

General Plan

Fayette County, Ohio

COUNTY ZONING RESOLUTION

Adopted
January 30, 1964

Effective Date of Amended
Zoning Resolution
October 16, 1998

FAYETTE COUNTY COMMISSIONERS

Tony Anderson
Jack DeWeese
Bob Peterson

AMENDMENTS

AMENDMENT DATES:

July 27, 1992
April 11, 1994

EFFECTIVE DATE OF AMENDMENTS:

August 27, 1992
May 10, 1994

The preparation of this original document was financially aided through a Federal grant from the Urban Renewal Administration of the Housing and Home Finance Agency, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

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FAYETTE COUNTY BOARD OF ELECTIONS
321 SOUTH FAYETTE STREET
WASH. C.H., OHIO 43160

TOWNSHIP ZONING RECORDS

Date issue was on ballot and passed.

CONCORD	May 2, 1972	County Zoning
GREEN	November 2, 1999	County Zoning
JASPER	August 3, 1993	County Zoning
JEFFERSON	November 7, 1989	County Zoning
MADISON	November 4, 1997	County Zoning
MARION	November 5, 1968	County Zoning
PAINT	May 5, 1964	County Zoning
PERRY	November 7, 1995	County Zoning
UNION	We have no record of any zoning passed by ballot. (June 20, 1956 - Township zoning, our records stop at 1960) (1994 County zoning was adopted by resolution)	
WAYNE	November 5, 1968	County Zoning
	August 4, 1992	Township Zoning

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ARTICLE 1

PURPOSE

- 1.00 For the purpose of promoting the public health, safety, morals and the general welfare, the Board of County Commissioners may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the county into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform, for each class or kind of building or other structure or use, throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

ARTICLE 2

TITLE

- 2.00 This Resolution shall be known and may be cited and referred to as the "Fayette County, Ohio, Zoning Resolution."

ARTICLE 3

INTERPRETATION OF STANDARDS

- 3.00 In their interpretation and application, provisions of this Resolution shall be held to be the minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions the provisions of this Resolution shall control.

ARTICLE 4

DEFINITIONS

- 4.00 Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Resolution. Words used in the present tense includes the future; the singular number shall include the plural and the plural the singular; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; and the word "shall" is mandatory, not directory.
- 4.01 Accessory Use or Structure: A use or structure subordinate to the principal use of a building or to the principal use of land which is located on the same lot and serving a purpose customarily incidental to the use of the principal building or use of land.
- 4.02 Agriculture: As used in sections 303.02 to 303.25 of the Revised Code, Agriculture@ includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 4.03 Basement: A story whose floor is more than twelve (12) inches but not more than one-half (2) its story in height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half (2) below such level).
- 4.04 Board: The Board of Zoning Appeals of Fayette County, Ohio.
- 4.05 Boarding or Lodging House: A dwelling or part thereof where meals and/or lodging are provided for compensation for five (5) or more persons not transients.
- 4.06 Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.
- 4.07 Building, Height of: The vertical distance from the average ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

- 4.08 Cellar: A story, the floor of which is more than one-half (2) of its story height below the average level of the adjoining ground.
- 4.081 A telecommunications tower means a free standing structure or one attached to a building to be owned or principally owned by a public utility engaged in the provision of telecommunications services and is proposed to have attached to it radio frequency transmission or reception equipment. Ohio Revised Sections 303.211 and 519.211.
- 4.09 Commercial Sign or Billboard: Any structure, surface or portion thereof, situated on private premises on which lettered, figured, or pictorial matter is displayed for advertising purposes other than the name and occupation of the user of the premises or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon, or any structure, surface or portion thereof, the area of which devoted to advertising purposes exceeds one hundred (100) square feet. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty, or bulletin board used to display announcements of meetings to be held on the premises wherein such bulletin boards are located, nor shall it be held to include a real estate sign advertising for sale or lease the property upon which it stands.
- 4.10 Commission, Planning: County Planning Commission of Fayette County, Ohio.
- 4.11 Commission, Zoning: County Rural Zoning Commission of Fayette County, Ohio.
- 4.12 Commissioners, County: Board of County Commissioners, Fayette County, Ohio.
- 4.13 Conditional Use: A use that is permitted, but only, in each specific instance, after determination by the Board of Zoning Appeals that the applicable regulations and standards of this Resolution will be adhered to, and after the designation by the Board of Zoning Appeals of the additional safeguards and conditions in the specific circumstances shall be adhered to in order to prevent harm or injury to the public health, safety, morals and general welfare.
- 4.14 District: A portion of the territory of Fayette County within which certain uniform regulations and requirements or various combinations thereof apply to the provisions of this Resolution.
- 4.141 District, More Restricted or Less Restricted: Each of the districts in the following listing shall be deemed to be more restricted than any of the districts succeeding it and each shall be deemed to be less restricted than any of the other districts preceding it: A, R, C, HS, M.

- 4.15 Dwelling: Any building or portion thereof designed or used as the residence or sleeping place of one or more persons but not including a tent, cabin, room in a hotel or motel, trailer or trailer court.
- 4.151 Dwelling, Single-family: A dwelling designed for or used exclusively for resident purposes by one family as a housekeeping unit.
- 4.152 Dwelling, Two-Family: A dwelling designed for or used exclusively by two families as housekeeping units.
- 4.153 Dwelling, Multiple-Family: A dwelling designed for or used by three or more families as housekeeping units.
- 4.154 Dwelling Unit: One room or suite of two or more rooms designed for or used by one or more families for living or sleeping purposes and having only one (1) kitchen or kitchenette.
- 4.16 Family: A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel, fraternity or sorority house.
- 4.161 Flood Plain Boundary Map: The official map issued by the Federal Emergency Management Agency that identifies land that is subject to a one (1) percent or greater chance of flooding in any given year.
- 4.162 Frontage: The side of a lot that is in contact with a public road and provides access to said lot.
- 4.17 Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families resident on the premises; provided that not more than one-half (2) of the space may be rented for private passenger vehicles for persons not resident on the premises.
- 4.18 Garage, Public: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers; except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired shall not be deemed a public garage.
- 4.19 Gross Floor Area: In the case of offices, merchandising or service types of uses, the area used or intended to be used by tenants, or for service to the public as customers,

patrons, clients or patients, including areas occupied by fixtures and equipment, storage areas, offices, rest rooms, utility rooms, and other floor space.

- 4.20 Junk Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where uses are conducted entirely within a completely enclosed building, and not including pawn shops and lots for the sale of used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- 4.21 Loading Space: A space not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, for the accommodation of vehicles servicing industrial, wholesale and/or retail business uses.
- 4.22 Lot: A piece or parcel of a tract of land occupied or intended to be occupied by a principal builder, or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Resolution and having frontage on public roads or streets.
- 4.221 Lot Corner: A lot abutting on two (2) or more roads or streets at their intersection or upon two parts of the same road or street, such road or street or parts of the same forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the road or street lines is the "corner."
- 4.222 Lot, Interior: A lot, other than a corner lot.
- 4.223 Lot, Area: The computed area contained within the lot lines.
- 4.224 Lot, Depth: The mean horizontal distance between the front and the rear lot lines.
- 4.225 Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- 4.226 Lot, Lines: The property lines bounding the lot.
- 4.2261 Lot Line, Front: The line separating the lot from a road or street.
- 4.2262 Lot Line, Rear: The lot line opposite and the most distant from the front lot line.
- 4.2263 Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a road or street is called a side road lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

- 4.2264 Lot Line, Road: A lot line separating the lot from a road or street.
- 4.227 Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder of Fayette County.
- 4.228 Lot Width: The mean width of the lot measured at right-angles to its depth.
- 4.229 Manufactured Home: A structure transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.
- 4.31 Motel or Tourist Court: A building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests.
- 4.32 Motor Vehicle Service Station: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray-painting, body, fender, clutch, transmission, differential, spring and frame repairs, major overhauling of engines requiring the removal of engine, cylinder, head or crank case pans; repairs to radiator requiring the removal thereof; or complete recapping or retreading of tires.
- 4.33 Nonconforming Use: A building, structure or premises legally existing or used at the time of adoption of this Resolution, or any amendment thereto which does not conform with the use regulations of the district in which located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or distance requirements from more restricted districts or uses shall not be considered a nonconforming use.
- 4.34 Outdoor Storage Yard: Any area not a junk yard, used for the storage or sale of goods or products.
- 4.35 Parking Area, Private: An open area for the same uses as a private garage.
- 4.36 Parking Area, Public: An open area for other than a road or other public way used for the parking of automobiles available to the public whether for a fee, free, or as an accommodation for clients or customers.

- 4.37 Parking Space: A permanently surfaced area of not less than two hundred (200) square feet either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.
- 4.371 Planned-Unit Development: A development which is planned to integrate residential industrial or any other use.
- 4.38 Road or Street: A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution. The terms "road or street" shall include avenue, drive, circle, parkway, boulevard, highway, thoroughfare, or any other similar term.
- 4.39 Road Plan: The Official Thoroughfare Road Plan of Fayette County as adopted by the Planning Commission and approved by both the County Engineer and the Board of County Commissioners.
- 4.391 Shopping Mall: A concentration of commercial type stores located on one (1) parcel of land and owned, controlled and leased by a single owner or corporation.
- 4.40 Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between the floor and the ceiling next above it.
- 4.401 Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes shall be deemed a full story.
- 4.41 Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
- 4.42 Structural Alteration: Any change in the structural members of a building such as walls, columns, beams, or girders.
- 4.43 Trailer: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping and eating quarters or for the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance of tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on roads or streets, customarily propelled or drawn by motor power other than its own.
- 4.44 Trailer Park: A lot or portion of any parcel of land which is used as a location for THREE (3) or more trailers used for the purposes set forth in Paragraph 4.43 above.

- 4.45 Use: The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is or may be occupied or maintained.
- 4.46 Variance: A modification of the requirements of this Resolution granted by the Board, in a specific situation, in order to alleviate practical difficulty or undue hardship owing to exceptional narrowness, shallowness or shape of the lot, to difficult topography or other peculiar conditions of the lot, or to the nature of existing uses or structures immediately adjoining a lot. Such modifications shall not include the approval for a use not permitted in the district in which the lot is located.
- 4.47 Yard: An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard, or the depth of a rear yard the least distance from the lot line and the main building shall be used.
- 4.471 Yard Front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof except as otherwise provided herein.
- 4.472 Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projection thereof except as otherwise provided herein.
- 4.473 Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot line and the building.
- 4.48 Zoning Certificate: A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.
- 4.49 Zoning Inspector: The Zoning or Building Inspector of the County of Fayette, Ohio, or his authorized representative.
- 4.50 Zoning Map: The Zoning Map of the County of Fayette, Ohio dated January 30, 1964, together with all amendments subsequently adopted.

ARTICLE 5

DISTRICTS AND BOUNDARIES THEREOF

5.0 For the purpose of this Resolution the unincorporated territory of Fayette County, Ohio, is hereby divided into the following types of districts:

A - Agricultural District

R - Residential District

C - Community Business District

HS - Highway Service District

M - Industrial District

5.1 Said districts and boundaries thereof are hereby adopted and established as shown on the Zoning Map, by Townships, of the unincorporated territory of Fayette County, Ohio, which map, together with all notations, references, data, district boundaries and other information shown thereon shall be and are hereby made a part of this Resolution. Said Zoning Map, by Townships, properly attested shall be and remain on file in the office of the Zoning Inspector of Fayette County, Ohio.

5.2 Except where referenced on said Zoning Map to a road or street line or other designated line by dimensions shown on said Map, the district boundary lines are intended to follow lot lines or the center lines of roads or streets as they existed at the time of the adoption of this Resolution; but where a district line obviously does not coincide with such lines or where it is not designated by dimensions it shall be determined by scaling.

5.3 Where a district boundary line as established in this Article or as shown on the Zoning Map divides a lot which was in single ownership at the time of the adoption of this Resolution, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Resolution shall be considered as extending to the entire lot provided that the more restricted portion of such lot is entirely within one hundred (100) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

5.4 All questions concerning the exact location of district boundary lines shall be determined by the Board in accordance with rules and regulations which may be adopted by it.

- 5.5 Whenever any road or street is vacated by official action as provided by law, the zoning district adjoining the side or sides of such road or street shall be extended automatically depending on the side or sides to which such lands revert to include the right-of-way thus vacated which shall thenceforth be subject to all regulations of the extended district or districts.
- 5.6 In every case where territory has not been specifically included within a district or where a territory becomes a part of the unincorporated area of Fayette County as the result of the disincorporation of any city, town, or portion thereof, or otherwise, such territory shall automatically be classified as an "A" District until otherwise classified.
- 5.7 Flood Plain Districts: Are not recognized for zoning purposes but do exist due to the geography of the drainage watersheds in the county. Detailed maps of the flood plain areas are available in the Fayette County Building Department. No zoning certificates will be approved for construction in the flood plain area with the exception of recreation equipment and public utilities such as sewer plants, and these would have to be in compliance with the flood damage prevention resolution adopted by the Board of County Commissioners on August 31, 1992.

ARTICLE 6

GENERAL PROVISIONS

- 6.01 Conformance Required: Except as hereinafter specified, no land, building, structure or premises shall hereafter be used and no building or part thereof or other structure shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located.
- 6.02 Continuing Existing Uses: Except as hereinafter specified, any use, building or structure existing at the time of the enactment of this Resolution may be continued even though such use, building or structure may not conform with the provisions of this Resolution or the district in which it is located.
- 6.03 Nonconforming Uses: No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order shall be enlarged, extended, reconstructed, substituted or structurally altered unless the use thereof is changed to a use permitted in the district in which such building or premise is located, except as follows:
- 6.031 Substitution or Extension:
- 6.0311 When authorized by the Board, the substitution for a nonconforming use of a similar nonconforming use may be made.
- 6.0312 Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- 6.0313 When authorized by the Board a nonconforming use may be extended throughout those parts of the building which were manifestly designed or arranged for such use prior to the date when the use of such building became nonconforming if no structural alterations except those required by law are made therein.
- 6.032 Discontinuance: No building, structure or premises of a nonconforming use which has ceased for one (1) year or more shall again be put to a nonconforming use.
- 6.033 Replacing Damaged Buildings: Any nonconforming building or structure damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot or other calamity, or act of God may be restored, reconstructed or used as before, provided that it is done within twelve (12) months of such occurrence.
- 6.034 Repairs and Alterations: Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided no

structural alterations shall be made except as may be required by law or authorized by the Board.

6.04 Conversion of Dwellings: The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only in the district in which a new building for similar occupancy would be permitted under this Resolution and only when the resulting occupancy will comply with the requirements governing new construction in such district.

6.05 Rear Dwellings: No building in the rear of a principal building on the same lot therewith shall be used for residential purposes unless it conforms with all the yard and other open space and off-street parking requirements of this Resolution; and, for the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed access way not less than twenty (20) feet wide to a public street for each such dwelling unit, or not less than fifty (50) feet wide for three (3) or more dwelling units.

6.06 Accessory Buildings in the R-District:

6.061 An accessory building may be erected or detached from the principal building, or, may be erected as an integral part of the principal building or it may be connected therewith by a breezeway or similar structure. No accessory buildings shall be erected in any required yard except a rear yard and shall not occupy more than thirty-five (35) per cent of a required rear yard. Accessory buildings shall be a distance of at least six (6) feet from any dwelling situated on the same lot unless an integral part thereof, and at least six (6) feet from any other accessory building.

6.062 Where a corner lot adjoins in the rear the lot fronting on a side road, no part of an accessory building on such corner lot within twenty-five (25) feet of the common lot line shall be nearer the side road lot line than the least depth of the front yard required along such road for a dwelling on such adjoining lot, and in no case shall any part of such accessory building be nearer the side road lot line than the least width for the side yard required for the principal building to which it is accessory.

6.063 An accessory building, if not located in the rear yard, shall be an integral part of or connected with the principal building to which it is accessory, and shall be so placed to meet all yard requirements for the principal building.

6.07 Street Frontage Required: Except as permitted by other provisions of this Resolution, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least fifty (50) feet on a street, and there shall be not more than one

single-family dwelling for such frontage.

6.071 For corner lots, the side road yard shall be equal in width to the front yard required for the lots to the rear having frontage on the side road.

6.072 On any corner lot, no fence, structure, or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with traffic visibility across the corner.

6.08 Required Area or Space Can Not Be Reduced: No lot, yard, parking area or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this Resolution; and if already less than the minimum required by this Resolution said area or dimensions shall not be further reduced. No part of a yard, parking area or other space provided about or for a building or structure for the purpose of complying with the provisions of this Resolution shall be included as part of a yard, parking area or other space required under this Resolution for another building or structure.

6.09 Higher Health Board Requirements to Prevail: Lot size and family area requirements required by this Resolution are deemed to be the minimum necessary for preserving the health of the community. If, in particular instances, the Health Department finds that larger areas are necessary to achieve this end such shall prevail over the minimums stipulated by this Resolution.

6.10 Areas Subject to Flooding: All structures, grading, excavating, filling, dredging, paving, changing of topography, storing of topsoil and other developments which may increase flooding and located in the 100 year floodplain, as determined in the Fayette County Flood Hazard Boundaries Maps, must comply with the Flood Damage Prevention Resolution, as amended, and apply for a Developmental Permit from the Floodplain Manager who will further submit the application along with the necessary documentation for review and comments to the Fayette County Engineer and the Fayette County Health Department. (Amended April 11, 1994; Effective May 10, 1994)

6.11 Unsafe Buildings: Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by proper authority.

6.12 Pending Applications for Zoning Certificates: Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required certificates have been granted before the enactment of this Resolution, the construction of which, conforming with such plan, shall have been started prior to the effective date of this Resolution and completion thereof carried out in a normal manner

within the subsequent twelve (12) month period and not discontinued until completion except for reasons beyond the builder's control.

6.13 Agriculture: Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure. Front yard set back minimums should be complied with so as to allow future road widening.

6.13(a) Section 303.21 (b) as prescribed under H.B. 582 effective 3/5/87 allows for regulation of agriculture in platted areas in less than five (5) acres. In this resolution under Residential Districts, agriculture is a conditional use requiring Board authorization.

6.14 Public Utilities and Railroads: Nothing contained in this Resolution shall prevent the location or 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 its business, but a zoning certificate for such, structure or building shall be required in accordance with this Resolution. This provision shall not apply to telecommunication towers in the residential district.

6.15 Outdoor Advertising: Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry and business, trade or lands used for agricultural purposes, subject to the provisions of Section 12.31 and the applicable district regulations.

ARTICLE 7

A - AGRICULTURAL DISTRICT

7.0 This district is established (1) to protect land best suited for agricultural use from the encroachment of incompatible land uses and to preserve valuable agricultural land for agricultural uses and (2) To protect the open area from the encroachment of scattered urban type uses permanently or until such time as the area is ready for more intensive development and can be provided with urban services such as public sewer and water. (3) to limit the number of driveways which access public highways and create a dangerous situation for the traveling public.

Lands within the agricultural district are used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience and discomfort and should be prepared to accept these conditions as detailed in The Right to Farm provisions of the Ohio Revised Code.

7.1 Principal Permitted Uses:

7.11 Agriculture

7.12 Single-Family Dwellings - One (1) per lot.

7.13 Churches

7.14 Private and Public Schools

7.15 Private Noncommercial Recreation Facilities

7.16 Noncommercial Clubs, Fraternities and Lodges

7.17 Public Utilities Facilities

7.2 Conditional Uses Requiring Board Authorization:

7.210 Commercial signs and billboards, subject to the requirements of Section 12,31.

7.211 Trailers

7.212 Sand and Gravel Extraction - Mining or Stripping of Topsoil - Oil and Gas Drilling: subject to the requirements of Section 15.4112, plus additional conditions which the Board may impose.

7.213 Junk Yards, Auto Wrecking Yards and Outdoor Storage Yards: subject to requirements of Section 15.4114, plus additional conditions which the Board may impose.

7.214 Commercial agricultural uses including but not limited to animals sales lots or feed

lots, feed dealers, grain elevators, farm implement dealing and surplus commodity storage facilities.

- 7.216 Public or Private Airports or Landing Fields
- 7.217 Hospitals, Nursing and Convalescent Homes
- 7.218 Sanitary Land Fills: Subject to Ohio EPA regulations.
- 7.219 Commercial Recreation Facilities
- 7.220 Cemeteries
- 7.221 Kennels, Animal Hospitals and Riding Stables
- 7.222 Bed and Breakfast Homes
- 7.223 Radio, Television, Microwave or Other Transmission Towers and Associated Facilities
- 7.224 Customary Home Occupation or Professional Office conducted exclusively by the resident family with not more than two (2) employees.
- 7.3 Accessory Uses:
 - 7.31 Living Quarters for Persons Employed on the Premises.
 - 7.32 Private Garage or Parking Area.
 - 7.33 Keeping Roomers or Boarders by a resident family.
 - 7.34 Roadside stands for the sale of agriculture products produced on the premises.
 - 7.35 Temporary Buildings for Uses Incidental to Construction.
- 7.4 Minimum Lot Width and Area: Three hundred (300) feet of frontage; area seventy five thousand (75,000) square feet not including road right-of-way.
- 7.5 Maximum Building Height: Two and one-half (2 1/2) stories or thirty (30) feet; except farm and utility structures.
- 7.6 Minimum Yards: Front, seventy-five (75) feet from lot line not including highway right-of-way; rear, fifty (50) feet; side, thirty (30) feet.

ARTICLE 8

R - RESIDENTIAL DISTRICT

8.1 Principal Permitted Uses:

8.11 Single-Family and Two Family Dwellings One (1) per lot.

Trailers are not permitted in a Residential District which is a platted subdivision and consists of lots under five (5) acres other than trailer parks.

8.12 Publicly owned and Operated buildings and facilities except those uses listed under conditional uses.

8.13 Churches

8.2 Conditional Uses Requiring Board Authorization

8.21 Agriculture: Subject to section 303.21(B) of the Ohio Revised Code

8.22 Multiple-Family Dwellings

8.23 Trailer Parks: Subject to Health Department requirements and the requirements stipulated in Section 15.4111 plus additional conditions which the Board may impose.

8.24 Private Noncommercial Recreation Facilities

8.25 Public Utility Facilities

8.26 Telecommunications/Towers

8.27 Nursing and Convalescent Homes

8.3 Accessory Uses: same as for the A District

8.4 Minimum Lot Width and Area: Lots that outlet on any thoroughfare road, (state, county or township) shall have a minimum frontage of 300 ft. and a depth of not more than two (2) times the frontage and said lot shall not consist of five (5) acres or more, and shall comply with Fayette County Sub-Division Regulations.

Lots that outlet on a cul-de-sac road or a road that is constructed to facilitate traffic

within a sub-division, shall have a minimum frontage of 150 ft. And shall not consist of 5 acres or more and shall comply with Fayette County Sub-Division regulations.

Minimum Lot Area:

- | | |
|--------------------------------------|----------------|
| 1. Both Public Sewer and Water | 22,500 sq. ft. |
| 2. Neither Public Sewer and Water | 45,000 sq. ft. |
| 3. With Public Sewer and No Water | 30,000 sq. ft. |
| 4. No Public Sewer with Public Water | 40,000 sq. ft. |

8.5 Minimum Lot Area Per Family 22,500 sq. ft.

8.6 Maximum Building Height: same as for the A District

8.7 Minimum Yards: Front, seventy-five (75) feet (measured from right-of-way line, as existing; or, if wider right-of-way has been established, from the latter line); rear, fifty (50) feet; side, thirty (30) feet.

ARTICLE 9

C - COMMERCIAL DISTRICT

- 9.1 Principal Permitted Uses:
- 9.11 Multiple-Family Dwellings
- 9.12 Churches
- 9.13 Public and Private Schools
- 9.14 Any retail business, service establishment or office serving primarily the needs of the community as specifically listed below and not including hotels, motels, junk yards, auto wrecking yards, outdoor storage yards, or stables.
- 9.141 Small Food Stores
- 9.142 Bakery Shops
- 9.143 Candy and Ice Cream Stores
- 9.144 Drug Stores
- 9.145 Grocery and Delicatessen Stores
- 9.146 Carry Out Beverage and Snack Shops
- 9.147 Pizza Shops
- 9.148 Sports and Bait Shops
- 9.149 Hardware and Paint Shops
- 9.1491 Shoe Repair
- 9.1492 Barber and Beauty Shops
- 9.1493 Pick Up Stations for Dry Cleaning and Laundry
- 9.1494 Dry Cleaning and Laundromats of the Self Service Type
- 9.1495 Shops Producing Merchandise to be sold on the premises, providing that not more than

- (5) persons are employed on the site in such production.
- 9.1496 Accessory Buildings incidental to the principal use.
- 9.1497 Home Occupation.
- 9.1498 General Office Building.
- 9.15 Commercial Signs and Billboards, subject to the requirements of Section 12.31
- 9.16 Public Utility Facilities
- 9.17 General Office Building
- 9.2 Conditional Uses Requiring Board Authorization:
- 9.21 Any retail business, service establishment or office that is not a principal permitted use.
- 9.22 Single Family, Two Family Dwellings One (1) per lot
- 9.3 Accessory Uses:
- 9.31 Any use customarily accessory to a principal permitted use.
- 9.4 Minimum Lot Width and Area:
- 9.41 Residential Uses: same as for the R District.
- 9.42 Nonresidential Uses: none.
- 9.5 Maximum Building Height: Two and one-half (2 2) stories or thirty (30) feet, except public utilities structures.
- 9.6 Minimum Yards:
- 9.61 Residential Uses: same as for the R District
- 9.62 Nonresidential Uses: Front, twenty (20) feet (measured from right-of-way line as existing; or, if wider right-of-way has been established, from the latter line); rear, twenty-five (25) feet; side, none, except twelve (12) feet, if provided.

ARTICLE 10

HS - HIGHWAY SERVICE DISTRICT

10. Principal Permitted Uses:

This district is intended to provide an appropriate location for commercial establishments offering accommodations, supplies and services to the motoring public.

This district is designed for areas having a high volume of truck and automobile traffic and should only be located at intersections of interstate highways and interchanges with state routes or county roads. These districts required central sewage and central water constructed in accordance with Ohio E.P.A. approved plans and may be owned and operated by either the county or private developers.

10.01 Any retail business, service establishment or office serving primarily the highway traveler as specifically listed below.

10.02 Hotels, Motels.

10.03 Automobile Service Stations, Car Washes.

10.04 Drive in and Fast Food Facilities.

10.05 Restaurants, Food Courts and Lounges.

10.06 Truck Service Centers and Repair Facilities.

10.07 Gift Shops.

10.08 Shopping Malls.

10.12 Commercial Signs and Billboards, subject to the requirements of Section 12.31.

10.13 Public Utility Facilities

10.2 Conditional Uses Requiring Board Authorization:

10.21 Any retail business, service establishment or office that is not a principal permitted use.

10.3 Accessory Uses:

10.31 Any use customarily accessory to a principal permitted use.

10.32 A single dwelling unit for the exclusive occupancy of the owner or operator of a

principal permitted use.

10.33 Temporary buildings for uses incidental to construction.

10.4 Minimum Lot Width and Area: One hundred forty foot (140ft) and thirty five thousand square feet (35,000 sqft.)

10.5 Maximum Building Height: same as for the C District, 2 2 stories, 30 ft.

10.6 Minimum Yards: Front, fifty (50) feet (measured from right-of-way line as existing; or, if wider right-of-way has been established, from the latter line); rear, fifty (50) feet; side, twenty (20) feet.

ARTICLE 11

M - INDUSTRIAL DISTRICT

11.1 Principal Permitted Uses:

The purpose of this district is to provide suitable areas for a wide range of industrial activities in unincorporated Fayette County, while protecting and preserving the environmental character of adjacent and nearby agricultural, residential and commercial areas.

- 11.11
- A. The manufacturing, production, consisting of firms involved in the manufacturing, processing, fabrication, packaging and/or assembling of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site.
 - B. Industrial service, consisting of firms engaged with the repair or servicing of industrial, business or consumer machinery, equipment or products.
 - C. Industrial product sales, consisting of firms involved with the sale, rent or lease of products generally intended for industrial or commercial areas. Emphasis is on-site order tanking and may include display areas, with products typically delivered to the customer.
 - D. Warehousing and distribution, consisting of firms involved with the movement, storage and/or sale of goods for themselves or other firms. Goods are generally delivered to other firms for final sale.

11.12 Public Utility Facilities.

11.13 Commercial signs and billboards subject to the requirements of Section 12.31.

11.2 Conditional Uses Requiring Board Authorization:

11.21 Any commercial or industrial use not a principal permitted use and not detrimental to the health, welfare or safety of the community and not objectionable due to smoke, smell, glare, noise or vibration.

11.22 General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business or personal services.

11.3 Accessory Uses:

11.31 Any use customarily accessory to a principal permitted use.

11.32 Temporary buildings for uses incidental to construction.

11.4 Minimal Lot Width and Area: Two hundred (200) feet

Area 2 acres. All lots shall abut publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

11.5 Maximum Building Height: same as for the C District 2 2 stories, 30 ft.

11.6 Minimum Yards: Front, fifty (50) feet (measured from right-of-way line as existing; or, if wider right-of-way line has been established, from the latter line); rear, fifty (50) feet; side, twenty (20) feet.

ARTICLE 12

SPECIAL PROVISIONS

12.1 Off-Street Parking and Loading Areas Required:

12.11 In all districts in connection with every use, space for the off-street parking of vehicles shall be provided in accordance with the following schedule:

12.111 Dwelling Units - two (2) spaces for each family or dwelling unit.

12.112 Church, Auditorium or Assembly Hall - one (1) space for each four (4) seats.

12.113 Schools - one (1) space for each employee, plus one (1) space for each ten (10) students at the high school or college level.

12.114 Hospitals - one (1) space for each two (2) beds.

12.115 Hotels and motels - one (1) space for each bedroom.

12.116 Retail Business and Office Uses under two thousand (2,000) square feet in gross floor area - one hundred (100) percent of such floor area.

12.117 Retail Business and Office Uses two thousand (2,000) square feet or over in gross floor area - two hundred (200) percent of such floor area.

12.118 Wholesale, Commercial and Industrial Uses - one (1) space for each employee on the maximum shift.

12.119 Trailer Parks - two (2) spaces for each trailer unit.

12.12 Each Industrial Use, Wholesale Commercial Use, and Retail Business Use two thousand (2,000) square feet or over in gross floor area, shall provide one (1) off-street loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area.

12.13 Required parking and loading spaces shall be in addition to necessary driveways for ingress and egress, and all parking and loading areas (including driveways) shall be improved and maintained for all-weather use.

12.2 Motor Vehicle Service Stations, Public Garages and Parking Lots:

12.21 No motor vehicle service station, parking lot for twenty-five (25) or more vehicles or

parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of the street of any school, playground, library, church, hospital or similar institution except where such property is in another block or on another street upon which the lot in questions does not abut.

12.22 No motor vehicle service station or public garage shall be permitted where any oil draining pit or visible appliance for any purpose other than filling caps is located within twenty-five (25) feet of any road right-of-way line, as existing or as established, or within twenty-five (25) feet of any R District, except where such appliance or pit is within a building.

12.23 The lighting of parking lots or service station aprons shall not be directed on or interfere with the reasonable use and enjoyment of nearby residential or institutional properties nor interfere with the safety of vehicular traffic.

12.3 Sign Regulations:

12.31 Commercial signs or billboards shall:

1. Observe the set-back (front yard) requirements of the district in which they are located, except that at any intersection along any road or street shown on the Major Road Plan of Fayette County, the set-back on unimproved land shall not be less than one hundred (100) feet from the right-of-way lines (existing or as established) of each such road and intersecting streets;
2. Not be located with three hundred (300) feet of any R district or the entrance to a park, library, school, church, playground, hospital or similar institution.

12.32 Real estate signs and signs advertising only the goods or services provided on the premises shall:

1. Be set from the right-of-way line (existing or as established) at least one-half of the set-back (front yard) requirement of the district in which they are located;
2. Not be lighted in any way so as to cause unnecessary interference with the use and enjoyment of nearby residential or institutional uses or with the safety of vehicular traffic; and
3. Not to exceed one hundred (100) square feet in agricultural and residential districts three hundred (300) square feet in highway service, commercial and industrial districts.

ARTICLE 13

EXCEPTIONS AND MODIFICATIONS

- 13.1 Existing Lots of Record: In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Resolution irrespective of its area or width, the owner of which does not own any adjoining property; provided:
1. In no case shall the width of side yard be less than ten (10) percent of the width of the lot, and provided that on a corner lot the width of the side yard adjoining the side road or street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is the greater; and
 2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.
- 13.2 Yard Requirements: Every part of a required yard shall be open to the sky unobstructed by any building or structure except for a permitted accessory building and except for the ordinary projections, such as skylights, sills, cornices and ornamental features projecting not to exceed twelve (12) inches.
- 13.3 Double-Frontage Lots: Buildings on through lots extending through from road or street to road or street shall provide the required front yard on both roads or streets.

ARTICLE 14

ENFORCEMENT

14.1 Enforcement by Zoning Inspector: There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Resolution in accordance with the administrative provisions of this Resolution.

All departments, officials and public employees of Fayette County vested with the duty or authority to issue permits and licenses shall conform with the provisions of this Resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Resolution. Any permit or license issued in conflict with the provisions of this Resolution shall be null and void.

14.2 Filing Plans: Every application for a Zoning Certificate shall be accompanied by plans in duplicate drawn to scale in black or blue-line print, showing (on the basis of survey) the actual location, shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or any part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution. One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such zoning certificate as may be granted.

The lot and the location of the building thereon shall be staked out on the ground before construction is started. In every case where the lot is not provided and is not intended to be provided with public water and/or the disposal of sanitary waste by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Department of Fayette County of the proposed method of water supply and/or disposal of sanitary waste.

14.3 Zoning Certificate:

14.31 It shall be unlawful for an owner 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 shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate provided he is satisfied that the structure, building or premises and the proposed use

thereof, and the proposed methods of water supply and disposal of sanitary waste conform with all the requirements of this Resolution, the County Health Department and the Ohio E.P.A. when required.

No permit for the excavation and construction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform with the provisions of this Resolution and have been approved by the Fayette County Building Department.

The Zoning Inspector shall act upon all such applications on which he is authorized to act within the provisions of this Resolution within thirty (30) days after the date there are filed in full compliance with all the applicable requirements as specified under Section 14.2. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefor.

Failure to notify the applicant in case of such refusal within the said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

14.32 Under such rules as may be adopted by the Board, the Zoning Inspector may issue a temporary Zoning Certificate for a part of a building.

14.33 Upon written request from the owner or his designated representative (in writing), the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of the 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.

14.34 Fees: The Fayette County Board of Commissioners is hereby authorized and empowered to establish a schedule of fees and charges for zoning certificates, variances, conditional uses, appeals, amendments, plan approvals and any other matter provided for in or pertaining to this Zoning Resolution. The schedule of fees may be altered or revised only by the Board of Commissioners.

All fees collected under this resolution shall be paid into the county general fund and shall help defray county appropriations which are used for the cost of administration and enforcement of this resolution, including but not limited to the salary of the Zoning Inspector, expenses of the Zoning Board of Appeals and the Zoning Commission, and the cost of expenses engaged for the review of a particular application made under the provisions of this resolution.

14.4 Violations and Penalties: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto adopted by the Board of

County Commissioners of Fayette County, Ohio. Any person, firm or corporation violating any of the provisions 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 One Hundred (\$100) Dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

14.5 Violations - Remedies: In case any building is, or is supposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, or any amendment or supplement thereto, the Board of County Commissioners, the Prosecuting Attorney of Fayette County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation in addition to other remedies provided by law may institute injunction, mandamus, abatement, or other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

14.6 County Rural Zoning Commission: The Board of County Commissioners shall create and establish a County Rural Zoning Commission composed of five (5) members who reside in the unincorporated area of the county to be zoned. The terms of appointed members shall be arranged so as to assure that the term of one (1) member will expire each year. Rural members of an existing Planning Commission may be appointed to the Rural Zoning Commission. Members may be removed for nonperformance of duty, misconduct in office, or other charges. Vacancies shall be filled by the Board and shall be for the unexpired term. Section 303.04 Ohio Revised Code.

14.7 Recommendations of County Rural Zoning Commission, Organization and Powers: The County Rural Zoning Commission shall submit a plan including text and maps representing the recommendations of the Zoning Commission to the Board of County Commissioners including additions to territory in which a county zoning pan is in effect.

The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Section 303.05 Ohio Revised Code.

14.8 Public Hearing on Recommendations: Notice: Before certifying its recommendations of a zoning plan to the Board of county Commissioners, the County Rural Zoning Commission shall hold at least one public hearing in each township affected by the proposed zoning plan, notice of which shall be given by one publication in one or more newspapers of general circulation at least thirty (30) days before the date of such hearing. The notice shall state the place and time at which the text and the maps of the resolution may be examined. Section 303.06 Ohio Revised Code.

ARTICLE 15

BOARD OF ZONING APPEALS

15.1 Appointment: A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members who shall be residents of the unincorporated territory of Fayette County included in the area zoned, not more than two (2) of whom shall be from any one (1) township if the area zoned includes three (3) or more townships. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified.

Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other causes by the County Commissioners upon written charges having been filed with the Commissioners, and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to hearing either personally or by registered mail or by having the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies on the Board shall be filled by the Commissioners and shall be for the unexpired term.

15.2 Procedure: The Board shall organize and adopt rules for its own government and in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the County Commissioners and shall be a public record.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and a concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Regulation or to grant any variance from the requirements stipulated in this Resolution.

The Board may call upon the County departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

- 15.3 Applications, Appeals, Hearings and Stay of Proceedings:
- 15.31 Applications - When and By Whom Taken: An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be filed by any property owner, or his designated representative (in writing) or by a governmental official, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit the same to the Board.
- 15.32 Appeals - When and By Whom Taken: An appeal to the Board may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board a Notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 15.33 Hearings: All hearings shall adhere to the provisions of section 303.15 of the Ohio Revised Code. A copy of this section is attached to this resolution for the use of the Zoning Inspector.
- 15.34 Decisions of the Board: The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the times and conditions of the same in the certificate to the applicant or appellant whenever a certificate is authorized by the Board.
- A decision of the Board shall not become final until after the expiration of five (5) days from the date such decision is made unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- 15.35 Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board after Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application after notice to the Zoning Inspector or by judicial proceedings.
- 15.4 Powers of the Board of Zoning Appeals:
- 15.41 Conditional Uses, Specified Exceptions and Interpretations of Zoning Map: The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications filed as hereinbefore provided for conditional uses, special

3. Minimum set-back for operations: one hundred (100) feet from all property lines.
4. The site is to be restored to a safe and usable condition upon the termination of operations, and the Board of County Commissioners may require a performance bond made payable to the County to ensure compliance with its requirements in this regard.

15.4114 Junk Yards, Auto Wrecking Yards, Outdoor Storage Yards:

1. Uses are to be effectively screened from neighboring properties by natural objects or by a well-maintained solid fence or wall at least six (6) feet in height.
2. All dismantling or compacting operations are to be conducted at least one hundred (100) feet from all property lines.

15.412 Interpretation of Zoning Map: Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Resolution. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

15.42 Administrative Review and Variances

15.421 Administrative Review: The Board shall have the power to hear and decide appeals filed as hereinbefore provided where it is alleged by the appellant that there is an error in any order, requirements, decision, or grant of refusal made by the Zoning Inspector or other administrative official in the interpretation of the provisions of this Resolution.

15.422 Variances: The Board shall have the power to authorize upon appeal in specific cases filed as hereinbefore provided such variances from the provisions and requirements of this Resolution as will not be contrary to the public interests; but only in such cases where, owing to special conditions, pertaining to specific piece of property, the literal enforcement of the provisions and requirements of this Resolution would cause undue and unnecessary hardship.

15.4221 Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the

Board shall have the power to authorize a variance from the terms of this Resolution so as to relieve such hardship and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure of use as it may deem necessary in the interest of the furtherance of the purposes of this Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to insure that the conditions attached are being and will be complied with.

15.4222

No such variances in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

- a. that there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property

that do not apply generally to other properties or classes of uses in the same zoning district;
- b. that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- c. that the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or of the public interest.

15.4223

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which a variance is sought - one or the other or in combination - is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

15.423

General: In exercising its power, the Board may, in conformity with the provisions and statutes and of this Resolution, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

ARTICLE 16

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

- 16.1 Procedure for Change: Subject to Section 303.12 O.R.C. see attachment one
- 16.2 Fee schedule See attachment two.

ARTICLE 17

VALIDITY AND REPEAL

17.1 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 portion of this Resolution.

17.2 Repeal: In any township in which there is in force a plan of County Zoning, the same may be repealed as to said township in the following manner: the Board of County Commissioners (a) may adopt a resolution upon its own initiative, and (b) shall adopt a resolution if there is presented to it a petition signed by a number of qualified voters residing in the unincorporated area of such township included in the Zoning Plan equal to not less than eight (8) per cent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the question of whether or not the plan of Zoning in effect in said township shall be replaced be submitted to the electors residing in the unincorporated area of the township included in the Zoning plan at the next primary or general election. In the event a majority of the vote cast on said question is said township is in favor of repeal of zoning, then said regulation shall no longer be of any force or effect in said township. Not more than one such election shall be held in any two (2) calendar years.

ARTICLE 18

WHEN EFFECTIVE

18.1 When Effective: As provided under Section 303 of the Ohio Revised Code, "Upon certification by the Board of Elections, the Resolution shall take immediate effect in all townships which voted approval, eliminating from the plan any township which did not vote for approval."

18.11 This Resolution shall be in full force and effect in the following portions of Fayette County:

- Concord
- Green
- Jasper
- Jefferson
- Marion
- Paint
- Perry
- Madison