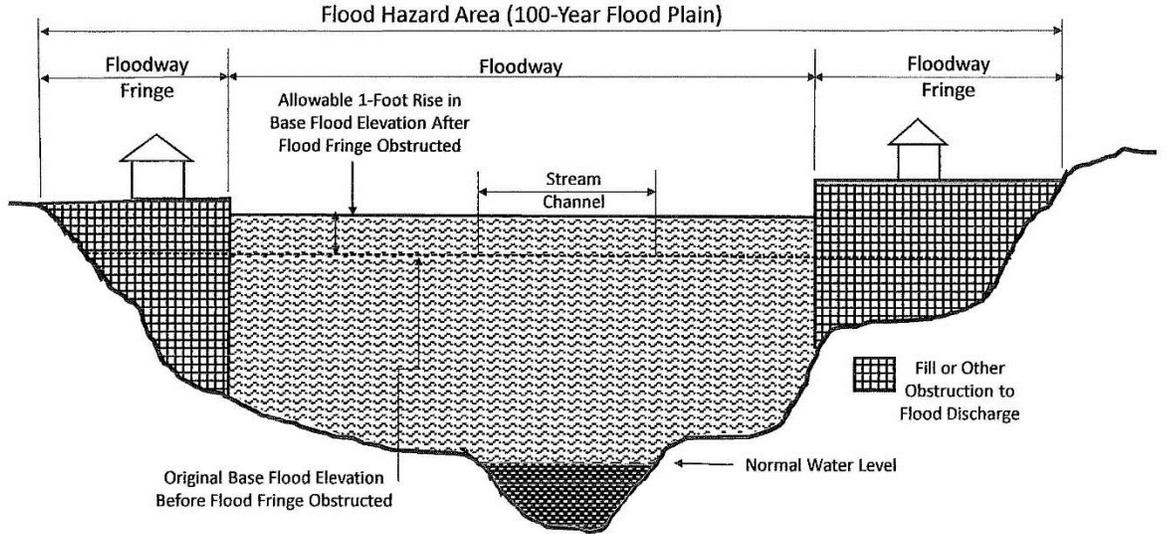
FARM: Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

FLOODPLAIN, REGULATORY: The land area under and along stream channels in Caesarscreek Township which is subject to inundation by a 100-year flood as determined by the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency (FEMA). (See Illustration)

FLOODWAY: The portion of regulatory floodplain which is required to carry and discharge the 100-year flood waters without obstruction as designated in the FEMA Flood Insurance Study: Unincorporated Areas of Greene County, Ohio. (See Illustration)

FLOODWAY FRINGE: The portion of the regulatory floodplain which serves primarily as a storage area for the flood waters of the 100-year flood as

designated in the FEMA Flood Insurance Study: Unincorporated Areas of Greene County, Ohio. (See Illustration)



FLOOR AREA, NON RESIDENTIAL: The sum of the gross horizontal area of all interior floors of a non residential building; excluding stairs, washrooms, elevator shafts, maintenance shafts and similar areas.

FLOOR AREA, RESIDENTIAL: The sum of the gross horizontal area of all interior floors of a dwelling including stairways, halls and closets; but not including basements, porches, garages, breezeways, carports or other unheated areas attached to the dwelling.

FRONTAGE: Any property line of a lot abutting on a street.

GARAGE, PRIVATE: A building designed for the storage of motor vehicles and used by the occupants of the dwelling.

GARAGE PUBLIC: A building other than a private garage, intended for the parking or storage of motor vehicles, recreational vehicles, boats, or other vehicles,

GARAGE SALE: Shall mean and include all sales entitled "garage sale," "lawn sale," "yard sale," "attic sale," "rummage sale," "barn sale," or any other casual sale of tangible personal property to the general public with such sale items totaling more than five items,

HOME OCCUPATION: Certain occupations or activities carried on by a member or members of the immediate family residing on the premises (may employ one person not residing on the premises) and is incidental to the residential use. The home occupation does not impact the surrounding area significantly different from other residential uses.

HOTEL or MOTEL: A commercial building in which lodging, with or without meals is offered for compensation and in which there are more than five sleeping rooms.

ILLEGAL LOTS: Lots created not in conformance with the Caesarscreek Township Zoning Resolution at the time of recording with the County Recorder shall be deemed an illegal lot and shall not be considered nonconforming.

ILLEGAL USE: Uses created any time after this Resolution that do not comply with this Resolution shall be deemed an illegal use,

JUNK: Any waste or scrap materials, including but not limited to, junk vehicles, inoperable vehicles, vehicle parts, machinery, equipment not in operable condition or parts thereof, furniture, appliances, building materials, metals, paper, cardboard, rags, tubes, tires, electronics, glass, plastic, and bottles, or other debris, rubbish, etc., deposited or stored on property.

JUNK MOTOR VEHICLE: See ORC 505.173E

JUNK OR INOPERABLE VEHICLE: A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

1. Any vehicle that is without a valid, current registration and/or a license plate;
2. Any vehicle which is left on a property without the consent of the property owner;
3. Any vehicle that cannot be started and moved without the assistance of another vehicle;
4. The vehicle is without fully inflated tires and/or has any type of support under it;
5. Any vehicle that is extensively damaged, dismantled or has missing door, missed or shattered window or windshields, missing motor and/or transmission, or other similar major part and is apparently inoperable and/or

JUNK YARD/SALVAGE YARD: Any use primarily involved with buying, selling, exchanging, storing, baling, packing, picking, disassembling, or handling of waste or scrap material, including but not limited to vehicles, machinery, or equipment not in operable condition or parts thereof, furniture, building materials, metals, paper, rags, tubes, tires, glass, plastic, electronics, and bottles or other debris, rubbish, etc. Such operations conducted entirely within completely enclosed buildings shall not be considered a Junk Yard. Two (2) or more junk motor vehicles and/or junk or inoperable vehicles on a lot shall be considered a Junk Yard.

LOT: A parcel of land, abutting on a public street, whose area, in addition to the parts thereof occupied or hereafter occupied by a building and its accessory building, is sufficient to provide the yards and courts required by this Zoning Resolution. Such lot shall be of record in the County Recorder's Office.

LOT AREA: The total area within the lot lines of a lot, excluding any dedicated street right-of-ways or other legal public dedications.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT COVERAGE: A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes, but is not limited to, all areas covered by buildings, impervious driveways, sidewalks and any areas covered by concrete or asphalt.

LOT, DOUBLE FRONTAGE: A lot having frontage on two non-intersecting streets.

LOT, INTERIOR: A lot other than a corner lot, with only one frontage on a public street.

LOT LINES: The property lines bounding the lot.

LOT FRONTAGE: Width of a lot measured at right angles to the depth where the lot directly abuts the street or street right-of-way.

MOBILE HOME: A manufactured relocatable residential unit containing not less than 280 square feet of floor space, providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation and is built to meet the standards and specifications of the Mobile Home Manufacturers Association, Removal of running gear shall not exempt a mobile home from this definition.

MODULAR HOME: Factory built housing certified as meeting the local and state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation,

NONCONFORMING BUILDING OR STRUCTURE: A building or structure lawfully existing at the time of enactment of this Zoning Resolution or any amendment thereto which does not conform to the regulations of the District in which it is situated or other applicable provisions of the Zoning Resolution.

NONCONFORMING LOT: A lot existing at the time of enactment of this Zoning Resolution or any amendment thereto which does not conform to the lot area and/or the dimension requirements of the District in which it is located.

NONCONFORMING USE: A use of land or structure, lawfully existing at the time of enactment of this Zoning Resolution or any amendment thereto but which does not conform to the use regulations of the District in which it is situated.

NUDITY: The showing of either of the following: 1) The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; 2) The female breast with less than fully opaque covering on any part of the nipple.

OPEN SPACE of a LOT: The area of the lot that is part of the setback where no part of the building is to be located.

PARKING SPACE: A designated parking area designed for one vehicle that is exclusive of drives, aisles of entrances giving access thereto.

PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

PLANNING COMMISSION: The Regional Planning and Coordinating Commission of Greene County, Ohio,

PLAT: A map or drawing upon which a subdivider's plan for the subdivision of land is approved and recorded in the County Recorder's Office,

PRIME AGRICULTURAL SOILS: Prime agricultural soils are those soils within Caesarscreek Township which display characteristics well-suited to agricultural activities such as field crops under normal or typical management practices. It has been determined through studies that the following soil types, as described in the Soil Survey of Greene County, Ohio are prime agricultural soils:

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Ag	Algiers Silt Loam
BbB	Birkheck Silt Loam (1 to 4 percent slopes)
CeB	Celina Silt Loam (2 to 6 percent slopes)
CrB	Crosby silt loam (2 to 6 percent slopes)
Ee	Eel Loam
EmA	Eldean Silt Loam (0 to 2 percent slopes)
EmB	Eldean Silt Loam (2 to 6 percent slopes)
EmB2	Eldean Silt Loam (2 to 6 percent slopes, moderately eroded)
FnA	Fincastle Silt Loam (0 to 2 percent slopes)
Gn	Genesse Loam
MhB	Miamian Silt Loam (2 to 6 percent slopes)
MhB2	Miamian Silt Loam (2 to 6 percent slopes, moderately eroded)
OcA	Ockley Silt Loam (0 to 2 percent slopes)
OeB	Ockley Silt Loam (2 to 6 percent slopes)
OcB2	Ockley Silt Loam (2 to 6 percent slopes)
Pa	Patton Silty Clay Loam
Ra	Ragsdale Silty Clay Loam
RdB	Raub silt loam (2 to 6 percent slopes)
ReA	Reesville Silt Loam (0 to 2 percent slopes)
Rs	Ross Loam
RvB	Russell-Miamian Silt Looms (2 to 6 percent slopes)
RvB2	Russell-Miamian Silt Looms (2 to 6 percent slopes)
ThA	Thackery Silt Loam (0 to 2 percent slopes)
WaA	Warsaw Loam (0 to 2 percent slopes)
WeB	Wea Silt Loam (1 to 3 percent slopes)
Ws	Westland Silty Clay Loam
XeA	Xenia Silt Loam (0 to 2 percent slopes)
XeB	Xenia Silt Loam (2 to 6 percent slopes)

The physical distribution of these soils within Caesarscreek Township is noted on the Prime Agricultural Soils Map which is incorporated into this Resolution as a guide in considering zoning district amendments, variances, appeals, conditional use permits, and other administrative actions.

PUBLIC OR SEMI-PUBLIC AREAS: Shall include the following but is not limited to streets and right-of-ways, parks, schools, libraries, administrative and cultural facilities, churches, and other places of worship.

RECREATION FACILITIES: A place designed and equipped for the conduct of sports, leisure, and social activities.

RECREATION VEHICLE: Any motor vehicle, boat, trailer, camper, or any other vehicle designed or intended to be used for recreation or for short term dwelling or sleeping purposes away from any place of permanent residence.

RURAL CHARACTER: the appearance of open areas and/or characteristics of a country setting with a mixture of farms, woodlands, varying topography, undeveloped open space, clean water ways, wildlife and the absence of suburban amenities such as street lights and sidewalks.

SETBACK: The minimum distance from any lot line that an improvement may be placed, measured perpendicular from the lot line to the closest point of the improvement.

SETBACK, FRONT: A line parallel to the front lot line • extending the full width of the lot, representing the distance that all or any part of any building is to be set back form the front lot line(s). In the event that the front lot line does not fall along a dedicated right-of-way line, then the front setback line shall be measured from a line parallel to and 25 feet from the centerline of the street.

SETBACK, REAR: A line parallel to any rear lot line representing the distance that all or any part of any building is to be set back form the rear lot line(s). The rear setback shall extend the full width of the lot.

SETBACK, SIDE: A line parallel to any side lot line representing the distance that all or any part of any building is to be set back form the side lot line(s). The side setback shall extend from the required front setback to the required rear setback.

SPECIFIED SEXUAL ACTIVITIES:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts, real, or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or
- c. fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

SPECIFIED ANATOMICAL AREAS:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and/or
- b. Human genitals in a discernibly turgid state even if completely and opaquely covered.

STORY: A part of a building except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there be no floor above, then the ceiling next above.

STORY, HALF: An uppermost story lying under a roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, that is used, in whole or part, for dwelling or habitable purposes.

STREET: Street shall mean a public or private thoroughfare which is the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. All buildings are considered structures.

STRUCTURES, TEMPORARY: A transient, non-permanent structure permitted to exist for a designated period of time for storage or special events. A temporary structure shall not be permanently affixed to the ground.

TENANT FARM DWELLING: A dwelling unit constructed or occupied for the purpose of providing housing for person(s) engaged in assisting the farmer and his family in the practice of agriculture and/or maintenance of his farm.

USE: The specific purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.

VARIANCE: A relaxation of the requirements of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship and said variance runs with the land.

VETERINARY CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention. The boarding of animals is limited to short-term care incidental to the clinic.

YARD, FRONT: An open space extending the full width of the lot between any part of a building and the front lot line.

YARD, REAR: An open space extending the fullest width of the lot between a building and the rear lot line.

YARD, SIDE: An open space extending from the front yard to the rear yard between a building and the side lot line.

ZONING INSPECTOR: The Zoning Inspector or their authorized representative, as appointed by the Board of Township Trustees of Caesarscreek Township.

ZONING MAP: The Official Zoning District Map of Caesarscreek Township, Greene County, Ohio.

ZONING CERTIFICATE: A written statement, issued by the Zoning Inspector authorizing the construction of buildings, structures, or the establishment of uses permitted in this Resolution.