Deerfield Township Zoning Resolution

Effective August 5, 2011

TABLE OF CONTENTS

Article 1: General Provisions **1-1**
Section 1.01: Title 1-1
Section 1.02: Purpose 1-1
Section 1.03: Applicability 1-1
Section 1.04: Jurisdiction 1-1
Section 1.05: Interpretation and Conflicts 1-1
Section 1.06: Relationship with Third Party Private Agreements 1-1
Section 1.07: Compliance Required 1-2
Section 1.08: Severability 1-2
Section 1.09: Transitional Rules 1-2
Section 1.10: Restoration of Unsafe Buildings 1-3
Section 1.11: Repeal 1-3
Section 1.12: Use of Graphics, Illustrations, Figures, and Cross-References 1-3

Article 2: Administrative Roles and Authority **2-1**
Section 2.01: Purpose 2-1
Section 2.02: Summary Table of Review Bodies 2-1
Section 2.03: Board of Township Trustees 2-1
Section 2.04: Zoning Commission 2-2
Section 2.05: Board of Zoning Appeals (BZA) 2-3
Section 2.06: Zoning Inspector 2-5

Article 3: Development Review Procedures **3-1**
Section 3.01: Purpose 3-1
Section 3.02: Agricultural Exemption 3-1
Section 3.03: Exemptions for Public Utilities and Railroads 3-1
Section 3.04: Common Review Requirements 3-1
Section 3.05: Zoning Permit 3-4
Section 3.06: Certificate of Occupancy 3-7
Section 3.07: Zoning Text and Map Amendments 3-8
Section 3.08: Appeals, Variances, and Conditional Uses 3-10

Article 4: Zoning Districts and Use Regulations **4-1**
Section 4.01: Purpose 4-1
Section 4.02: General Provisions Related to Use Regulations 4-1
Section 4.03: Establishment of Zoning Districts 4-2
Section 4.04: Official Zoning Map 4-2
Section 4.05: Zoning District Purpose Statements 4-3
Section 4.06: Principally Permitted Uses 4-4
Section 4.07: Similar Use Determination 4-8
Section 4.08: Use-Specific Standards 4-8
Section 4.09: Accessory Uses and Structures 4-26
Section 4.10: Temporary Uses and Structures 4-37

Article 5: Planned Unit Developments (PUDs) **5-1**

Section 5.01: Purpose 5-1
Section 5.02: Types of PUD Districts 5-1
Section 5.03: PUDs Approved Prior to the Effective Date of this Zoning Resolution 5-1
Section 5.04: Compliance with Plans 5-1
Section 5.05: Review Procedure 5-1
Section 5.06: PUD Development Standards 5-7

Article 6: General Development Standards 6-1
Section 6.01: Site Development Standards 6-1
Section 6.02: Outdoor Lighting 6-10
Section 6.03: Architectural Design Guidelines and Standards 6-13
Section 6.04: Open Space 6-20

Article 7: Parking, Loading and Mobility 7-1
Section 7.01: Purpose 7-1
Section 7.02: Applicability 7-1
Section 7.03: General Standards Applicable to all Vehicular Use Areas 7-1
Section 7.04: Off-Street Parking Requirements 7-3
Section 7.05: Mobility and Sidewalks 7-12
Section 7.06: Off-Street Loading Requirements 7-13
Section 7.07: Parking and Storage of Recreational Vehicles and Trailers 7-15
Section 7.08: Parking and Storage of Tractor Trailers 7-15

Article 8: Landscaping and Buffering 8-1
Section 8.01: Purpose 8-1
Section 8.02: Applicability 8-1
Section 8.03: Landscaping and Buffer Plan 8-2
Section 8.04: Landscaping Materials and Standards 8-2
Section 8.05: Landscape Buffering Requirements 8-5
Section 8.06: Screening Requirements 8-6
Section 8.07: Landscaping and Screening of Vehicular Use Areas 8-8
Section 8.08: Maintenance 8-12
Section 8.09: Modifications 8-13

Article 9: Signs 9-1
Section 9.01: Purpose 9-1
Section 9.02: Applicability 9-1
Section 9.03: Computations and Rules of Measurement 9-2
Section 9.04: Signs Exempt from this Article 9-3
Section 9.05: Prohibited Signs 9-4
Section 9.06: General Construction 9-5
Section 9.07: Permitted Signs 9-5
Section 9.08: Temporary Signs 9-10
Section 9.09: Enforcement and Maintenance 9-11
Section 9.10: Nonconforming Sign Regulations 9-12
Section 9.11: Illegal Signs 9-13

Article 10: Nonconformities 10-1
Section 10.01: Purpose 10-1

Section 10.02: General Provisions 10-1
Section 10.03: Nonconformities and Variances 10-1
Section 10.04: Nonconforming Uses 10-1
Section 10.05: Nonconforming Lots of Record 10-2
Section 10.06: Nonconforming Structures or Sites 10-3
Section 10.07: Burden of Proof 10-3

Article 11: Enforcement and Penalties 11-1

Section 11.01: Enforcing Officer 11-1
Section 11.02: Remedies 11-1
Section 11.03: Notice of Violation 11-1
Section 11.04: Penalties 11-1
Section 11.05: Affected Parties 11-2
Section 11.06: Other Actions 11-2

Article 12: Definitions 12-1

Section 12.01: Rules of Construction and Interpretation 12-1
Section 12.02: Definitions 12-2

Article 1: General Provisions

Section 1.01: Title

This zoning resolution shall be known and may be cited and referred to as the "Deerfield Township, Warren County, Ohio, Zoning Resolution."

Section 1.02: Purpose

This zoning resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare as authorized by the provisions of Section 519.02 and the Sections there under of the Ohio Revised Code (ORC).

Section 1.03: Applicability

This zoning resolution has been passed under the authority granted to the township under Section 519.01 et seq. of the ORC and embraces the provisions thereof regarding enforcement and penalties for violations.

Section 1.04: Jurisdiction

The provisions of this zoning resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Deerfield Township, Warren County, Ohio and any land that is annexed by a municipality until the legislative authority of the applicable municipal corporation adopts the existing zoning regulations or new regulations for the annexed land in accordance with Section 519.08 of the ORC.

Section 1.05: Interpretation and Conflicts

A. For purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements required to promote the purpose of this zoning resolution.

B. When provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted zoning resolution, the more restrictive provisions shall govern.

C. Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or resolutions, the provisions of this zoning resolution shall control provided it complies with the ORC.

Section 1.06: Relationship with Third Party Private Agreements

A. This zoning resolution is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third party private agreements, the provisions of this zoning resolution shall govern.

B. In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

Section 1.07: Compliance Required

A. 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 compliance with the regulations herein specified for the applicable zoning district.

B. Unless specifically exempted, it shall be unlawful for a property owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning permit is issued by the zoning inspector in accordance with Section 3.05: Zoning Permit.

C. Uses, lots, buildings, and structures that do not comply with this zoning resolution will be subject to the provisions of Article 10: Nonconformities.

Section 1.08: Severability

A. If any court of competent jurisdiction invalidates any provision of this zoning resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning resolution.

B. If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.

C. If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

D. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this zoning resolution, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

Section 1.09: Transitional Rules

A. Effective Date

1. This zoning resolution became effective on August 1, 1997.

2. Any amendments to this zoning resolution shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

B. Violations Continue

Any violation that existed at the time this amendment became effective shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under Article 11: Enforcement and Penalties, unless the use, development, construction, or other activity complies with the provisions of this zoning resolution.

C. Nonconformities Continue

1. Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this zoning resolution, as long as the situation that resulted in the nonconforming status under the previous zoning resolutions continues to exist.

2. If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this zoning resolution, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

D. APPROVED PROJECTS

1. Any building, structure, or development for which a zoning permit was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning resolution. If such building, structure, or development does not comply fully with this zoning resolution at the time of completion, it shall be considered a legal nonconformity upon the issuance of a certificate of occupancy from the Warren County Building Department or final zoning permit from Deerfield Township.
2. If the building, structure, or development is not completed within the time allowed under the original zoning permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.
3. Any application for a project where the zoning permit has expired shall meet the standards in effect at the time the application is resubmitted.

E. VESTED RIGHTS

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

Section 1.10: Restoration of Unsafe Buildings

Except as provided in Article 10: Nonconformities, nothing in this zoning resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

Section 1.11: Repeal

This zoning resolution may be repealed in accordance with the provisions established in ORC Section 519.12.

Section 1.12: Use of Graphics, Illustrations, Figures, and Cross-References

A. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

B. In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the reference in parenthesis. Where a conflict may occur between the given cross-reference number and name, the name shall control.

Article 2: Administrative Roles and Authority

Section 2.01: Purpose

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning resolution.

Section 2.02: Summary Table of Review Bodies

A. Table 2.02-A (Summary Table of Review Bodies) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Article 3: Development Review Procedures. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.

TABLE 2.02-A: SUMMARY TABLE OF REVIEW BODIES

H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED) R = REVIEW AND/OR RECOMMENDATION			D = DECISION (RESPONSIBLE FOR FINAL DECISION) A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)		
PROCEDURE	**SECTION**	**BOARD OF TOWNSHIP TRUSTEES**	**ZONING COMMISSION**	**BOARD OF ZONING APPEALS (BZA)**	**ZONING INSPECTOR**
Zoning Resolution Text or Map Amendment	Section 3.07:	H-D	H-R		R
Planned Unit Development – Preliminary Development Plan	Section 5.05:B	H-D	H-R		R
Planned Unit Development – Final Development Plan	Section 5.05:C		H-D		R
Conditional Use	Section 3.08:			H-D	R
Appeals	Section 3.08:			H-D	[1]
Variance	Section 3.08:			H-D	R
Zoning Permit	Section 3.05:			A	R-D
Certificate of Occupancy	Section 3.06:			A	R-D

NOTES:
[1] Staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.

B. Even though not referenced in this article, other boards, commissions, government agencies, and non-government agencies may be asked by the zoning inspector, the Deerfield Township Zoning Commission, the Deerfield Township Board of Zoning Appeals, or the Deerfield Township Board of Township Trustees, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, appeals, variances, conditional uses, and planned unit developments.

Section 2.03: Board of Township Trustees

For the purpose of this zoning resolution, the Deerfield Township Board of Township Trustees, hereafter referred to as the board of township trustees, shall have the following duties:

A. Initiate proposed amendments to this zoning resolution text and/or the official zoning map;

B. Review and decide on all proposed zoning text and map amendments to this zoning resolution;

C. Review and decide on preliminary PUD plans as they relate to a proposed PUD; and

D. Perform all other duties as specified in Chapter 519 of the ORC and as specified in this zoning resolution.

Section 2.04: Zoning Commission

The board of township trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Deerfield Township Zoning Commission, hereafter referred to as the zoning commission.

A. Appointment and Organization

1. The board of township trustees shall appoint members of the zoning commission. The zoning commission shall be composed of five members who reside in the unincorporated area of Deerfield Township, Warren County, Ohio.
2. Members shall serve five-year terms with the term of one member expiring each year.
3. Each member shall serve until his or her successor is appointed and qualified.
4. Members of the zoning commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the board of township trustees, upon written charges filed with the board of township trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
5. Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

B. Roles and Powers

The zoning commission shall have the following roles and powers:

1. Initiate proposed amendments to this zoning resolution and/or the official zoning map;
2. Review all proposed zoning text and map amendments to this zoning resolution and make recommendations to the board of township trustees;
3. Review and make recommendations to the board of township trustees regarding preliminary PUD plans as they relate to a proposed PUD;
4. Review and make decisions on final PUD plans as they relate to a proposed PUD; and
5. Perform all other powers conferred upon township zoning commissions in Chapter 519 of the ORC, or as authorized by the board of township trustees in compliance with this zoning resolution and state law.

C. Alternates

1. The board of township trustees may appoint two alternate members to the zoning commission for a term of five years each.
2. An alternate member shall take the place of an absent regular member at any meeting of the zoning commission.
3. An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
4. If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
5. An alternate member shall meet the same appointment criteria as a regular member.

D. Bylaws

The zoning commission may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

E. Meetings

1. Meetings shall be held at the call of the chair, or the acting chair, and at such other times as the zoning commission may determine.
2. All meetings shall be open to the public, except as exempted by law.
3. The zoning commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be filed in the office of the Deerfield Township Community Development Department.

F. Quorum and Decisions

1. Any combination of three or more regular or alternate members of the zoning commission shall constitute a quorum.
2. The zoning commission shall act when at least three members concur.
3. Administrative decisions of the zoning commission made pursuant to its roles and powers conferred by Section 2.04:B.1, B.2, and B.5 shall be accompanied by a written resolution specifying the reason for granting or denying the application, or making its recommendation.
4. Administrative recommendations and decisions of the zoning commission made pursuant to its roles and powers conferred by Section 2.04:B.3 and B.4 shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application, or making its recommendation.
5. Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

Section 2.05: Board of Zoning Appeals (BZA)

The board of township trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Deerfield Township Board of Zoning Appeals, hereafter referred to as the BZA.

A. Appointment and Organization

1. The board of township trustees shall appoint members of the BZA. The BZA shall be composed of five members who reside in the unincorporated area of Deerfield Township, Warren County, Ohio.
2. Members shall serve five-year terms with the term of one member expiring each year.
3. Each member shall serve until their successor is appointed and qualified.
4. Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the board of township trustees, upon written charges filed with the board of township trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
5. Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

B. Roles and Powers

The BZA shall have the following roles and powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the zoning inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution.
2. To hear and decide, in accordance with the provisions of this zoning resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution to pass.
3. The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship for use variances or practical difficulty for area/dimensional variances, and so that the spirit of the zoning resolution shall be observed and substantial justice done.
4. To permit the substitution, enlargement or extension of nonconformities existing at the time of enactment of this zoning resolution in compliance with Article 10: Nonconformities.
5. To perform all other powers conferred upon township boards of zoning appeals in Chapter 519 of the ORC, or as authorized by the board of township trustees in compliance with this zoning resolution and state law.

C. ALTERNATES

1. The board of township trustees may appoint two alternate members to the BZA for a term of five years each.
2. An alternate member shall take the place of an absent regular member at any meeting of the BZA.
3. An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
4. If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
5. An alternate member shall meet the same appointment criteria as a regular member.

D. BYLAWS

The BZA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

E. MEETINGS

1. Meetings of the BZA shall be held at the call of the chair, or the acting chair, and at such other times as the BZA may determine.
2. The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per Section 519.15 of the ORC.
3. All meetings of the BZA shall be open to the public, except as exempted by law.
4. The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Deerfield Township Community Development Department and shall be a public record, unless exempted by law.
5. The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

F. Quorum and Decisions

1. Any combination of three regular or alternate members of the BZA shall constitute a quorum.
2. The BZA shall act by resolution when at least three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.
3. Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

Section 2.06: Zoning Inspector

A. Roles and Powers

1. The board of township trustees shall appoint a zoning inspector who shall have the following roles and powers:
   a. To serve as the zoning inspector within the Deerfield Township Community Development Department.
   b. To enforce this zoning resolution. All officials and employees of the township shall assist the zoning inspector by reporting to him/her upon new construction, reconstruction, land uses, or upon seeing violations.
   c. To review applications for zoning permits and to ensure compliance with this zoning resolution in accordance with Section 3.05: Zoning Permit.
   d. To issue a zoning permit, after written request from the owner or tenant, for any building or premises existing at the time of enactment of this zoning 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 zoning resolution.
   e. To review applications for certificates of occupancy and to ensure compliance with this zoning resolution in accordance with Section 3.06:Certificate of Occupancy.
   f. To keep adequate records of all applications and decisions on said applications.
   g. To issue citations for any zoning violations and keep adequate records of all violations.
   h. To review and make decisions on architectural standards as provided for in Section 519.171 of the ORC.
   i. To conduct inspections of buildings and uses of land to determine compliance or non-compliance with this zoning resolution.
   j. To revoke a zoning permit or approval issued contrary to this zoning resolution or based on a false statement or misrepresentation on the application.
2. The board of township trustees may also appoint additional zoning inspector personnel to assist the zoning inspector in such roles and powers.

B. Decisions

1. A decision of the zoning inspector may be appealed to the BZA.
2. The zoning inspector shall have appropriate forms for appeal available at the time of denial.

Article 3: Development Review Procedures

Section 3.01: Purpose

The purpose of this article is to identify the development review procedures used in the administration of this zoning resolution.

Section 3.02: Agricultural Exemption

A. Agricultural uses, and buildings or structures that are incident to agricultural uses, located on lots with a lot area of five acres or more, shall be exempt from the requirements of this zoning resolution and property owners shall not be required to obtain a zoning permit for such uses in accordance with Section 519.21 of the ORC.

B. For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 (711.13.1) of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following regulations shall apply:

1. Agricultural uses on lots of one acre or less shall be prohibited in the township, except as permitted in Section 4.09:Accessory Uses and Structures, and unless the agricultural use involves the raising of crops or trees, in which case, the use shall be permitted.

2. Buildings or structures incidental to the use of land for agricultural uses on lots greater than one acre but less than five acres shall be located in the side or rear yards and shall be set back a minimum of 20 feet from all property lines. Such buildings or structures shall not exceed 20 feet in height.

3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the ORC shall be prohibited. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land, buildings, or structures pursuant to Section 519.19 of the ORC.

C. Structures that are exempt from the provisions of the zoning resolution pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Warren County.

Section 3.03: Exemptions for Public Utilities and Railroads

Per Section 519.211 of the ORC, no part of this zoning resolution shall confer any power on the board of township trustees, township zoning commission, or BZA, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings 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.

Section 3.04: Common Review Requirements

The requirements of this section shall apply to all applications and procedures subject to development review under this zoning resolution, unless otherwise stated.

A. AUTHORITY TO FILE APPLICATIONS

1. The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning resolution. The person having legal authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.

2. The zoning commission and board of township trustees may initiate zoning text and map amendments under this zoning resolution with or without an application from the property owner who may be affected.

B. APPLICATION CONTENTS

1. Submittal Requirements

Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the zoning inspector and made available to the public.

2. Submission of Fees

a. Applications shall be accompanied by a fee as established by resolution of the board of township trustees and made available to the public.

b. The township shall charge appropriate fees for the review or issuance of zoning permits, conditional use permits, appeals, variances, zoning amendments, and other applicable permits and procedures to cover the costs of inspection, investigation, legal notices, and other expenses incidental to the enforcement of this zoning resolution. Such fees shall be paid to the Deerfield Township Community Development Department, or its designee, and shall be paid in accordance to the Official Zoning Fee Schedule as established by the board of township trustees.

3. Complete Application Determination

a. The zoning inspector shall only initiate the review and processing of applications submitted under this article if such application is determined to be complete.

b. The zoning inspector shall make a determination of application completeness within five business days of the application filing.

c. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this zoning resolution.

d. If an application is determined to be incomplete, the zoning inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.

e. If the applicant fails to re-submit a complete application within 60 days of the notice provided by the zoning inspector pursuant to Section 3.04:B.3.d, unless an extension is granted by the zoning inspector, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period, and an applicant in need of further development approval under the zoning resolution shall, pursuant to all of the original requirements of Section 3.04:B. Application Contents, submit a new application and filing fee.

f. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

4. Refund of Fees

Application or review fees are not refundable except where the zoning inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

C. Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this zoning resolution, the zoning inspector shall determine the order and timing of review. The zoning inspector may authorize a simultaneous review of applications.

D. Constructive Notice

The following shall apply to all public notice requirements established in each development review procedure:

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning resolution, and such finding shall be made available to the decision-making body prior to final action on the request.

2. When the records of the township document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

E. Conduct of Public Hearing

1. Rights of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

2. Continuance of a Public Hearing or Deferral of Application Review

a. An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the zoning inspector prior to the publication of notice as may be required by this zoning resolution. The zoning inspector may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.

b. A request for deferral of consideration of an application received by the Deerfield Township Community Development Department after publication of notice of the public hearing as required by this zoning resolution shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.

c. The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

3. Withdrawal of Application

Any request for withdrawal of an application shall be either submitted in writing to the zoning inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

a. The zoning inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this zoning resolution.

b. If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this zoning resolution, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

c. In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

F. EXAMINATION AND COPYING OF APPLICATION AND OTHER DOCUMENT

Documents and/or records may be inspected and/or copied as provided for by state law.

G. COMPUTATION OF TIME

1. In computing any period of time prescribed or allowed by this zoning resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Deerfield Township where the township administrative offices are closed for the entire day.

2. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).

3. When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by Deerfield Township in which the township administrative offices are closed for the entire day.

Section 3.05: Zoning Permit

A. ZONING PERMIT APPLICABILITY

A zoning permit shall be required for any of the following unless otherwise specifically exempted:

1. New construction or structural alteration of any building or structure, including accessory buildings and structures;

2. Change in use of an existing building (including tenant finishes), structure, accessory building, lot, or portion thereof, including nonconforming uses but excluding changing to any agricultural use;

3. Change in the use of land to a use of a different classification;

4. Occupancy and use of vacant land or buildings, excluding agricultural land or buildings;

5. New decks and porches, or expansions of existing decks or porches;

6. All exterior swimming pools with a water depth greater than 18 inches except for temporary pools that are removed or emptied within 24 hours;

7. Home occupations, accessory uses, and temporary uses; and

8. Permanent or temporary signs unless exempted in Section 9.04: Signs Exempt from this Article.

B. ZONING PERMIT REVIEW PROCEDURE

1. Preapplication Meeting

a. Applicants for multi-family residential and nonresidential developments are encouraged to meet with the zoning inspector for a preapplication meeting prior to submitting a formal application for a zoning permit.

b. The purpose of the preapplication meeting is to informally discuss application requirements, review procedures, and details of the proposed development.

c. Applicants are encouraged to bring a preliminary site plan to the preapplication meeting.

d. No formal application is required to facilitate a preapplication meeting. The applicant need only contact the zoning inspector to set up a meeting date.

e. Discussions that occur during a preapplication meeting with township staff are not binding on the township and do not constitute official assurances or representations by Deerfield Township or its officials regarding any aspects of the plan or application discussed.

2. Step 1 – Application

The applicant shall submit the required number of copies of the following to the zoning inspector prior to submitting for a building permit from the Warren County Building Department:

a. Zoning permit application and applicable forms available from the township offices;

b. All such forms, maps, and information as may be prescribed for that purpose by the Deerfield Township Community Development Department to assure the fullest practicable presentation of the facts for the permanent record; and

c. All required fees as established in the Deerfield Township fee schedule.

3. Step 2 – Review

The zoning inspector shall review the application for conformance with the provisions of this zoning resolution.

4. Step 3 – Decision

a. The zoning inspector shall review each complete application and either approve and issue the zoning permit or deny the application within 30 days of the application (Step 1).

b. Zoning permit applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.

c. Upon approval, the zoning inspector shall issue a signed zoning permit and maintain a copy of the application for township records.

d. If the zoning inspector denies an application, the inspector shall state in writing the reasons for the action taken.

e. If the application is denied, the applicant may submit a revised application and site plan for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with Section 3.08: Appeals, Variances, and Conditional Uses of this zoning resolution.

C. REVIEW CRITERIA

1. All applications for a zoning permit shall demonstrate conformity with the provisions of this zoning resolution.

2. No zoning permit shall be issued to any applicant or for any property that is in violation of any provision of this zoning resolution until such violation is corrected or eliminated to the satisfaction of the zoning inspector unless said application is being made to bring the property into conformance with this zoning resolution.

D. AMENDMENTS OR MODIFICATIONS

1. Incidental changes from an approved zoning permit are permissible and the zoning inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved zoning permit may require the payment of a fee as established in the township's fee schedule.

2. All other requests for changes will be processed as a new application, which require the resubmittal of a new fee.

3. An applicant or property owner requesting changes shall submit a written request to the zoning inspector, itemizing the proposed changes, unless waived by the zoning inspector.

E. EXPIRATION

1. Construction shall commence within 12 months and shall be substantially completed within 36 months of the date upon which the zoning permit was issued unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original zoning permit was issued.

2. Construction shall not be required to comply with the time limits established in Section 3.05:E.1. above if the zoning inspector has authorized an alternative commencement or substantial completion date as part of the zoning permit application review process. If the zoning inspector has authorized an alternative commencement or substantial completion date as part of the zoning permit application review process, construction shall commence and be substantially completed within those time limits established by the zoning inspector.

3. For the purposes of Section 3.05:E.2. above, construction shall not be deemed to have commenced until the excavation necessary for placement of the structure's foundation is no less than 100% complete, as determined by the zoning inspector.

4. Failure to commence construction within 12 months and substantially complete construction within 36 months or any alternative time limits approved by the zoning inspector shall result in the expiration of the zoning permit unless the applicant requests and receives an extension from the zoning inspector. Applications shall be required to apply for an extension no later than 30 days prior to the date of expiration of the original zoning permit, unless waived by the zoning inspector. Factors to be considered by the zoning inspector when determining whether to grant an extension shall include:

- **a.** The length of additional time necessary to complete construction;
- **b.** Additional time is needed for review by other agencies having jurisdiction on the project;
- **c.** The reason for the delay;
- **d.** Good faith on the part of the applicant;
- **e.** The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
- **f.** Conformance with this zoning resolution.

5. Upon expiration of a zoning permit, a new zoning permit application, including all applicable fees, shall be required before construction or resumption of construction can begin.

6. Actions taken by the zoning inspector on requests for extensions may be appealed to the BZA.

F. TEMPORARY ZONING PERMITS

The zoning inspector may issue a temporary zoning permit in accordance with the temporary use provisions of this zoning resolution and the zoning permit review procedure established above.

G. REVOCATION OF A ZONING PERMIT

The zoning inspector shall hereby have the authority to revoke an approved zoning permit if the information submitted as part of the application is found to be erroneous or fraudulent after the permit has been issued. Any revocation of an approved zoning permit by the zoning inspector may be appealed to the BZA.

Section 3.06: Certificate of Occupancy

A. APPLICABILITY

1. A certificate of occupancy shall be required for any of the following:

- **a.** Occupancy of a new nonresidential building or structure after completion of construction;
- **b.** Occupancy or change of occupancy of an existing nonresidential building or structure;
- **c.** Change of use in any nonresidential building.

2. A certificate of occupancy shall not be required for agricultural uses.

B. REVIEW PROCEDURES

1. Step 1 – Application

The applicant shall submit an application for a certificate of occupancy after completion of construction or prior to occupancy of a building or structure. Such application shall include:

- **a.** The certificate of occupancy application and applicable forms available from the township offices;
- **b.** All such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record;
- **c.** A certificate from the Warren County Building Department indicating compliance with the Warren County Building Code;
- **d.** A certificate from the Warren County Engineer indicating compliance with the provisions of the Warren County Subdivision Regulations;
- **e.** A certificate from the Warren County Combined Health District indicating compliance with all the requirements of said department; and
- **f.** All required fees as established in the Deerfield Township fee schedule.

2. Step 2 – Review

The zoning inspector shall review the application for conformance with the provisions of this zoning resolution.

3. Step 3 – Decision

a. Within 10 business days after the application (Step 1), the zoning inspector shall either approve and issue the certificate of occupancy or deny the application and, in so doing, state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the application, signed, dated and noted as denied.

b. In conducting the review of the application, the zoning inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this zoning resolution. Any costs of review shall be borne by the applicant, as stated in the Deerfield Township fee schedule.

c. Upon approval, the zoning inspector shall return one signed copy of the application and maintain the second copy of the application for township records.

d. If the application is denied, the applicant may appeal the decision to the BZA in accordance with Section 3.08: Appeals, Variances, and Conditional Uses.

C. Review Criteria

All applications for a certificate of occupancy shall demonstrate conformity with the provisions of this zoning resolution and any plans approved by the township related to the application.

Section 3.07: Zoning Text and Map Amendments

A. Amendment Initiation

1. Amendments or supplements to the zoning resolution may be initiated by:

a. Motion of the zoning commission;

b. Passage of a resolution by the board of township trustees; or

c. By the filing of an application by one or more of the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.

B. Review Procedure

1. Step 1 – Preapplication Conference

a. If initiated by the property owners, the applicant is required to meet with the zoning inspector to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.

b. Discussions that occur during a preapplication conference or a preliminary meeting with township staff are not binding on the township and do not constitute official assurances or representations by Deerfield Township or its officials regarding any aspects of the plan or application discussed.

2. Step 2 – Application

a. Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning resolution text shall be submitted to the zoning commission at the township offices.

b. The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record.

c. Each application initiated by property owners shall be signed by at least one of the owners, or the owner's authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

d. Applications for amendments initiated by the zoning commission or the board of township trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.

e. All applications shall be submitted with the required fees as established in the Deerfield Township fee schedule.

3. Step 3 – Referral to the Warren County Regional Planning Commission

a. Within five days after the adoption of a motion, certification of a resolution, or the filing of an application (Step 2), the township shall transmit a copy thereof to the Warren County Regional Planning Commission.

b. The Warren County Regional Planning Commission shall recommend the approval, approval with modifications (for zoning text amendments only), or denial of the proposed amendment and shall submit such recommendation to the zoning commission.

c. Such recommendation shall be considered at the public hearing held by the zoning commission on such proposed amendment.

4. Step 4 – Public Hearing and Recommendation by the Zoning Commission

a. Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 2), the zoning commission shall set a date for a public hearing regarding the proposed amendment.

b. The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

c. For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with Section 519.12 of the ORC to all owners of property within 500 feet of the area of the proposed amendment. If the amendment alters the text of the zoning resolution, or rezones or redistricts more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with Section 519.12 of the ORC.

d. Within 30 days after the zoning commission's public hearing, the zoning commission shall recommend the approval, approval with modifications (for zoning text amendments only), or denial of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Warren County Regional Planning Commission, to the board of township trustees.

5. Step 5 – Public Hearing and Decision by the Board of Township Trustees

a. Upon receipt of the recommendation from the zoning commission (Step 4), the board of township trustees shall set a time for a public hearing on such proposed amendment.

b. The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the zoning commission.

c. For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with Section 519.12 of the ORC to all owners of property within 500 feet of the area of the proposed amendment. If the amendment alters the text of the zoning resolution, or rezones or redistricts more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with Section 519.12 of the ORC.

d. Within 20 days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, the majority vote of the board shall be required.

C. EFFECTIVE DATE AND REFERENDUM

1. Any amendment adopted by the board of township trustees shall become effective 30 days after the date of such adoption.

2. A referendum of any amendments may be undertaken within the 30 days after the date of the board of township trustees' decision in accordance with ORC Section 519.12.

D. REVIEW CRITERIA

The following criteria shall be used in recommendations and decisions regarding zoning amendments:

1. The amendment is in accordance with this zoning resolution as adopted by the board of township trustees;

2. The amendment is consistent with the Deerfield Township Comprehensive Plan; and

3. Where more than one zoning district is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township.

E. PLANNED UNIT DEVELOPMENTS

Planned Unit Developments (PUDs) shall be subject to the review procedure established in Article 5: Planned Unit Developments (PUDs).

Section 3.08: Appeals, Variances, and Conditional Uses

A. REVIEW PROCEDURE

The review procedure for appeals, variances, and conditional uses shall be as follows:

1. Step 1 – Application

An application for variances, conditional uses, or other review over which the BZA has original jurisdiction under Section 2.05: Board of Zoning Appeals (BZA) may be made by any property owner, including an authorized agent, or by a governmental officer, department, or board.

a. Special Application Requirements for Appeals

i. An appeal to the BZA may be taken by any person aggrieved by a decision of the zoning inspector or by any administrative officer of the township in interpreting or applying the provisions of this zoning resolution. Such appeal shall be taken within 20 days of receipt of notification of the decision in question, by filing with the zoning inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Deerfield Township Zoning Resolution.

ii. The zoning inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.

iii. The filing of an appeal shall stay all proceedings unless the zoning inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.

b. The zoning inspector shall transmit a copy of the application to the BZA.

c. All applications shall be submitted with the required fees as established in the Deerfield Township fee schedule.

2. Step 2 – Public Hearing with the Board of Zoning Appeals

a. Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application or appeal, give at least 10 days of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.

b. Written notice shall be given to property owners within 300 feet of the subject property.

c. Any party may appear in person or by an appointed representative at a hearing for an appeal or application.

d. Upon the day for hearing any application or appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

3. Step 3 – Decision

a. Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the application or appeal.

b. A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the zoning inspector. Such decision shall be binding upon the zoning inspector and observed by her/him and she/he shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the BZA authorizes a zoning permit.

c. For appeals, the BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the zoning inspector from whom the appeal is taken.

d. In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this zoning resolution. In authorizing a variance or conditional use with attached conditions, the BZA may require such evidence and guarantee or bond as it may deem to be necessary, that the applicant is and will comply with the attached conditions.

e. Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.

f. Any party adversely affected by a decision of the BZA may appeal the decision to the Warren County Court of Common Pleas pursuant to Chapter 26 of the Ohio Revised Code.

B. APPEAL REVIEW CRITERIA

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning resolution, state law, or federal law.

C. VARIANCE REVIEW CRITERIA

1. The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance.

2. Area/Dimensional Variance

a. The following factors shall be considered and weighed by the BZA to determine practical difficulty:

i. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

ii. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

iii. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

iv. 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;

v. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

vi. Whether special conditions or circumstances exist as a result of actions of the owner;

vii. Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

viii. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and

ix. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

b. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

3. Use Variance

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this zoning resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

a. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;

b. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;

c. The variance requested cannot otherwise be resolved by a zoning map amendment;

d. The hardship condition is not created by actions of the applicant;

e. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

f. The granting of the variance will not adversely affect the public health, safety or general welfare;

g. The variance will be consistent with the general spirit and intent of this zoning resolution; and

h. The variance sought is the minimum that will afford relief to the applicant.

D. CONDITIONAL USE REVIEW CRITERIA

1. In reviewing conditional uses, the BZA shall consider the following:

a. The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;

b. The use is in accordance with the objectives of the Deerfield Township Comprehensive Plan and zoning resolution; and

c. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.

2. In order to approve a conditional use, the BZA shall use the following review criteria:

a. The use is in fact a conditional use as established within the applicable zoning district;

b. The use will be harmonious with, and in accordance with, the purpose of this zoning resolution and consistent with the policies of the Deerfield Township Comprehensive Plan;

c. The use will conform to the general character of the neighborhood in which it will be located;

d. The use complies with all applicable provisions of this zoning resolution including any use-specific standards;

e. The use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;

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. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and

h. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

E. EXPIRATION

1. For conditional uses, the applicant shall have one year from the date of approval to receive an approved zoning permit or the conditional use shall be deemed null and void.

2. For variances, the applicant shall have one year from the date of approval to receive an approved zoning permit or the variance approval shall be deemed null and void.

3. Applicants may submit one request for an extension of six months to the BZA.

Article 4: Zoning Districts and Use Regulations

Section 4.01: Purpose

The purpose of this article is to establish zoning districts in order to:

A. Realize the general purpose set forth in Article 1: General Provisions of this zoning resolution;

B. Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of building designated for specified uses;

C. Regulate and limit the percentages of lot areas which may be occupied;

D. Establish building setback lines, sizes of yards, and other open spaces within and surrounding such buildings; and

E. Regulate the density of population within Deerfield Township to the fullest extent allowed by law.

Section 4.02: General Provisions Related to Use Regulations

A. Limitation on Principal Structures

In any residential district or on any lot used for residential purposes, unless otherwise provided, no more than one principal structure may be constructed per lot.

B. Sale of Alcoholic Beverages

Nothing contained in this zoning resolution shall confer any power or prohibit the sale or use of alcoholic beverages in the areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

C. General Property Maintenance Requirements

1. Applicability

a. The standards of this section shall apply to buildings, structures, and lots in Deerfield Township.

b. Violation of these standards shall be considered a violation of this zoning resolution, punishable in accordance with Article 11: Enforcement and Penalties.

2. Yards

a. All yards and lots shall be kept free of overgrown grasses, debris, junk, junk vehicles, and other materials that may cause a fire, health, or safety hazard, or general unsightliness.

b. All grass, weeds, or rank vegetation shall be periodically cut and in no case shall exceed a height of eight inches.

c. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

d. Certain vegetative areas shall be exempt from this provision including, but not limited to, properly maintained and active bioswales, detention basins, and rain gardens.

3. Hazards

Hazards and unsanitary conditions shall be eliminated.

4. Junk, Inoperable, or Unlicensed Vehicles

No junk, inoperable, unlicensed, or unregistered vehicle shall be located on any property, except when stored within a completely enclosed building or when such storage is permitted as a principal use in the applicable zoning district.

5. Furniture and Appliances

No furniture or appliance intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room. The exception to this standard shall be when such furniture is on sale and is stored outdoors under a tent during a temporary sales event, permitted in accordance with Section 4.08:C.13. (Use-Specific Standards; Outdoor Sales and Display).

Section 4.03: Establishment of Zoning Districts

For the purposes stated above, the unincorporated territory of Deerfield Township is hereby divided into the zoning districts established in Table 4.03-A (Zoning Districts).

TABLE 4.03-A: ZONING DISTRICTS

DISTRICT DESIGNATION	DISTRICT NAME
BASE ZONING DISTRICTS	
R-SF	Residential Single-Family District
R-TF	Residential Two-Family District
R-MF	Residential Multi-Family District
R-TR	Residential Transitional District
O	Office District
O-W	Office Warehouse District
N-B	Neighborhood Business District
G-B	General Business District
B-RD	Business Redevelopment District
L-M	Light Manufacturing District
PUD	See Article 5: Planned Unit Developments (PUDs)

Section 4.04: Official Zoning Map

A. The boundaries of the zoning districts are shown upon the official zoning map of the township, which map and all notations thereon are incorporated herein and are made a part of this zoning resolution. The zoning map and all notations, references, and other matters shown thereon constitute a part of this zoning resolution and have the same force and effect as if fully described or illustrated herein. The official zoning map shall remain on file with the Deerfield Township Community Development Department.

B. ZONING DISTRICT BOUNDARY INTERPRETATION

Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules apply:

1. Where the districts designated on the zoning map are bounded approximately by street or alley pavement edges or right-of-way lines, such lines shall be construed to be the boundary of the districts;
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts on the zoning map are bounded approximately by lot lines, such lines shall be construed to be the boundary of districts unless the boundaries are otherwise indicated on the zoning map.
3. In unsubdivided property, the district boundary lines on the zoning map shall be determined by dimensions or the use of the scale appearing on the zoning map.
4. The zoning inspector shall make the determination with respect to measuring district boundary lines. The decision of the zoning inspector may be appealed to the BZA.

C. Street Vacation

Whenever any street or public way is vacated in the manner authorized by law, and where no zoning exists for the vacated right-of-way, the board of township trustees, zoning commission, or property owner shall initiate a zoning map amendment (See Section 3.07: Zoning Text and Map Amendments) to establish a zoning district(s) for the vacated public way.

Section 4.05: Zoning District Purpose Statements

The following are the statements of purpose for each of the zoning districts established in this zoning resolution.

A. R-SF Residential Single-Family District

It is the purpose of the R-SF Residential Single-Family District to establish and maintain an area for high quality single-family detached dwellings with a relatively low population density.

B. R-TF Residential Two-Family District

It is the purpose of the R-TF Residential Two-Family District to establish and maintain an area for high quality two-family dwellings and higher density single-family detached dwellings.

C. R-MF Residential Multi-Family District

It is the purpose of the R-MF Residential Multi-Family District to establish and maintain an area for high quality multi-family residential development, higher density two-family, single-family attached and detached homes, and specialty residential uses such as assisted living and older adult communities.

D. R-TR Residential Transitional District

It is the purpose of the R-TR Residential Transitional District to provide appropriate and compatible transitional residential uses and densities between single-family residential uses and more intense uses (e.g., office and retail commercial uses) and along major high traffic roads where a pattern of frontage lots is inappropriate. The purpose of the R-TR District is also to allow for the development of high-quality neighborhoods that have an integrated design and that are interconnected with surrounding developments through both the road network and pedestrian paths.

E. O Office District

It is the purpose of the O Office District to accommodate low intensity office, professional and other similar uses that will provide for a suitable transition between residential and more intensive non-residential uses by maintaining scale and character of development that enhances the transition between uses.

F. O-W OFFICE WAREHOUSE DISTRICT

It is the purpose of the O-W Office Warehouse District to accommodate and provide locations for higher intensity office uses than those permitted in the O Office District and related warehouse uses.

G. N-B NEIGHBORHOOD BUSINESS DISTRICT

It is the purpose of the N-B Neighborhood Business District to permit and encourage the retention and establishment of small convenience goods and personal service establishments located in close proximity to the residential areas which they are intended to serve, and to allow a mixture of business and residential uses within a building and on the same property. The location of the N-B District and the nature of the limited commercial activity should be developed to avoid undue traffic congestion for the surrounding residential neighborhood areas.

H. G-B GENERAL BUSINESS DISTRICT

It is the purpose of the G-B General Business District to provide for the wide variety of needs for both convenience goods and the more common and often recurring shopping trips for goods, and personal and household services. The location and nature of commercial activity is intended to serve the greater community and/or region.

I. B-RD BUSINESS REDEVELOPMENT DISTRICT

The purpose of the B-RD Business Redevelopment District is to encourage the appropriate redevelopment and reinvestment of business areas with the goals, objectives, and recommendations of the Fields-Ertel Corridor Study and the Deerfield Township Comprehensive Plan.

J. L-M LIGHT MANUFACTURING DISTRICT

It is the purpose of the L-M Light Manufacturing District to accommodate and encourage the development of light industrial uses which operate entirely within enclosed structures and which are clean, quiet and free of hazardous or objectionable elements such as: noise, odor, dust, smoke, glare and vibration.

K. PUD PLANNED UNIT DEVELOPMENT DISTRICT

The PUD Planned Unit Development District is developed under the provisions of Section 519.021 of the Ohio Revised Code (Planned Unit Development Regulations) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and design of development while also promoting the public health, safety, and morals. The PUD provisions are intended to provide permissive, voluntary, and alternative zoning procedures for well planned developments in harmony with the public health, safety, morals and general welfare in any zoning district provided for otherwise in this zoning resolution. These regulations are designed to provide flexibility to use sites efficiently, to encourage sustainable design, and to create innovative projects with many amenities. It is expected that PUD projects will demonstrate design excellence that cannot be achieved by the base zoning district.

Section 4.06: Principally Permitted Uses

A. PRINCIPALLY PERMITTED USE TABLE

Table 4.06-A (Permitted Use Table) sets forth the principally permitted uses within the zoning districts. The abbreviations used in the table are described as follows. Permitted uses within Planned Unit Development districts are identified in Article 5: Planned Unit Developments (PUDs).

1. Permitted Use (P)

a. A "P" in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations.

b. Uses permitted with conditions under this category are approved administratively by the zoning inspector pursuant to the zoning permit review procedure.

2. Permitted Use with Use-Specific Standards (PS)

a. A "PS" in a cell indicates that a use category is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this zoning resolution.

b. Uses permitted with use-specific standards under this category are approved administratively by the zoning inspector pursuant to the zoning permit review procedure.

3. Conditional Use (C)

A "C" in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the BZA in accordance with Section 3.08: Appeals, Variances, and Conditional Uses. Conditional uses are subject to all other applicable regulations of this zoning resolution including the use-specific standards referenced in the "Use-Specific Standards" column.

4. Prohibited Uses (Blank Cells)

A blank cell indicates that a use is prohibited in the respective zoning district. Additionally, any use that is not listed is considered prohibited unless the zoning inspector makes a determination that the use is similar to an existing use in accordance with Section 4.07: Similar Use Determination.

5. Numerical References (Last Column)

The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

TABLE 4.06-A: PERMITTED USE TABLE

USE P = Permitted Use PS = Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS												USE-SPECIFIC STANDARDS SEE SUBSECTION:
	R-SF	R-TF	R-MF	R-TR	O	O-W	N-B	G-B	B-RD SUBAREA A	B-RD SUBAREA B	B-RD SUBAREA C	L-M	
AGRICULTURAL USES													
Agriculture – Raising of Crops	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture – Raising of Livestock	P	P	P	PS	PS	PS	PS	PS	PS	PS	PS	PS	Section 4.08:A.1
RESIDENTIAL USES													
Adult Family Home or Small Residential Facility	P	P	P	P									
Adult Group Home or Large Residential Facility			P	P									

TABLE 4.06-A: PERMITTED USE TABLE

USE P = Permitted Use PS = Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS												USE-SPECIFIC STANDARDS SEE SUBSECTION:
	R-SF	R-TF	R-MF	R-TR	O	O-W	N-B	G-B	B-RD SUBAREA A	B-RD SUBAREA B	B-RD SUBAREA C	L-M	
Dwelling, Multi-Family			P					PS		PS			Section 4.08:B.1
Dwelling, Single-Family	P	P	P	P									
Dwelling, Two-Family		P	P	P									
Institutional Housing			PS	C	C		PS	PS	C	C	C		Section 4.08:B.2
Mixed Residential Development				PS									Section 4.08:B.3
Park Residential Development	PS												Section 4.08:B.4
Permanently Sited Manufactured Home	PS	PS	PS	PS									Section 4.08:B.5
BUSINESS AND MIXED USES													
Adult Entertainment Establishment								C				C	Section 4.08:C.1
Animal Hospital or Veterinary Clinic					C	C	C	PS		PS		PS	Section 4.08:C.2
Automotive Fuel Sales							C	PS	PS			C	Section 4.08:C.3
Automotive Repair								PS				C	Section 4.08:C.4
Automotive Sales or Rental								PS					Section 4.08:C.5
Automotive Service						C	C	P		p		C	Section 4.08:C.4
Automotive Washing Facility							C	P		P			
Bar or Tavern							PS	PS	C	PS	PS		Section 4.08:C.6
Bed and Breakfast Establishment	C	C	C	C									Section 4.08:C.7
Billiard Parlor								C					Section 4.08:C.6
Call Center					P	P		C				P	
Club, Lodge or Other Social Meeting Place	C	C	C		C	C	P	P			C		Section 4.08:C.8
Commercial Greenhouse								P	P			P	
Conference Center, Assembly Hall, or Banquet Facility					P	P	P	P				C	
Day Care Center	C	C	C	C	C	C	C	PS	PS	PS	PS	PS	Section 4.08:C.9
Financial Institution					P	P	P	P	P	P	P	P	
Funeral Home					C	C	P	P	P	P	P	PS	Section 4.08:C.10
Hotel or Motel						C		P	P	P			
Indoor Recreation or Entertainment Facility							C	P	C	C	C	P	
Internet Café					C	C	C	P	P	P	P	C	
Internet Sweepstakes Establishment													
Kennel						PS	PS	PS				PS	Section 4.08:C.11
Lumber Yard								P				P	
Medical and Dental Center or Outpatient Clinic					P	P	P	P	P	P	P	C	
Mixed Use							PS	PS		PS	PS		Section 4.08:C.12

TABLE 4.06-A: PERMITTED USE TABLE

USE P = Permitted Use PS = Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS												USE-SPECIFIC STANDARDS SEE SUBSECTION:
	R-SF	R-TF	R-MF	R-TR	O	O-W	N-B	G-B	B-RD SUBAREA A	B-RD SUBAREA B	B-RD SUBAREA C	L-M	
Night Club								C	C	P	P		Section 4.08:C.6
Office					P	P	P	P				P	
Outdoor Commercial Recreation or Entertainment Facility							C	P	C	C	C	C	
Outdoor Sales and Display								PS	PS	PS	PS		Section 4.08:C.13
Outdoor Storage								C				C	Section 4.08:C.14
Restaurant					C	C	P	P	P	P	P		
Restaurant, Fast-Food							C	P	P	P	P		
Retail and Service Commercial Use							P	P	P	P	P		
Self-Storage Facility or Mini-Warehouse						C		C				PS	Section 4.08:C.15
Tattoo/Piercing Parlor or Studio								P					
Truck, Trailer, or Farm Implement Sales and Service								P					
Type-A Family Day Care Home	C	C	C	C	C		C						
Type-B Family Day Care Home	P	P	P	P	P		P						
Wholesale Business								P	P	P		C	
INDUSTRIAL AND WAREHOUSE USES													
Contractor Offices and Storage						C		C				PS	Section 4.08:D.1
Light Manufacturing												P	
Office-Warehouse						P						P	
Research and Development Facility or Laboratory						P		P		P		P	
Warehousing, Distribution or Storage Facility						P		P				P	
PUBLIC AND INSTITUTIONAL USES													
Active Park or Recreation Facility	C	C	C	C	C	C	PS	PS	PS	PS	PS	PS	Section 4.08:E.1
Cemetery	C	C	C	C	C	C	PS	PS					Section 4.08:E.2
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	Section 4.08:E.3
Educational Facility	C	C	C	C	C	C	PS	PS	PS	PS	PS	PS	Section 4.08:E.4
Educational Facility, Higher					PS	PS		PS				PS	Section 4.08:E.4
Hospital				C	C	C	C	C	C	C	C		Section 4.08:E.5
Passive Park, Recreation Facility, or Open Space	P	P	P	P	P	P	P	P	P	P	P	P	
Public and Government Building or Use	C	C	C	C	P	P	P	P	P	P	P	P	
Religious Place of Worship	C	C	C	C	C	C	P	P	P	P	P		
Telecommunication Tower	C	C	C	C	P	P	P	P	P	P	P	P	Section 4.08:E.6

Section 4.07: Similar Use Determination

A. Where there is a proposed use that is not currently listed in the permitted use tables of this zoning resolution, the zoning inspector may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.

B. The zoning inspector should consider the nature, operation, and function of the use in its determination of an appropriate district.

C. The zoning inspector may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning resolution or, as an alternative, the zoning inspector may make a recommendation to the zoning commission that a new district and/or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to Section 3.07: Zoning Text and Map Amendments.

Section 4.08: Use-Specific Standards

The following section contains additional standards that shall be met by an applicant for uses that are either permitted with use-specific standards and conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with any and all other applicable provisions of this zoning resolution.

A. Agricultural Uses

1. Agriculture – Raising of Livestock

a. The raising of livestock shall be prohibited on lots of less than one acre in lot area with the exception of the accessory keeping of chickens as regulated in Section 4.09:Accessory Uses and Structures.

b. Lots that are larger than one acre in area shall be subject to the provisions of Section 3.02: Agricultural Exemption.

B. Residential Uses

1. Dwelling, Multi-Family

Multi-family dwellings shall only be permitted in the G-B and B-RD (Subarea B) Districts when the dwelling units are developed within a mixed use building (See Section 4.08:C.12).

2. Institutional Housing

a. Institutional housing shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan and shall not use a local residential street as the principal access route.

b. A landscaped buffer of not less than 10 feet in width shall be provided along the side and rear lot lines. The buffer shall include nursery-grade evergreen trees of at least six feet in height planted not more than 10 feet apart, on center, or any alternative buffer of equal quality that is approved by the township.

c. Except as otherwise required by this zoning resolution, all buildings shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

d. All of these uses shall have a minimum lot area of five acres.

3. Mixed Residential Development

a. Purpose

Mixed residential developments are permitted in the R-TR District in order to encourage flexible and creative development in support of the purpose of this zoning district. The provisions of this section are designed to support the mixture of dwelling unit types, preservation of open space, interconnectivity, and the protection of natural resources.

b. Minimum Development Requirements

i. Mixed residential developments are permitted where the subject parcel contains a minimum of five contiguous acres, not separated by a road or other right-of-way, prior to development.

ii. Any lawful ownership arrangement including, but not limited to, fee simple lots and condominiums, is permitted within a mixed residential development.

iii. The arrangement of dwelling units shall comply with all development standards contained within the applicable zoning district and any other applicable provisions of this zoning resolution.

c. Permitted Uses

i. The following principal uses are permitted in mixed residential developments:

A) Agriculture as regulated in Section 3.02: Agricultural Exemption;

B) Single-Family Dwellings;

C) Two-Family Dwellings; and

D) Multi-Family Dwellings.

ii. Those accessory uses permitted within the applicable zoning district shall also be permitted in mixed residential developments.

d. Permitted Number of Dwelling Units

The maximum number of dwelling units permitted in a mixed residential development shall be calculated by multiplying the total acreage of the development site minus any roads, rights-of-way, road or street easements, pre-existing conservation easements or floodways that exist at the time of application by 3.75 (e.g., a 100 acre property, pre-subdivision, could be developed with 375 dwelling units).

e. Open Space Requirements

i. All mixed residential developments shall include a minimum of 30% open space.

ii. The composition, protection, ownership and maintenance of open space in a mixed residential development shall comply with the open space standards of Section 6.04: Open Space.

f. Development Standards

i. Lot Area and Lot Width Requirements

All principally permitted uses in a mixed residential development shall be required to be located on an individual lot that meets the minimum lot area and lot width requirement established below.

A) The minimum lot area for single-family dwellings shall be 5,000 square feet with a minimum lot width of 50 feet.

B) The minimum lot area for two-family and multi-family dwellings shall be 3,250 square feet per unit with a minimum lot width of 60 feet. There shall be no more than six dwelling units located within any one multi-family structure.

C) For lots that have a front lot line along a stub street or stub street extension from an adjacent residential subdivision that is zoned R-SF, the minimum lot area and lot width shall be the same as required in the R-SF District.

ii. Mixture of Dwelling Units

A) A minimum of 50% of the total dwelling units in a mixed residential development shall consist of single-family detached dwellings.

B) Multi-family dwellings shall not comprise more than 35% of the total dwelling units in a mixed residential development.

C) Applicants are strongly encouraged to integrate a variety of dwelling units throughout the mixed residential development. If the proposed development utilizes more than one type of dwelling (i.e., single-family, two-family, and/or multi-family dwellings), no single type of dwelling unit type should be separated from other dwelling types in the development. (See Figure 4.08-A.)

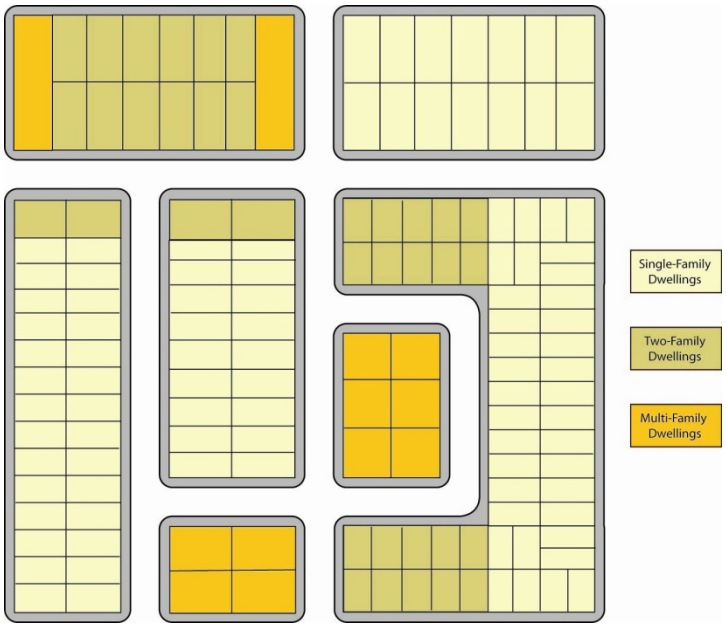

Figure 4.08-A: This figure shows how a variety of dwelling unit types can be integrated into a development without fully separating one type from the others.

iii. Minimum Yard Depths and Setbacks

A) There shall be a minimum front yard setback of 35 feet. For mixed residential developments that provide rear lot access by alley and where required utility easements can be provided in such alley, the minimum front yard setback shall be 10 feet.

B) For lots that have a front lot line along a stub street or stub street extension from an adjacent residential subdivision that is zoned R-SF, the minimum front yard setback shall be the same as required in the R-SF District.

C) There shall be a minimum separation of 40 feet between the rear of any two single-family dwellings.

D) There shall be a minimum separation of 60 feet between the rear of any two-family dwelling and/or multi-family dwelling or between the rear of a single-family dwelling and any two-family dwelling and/or multi-family dwelling.

E) The minimum separation between the sides of two principal buildings (side yards) in the proposed development shall be 10 feet.

iv. Maximum Height Regulations

A) The maximum height of all single-family, two-family, and multi-family dwellings shall be 35 feet, or two stories, whichever is less.

B) The maximum height of accessory structures shall be 20 feet.

v. Building Orientation

The primary entrance of residential dwellings should be oriented toward the street on which the building fronts. Multi-family dwellings with multiple exterior entrances may have primary entrances to dwellings oriented towards the side yard provided at least half of the exterior entrances are oriented toward the street.

vi. Architectural Standards for Multi-Family Dwellings

The following standards shall apply to all multi-family dwellings with three or more attached dwelling units.

A) It is strongly encouraged, but not required, that a minimum of 75% of the front façade and 50% of all other facades be constructed of brick, stone, wood, or other natural material.

B) The minimum size for multi-family dwelling units shall be 600 square feet per unit.

C) Separate entrances are encouraged for each unit in a multi-family structure.

D) Front facades shall incorporate variation in mass through one or more of the following methods every 30 feet of façade frontage:

1) Wall offsets in the form of projections and/or recesses in the façade plane. Wall offsets shall have a minimum depth of two feet;

2) Bay windows;

3) Façade color changes;

4) Use of pilasters, columns or other detailing to articulate the façades; or

5) Roofline changes when coupled with correspondingly aligned façade material changes.

E) In addition to wall offsets, front facades and side façades on buildings on corner lots shall provide a minimum of three of the following design features for each residential unit fronting onto the street:

1) One or more dormer windows or cupolas;

2) A recessed entrance;

3) A covered porch;

4) Pillars, posts, or pilasters;

5) One or more bay windows with a minimum 12 inch projection from the façade plane;

6) Eaves with a minimum six inch projection from the façade plane;

7) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or

8) Multiple windows with a minimum four inch wide trim.

Figure 4.08-B: This image illustrates how multiple design features are incorporated to de-emphasize the fact that this is a single structure.

Figure 4.08-C: This multi-family development lacks sufficient façade variation yielding a monotonous appearance.

F) Individual multi-family buildings served by common entryways and containing six or fewer units shall be constructed to give the appearance of a large single-family detached home.

Figure 4.08-D: These images demonstrate how an attached residential structure of six or fewer units can be constructed to appear as a large detached residential structure.

G) To the maximum extent feasible, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.

vii. Circulation and Parking

A) All lots shall be required to have access to a public road.

B) Cul-de-sacs or other dead end streets should be avoided unless necessitated by the presence of natural features, or other site constraints.

C) Proposed on-site streets shall be connected to stub streets on adjacent properties.

D) Sidewalks shall be required on both sides of the street and shall be constructed in accordance with the Warren County Subdivision Regulations.

viii. Buffer Requirements

A) For any portion of a mixed residential development that abuts an R-SF District with existing development, one of the following buffering requirements shall be required:

1) The applicant may propose development of a similar dwelling type and lot area as that of the adjacent R-SF District along the shared boundary (e.g., the applicant may propose single-family dwellings on lots of 14,000 square feet along the mixed residential development boundary line adjacent to an existing development consisting of single-family dwellings on 14,000 square foot lots); or

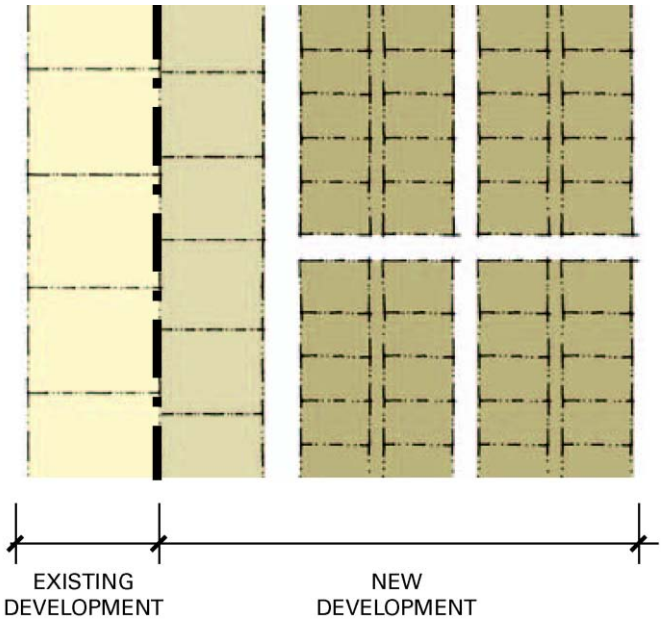

Figure 4.08-E: New lots intended for detached residential development (on the right) should be of a comparable size to any abutting detached residential lots (on the left) as a means of maintaining compatibility.

2) The applicant may provide a 50-foot wide buffer along all property lines that abut an R-SF District. The buffer shall include a 20-foot wide landscape buffer that incorporates the same planting requirements established in Article 8: Landscaping and Buffering of this zoning resolution when multi-family land uses abut an R-SF or R-TF District. The 20-foot required landscape buffer

shall not be counted as open space but the remaining 30 feet of the 50-foot buffer area may count toward the open space requirements of this section.

B) Where an applicant chooses to utilize a 50-foot wide buffer along all property lines, all dwellings within the mixed residential development shall be set back a minimum of 25 feet from the edge of the 50-foot buffer.

C) No buffer shall be required if the proposed mixed residential development is adjacent to a nonresidential zoning district.

g. Review of Mixed Residential Developments

i. The zoning inspector is hereby granted the authority of the architectural review board for this district pursuant to Section 519.171 of the Ohio Revised Code.

ii. Development Plan Submission Requirements

A) All applicants for a proposed mixed residential development shall provide a development plan in a form and number as prescribed by the zoning inspector. At a minimum, the development plan shall illustrate all existing wetlands, streams, areas of slope, proposed lots, roads, and open space, identification of proposed uses and densities, and other information as required by the zoning inspector.

B) The development plan shall be submitted along with the appropriate application form, copies of any deeds, covenants, easements, or other documents to be recorded with the county, and the required fee.

C) The development plan shall be submitted to and reviewed by the zoning inspector in the manner described herein.

iii. Review and Approval by Deerfield Township Zoning Inspector

Within 45 days after the date that a complete application (See Section 3.04: Common Review Requirements) is made, the zoning inspector shall review materials submitted and take one of the following actions:

A) Approve the application and proposed development plan based upon a determination that the proposed plan complies with the standards set forth in this zoning resolution; or

B) Deny approval of the application and proposed development plan. The decision to deny the application shall include a written description of specific changes required for the proposed plan to conform to the requirements of this section. A decision to deny the application and proposed development plan may be appealed to the BZA in accordance with the requirements in Section 3.08: Appeals, Variances, and Conditional Uses.

iv. Approval Criteria

In reviewing a proposed application for a mixed residential development, the zoning inspector shall make a written determination that the proposed development complies with the provisions of this section and is permitted within the applicable zoning district.

v. Subdivision and Zoning Permits Required

A) Upon approval of the development plan, the applicant may proceed with the subdivision process as established in the Warren County Subdivision Regulations.

B) The approval of a development plan does not include or guarantee the approval of a zoning permit. Prior to the construction of any structure, the applicant shall be responsible for applying for and receiving all appropriate zoning permits and building permits.

vi. Time Limits

The development plan shall be valid for two years. If the applicant has not begun construction within the two years, the development shall be voided and any new development shall require a new application for approval.

h. Amendments

i. After a mixed residential development is approved, amendments may be made subject to approval by the zoning inspector and provided such requests conform to the applicable standards as outlined in this section.

ii. Amendments shall require the submittal of a revised development plan to the zoning inspector. The township may establish a minor re-submittal fee as part of its adopted fee schedule.

4. Park Residential Development

a. Purpose

Park residential developments are permitted in the R-SF District in order to encourage protection of open space and parks while maintaining the character and density of single-family dwellings in the R-SF District. The provisions of this section are designed to allow planned single-family neighborhood development utilizing the principles of conservation design.

b. Minimum Development Requirements

i. Park residential developments are permitted where the subject parcel contains a minimum of 10 contiguous acres, not separated by a road or other right-of-way, prior to development.

ii. Any lawful ownership arrangement including, but not limited to, fee simple lots and condominiums, is permitted within a mixed residential development.

iii. The arrangement of dwelling units shall comply with all development standards contained within the applicable zoning district and any other applicable provisions of this zoning resolution.

c. Permitted Uses

i. The following principal uses are permitted in park residential developments:

A) Agriculture as regulated in Section 3.02: Agricultural Exemption; and

B) Single-Family Dwellings.

ii. Those accessory uses permitted within the applicable zoning district shall also be permitted in park residential developments.

d. Permitted Number of Dwelling Units

The maximum number of dwelling units permitted in a park residential development shall be calculated by multiplying the total acreage of the development site minus any roads, rights-of-way, road or street easements, pre-existing conservation easements or floodways that exist at the time of application by 3.25 (e.g., a 100 acre property, pre-subdivision, could be developed with 325 dwelling units).

e. Open Space Requirements

i. All park residential developments shall include a minimum of 40% open space.

ii. The design, protection, ownership, and maintenance of open space in a park residential development shall comply with the open space standards of Section 6.04: Open Space.

f. Development Standards

i. Lot Area and Lot Width Requirements

All principally permitted uses in a park residential development shall be required to be located on an individual lot with a minimum lot area of 5,000 square feet and a minimum lot width of 50 feet.

ii. Minimum Yard Depths and Setbacks

A) There shall be a minimum front yard setback of 35 feet.

B) For lots that have a front lot line along a stub street or stub street extension from an adjacent residential subdivision that is zoned R-SF, the minimum front yard setback shall be the same as required in the R-SF District.

C) There shall be a minimum separation of 40 feet between the rear of any two single-family dwellings.

D) There shall be a minimum separation of 60 feet between the rear of any two two-family dwelling and/or multi-family dwelling or between the rear of a single-family dwelling and any two-family dwelling and/or multi-family dwelling.

E) The minimum separation between the sides of two principal buildings (side yards) in the proposed development shall be 10 feet.

F) Freestanding accessory buildings or structures shall be located in the rear yard only. Accessory buildings or structures shall not be located closer than five feet from any side or rear lot line.

iii. Maximum Height Regulations

A) The maximum height of all single-family dwellings shall be 35 feet, or two stories, whichever is less.

B) The maximum height of accessory structures shall be 20 feet.

iv. Circulation

A) All lots shall be required to have access to a public road.

B) Cul-de-sacs or other dead end streets should be avoided unless necessitated by the presence of natural features, or other site constraints.

C) Street length and width should be minimized to the maximum extent feasible to reduce the paved area and to maintain a rural street cross section without curbs and gutters.

D) Sidewalks shall be required on both sides of the street and shall be constructed in accordance with the Warren County Subdivision Regulations.

g. Review of Park Residential Developments

Park residential developments shall be reviewed in the same manner as mixed residential developments in accordance with Section 4.08:B.3.g.

5. Permanently Sited Manufactured Home

Permanently sited manufactured homes shall meet the following requirements:

a. The structure shall be affixed to a permanent foundation and be connected to appropriate facilities;

b. The structure, excluding any addition, shall have a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet;

c. The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering;

d. The structure shall be manufactured after January 1, 1995; and

e. The structure shall not be located in a manufactured home park as defined in Section 3733.01 of the Ohio Revised Code.

C. Business and Mixed Uses

1. Adult Entertainment Establishment

a. The purpose of these regulations is to regulate the potential secondary effects that are often caused by adult entertainment establishments, and not to regulate the content of the message promoted by the business.

b. No adult entertainment establishment shall be established within 500 feet of any land with a zoning district that permits residential uses.

c. No adult entertainment establishment shall be established within a radius of 1,000 feet of any school, library, or educational facility, whether public or private, governmental or commercial, which school, library, or educational facility is attended by persons under 18 years of age.

d. No adult entertainment establishment shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons under 18 years of age.

e. No adult entertainment establishment shall be established within a radius of 1,000 feet of any other adult entertainment establishment or within a radius of 2,000 feet of any two of the following establishments:

i. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

ii. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.

iii. Pawn shops.

iv. Pool or billiard halls.

v. Pinball palaces, halls, or arcades.

vi. Dance halls or dance clubs.

f. No adult entertainment establishment shall be established within a radius of 1,000 feet of any religious institution that is attended by persons under 18 years of age.

g. Distances shall be measured in a straight line from the nearest wall of the proposed adult entertainment establishment to the property line of the potentially restrictive structure.

h. All building openings, entries, windows, etc. for adult entertainment establishments shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

2. Animal Hospital/Veterinary Clinics

a. All soundproofed structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.

b. All non-soundproofed structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

c. If the animal hospital or veterinary clinic includes a kennel use for the temporary boarding of animals for purposes other than medical or dental treatment, such use shall also be subject to the standards set out in Section 4.08:C.11. Kennel.

3. Automotive Fuel Sales

Canopies may be erected over fuel pump islands provided that the edge of a canopy shall be set back a minimum of 35 feet from the right-of-way. Such canopy shall not exceed 20 feet in height and shall provide a minimum clearance of 14 feet from ground level to the bottom of the canopy ceiling.

4. Automotive Repair and Automotive Service

Automotive service or automotive repair shall be performed and conducted inside of the building.

5. Automotive Sales and Rental

Automotive sales or rental uses are subject to the following standards:

a. There shall be a minimum lot area of two acres.

b. A principal structure shall be located on the lot.

c. Headlights shall be 100% screened from public streets and adjacent property, unless the adjacent use is an automotive sales or rental use.

d. Landscaping required by Section 8.07: Landscaping and Screening of Vehicular Use Areas shall only be required for the parking spaces necessary to meet the minimum off-street parking standards of Section 7.04: Off-Street Parking Requirements. Vehicular use area landscaping shall comply with the requirements of Section 8.07: Landscaping and Screening of Vehicular Use Areas, except as modified below:

i. The township may approve the substitution of shrubs for required trees at a ratio of five shrubs per required tree.

ii. The township may approve the placement of required vehicular use area landscaping and landscape islands in alternate locations on the site.

e. In addition, landscape areas representing a minimum of 5% of the outdoor sales or rental display area shall be provided on the site to reduce impervious surface area and to decrease the appearance of a single expanse of pavement. Such landscape areas are not required to comply with the planting requirements of Section 8.07: Landscaping and Screening of Vehicular Use Areas, however, are required to have a combination of shrubs and ground cover.

f. No auctions shall be permitted on the lot.

g. No outdoor speaker systems shall be permitted for uses that abut or are across the street from residential districts.

h. Delivery and loading shall not be permitted on a public street.

i. All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

j. No storage or display of vehicles shall be permitted in any required landscape area, unless approved by the township.

k. Automotive service or repair, if permitted, shall be performed and conducted inside of a building.

l. One additional freestanding sign shall be permitted if multiple vehicle brand dealerships share the lot, with a maximum of three signs. Each sign shall not exceed the sign area permitted per Section 9.07:C.1(Signs in Nonresidential Districts; Freestanding Signs).

6. Bars, Taverns, Night Clubs, and Billiard Parlors

a. Bars, cocktail lounges, taverns, night clubs, and billiard parlors shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

b. All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

7. Bed and Breakfast Establishments

Bed and breakfast establishments are subject to the following standards:

a. The owner shall reside on the property.

b. All such uses shall be located in a single-family dwelling consistent in character (e.g., height, scale, setbacks, massing, etc.) with the surrounding residential uses.

c. Parking areas shall be located behind the bed and breakfast establishment.

d. Parking areas shall be screened from adjacent residential uses by landscaping and/or fencing as determined by the BZA.

e. The establishment shall conform with state health and building code requirements and shall show proof of inspection or proof of proper operating licenses by the state and/or county.

f. Only overnight guests shall be served unless otherwise authorized as part of the conditional use permit approval.

g. The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.

h. No external vending machines shall be allowed.

8. Clubs, Lodges, or Other Social Meeting Place

a. Clubs, lodges, and other social meeting places shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

b. All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

c. There shall be a minimum lot area requirement of two acres.

9. Day Care Center

a. All structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.

b. All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.

c. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

d. Day care centers shall only be permitted in the L-M District when it is accessory to a principally permitted use in the L-M District and located within the same building as such principal use.

10. Funeral Home

Crematoria facilities shall only be permitted in the L-M District.

11. Kennel

a. All structures and activities related to the subject kennel use shall be set back a minimum of 100 feet from side and rear lot lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:

i. All non-soundproofed structures or areas where animals are confined shall be set back a minimum of 500 feet from any residential zoning district.

ii. Soundproofed, air-conditioned buildings shall be set back a minimum of 100 feet from any residential zoning district.

b. All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the proposed structure.

c. Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

d. There shall be no burial or incineration of animals on the premises.

12. Mixed Use

a. A minimum of 50% of the gross floor area of mixed-use buildings shall be comprised of a commercial or office use.

b. The maximum residential density for mixed-use buildings shall be eight dwelling units per acre.

c. Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.

13. Outdoor Sales and Displays

Temporary and permanent facilities for outdoor sales and displays (e.g., garden supply sales, news and flower stands, and similar uses) may be permitted upon compliance with the following standards:

a. Outdoor sale and display areas are prohibited on vacant lots with the exception of temporary seasonal agricultural sales (See Section 4.10: Temporary Uses and Structures).

b. Outdoor sale and display areas may be permitted provided that the merchandise is displayed along the sidewalk, the walkway adjacent to the building, or in the side yard.

c. The placement of the merchandise shall not interfere with customer movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

d. The outdoor display and sale of bulk or large products that exceed 20 pounds, including, but not limited to, mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into the store for purchase, shall be required to meet the requirements of Section 4.08:C.14 Outdoor Storage.

e. Temporary outdoor sales and display areas may be authorized in a parking lot under the following provisions:

i. The maximum time the temporary outdoor sales and display areas shall be authorized is for 90 days per year; and

ii. In no case shall the outdoor sales or display area reduce the amount of off-street parking spaces to a number below the minimum number of required spaces.

14. Outdoor Storage

Outdoor storage areas may be permitted where such storage areas comply with the following standards:

a. Outdoor storage of goods shall be prohibited on vacant lots.

b. Outdoor storage shall comply with all applicable state and federal regulations.

c. Outdoor storage of goods may be permitted provided that the storage areas are located in the side or rear yard. In no cases shall the outdoor storage of goods be permitted between a principal building and a street.

d. Storage of any goods or materials shall not exceed six feet in height unless the storage is fully screened by a six-foot high fence or wall that is architecturally compatible with the principal structure in material type and color.

15. Self-Storage Facility or Mini-Warehouse

a. There shall be a minimum lot area requirement of two acres.

b. There shall be a minimum setback of 150 feet between all residential property lines and all buildings related to the use.

c. The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.

d. A commercial accessory dwelling unit may be permitted in connection with office/watchman purposes.

e. A wall shall be required around the perimeter of the storage area. All storage units with access from the exterior of the building shall be located behind the screen wall unless otherwise approved by the township. However, ornamental gates may be used for ingress and egress.

f. Outdoor storage is permitted with the exception of inoperative vehicles.

g. All required landscaping shall be located outside of any fencing area.

D. Industrial and Warehouse Uses

1. Contractor Offices and Storage

a. All outdoor storage of equipment, supplies, and materials shall be subject to the outdoor storage requirements of Section 4.08:C.14.

b. The following shall apply to contract offices and storage uses in the O-W and G-B Districts:

i. All storage areas shall be located behind the principal building.

ii. The storage of equipment, supplies, and materials shall not occupy more than 50% of the lot.

E. PUBLIC AND INSTITUTIONAL USES

1. Active Park or Recreation Facility

a. Active parks and recreational facilities in residential zoning districts shall have primary access along an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

b. In residential zoning districts, a landscape buffer shall be provided along the side and rear lot lines at a height appropriate to the intensity of use as determined by the BZA. The front lot line may be required to include buffering if the BZA makes such a determination based on the adjacent uses.

c. In nonresidential districts, buffers shall be provided in accordance with Article 8: Landscaping and Buffering.

d. All structures, public swimming pools, and ball fields shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision. Areas devoted to a golf course including tee areas and greens shall not be subject to this setback.

2. Cemetery

a. Cemeteries shall have primary access on an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

b. In residential zoning districts, a landscape buffer shall be provided along the side and rear lot lines at a height appropriate to the intensity of use as determined by the BZA. The front lot line may be required to include buffering if the BZA makes such a determination based on the adjacent uses.

c. All structures, except for grave markers, shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

3. Community Garden

a. The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.

b. The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the zoning inspector.

c. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.

d. There shall be no retail sales on site, except for produce grown on the site.

e. No building or structures shall be permitted on the site unless the community garden is accessory to a use (See Section 4.09: Accessory Uses and Structures) in which case, the buildings and structures shall be considered as accessory to the principal use of the lot.

f. Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, rain barrel systems, and children's play areas may be permitted.

g. Fences and walls shall be subject to the provisions of Section 8.04: Landscaping Materials and Standards.

4. Educational Facility and Higher Educational Facility

a. Both educational facilities and higher educational facilities shall be located on a site with a minimum lot area of five acres.

b. All structures shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

5. Hospital

All buildings shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

6. Telecommunication Tower

a. Purpose

The purpose of this section is to regulate the placement, construction, and modification of telecommunication facilities and their support structures in order to protect the public health, safety, welfare, and morals, while at the same time not unreasonably interfering with the competitiveness in the wireless telecommunications industry in the region.

b. Applicability

This section shall only apply to the review of wireless telecommunication facilities in residential zoning districts pursuant to Section 519.211 of the Ohio Revised Code.

c. Procedure for Telecommunication Towers in Residential Zoning Districts

i. Any person who plans to construct a telecommunications tower in a residential zoning district shall provide written notice in accordance to Section 519.211 of the Ohio Revised Code.

ii. If the board of township trustees receives notice from a property owner in accordance with ORC Section 519.211 or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under ORC Section 519.211, the board of township trustees shall request that the township fiscal officer send the person proposing to construct the facility written notice that the tower is subject to the power conferred by and in accordance with ORC. The notice shall be sent no later than five days after the earlier of the date the board of township trustees first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the ORC shall apply to the facility. Such tower or facility shall be subject to a conditional use review pursuant to Section 3.08: Appeals, Variances, and Conditional Uses.

iii. If the board of township trustees receives no notice under ORC Section 519.211 within the time prescribed by that division or no board member has an objection as provided under ORC Section 519.211 within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this zoning resolution.

d. Review Standards for Conditional Use Towers

The BZA shall approve a telecommunications tower as a conditional use if the BZA finds that the applicant has satisfied all of the following standards:

i. The proposed site meets the minimum site development standards for the applicable zoning district.

ii. The maximum height of the tower shall be 200 feet.

iii. The lot on which the tower is to be located shall be owned or leased by the telecommunications tower company, and the parcel shall be of sufficient size to allow the minimum setback from this parcel's lot line to the base of the telecommunication tower. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line and/or closest unrelated structure). The equipment shelter shall comply with minimum setback requirements for the established zoning district. New structures not related to the telecommunication facility cannot be added within the area of the tower's parcel. If the parcel on which the tower is located has road frontage, the tower must be located 300 feet from the right-of-way.

iv. The application shall comply with the general standards for a conditional use as established in Section 3.08: Appeals, Variances, and Conditional Uses.

v. Proof shall be provided by the applicant in a form satisfactory to the BZA that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), or the successors to their respective functions.

vi. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any FCC limitations on tower sharing preclude co-location.

vii. The BZA shall require a bond to cover tower removal and full site restoration after discontinued use.

viii. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Monopole installations are recommended.

ix. No telecommunication facility shall be located within a "wetland" as defined by federal law.

x. A telecommunication facility shall not be located upon a property listed on a federal, state, or local historic register, or be mounted on a building or structure listed on a federal, state, or local historic register.

xi. A balloon test, if requested by the BZA, shall be conducted at the height of the application request. Photographs shall be taken up to one-half mile away from the site from a minimum of four opposing directions.

xii. No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.

xiii. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period or to supply emergency power to the facility only during a power outage.

xiv. The owner/operator of the telecommunication facility shall, by January 15th of every year from the date of issuance of the zoning permit, file a declaration with the zoning inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current FCC regulations. The appropriate fee(s) will be included to permit the continuing operation of every facility, which is subject to these regulations.

xv. The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a parcel shall be 800 square feet. All telecommunication equipment shelters shall be configured to appear as one building on any one parcel.

xvi. The applicant shall demonstrate to the township that it is licensed by the FCC, and shall notify the township of any special conditions conveyed by the license.

xvii. One fence, in accordance with Section 8.04: Landscaping Materials and Standards, and not less than six feet in height, shall fully enclose all parts of the facility, including but not limited to, the base of the tower, guy wires, base of guy wires, and building. Gates shall be locked at all times when the facility is unattended by an agent of the telecommunication provider.

xviii. A landscaped buffer area, in accordance with Article 8: Landscaping and Buffering, of not less than 15 feet in depth shall be placed between the fence surrounding the telecommunication facilities and the public right-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The 15 feet landscaped buffer shall be of hardy evergreen shrubbery not less than six feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.

xix. Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authority. When so required, it shall be oriented inward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 footcandles.

xx. The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the BZA. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a zoning permit.

e. Permitted Accessory Uses Associated with Telecommunication Towers

An antenna for a telecommunication facility may be attached to an existing residential building two and one-half (2 1/2) stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:

i. The antenna shall not extend more than 10 feet above the roof of the existing building or top of the existing structure.

ii. If the applicant proposes to locate the telecommunications equipment in a separate telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district.

iii. Vehicular access to the equipment shelter shall be via the existing road circulation system and subject to Article 7: Parking, Loading and Mobility.

Section 4.09: Accessory Uses and Structures

A. Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

B. General Provisions

The following general provisions apply to all accessory uses or structures.

1. The structure or use shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
2. The structure or use shall be located on the same lot as the principal use for which it serves.
3. Unless otherwise stated in this section, a zoning permit shall be required prior to construction or establishment of an accessory use or structure.
4. An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of this zoning resolution.
5. Unless permitted by the zoning commission or board of township trustees as part of a PUD approval, accessory uses and structures shall be prohibited in any open space area dedicated as part of a PUD mixed residential development or other similar use.
6. Accessory structures used for agricultural purposes shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.
7. No more than two accessory structures shall be permitted on a single lot in a residential zoning district, and only one of these accessory structures shall be garage. Accessory structures that shall be included in this calculation of the number of accessory uses on a lot are identified in Table 4.09-A (Permitted Accessory Uses).

C. Permitted Accessory Uses

Table 4.09-A (Permitted Accessory Uses) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 4.09-A (Permitted Accessory Uses).

1. Permitted Use (P)

A "P" in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structure are subject to all other applicable regulations of this zoning resolution, including the additional standards set forth in this section.

2. Permitted Use with Use-Specific Standards (PS)

a. A "PS" in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column. Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this section and zoning resolution.

b. Accessory uses and structures permitted with use-specific standards under this category are approved administratively by the zoning inspector pursuant to the zoning permit review procedure (where required).

3. Conditional Use (C)

A "C" in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to Section 3.08: Appeals, Variances, and Conditional Uses. Conditional uses are subject to all other applicable regulations of this zoning resolution, including the additional standards set forth in this section.

4. Prohibited Uses (Blank Cells)

a. A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.

b. The outdoor storage of junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles, or similar items of property shall be prohibited on all lots where the principal use is residential. Outdoor storage on all other lots shall be classified as "outdoor storage" as regulated in Table 4.06-A (Permitted Use Table).

5. Zoning Permit Required

The "Zoning Permit Required" column identifies if a zoning permit is required for the applicable accessory use or structure.

6. # of Accessory Structures

This column identifies if the listed accessory use or structure counts towards the maximum number of permitted accessory structures allowed on a single lot as established in Section 4.09:B General Provisions above.

7. Yards Permitted

The "Yards Permitted" column identifies in which yards the applicable accessory use or structure is permitted. See also Section 4.09:D Setback, Yard Coverage and Height Requirements.

8. Numerical References (Last Column)

The numbers contained in the "Use-Specific Standards" column are referenced to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

TABLE 4.09-A: PERMITTED ACCESSORY USES

USE OR STRUCTURE	ZONING DISTRICTS					ZONING PERMIT REQUIRED	# OF ACCESSORY STRUCTURES	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	USE-SPECIFIC STANDARDS SEE SUBSECTION:
	R-SF, R-TF, & R-TR	R-MF	O & O-W	N-B, G-B & B-RD	L-M				
P = PERMITTED	PS= PERMITTED WITH USE-SPECIFIC STANDARDS					C=CONDITIONAL USE		BLANK CELLS = PROHIBITED	
Accessory Retail Sales			PS		PS	Yes	No	Inside principal building	4.09:E.1
Amateur Radio Transmitter or Antenna	PS	PS			PS	Yes	No	R	4.09:E.2
Automated Teller Machine (ATM)			P	P	P	Yes [2]	No	S or R	
Beekeeping	PS					No	No	S or R	4.09:E.3
Community Garden	PS	PS	PS	PS	PS	Yes [2]	No	F, S, or R	4.09:E.4
Detached Accessory Building	P	P	P	P	P	Yes	Yes	R	
Drive-Through Facility			PS	PS	PS	Yes [2]	No	S or R	4.09:E.5
Drop-Off Box			PS	PS	PS	No	No	S or R	4.09:E.6
Dumpster		PS	PS	PS	PS	No	No	S or R	4.09:E.7
Home Occupation	PS	PS				Yes	No	Inside principal building	4.09:E.8
Indoor Food Sales			PS		PS	Yes	No	Inside principal building	4.09:E.9
Keeping of Chickens	PS					No	No	S or R	4.09:E.10
Outdoor Dining Area				PS		Yes	No	F, S, or R	4.09:E.11
Outdoor Wood Furnace	PS					Yes	Yes	S or R	4.09:E.12
Porch or Deck	PS	PS	PS	PS	PS	Yes	No	F, S, or R	4.09:E.13
Private Stable	P					Yes	Yes	S or R	
Private or Public Swimming Pool	PS	PS				Yes	Yes	S or R	4.09:E.14
Roadside Stand	PS	PS	PS	PS	PS	No	No	F, S, or R	4.09:E.15
Satellite Dish	PS	PS	PS	PS	PS	Yes	No	F, S, or R [3]	4.09:E.16
Small Wind Energy Conservation System	PS	PS	PS	PS	PS	Yes	Yes	R	4.09:E.17
Solar Panels	PS	PS	PS	PS	PS	See Section 4.09:E.18		On roof of structure or rear yard	4.09:E.18
Tennis Court or Other Game Court	PS	PS	PS	PS	PS	Yes	Yes	R	4.09:E.19
Tree House, Play Set, or Trampoline	P	P				No	No	R	
Unenclosed Patio	P	P	P	P		No	No	R	
Other Accessory Uses	C	C	PS	PS	PS	See Section 4.09:E.20 Other Accessory Uses			

NOTES:

[1] For the purposes of the placement of accessory uses or structures on a corner lot, the side yard located opposite of the front door of the structure shall be considered the rear yard; and for through lots, the front yard located to the rear of the structure shall be considered the rear yard.

[2] ATMs and drive-through facilities shall be permitted in the stated zoning district when they are accessory and attached to the building containing the principal use. The zoning permit approval may be part of the zoning permit application for the principal use.

[3] Satellite dishes should be located in the side or rear yard to the maximum extent feasible. However, these regulations shall not prohibit the location of a satellite dish in the front yard.

D. SETBACK, YARD COVERAGE AND HEIGHT REQUIREMENTS

1. An accessory structure may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.

2. An accessory structure may be detached from the principal building.

3. Accessory structures that are structurally connected to the principal structure, either as an extension of the principal use or through a breezeway, shall meet the setback requirements of the applicable zoning district. Such requirements shall not apply to unenclosed patios.

4. Accessory uses or structures shall be set back a minimum of five feet from any lot line unless otherwise specified.

5. Table 4.09-A (Permitted Accessory Uses) identifies the yards in which accessory uses are permitted to be located as it relates to a standard interior lot. See Section 6.01: Site Development Standards for standards related to corner lots and double frontage lots.

6. The total square footage of the following detached accessory uses shall not occupy more than 35% of the area of the rear yard:

- **a.** Detached accessory buildings;
- **b.** Drive-through facilities;
- **c.** Drop-off box or dumpster;
- **d.** Outdoor wood furnace;
- **e.** Porch or deck;
- **f.** Private stable;
- **g.** Private or public swimming pool;
- **h.** Roadside stand;
- **i.** Tennis court or other game court; and
- **j.** Other accessory uses as determined by the zoning inspector or BZA.

E. USE-SPECIFIC STANDARDS

1. Accessory Retail Sales

Principal uses in the applicable zoning district may include some retail sales provided:

- **a.** The floor area dedicated to retail sales is less than 10% of the total building floor area;
- **b.** The retail sales take place in the principal building; and
- **c.** The retail sales are related to the services rendered, products stored, or products produced as part of the principal use.

2. Amateur Radio Transmitter or Antenna

Noncommercial amateur radio antenna structures for use by licensed amateur radio operators shall be authorized for use by licensed amateur radio operators in all residential districts, provided that:

- **a.** The height of the structure does not exceed the lesser of the width or depth of the property as determined by a line bisecting such structure and measured from one side of the property line to the other, or from the front property line to the rear at the shortest distance there between. However, such height shall not exceed 100 feet or be restricted to less than 60 feet.

b. The setback for the central vertical portion of the antenna structure shall be a minimum of 10 feet from all property lines for structures up to 45 feet in height and shall increase by one foot for every three feet of increased height. All rigid radiating elements of the antenna structure shall be set back a minimum of 10 feet from all property lines.

c. The construction shall be of such type as may be required by the American National Standards Institute (ANSI), the Electronics Industry Association (EIA), and the township to form a safe and durable structure.

3. Beekeeping

Beekeeping is permitted provided that:

a. The principal use is a single-family dwelling.

b. No more than two hives is permitted on lots less than one acre.

c. A beehive shall be kept no closer than 10 feet to any lot line and no closer than 25 feet to any residential structure on an adjacent lot, or shall comply with the setbacks of the applicable zoning district, whichever is greater.

d. The front of any beehive shall face away from the property line of the adjoining residential property closest to the beehive.

e. A solid fence or dense hedge, known as a flyaway barrier, at least five feet in height shall be placed around the beehive. A boundary fence or hedge at least five feet in height may be used to meet this requirement. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade, except if such porch or balcony is located less than five feet from a property line.

f. No Africanized bees may be kept on a property.

g. A supply of fresh water shall be maintained in a location readily accessible to all beehives on the property.

4. Community Garden

a. Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).

b. Community gardens shall be subject to the provisions of Section 4.08:E.3. Community Garden.

5. Drive-Through Facility

The following standards shall apply to businesses that contain a drive-through facility, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

a. General Standards

i. Drive-through facilities are prohibited in the N-B District.

ii. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit.

iii. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

iv. An opaque fence or screen between four and six feet in height shall be constructed along any property line abutting a residential district.

b. Stacking Space and Lane Requirements

i. The number of required stacking spaces shall be as provided for in Table 4.09-B (Stacking Space Requirements). See Figure 4.09-A for illustration of stacking spaces. Stacking spaces do not count towards the parking spaces required in accordance with Section 7.04:Off-Street Parking Requirements.

TABLE 4.09-B: STACKING SPACE REQUIREMENTS

ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM
Financial Institution or Automated Teller Machine (ATM)	5	Teller or Window
Restaurant	6	Pick-Up Window
Full Service Automotive Washing Establishment	6	Outside of Washing Bay
Self-Service or Automotive Washing Establishment	2	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the zoning inspector	

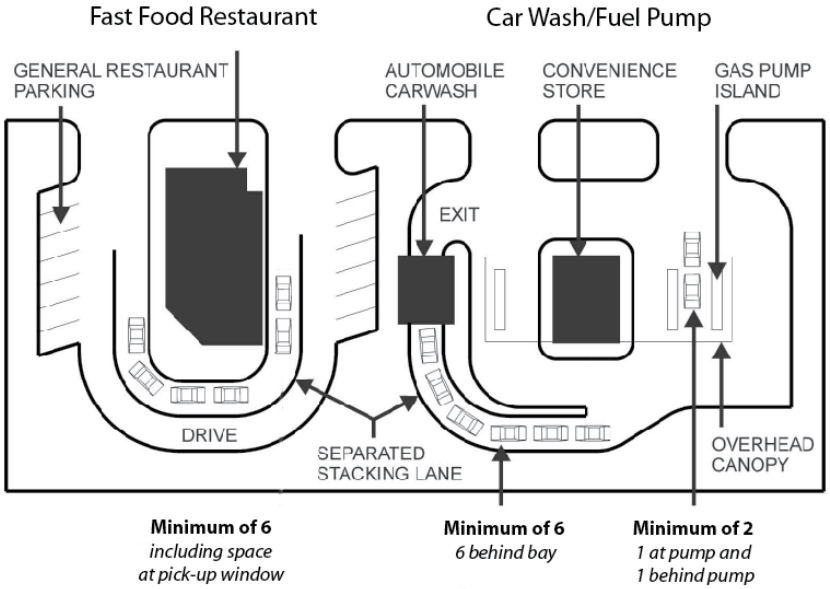

Figure 4.09-A: Location of stacking spaces and lanes. Note that the stacking lanes are oriented toward the side and rear yards rather than the front yard.

ii. Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:

A) Drive-through stacking lanes shall have a minimum width of 10 feet.

B) When stacking lanes are separated from other stacking lanes, bypass lanes or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.

C) Stacking lanes shall be set back 25 feet from rights-of-way.

D) Stacking spaces shall be a minimum of nine feet by 18 feet in size.

c. Menu Board Signs

i. One menu board sign for each stacking lane shall be allowed provided it does not exceed 35 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.

ii. Menu board signage shall not be included in the total calculated allowed signage for a property under Section 9.07: Permitted Signs.

iii. No menu board sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.

iv. Illuminated menu board signs shall be internally illuminated.

v. Menu boards shall be reviewed and approved as part of the zoning permit for the drive-through facility or, when a menu board is to be added, as part of a separate zoning permit application.

6. Drop-Off Box

Drop-off boxes and dumpster style recycling collection containers for public use are permitted in accordance with the following standards:

a. One drop-off box may be located in any yard area, but shall not be located in any area that is required to be landscaped.

b. Drop-off boxes must be placed on a hard paved surface and located outside of driveways and parking spaces required in conformance with Section 7.04:Off-Street Parking Requirements.

c. Drop-off boxes must either be enclosed per the requirements of Section 8.06:Screening Requirements or kept in a clean, new appearing condition. Drop-off boxes which are not kept within an enclosure shall not have dents, any deformation to the outside painted surface, any dirt or residue on the outside surface, graffiti, etc.

d. If two or three drop-off boxes are kept on a site, all boxes shall be kept within a common enclosure in conformance with Section 8.06:Screening Requirements. The common enclosure for multiple boxes shall not be located in any area that is required to be landscaped, nor shall it be located in front yard or corner side yard areas. No more than three boxes may be kept on a single site.

e. Each drop-off boxes shall be limited tin size to 10 cubic yards and shall have a lid.

f. Recycling collection containers for private, on-site use only are considered trash and/or garbage collection areas and are subject to the provisions Section 4.09:E.7Dumpster.

7. Dumpster

The dumpster shall be screened on a minimum on three sides to a height that fully screens the use in conformance with Section 8.06:Screening Requirements unless otherwise required in this zoning resolution.

8. Home Occupation

Home occupations shall be subject to the following conditions in addition to any other applicable use standards of the applicable zoning district:

a. A person whose principal employment is outside of the home but who temporarily works out of a home office shall not be considered as operating a home occupation subject to these standards.

b. Home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes and shall be completely conducted within the dwelling.

c. No more than the 25% of the gross floor area of any dwelling shall be utilized for a home occupation.

d. The external appearance and/or use of the structure or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.

e. There shall be no outside storage of any kind related to the home occupation and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.

f. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.

g. No equipment, process, materials, or chemicals which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances shall be utilized in the home occupation.

h. Not more than one person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.

i. No more than one home occupation shall be permitted within any single dwelling unit.

j. Delivery of any materials necessary for a home occupation shall be limited to automobiles, light duty trucks (e.g., typical FedEx or UPS home delivery vans and trucks) or vans. Deliveries by heavy trucks shall be limited to two times per week.

k. No building or structure shall be used to operate a business, store equipment used for a business, or serve as a location where multiple employees meet or park prior to going to work off-site.

l. Hours of operation for a home occupation that entails client visits or incoming deliveries is restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week.

m. No sign, other than one non-illuminated nameplate, two square feet in area and mounted flat on the front face of the dwelling or on a driveway lamppost, shall be erected or maintained on the premises.

n. In those instances when the zoning inspector denies an application, or if the zoning inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed or taken to the BZA for interpretation.

o. The following are examples of permitted home occupations:

- **i.** Clerical and other similar business services;
- **ii.** Instruction in music, dance or other type of teaching that does not require an expansion in parking;
- **iii.** The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office oriented occupations;
- **iv.** Artists, sculptors, photographers, and other providers of home crafts;
- **v.** Barber shop/beauty salon with a maximum of one chair;
- **vi.** A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- **vii.** Any similar use as determined by the zoning inspector.

9. Indoor Food Sales

Indoor food sales occurring as an accessory use shall comply with the following standards:

a. The square footage used by the accessory use, including preparation, sales, and storage, but not including dining, shall not exceed 20% of the total floor area of the principal use.

b. Entrance to the food sales area shall be via the principal use it serves and shall not have dedicated off-street parking areas or signage.

10. Keeping of Chickens

The keeping of up to four chickens is permitted provided that:

a. The principal use is a single-family dwelling;

b. No person shall keep any rooster;

c. No person shall slaughter any chickens for commercial sales;

d. The chickens shall be provided with a covered enclosure for protection from the elements;

e. Chickens must always be confined within a fenced area of the yard at all times; and

f. A covered enclosure or fenced area shall be located no closer than 25 feet to any residential structure on an adjacent lot, or shall comply with the setbacks of the applicable zoning district, whichever is greater.

11. Outdoor Dining Area

a. Outdoor dining areas in a public right-of-way shall be prohibited.

b. Outdoor dining areas on a private property shall be regulated as follows:

i. An outdoor dining area may be allowed as an accessory use to a restaurant with an indoor eating area on the same site; provided, the outdoor dining area shall not replace any off-street parking, loading, or landscaping areas as may be required by this resolution.

ii. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.

iii. Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.

iv. Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a zoning certificate.

v. There shall be no use of electronics (e.g., televisions, radios, or speakers) in the outdoor dining areas that generate noise.

c. The location of outdoor dining areas is subject to review by the township to ensure that access to the building and pedestrian walkways are not obstructed.

12. Outdoor Wood Furnaces

Outdoor wood furnaces shall only be permitted as an accessory use on lots with a minimum lot area of five acres.

a. Setbacks

Outdoor wood furnaces shall be set back:

i. A minimum of 100 feet from all lot lines;

ii. A minimum of 200 feet from the boundaries of all recorded subdivisions with lots less than five acres in size; and

iii. A minimum of 200 feet from all residential dwellings not located on the property where the outdoor wood furnace will be situated.

b. Permitted and Prohibited Fuels

i. Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.

ii. The following fuels are strictly prohibited in new or existing outdoor wood furnaces:

A) Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.

B) Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.

C) Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

D) Rubber, including tires or other synthetic rubber-like products.

E) Any other items not specifically allowed by the manufacturer or this section.

c. Nonconforming Use

Outdoor wood furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor wood furnace does not meet the standards of this section, the outdoor wood furnace shall be considered a nonconforming use subject to the nonconforming use provisions of this zoning resolution (See Article 10: Nonconformities).

13. Porch or Deck

a. Porches or decks that are enclosed (with screening or other materials), have a roof, or that are physically attached to the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district. See Section 6.01: Site Development Standards.

b. Unenclosed porches and decks may encroach into required setbacks in accordance with Section 4.09: Accessory Uses and Structures.

14. Private Swimming Pool or Public Swimming Pool

a. The swimming pool shall be set back 10 feet from the required side lot line and rear lot line. This setback shall be measured from the edge of the pool water.

b. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a self-closing, self-latching gate that can be locked. Above grade pool walls may be counted toward the height of the required fence.

c. Any swimming pool for the use of occupants of multi-family dwellings containing over three apartments or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.

d. The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

e. Outdoor public swimming pools shall be set back a minimum of 50 feet from interior lots within the development and 150 feet from any lot outside of the development as measured from the edge of the water.

15. Roadside Stand

a. A roadside stand shall only be permitted where 50% or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

b. The structure shall not exceed 800 square feet.

c. The structure and any related parking areas shall be set back 60 feet from all lot lines.

d. That one ground-mounted sign may be permitted provided it does not exceed 12 square feet in sign area, six feet in height, and only external illumination is used.

16. Satellite Dish

a. Satellite dishes that are one meter in diameter or less shall be subject to the following standards:

i. To the maximum extent feasible, such dishes should be located to the side or rear of a structure. However, the township shall not have the authority to prevent the location of these smaller satellite dishes in the front yard.

ii. Such dishes shall not require a zoning permit.

b. Satellite dishes that exceed one meter in diameter shall be subject to the following standards:

i. Satellite dishes may be erected or installed on the ground of any property.

ii. Roof mounting of dishes is only permitted in the O, O-W, G-B, and L-M Districts.

iii. Ground-mounted satellite dishes shall be set back a minimum five feet from all lot lines.

iv. Satellite dishes shall be prohibited in the front yards of any property on which it is located.

v. Installation of a these satellite dishes shall require a zoning permit.

vi. The maximum height of the satellite dish shall be 15 feet as measured from the average grade.

vii. The maximum diameter of the satellite dish shall be 12 feet.

17. Small Wind Energy System

a. Small wind energy systems that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.

b. Stand-alone small wind energy systems may be permitted on lots with a minimum lot area of one acre. The pole or supporting structure shall be set back a minimum of 50 feet from any lot line.

c. The maximum height shall be 75 feet measured from the average grade to the highest point on the blade.

d. The height and location of a stand-alone small wind energy system shall be such that if the system were to collapse it would fall within the boundaries of the subject lot.

18. Solar Panels

a. Roof-mounted solar panels that are visible from a public right-of-way shall be flush-mounted to the roof or may be elevated on one side of the panel to a distance that does not exceed six inches as measured from the roof surface to the top of the panel.

b. Roof-mounted solar panels that are not visible from a public right-of-way shall not be elevated from the roof surface more than two feet.

c. Roof-mounted solar panels shall not count toward the maximum number of accessory structures permitted on the property and shall not require a zoning permit.

d. Freestanding solar panels shall be limited to a maximum height of five feet and shall be located in the rear yard. Such freestanding solar panels shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning permit.

19. Tennis Court or Other Game Court

Tennis courts or other game courts shall be set back five feet from all lot lines.

20. Other Accessory Uses

a. Other accessory uses in a residential zoning district shall be subject to a conditional use review (See Section 3.08: Appeals, Variances, and Conditional Uses).

b. Other accessory uses in a nonresidential zoning district may be permitted by the zoning inspector if they are customarily found in conjunction with and required for the full utilization and economic viability of the principal business use. The zoning inspector shall have the authority to determine that a proposed accessory use (not otherwise defined in Table 4.09-A (Permitted Accessory Uses)) shall be subject to conditional use review (See Section 3.08: Appeals, Variances, and Conditional Uses).

Section 4.10: Temporary Uses and Structures

A. Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

B. Permitted Temporary Uses and Structures

Table 4.10-A summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

Table 4.10-A: Temporary Uses and Structures

Temporary Use or Structure	Allowable Duration (per site)	Zoning Permit Required	Additional Requirements
Construction Dumpster	For construction use – Until issuance of an occupancy permit; For use during temporary cleaning, clearing, or renovations, for 30 days per calendar year	No	Section 4.10:C.2
Construction Trailer	Until issuance of an occupancy permit	Yes	Section 4.10:C.3

TABLE 4.10-A: TEMPORARY USES AND STRUCTURES			
TEMPORARY USE OR STRUCTURE	ALLOWABLE DURATION (PER SITE)	ZONING PERMIT REQUIRED	ADDITIONAL REQUIREMENTS
Gravel Surface Parking Lots	Until issuance of an occupancy permit	No	
Real Estate Sales/Model Homes	While lots are for sale	Yes	Section 4.10:C.4
Seasonal Agricultural Sales	120 days per calendar year	Yes	Section 4.10:C.5
Temporary Special Events	See Section 4.10:C.6	Yes	Section 4.10:C.6
Temporary Storage in a Portable Container	60 days per site	No	Section 4.10:C.7
Temporary Structure for Public or Institutional Uses	3 years	Yes	Section 4.10:C.8

C. TEMPORARY USE AND STRUCTURE STANDARDS

1. General Standards

a. All temporary uses or structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.

b. All temporary uses or structures shall:

i. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

ii. Be compatible with the principal uses taking place on the site;

iii. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;

iv. Not include permanent alterations to the site;

v. Not maintain temporary signs associated with the use or structure after the activity ends;

vi. Not violate the applicable conditions of approval that apply to a site or use on the site;

vii. Not interfere with the normal operations of any permanent use located on the property; and

viii. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

2. Construction Dumpsters

Temporary trash receptacles or dumpsters shall be located outside public rights-of-way and shall comply with the following standards:

a. Not be located within a floodplain or otherwise obstruct drainage flow; and

b. Not be placed within five feet of a fire hydrant or within a required landscaping area that has already been constructed.

3. Construction Trailers

Construction trailers may be permitted on a construction site provided that the trailer is:

a. Located on the same site or in the same development as the related construction;

b. Not located within a required open space set-aside or landscaping area; and

c. Associated with development subject to valid building and zoning permits.

4. Real Estate Sales Office/Model Home

One temporary real estate sales office or model home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

a. Is located on a lot approved as part of the subject development;

b. Is operated by a developer or builder active in the subject development; and

c. Is removed or the model home is converted into a permanent residential use once all of the lots have been sold.

5. Seasonal Agricultural Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

a. Location

i. The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking space availability.

ii. The display or storage of goods for sale shall not occur within the public right-of-way, or within 200 feet of a dwelling.

b. Range of Goods Limited

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

c. Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 a.m. to 10:00 p.m., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

6. Temporary Special Events

a. A temporary zoning permit for special events such as festivals, circuses, concerts, and similar uses shall only be required if tents or structures are required on the applicable lot where the event will occur.

b. The temporary zoning permit shall be valid for no more than two weeks provided the event meets the following conditions:

i. For a lot that is zoned residentially or that is within 500 feet of a residential zoning district, there shall be a limit of two temporary special events per lot, per calendar year.

ii. The applicant receives other applicable permits from the Warren County Building Department and the Deerfield Township Rescue Department.

iii. The plans receive approval by the Warren County Sheriff's Office for the purposes of protecting the public safety.

c. Temporary tents for outdoor sales may be permitted for a 14-day period once every 90 days.

7. Temporary Storage in a Portable Shipping Container

Temporary storage in a portable shipping container shall be allowed to serve a permitted use provided it is placed on a paved surface.

8. Temporary Structures for Public or Institutional Uses

Temporary structures serving public or institutional uses shall comply with the following standards:

a. Location

i. The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.

ii. The use shall not be permitted within required off-street parking, required open space areas, or required landscaping areas.

b. Standards

i. Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.

ii. Parking shall be provided for the temporary structure in conformance with Section 7.04: Off-Street Parking Requirements.

c. Approval and Duration

This use is permitted if approved by the zoning inspector, and may remain on the site for no more than three years. This period may be renewed for two additional years, for good cause shown, upon approval of a written request, submitted to the zoning inspector at least 30 days prior to the expiration of the zoning permit. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.

Article 5: Planned Unit Developments (PUDs)

Section 5.01: Purpose

The purpose for Planned Unit Developments (PUDs) is established in Section 4.05: Zoning District Purpose Statements .

Section 5.02: Types of PUD Districts

The PUD District shall be established as a zoning district that overlays a base zoning district. Therefore, a PUD can be created that overlays any of the zoning districts provided for in this zoning resolution. An approved PUD shall be referenced using both the base zoning district and PUD, for example R-SF PUD Residential Single-Family Planned Unit Development or G-B PUD General Business Planned Unit Development.

Section 5.03: PUDs Approved Prior to the Effective Date of this Zoning Resolution

Any PUD approved prior to the effective date of this zoning resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PUDs shall be in accordance with this article.

Section 5.04: Compliance with Plans

All PUDs approved after the effective date of this zoning resolution shall comply with the Deerfield Township Comprehensive Plan including compliance with the permitted uses, densities, intensities, and other recommendations of the plan specific to the applicable property.

Section 5.05: Review Procedure

All PUDs shall be processed in two stages that include a preliminary PUD plan and a final PUD plan. The following is the procedure for establishing a PUD:

A. PUD Initiation

1. A PUD may be initiated by the filing of an application by one or more of the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment. An application initiated by the owner or their agent shall be subject to the complete review procedure established below.
2. The zoning commission or board of township trustees may initiate a rezoning of a property to establish a PUD overlay district without submitting a preliminary PUD plan. Upon rezoning a property to establish a PUD overlay district development may occur in one of the two following methods:
   a. The property owner may submit an application for a use that is permitted in any method (permitted, permitted with use-specific standards, or as a conditional use) in Table 4.06-A (Permitted Use Table) without being subject to the PUD standards of this article; or
   b. The property owner may submit an application of a preliminary PUD plan pursuant to this article. The review shall follow the same procedure established herein but no zoning amendment for the overlay district shall be required.

B. STAGE 1 – PRELIMINARY PUD PLAN

The preliminary PUD plan is intended to establish the major governing principles of a development related to land uses, density, and circulation. Specific details related to issues such as the number of parking spaces, the type and location of landscaping, or the location of individual single-family or two-family residential dwellings shall be reviewed during the final PUD plan.

1. Step 1 - Preapplication Conference

a. Applicants for any PUD District are required to meet with the zoning inspector for a preapplication conference prior to submitting a formal application for a PUD.

b. The purpose of the preapplication conference is to informally discuss application requirements, review procedures, and details of the proposed development.

c. One or more preapplication conferences between the applicant and township staff may be required unless specifically waived by the zoning inspector.

d. Applicants are encouraged to bring a preliminary site plan to the preapplication conference.

e. No formal application is required to facilitate a preapplication conference. The applicant need only contact the zoning inspector to set up a meeting date.

f. Discussions that occur during a preapplication conference with township staff are not binding on the township and do not constitute official assurances or representations by Deerfield Township or its officials regarding any aspects of the plan or application discussed.

2. Step 2 – Preliminary PUD Plan Application

a. Applications for the preliminary PUD District shall be submitted to the zoning inspector at the township offices.

b. Where the property is not already zoned as a PUD, the preliminary PUD plan shall be submitted as part of a zoning map amendment.

c. The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record.

d. Each application shall be signed by at least one of the owners, or the owner's authorized agent, of each property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

e. Applications for amendments initiated by the zoning commission or the board of township trustees shall be accompanied by the initiating board's motion or zoning resolution pertaining to such proposed amendment.

f. All applications shall be subject to Section 3.04: Common Review Requirements.

g. All applications shall be submitted with the required fees as established in the Deerfield Township fee schedule.

3. Step 3 – Referral to the Warren County Regional Planning Commission

a. Within five days after filing of an application, the township shall transmit a copy thereof to the Warren County Regional Planning Commission.

b. The Warren County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the zoning commission.

c. Such recommendation shall be considered at the public hearing held by the zoning commission on such proposed amendment.

4. Step 4 – Public Hearing and Recommendation by the Zoning Commission

a. Upon the filing of an application for an amendment (Step 2), the zoning commission shall set a date for a public hearing regarding the proposed PUD amendment and the preliminary PUD plan.

b. The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

c. For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with Section 519.12 of the ORC to all owners of property within 500 feet of the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with Section 519.12 of the ORC.

d. Within 30 days after the zoning commission's public hearing, the zoning commission shall recommend the approval or denial of the proposed amendment and submit such recommendation together with such application or zoning resolution, the text and map pertaining thereto, and the recommendation of the Warren County Regional Planning Commission to the board of township trustees.

5. Step 5 – Public Hearing and Decision by the Board of Township Trustees

a. Upon receipt of the recommendation from the zoning commission (Step 4), the board of township trustees shall set a time for a public hearing on such proposed amendment.

b. The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the zoning commission.

c. For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with Section 519.12 of the ORC to all owners of property within 500 feet of the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with Section 519.12 of the ORC.

d. Within 20 days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the zoning commission, or adopt some modification thereof. In the event the board of township trustees modifies or overturns the recommendation of the zoning commission, the majority vote of the board of township trustees shall be required.

e. Review and approval of the preliminary PUD plan shall be limited to:

i. Defining the uses permitted within the PUD, the general location of such uses (footprints of individual single-family and two-family dwellings are not required), and any use-specific standards that may apply to the permitted uses;

ii. Establishing the maximum density or intensity of development that is permitted in the PUD;

iii. Establishing the minimum lot area and lot width requirements for residential uses;

iv. Defining any standard of the underlying district that will need to be consistently varied for all of a single type of use (e.g., a zero lot line development where all of the side lot lines of the single-family uses will be reduced to zero).

v. Establishing the layout of any new streets, major access drives, sidewalks, and other methods of circulation through the development; and

vi. Defining the amount and general location of open space.

f. In accordance with the standards set forth herein, the board of township trustees may explicitly impose special conditions relating to the PUD as the board may determine necessary in order to best promote the public health, safety and welfare.

6. Review Criteria for Preliminary PUD Plans

The following criteria shall be used in recommendations and decisions regarding the preliminary PUD plan:

a. The preliminary PUD plan is in accordance with this zoning resolution as adopted by the board of township trustees;

b. The preliminary PUD plan is consistent with the Deerfield Township Comprehensive Plan;

c. The intensity proposed for the development does not exceed the maximum density or lot coverage allowed for the PUD as a whole;

d. The uses proposed will not be detrimental to existing and potential future surrounding uses and will be harmoniously related to the surrounding area;

e. The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Warren County Official Thoroughfare Plan. A traffic impact study may be required by the township, and the zoning commission and trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate better traffic flow between individual developments in conjunction with the Warren County Engineer's Office;

f. The arrangement of vehicular access and circulation, including intersections, road widths, channelization structures and traffic controls are adequately designed for the proposed uses and existing surrounding development;

g. The design generally addresses storm water management, erosion control, and avoids flood hazard areas;

h. The minimum common open space areas have been designated and designed in accordance with the provisions of this article, and shall be conveyed to a legally established homeowner's or property owner's association, commercial management group, the township, or other agency as herein provided;

i. The comments and recommendations from the Warren County Engineer's Office and other departments or officials of the township and Warren County, as well as representatives of Federal and State agencies including the Soil Conservation Service, the Department of Conservation, the Environmental Protection Agency and similar agencies are adequately addressed;

j. The preliminary PUD plan may vary from the requirements of the zoning resolution upon approval by the board of township trustees of the preliminary plan.

k. Approval of the preliminary PUD plan may be conditional upon provisions that are necessary for the protection of public health, safety, and general welfare. The zoning commission or board of township trustees may require that a revised preliminary PUD plan be submitted if, in its opinion, substantial changes are required to comply with this article.

C. Stage 2 – Final PUD Plan

1. Step 6 – Final PUD Plan Submittal

a. Within 24 months of approval of the preliminary PUD plan (Step 5), the applicant shall submit the final PUD plan for review unless an alternative time limit is approved as part of the preliminary PUD plan approval in Step 5.

b. Applicant may submit a written request to the zoning commission to extend the time limit for an additional 24 months.

2. Step 7 – Public Hearing and Decision by the Zoning Commission

a. Upon receipt of the final PUD plan submittal (Step 6), the zoning commission shall set a time for a public hearing on the proposed final PUD plan.

b. Notification of the hearing shall be in accordance with state law.

c. Within 30 days after its public hearing, the zoning commission shall either approve, approve with modifications, or deny the final PUD plan.

d. Final PUD plan approvals shall not be effective until the property owner causes the terms and conditions of the final PUD plan to be placed in the chain of title of the real estate to which it applies as a restrictive covenant, running with the land, incorporated in a deed of conveyance.

3. Review Criteria for Final PUD Plans

The following criteria shall be used in decisions regarding the final PUD plan:

a. All requirements established as part of the approved preliminary PUD plan have been satisfied;

b. All requirements of this zoning resolution that have not been varied as part of the preliminary PUD or that may not be varied as part of a PUD have been met;

c. That the final PUD plan is consistent with the intent and purposes of the zoning resolution;

d. That the proposed final PUD plan for the individual phase of the overall PUD District is consistent with the approved preliminary PUD plan. Each phase of a PUD shall contain a proportional percentage of the open space required as part of the PUD based on the size of the proposed phase compared to the overall PUD;

e. That any part of the PUD not used for structures, parking and loading areas, streets, public improvements, or walkways shall be landscaped or otherwise improved for the purpose intended or otherwise left in its natural state.

f. That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development, as determined by the Warren County Engineer's Office, and that safe and convenient pedestrian and non-vehicular access is provided.

g. The location, arrangement, size and placement of buildings, accessory structures, parking, lighting, and landscaping features contribute to creating a project that can be characterized as sustainable, innovative, and exemplary.

h. That the final PUD plan documents that will be reviewed and decided upon include:

i. All necessary legal documentation relating to the incorporation of a homeowners' or property owners' association for residential PUDs, or other similar associations for nonresidential PUDs, has been submitted and approved as part of the final PUD plan. Such legal documentation shall demonstrate how the common open space will be maintained over the life of the development

ii. Copies of any restrictive covenants or agreements that are to be recorded.

D. STAGING PLAN

Any plan that will require more than 24 months to complete shall be constructed in phases and a staging plan shall be developed accordingly. In a phased PUD, it is expected that changes in the approved final plan may be required from time to time. In order to preserve the flexibilities which are fundamental to a PUD, planned changes or modifications are permitted subject to the procedures of Section 5.05:F Modifications.

E. TIME LIMITS AND EXTENSIONS

1. The time limits for preliminary PUD plan approvals are addressed in Section 5.05:C.1 Step 6 – Final PUD Plan Submittal.

2. Within 24 months of approval of the final PUD plan (Step 7), a subdivision plat shall be recorded or, where a subdivision is not required, construction, building, remodeling or reconstruction of a building, structure, or land shall have commenced. An alternative time line may be approved pursuant to Section 5.05:D Staging Plan.

3. Review Status of PUD Plans

If a preliminary or final PUD plan is not submitted, or a subdivision plat is not recorded, within the time limits of this article, the township board of trustees may review the status of any approved PUD District or PUD plan, and take action, in accordance with the following procedures:

a. The board of trustees may hold a public hearing to review the status of any approved PUD plan and, at the conclusion of the hearing, may by resolution:

i. Extend any applicable time period;

ii. Modify or revoke the preliminary and/or final PUD plan approval; or

iii. Initiate a zoning map amendment to rezone the property to another zoning district.

b. If the applicant requires an extension of the time limits, it shall be the applicant's responsibility to request a status review by submitting a written request to the zoning inspector.

F. MODIFICATIONS

1. Modifications to an approved preliminary or final PUD plan may be considered in accordance with this section.

2. A request for a modification shall be submitted to the zoning inspector.

3. The zoning inspector shall have the authority to determine if the proposed modification is a major modification or minor modification in accordance with this section. Such decision may be appealed to the BZA.

4. Major Modifications

a. Major modifications to an approved preliminary or final PUD plan shall include but not be limited to:

i. An increase in residential density;

ii. An expansion in nonresidential floor area that exceeds 10% of the total floor area that was previously approved;

iii. Changes to the PUD boundaries;

iv. Changes in the amount (percentage of the total development) or location of different land uses; or

v. Changes to internal street patterns that alter the intersection points with existing streets.

b. Major modifications shall be reviewed in accordance with the entire procedure set forth in Section 5.05: Review Procedure.

5. Minor Modifications

Other amendments or modifications shall be classified as a minor modification and shall be reviewed and approved by the zoning inspector, except that the zoning inspector may elect to submit the minor modification to the zoning commission for review and a decision. Such review shall occur at a public meeting of the zoning commission and shall be subject to notice and fees as established by the board of township trustees and state law.

Section 5.06: PUD Development Standards

A. Development Standards for all PUDs

1. Unless otherwise permitted to be modified in this article, the standards of this zoning resolution shall apply.

2. The following development standards may not be modified as part of a PUD approval:

a. Section 9.07: Permitted Signs; and

b. Section 6.02: Outdoor Lighting.

3. Permitted Uses

In any PUD, any use that is permitted in Table 4.06-A (Permitted Use Table) may be approved within the subject PUD, whether or not the use is permitted in the applicable base zoning district, provided that the project shall be planned, developed and operated in accordance with an approved development plan. Specific uses, structures, and developments shall be properly integrated with the surrounding area in such a way as to promote the health, safety, morals, general welfare and wholesome environment of the general public and of the occupants of nearby property, and to avoid nuisances to the general public or to the occupants of nearby property.

B. Planned Unit Developments In Residential Districts

PUD Districts approved over a residential zoning district shall be subject to the following conditions:

1. Permitted Uses and Maximum Permitted Density

a. The maximum permitted gross residential density shall be based on the total area of land zoned as a specific residential zoning district prior to subdivision, that includes all areas of development, open space, or lands that will be used for roads or public dedications.

b. The maximum permitted gross residential density for residential uses shall be:

i. 3.1 dwelling units per acre for land zoned as R-SF;

ii. 4.4 dwelling units per acre for land zoned as R-TF;

iii. 8.8 dwelling units per acre for land zoned as R-MF; and

iv. 3.75 dwelling units per acre for land zoned as R-TR.

c. The maximum permitted gross residential density is subject to approval by the board of township trustees as part of the preliminary PUD plan approval.

d. The density for each development plan will be reviewed on a case-by-case basis taking into account:

i. Recommendations from the Deerfield Township Comprehensive Plan;

ii. Adjacent land uses;

iii. Unique features and characteristics of the land;

iv. The proposed development plan layout; and

v. Quality and character of the proposed open space.

2. Accessory Uses and Structures

Accessory uses and structures shall conform to the provisions of Section 4.09: Accessory Uses and Structures for the applicable residential zoning district that is part of the PUD.

3. Minimum Dwelling Size

The minimum dwelling size in a PUD shall be in accordance with the minimum size established in the residential district where the PUD is located, unless modified in the preliminary PUD plan.

4. Lot Area and Yards

a. The minimum lot area and lot width requirements shall be established in the preliminary PUD plan approval based on:

i. Recommendations from the Deerfield Township Comprehensive Plan;

ii. Adjacent land uses;

iii. Unique features and characteristics of the land;

iv. PUD plan layout; and

v. Quality and character of the proposed open space.

b. In those cases when a PUD is being proposed next to an existing recorded subdivision, the lots of the PUD that abut the existing subdivision shall have a lot area that is at least 75% of the area of abutting lots.

c. To the maximum extent feasible, when a PUD is proposed adjacent to the open space of an existing PUD, the proposed PUD shall establish open space adjacent thereto to create larger areas of open space within the township.

d. The minimum setbacks for individual lots shall be those of the underlying residential zoning district unless varied as part of the PUD approval.

5. Height Requirements

The maximum height of structures shall be as established in the underlying residential zoning district unless modified as part of the PUD approval.

6. Open Space

a. A minimum of 20% of the total PUD development proposed for residential uses shall be set aside for common open space.

b. Common open space shall be used as an amenity or for recreational purposes for the entire development, dedicated to another agency as allowed in Section 6.04: Open Space, or may remain undeveloped.

c. All common open space shall be subject to Section 6.04: Open Space.

7. Parking

Off-street parking shall be in accordance with the provisions of Article 7: Parking, Loading and Mobility, unless modified as part of the PUD approval.

8. Design Standards

The overall quality of the design of the development shall be considered when reviewing a PUD application. The zoning commission and board of township trustees shall review:

a. The use of unique street design and landscaping;

b. The use of a sufficient number of house types to avoid a monotonous streetscape;

c. The incorporation of limitations on the use of certain building materials (See subsection 9 (Building Materials) below.);

d. The incorporation of hiker/biker trails to the extent reasonably possible and desirable. All developments shall incorporate the improvements as described in the Deerfield Township Comprehensive Plan; and

e. The incorporation of ponds or other water features to the extent reasonably possible and desirable.

9. Building Materials

All PUD developments shall maximize the use of natural building materials such as brick, jumbo brick, stone, wood, or cultured stone. The zoning commission and board of township trustees reserve the right to regulate building materials on each development plan on a case-by-case basis.

C. Planned Unit Developments in Nonresidential Districts

PUD overlays approved within a nonresidential district shall be subject to the following conditions:

1. Prohibited Uses

The following uses shall be prohibited in all PUDs in nonresidential districts:

a. Heavy industrial or commercial uses that are noxious or offensive by reason of smoke, dust, gas fumes, odors, vibrations, or noise beyond the limits of the premises upon which such operation is located. Such uses include, but are not limited to, the assembly or manufacture of automobiles or automobile bodies; manufacturing involving the use of large quantities of hazardous or toxic substances; petroleum refining or petroleum storage; processing, refining, or rendering of fats and oils; or smelting or refining of metals from ores;

b. Mini-storage or self-storage facilities of any kind or size, whether for rental or sale;

c. Truck terminals, truck plazas, or truck stops;

d. Junk, scrap, wrecking yards, or salvage yards where the operations are for the conversion of saleable materials;

e. Prisons and other penal institutions;

f. Landfills;

g. Adult entertainment establishments; and

h. Other similar uses as determined by zoning commission and board of township trustees.

2. Accessory Uses and Structures

Accessory uses and structures shall conform to the provisions of Section 4.09: Accessory Uses and Structures for the applicable nonresidential zoning district that is part of the PUD.

3. Setback Requirements

The minimum setbacks for individual lots shall be those of the underlying nonresidential zoning district unless varied as part of the PUD approval.

4. Maximum Height

The maximum height of structures shall be as established in the underlying residential zoning district unless modified as part of the PUD approval.

5. Common Open Space

a. A minimum of 20% of the total PUD development proposed for nonresidential uses or mixed uses shall be set aside for common open space.

b. All common open space shall be subject to Section 6.04: Open Space.

6. Parking and Loading

a. Off-street parking and loading shall be in accordance with the provisions of Article 7: Parking, Loading and Mobility, unless modified as part of the PUD approval.

b. Applicants are encouraged to develop shared parking lot facilities to reduce the number of off-street parking spaces required in the PUD (See Section 7.04:E Alternative Parking Options).

7. Buffer Yards

a. Buffer yards shall be provided in accordance with Article 8: Landscaping and Buffering.

b. The zoning commission may grant modifications to any buffer yard and general landscaping requirement where existing or proposed vegetation meets the intent of these regulations, or when, because of the unique shape, location, or character of the PUD, alternative landscaping requirements would produce a more appealing landscape design.

c. While the zoning commission may authorize alternative buffering options, in no case shall the zoning commission permit an alternative that will result in less of a buffering than that required in Section 8.05: Landscape Buffering Requirements.

8. Design Standards

The overall quality of the design of the development shall be considered when reviewing a PUD application. The zoning commission and board of township trustees shall review:

a. The use of unique street design and landscaping;

b. The use of a sufficient number of house types to avoid a monotonous streetscape;

c. The incorporation of limitations on the use of certain building materials (See subsection 9 (Architectural and Building Material Standards) below.);

d. The incorporation of hiker/biker trails to the extent reasonably possible and desirable. All developments shall incorporate the improvements as described in the Deerfield Township Comprehensive Plan; and

e. The incorporation of ponds or other water features to the extent reasonably possible and desirable.

9. Architectural and Building Material Standards

a. All PUD developments shall maximize the use of natural building materials such as brick, jumbo brick, stone, wood, or cultured stone. The zoning commission and board of township trustees reserve the right to regulate building materials on each development plan on a case-by-case basis.

b. Metal siding, vinyl siding, and exposed smooth face CMU block is prohibited as an exterior building material on all building elevations visible from a public road right-of-way.

c. All visible elevations shall include decorative features such as cornices, pilasters, and contrasting horizontal bands. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls.

d. Architectural Guidelines

The design guidelines in Section 6.03: Architectural Design Guidelines and Standards shall be incorporated as part of the buildings in the PUD.

10. Circulation and Access

a. A PUD in a nonresidential district shall have primary access from an arterial or collector road. Secondary access points on local streets may be permitted with approval from the zoning commission and board of township trustees during the preliminary PUD plan review.

b. Pedestrian ways shall be subject to the provisions of Section 7.05: Mobility and Sidewalks unless otherwise waived by the zoning commission. Pedestrian ways, including sidewalks and multi-use paths, are required to accommodate safe non-motorized transportation throughout the PUD along internal streets and perimeter roads. Additional pedestrian ways may be permitted internally within the development where they are not adjacent to a road.

c. Cross access easements to adjacent parcels may be required by the zoning commission and board of township trustees to provide better circulation and access between adjacent developments.

Article 6: General Development Standards

Section 6.01: Site Development Standards

A. Measurements, Computations, and Exceptions

1. General Provisions

a. Percentages and Fractions

When a calculation or ratio established in this article results in a fractional number or percentage, any fraction of ½ or less shall be rounded down to the next lower whole number and any fraction of more than ½ shall be rounded up to the next higher whole number.

b. Distance Measurements

Unless otherwise expressly stated, distances specified in this resolution are to be measured as the length of an imaginary straight line joining those points.

2. Lot Area

a. Lot Area Measurements

The area of a lot is the horizontal area contained within the lot lines. Right-of-way is not included in the lot area measurements.

b. Reductions in Lot Area Prohibited

i. No existing lot of record shall be reduced in area so that lot area per dwelling unit, lot width, yards, building area, or other requirements of this resolution are not maintained except where such reduction has been brought about by the expansion or acquiring of public rights-of-way or is approved through a PUD District.

ii. If, however, by some means (for example, misinterpretation of law, erroneous lot descriptions, and the like) the lot area of a lot of record is reduced below the minimum required lot area as specified herein for the zoning district, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this resolution.

iii. In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the BZA, as provided for in Section 3.08: Appeals, Variances, and Conditional Uses.

3. Setbacks and Yards

a. Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except when in conformance with this resolution.

b. Yards Required for Buildings

A yard or other open space required about a building shall not be included as part of a yard or other open space for another building.

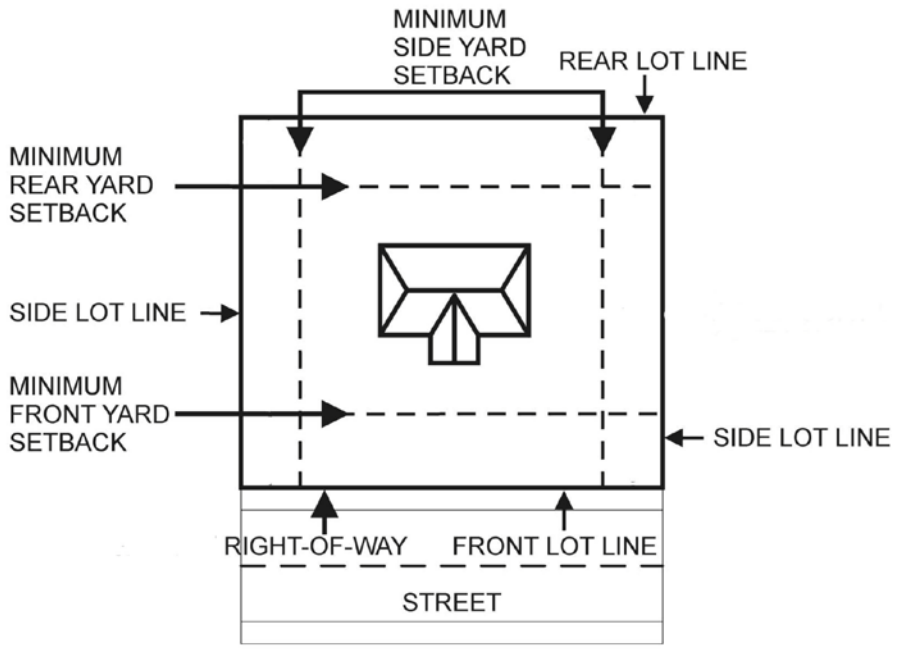

Figure 6.01-A: Typical setbacks measurements on an interior lot.

c. Front Yard Setback

i. The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback. See Figure 6.01 A.

ii. The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

d. Side Yard Setback

The side yard setback shall extend from the front yard to the rear yard and shall be measured from the side lot line. See Figure 6.01 A.

e. Rear Yard Setback

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line. See Figure 6.01 A.

f. Front Yard within an Established Block

Where the average depth of existing front yards within 300 feet of the lot (as measured from the lot line) in question and within the same block front in the same district, is less than the minimum front yard depth required by the resolution, the required minimum front yard depth on such lot shall be modified to be the average depth of such existing front yards. See Figure 6.01-B.

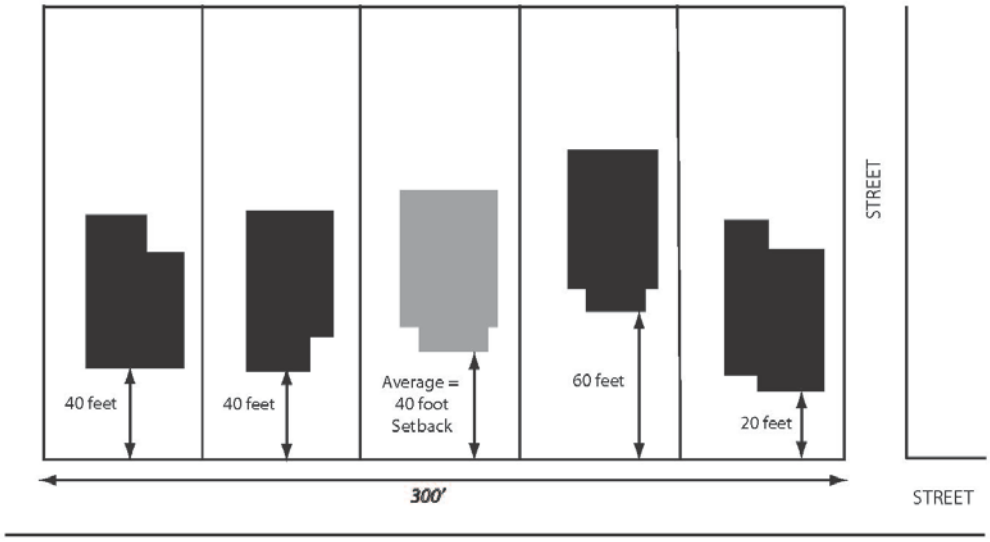

Figure 6.01-B: Illustration of the averaging of front yard setbacks.

g. Corner Lots

i. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof. See Figure 6.01-C.

ii. All yards not fronting on a street shall be considered side yards and shall have the required minimum side yard setback provided for each side lot line.

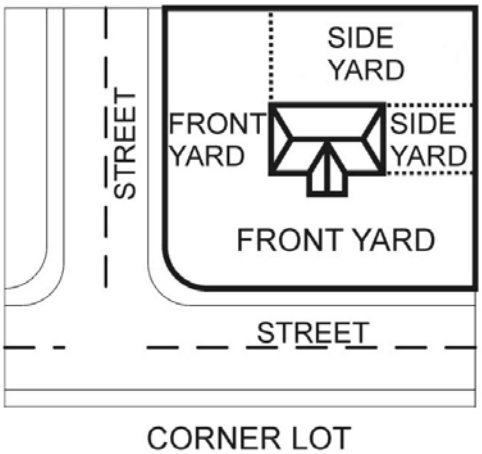

Figure 6.01-C: Yard locations on a corner lot.

h. Double Frontage Lots

i. Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided from both streets. See Figure 6.01-D.

ii. The remaining lot lines shall be considered side lot lines and the side yard setback shall be applied to those lot lines. See Figure 6.01-D.

Figure 6.01-D: Yard locations on double frontage lots.

i. Panhandle Lots

Panhandle lots are permitted subject to the following regulations:

i. Panhandle lots shall not be stacked one behind the other with relation to a street or road. See Figure 6.01-E.

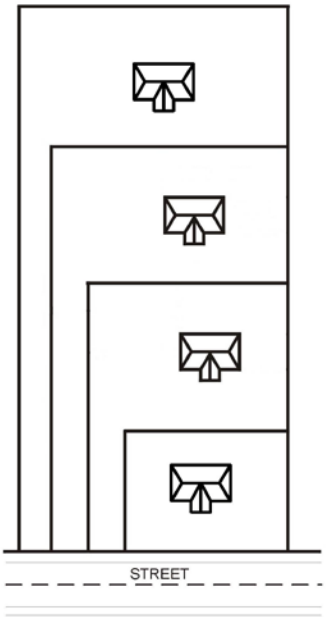

Figure 6.01-E: Stacking of panhandle lots is not permitted.

ii. The panhandle portion of the lot shall have a minimum frontage and continuous width of 20 feet and a maximum frontage and continuous width of 40 feet.

iii. Panhandle lots shall not be used to avoid the construction of a street.

iv. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 6.01-F.

v. The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

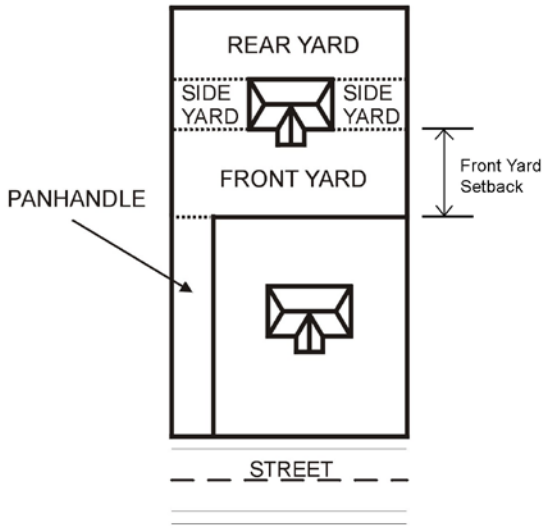

Figure 6.01-F: Yard and front yard setback locations on a panhandle lot.

j. Cul-de-Sac or Curved-Street Lot

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line. See Figure 6.01-G.

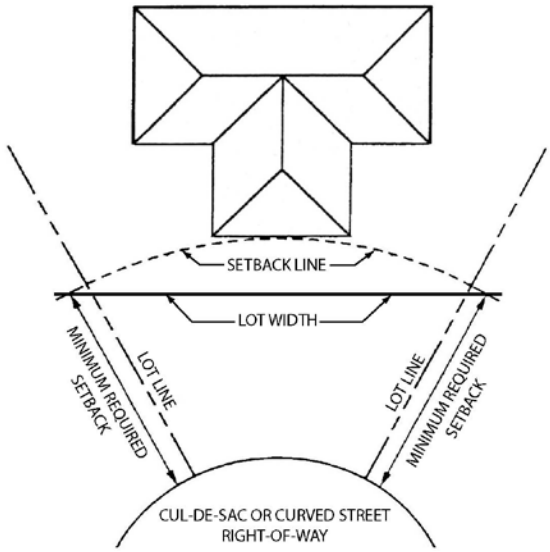

Figure 6.01-G: Setback line of a lot with frontage on a curved street or cul-de-sac.

k. Other Lot Types

For any type of irregular lot not addressed in this section, the zoning inspector shall determine the location of the front, side, and rear yard taking into consideration the affect on adjoining properties.

4. Lot Width

Lot width is the distance between the side lot lines measured at the point of the front setback line. See Figure 6.01-H.

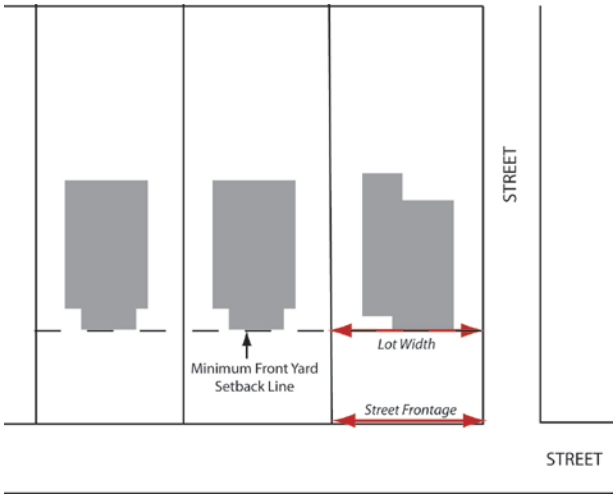

Figure 6.01-H: Measurement location of lot width and street frontage

5. Street Frontage

The street frontage is the distance between the side lot lines measured at the point of the street right-of-way. See Figure 6.01-H.

6. Minimum Dwelling Size

The minimum size of a dwelling shall be the sum of the horizontal area of each floor of the dwelling measured from the exterior walls, or the center of party walls, exclusive of porches, garages, cellars, non-habitable attics, or basements.

7. Height Measurement and Exceptions

a. Height Measurement

i. Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.

ii. Where specified in feet, building height shall be measured as the vertical distance from grade at the base of the structure to (See Figure 6.01-I):

A) The highest point of a flat roof;

B) The deck line of a mansard roof; or

C) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

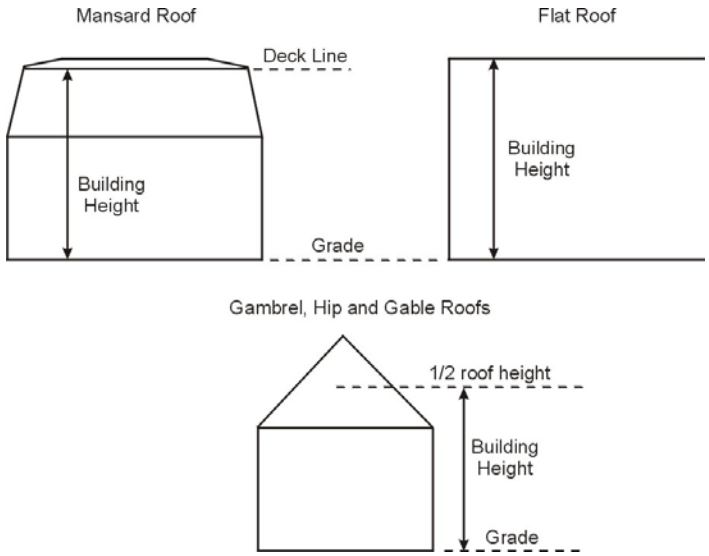

Figure 6.01-I: Building height measurement.

b. Exceptions to Height Limits

The height limitations of this resolution shall not apply to: church spires, domes, smoke stacks, elevator towers, radio and television towers, necessary mechanical appurtenances, and the like provided their construction is in accordance with existing or hereafter adopted resolutions of the township, and is acceptable to the Federal Aviation Agency (FAA) and the Federal Communication Commission (FCC).

B. General Site Development Standards

1. Except as herein provided and with the exception of existing lots of record, every structure hereafter erected shall be located on a lot as herein defined, and there shall not be more than one principal building on one lot, nor shall any building be erected on any lot, which does not abut a public right-of-way.
2. More than one nonresidential structure may be permitted on a single lot in the O, O-W, N-B, G-B, B-RD, or L-M Districts or may be permitted as part of a PUD District approval. When multiple principal buildings are located on an individual lot, the spacing between the buildings shall be reviewed and approved by the Deerfield Township Fire Rescue or their designee.
3. All buildings and lots shall meet the minimum site development standards set forth in this article unless otherwise specified in the use-specific regulations of Section 4.08: Use-Specific Standards.
4. No building shall be erected on any lot that does not have permanent means of ingress or egress.

C. Residential Site Development Standards

Table 6.01-A (Site Development Standards for Residential Zoning Districts) establishes the minimum site development standards for the residential zoning districts.

TABLE 6.01-A: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

	MINIMUM REQUIRED:			MINIMUM SETBACKS:			MAXIMUM BUILDING HEIGHT (FEET)	MINIMUM DWELLING UNIT SIZE (SQUARE FEET)
	LOT AREA [1] (SQUARE FEET)	LOT WIDTH (FEET)	STREET FRONTAGE [2] (FEET)	FRONT YARD (FEET)	SIDE YARD [3] (FEET)	REAR YARD (FEET)		
RESIDENTIAL SINGLE-FAMILY DISTRICT (R-SF)								
Single-Family Dwellings	14,000	80	80	50	5/20	35	35	960
Park Residential Development	See Section 4.08:B.4							
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	35	n/a
RESIDENTIAL TWO-FAMILY DISTRICT (R-TF)								
Single-Family Dwellings	10,000	60	60	35	5/14	30	35	720
Two-Family Dwellings	12,500	60	60	35	5/14	30	35	600
All Other Principally Permitted Uses	43,560	200	200	35	5/14	30	35	n/a
RESIDENTIAL MULTI-FAMILY DISTRICT (R-MF)								
Single-Family Dwellings	5,000	50	50	35	5/14	30	35	720
Two-Family Dwellings	12,500	60	60	35	5/14	30	35	600
Multi-Family Dwellings	10,000 + 2,500 for each dwelling over one	60	60	35	5/14 [4]	30 [5]	45	400
All Other Principally Permitted Uses	43,560	200	200	35	5	30	35	n/a
RESIDENTIAL TRANSITIONAL DISTRICT (R-TR)								
Single-Family Dwellings	12,000	70	70	35 [5]	5/14	30	35	960
Two-Family Dwellings	24,000	70	70	35 [5]	5/14	30	35	960
Mixed Residential Development	See Section 4.08:B.3							
All Other Principally Permitted Uses	43,560	200	200	35 [5]	5/14	30	35	n/a

NOTES:

[1] The Warren County Combined Health District may require larger lot areas where a centralized sanitary sewer system is not available and an on-site septic system or other alternative wastewater treatment system is required for development.

[2] For lots that have street frontage on a cul-de-sac or on a curved street, the minimum required street frontage shall be half the street frontage required in this table for the applicable zoning district. Panhandle lots shall be subject to the requirements of Section 6.01: Site Development Standards.

[3] The smaller number under the side yard setback requirement is the minimum side yard setback required from any one side lot line. The larger number under the side yard setback requirement is the minimum aggregate side yard setback required for both side yard setbacks (e.g., in the R-SF, you may have a five foot yard setback on one side provided the other side yard setback is 15 feet to have an aggregate side yard setback of 20 feet).

[4] If the building height exceeds 35 feet, then the minimum side yard shall be increased to 10 feet and the minimum rear yard shall be increased to 40 feet.

[5] For lots that have a front lot line along a stub street or stub street extension from an adjacent residential subdivision that is zoned R-SF, the minimum front yard setback shall be the same as required in the R-SF District. Any garage façade shall be setback a minimum of 45 feet.

D. SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONING DISTRICT

1. Table 6.01-B (Site Development Standards for Nonresidential Zoning Districts establishes the minimum site development standards for nonresidential zoning districts.

2. There are no minimum lot area, lot width, or minimum street frontage requirements in a nonresidential zoning district; except as required by Section 4.08: Use-Specific Standards.

3. For lots larger than five acres in the N-B, G-B, and B-RD Districts, a minimum of 10 percent of the gross lot area shall be maintained as open space. For the purpose of this requirement, required yards and required buffer areas shall not be counted toward this open space requirement; any interior parking area landscaping may be included in the open space.

TABLE 6.01-B: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONING DISTRICTS

DISTRICT	FRONT YARD SETBACK (FEET)	MINIMUM SIDE YARD SETBACK (FEET)		MINIMUM REAR YARD SETBACK (FEET)		MAXIMUM BUILDING HEIGHT (FEET)
		ADJACENT TO A NONRESIDENTIAL DISTRICT	ADJACENT TO A RESIDENTIAL DISTRICT (FEET)	ADJACENT TO A NONRESIDENTIAL DISTRICT (FEET)	ADJACENT TO A RESIDENTIAL DISTRICT (FEET)	
Office District (O)	35	10	10	35	35	None [1]
Office-Warehouse District (O-W)	50 [2]	0	100	0	100	None [1]
Neighborhood Business District (N-B)	50 [2]	10	10	10	30	35
General Business District (G-B)	50 [2]	0	30	0	30	None [1]
Business Redevelopment District (B-RD)	50	0	30	0	30	45
Limited Manufacturing District (L-M)	50	0	100	0	100	None [1]

NOTE:
[1] All the required setbacks shall be increased by one additional foot for each foot in height of building or structure over 45 feet.
[2] The front yard setback may be reduced if parking is provided to the side and/or rear of the building in accordance with Section 7.04:F.1.i

E. TRAFFIC SAFETY VISIBILITY TRIANGLE

Development proposed adjacent to any public or private street, or alley intersection, in every district shall be designed to provide a clear visibility area for pedestrian and traffic safety.

1. A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See Figure 6.01-J.

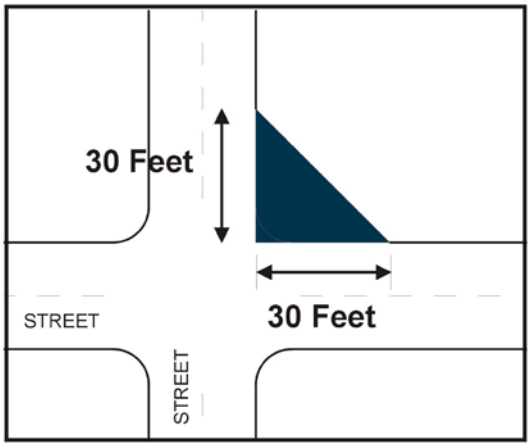

Figure 6.01-J: Traffic safety visibility triangle for intersecting streets.

2. For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. See Figure 6.01-K.

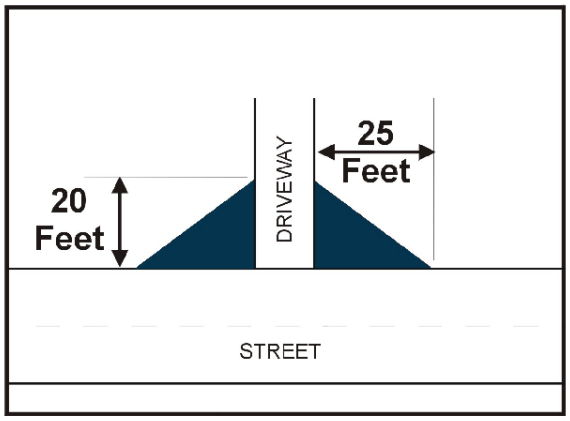

Figure 6.01-K: Traffic safety visibility triangle for driveway and street intersections.

3. No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the zoning inspector.

4. An exception to this requirement shall be that trees with at least eight feet of limbless trunk may be permitted in the visibility triangle.

Section 6.02: Outdoor Lighting

A. Purpose

1. The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting in order to preserve, protect and enhance the character of the township and the lawful nighttime use and enjoyment of property located within the township.

2. All outdoor lighting fixtures located on the applicable site (including lighting for signs and on buildings) shall be arranged so as to:

a. Provide safety, utility and security;

b. Control light trespass and glare on adjacent properties and public roadways; and

c. Reduce atmospheric light pollution.

B. Applicability

1. The regulations of this section shall apply to all uses except for single-family and two-family dwellings.

2. Lighting plans shall be submitted for approval with all applications for zoning permits in the nonresidential and PUD districts and for all nonresidential uses in residential districts unless specifically exempted below.

3. The regulations of this section shall not apply to public utility street lighting.

C. Exemptions

1. Lighting plans shall not be required for single-family and two-family dwellings, regardless of where the use is located.

2. Decorative outdoor lighting fixtures with bulbs that do not exceed 25 watts, installed seasonally, are exempt from the requirements of this section.

3. Temporary construction or emergency lighting is exempt from the requirements of this subsection. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.

4. All outdoor lighting fixtures existing and legally installed prior to the effective date of this subsection of this resolution shall be exempt from the requirements of this subsection. When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this subsection.

5. Nothing in this section shall apply to lighting required by the Federal Aviation Agency (FAA) or any other federal regulatory authority.

D. OUTDOOR LIGHTING STANDARDS

1. Height

All outdoor lighting structures that are not attached to a building shall be designed, located, and mounted so as to not exceed a maximum height of 10 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights.

2. Lighting Types

a. Non-cutoff lights are to be used for decorative purposes only.

b. All luminaries shall be high-pressure sodium or metal halide. The design shall be refractive or opaque.

c. Lighting of parking and loading areas shall be accomplished by using cutoff lights. See Figure 6.02-A.

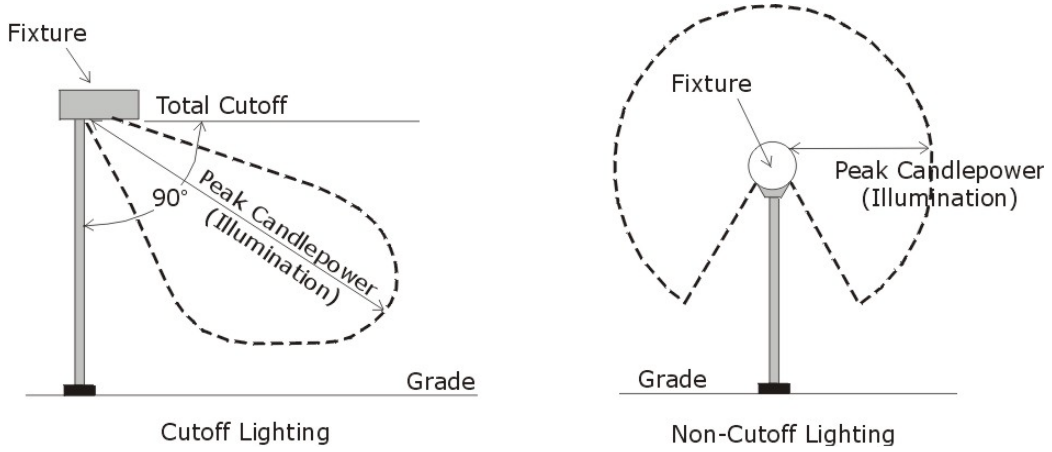

Figure 6.02-A: Lighting types – cutoff and non-cutoff.

d. In the B-RD District, pole mounted fixtures are encouraged to be of a traditional or historic reproduction style using a gooseneck style arm on decorative poles with a clam shell base. See Figure 6.02-B.

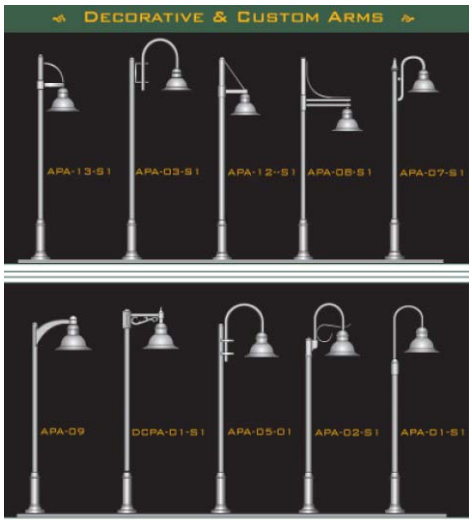

Figure 6.02-B: Decorative lighting types.

E. ILLUMINATION LEVELS

1. A minimum illumination of 0.5 footcandles shall be maintained when measured at grade in all vehicular use areas and pedestrian pathways. A minimum illumination of 0.2 footcandles shall be maintained when measured at grade at the right-of-way. Actual site measurement compliance shall not drop below this minimum stated. For design purposes, the light loss factor (LLF) shall be calculated to 0.8 LLF.

2. Lighting uniformity shall not exceed 10:1 maximum to minimum light levels and 4:1 average to minimum light levels. The maximum footcandle level shall be 10.0.

3. Light originating on a site shall not trespass beyond the site to exceed the values in Table 6.02-A (Illumination Levels) when measured at grade 10 feet beyond the property line for the following adjacent property types:

TABLE 6.02-A: ILLUMINATION LEVELS

LAND USE	ILLUMINATION LEVEL
Single-Family or Two-Family Residential	0.3 Footcandles
Multi-Family Residential	0.5 Footcandles
Non-Residential	1.0 Footcandles

F. SHIELDING

1. All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

2. Wall-mounted lights shall be screened by the building's architectural features, or contain a cutoff shield to direct lighting onto the building and not into adjacent residential lots.

G. COLOR AND GLARE

1. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

2. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area.

H. GENERAL STANDARDS

1. Lighting attached to a canopy or awning (e.g., for uses such as gasoline stations, service stations, and drive-through facilities) shall be recessed ceiling fixtures.

2. The placement of light poles within raised curb planter areas or landscaped islands is encouraged, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.
3. For statues, monuments, fountains, flags, or other objects for which it may not be possible to reliably and consistently illuminate with full cutoff lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest.
4. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.

I. MEASUREMENT

1. Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
2. Measurements shall be taken at the property line, along a horizontal plane at a height of three and one-half (3.5) feet above the ground.

Section 6.03: Architectural Design Guidelines and Standards

A. PURPOSE

The purpose of this section is to encourage development that contributes to Deerfield Township's aesthetic values, reflecting the community's physical character, and adding to it in appropriate ways. The architectural design of nonresidential development determines much of the character and attractiveness along the major thoroughfares through the township. These standards require: a basic level of architectural variety; compatible scale and mass to surrounding development; and mitigation of negative impacts. For the purposes of this section, the zoning inspector shall be authorized to review and make decisions on architectural standards as provided for in Section 519.171 of the Ohio Revised Code.

B. APPLICABILITY

The development standards of this chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below in Table 6.03-A (Substantial Expansion):

TABLE 6.03-A: SUBSTANTIAL EXPANSION

WHEN EXISTING STRUCTURE IS....	A SUBSTANTIAL EXPANSION IS...
0 - 1,000 Square Feet	50% or Greater
1,001 – 10,000 Square Feet	40% or Greater
10,001 – 25,000 Square Feet	30% or Greater
25,001 – 50,000 Square Feet	20% or Greater
50,001 Square Feet or larger	10% or Greater

C. ARCHITECTURAL GUIDELINES

The following design guidelines shall apply to all development in the O, O-W, N-B, G-B, B-RD, and L-M Districts, including PUDs in these districts.

1. Unified Theme

The architectural design of buildings within a development, including freestanding outparcel structures, should be organized around a consistent architectural theme in terms of the architectural style, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with the development's architectural theme as identified in this section. See Figure 6.03-A.

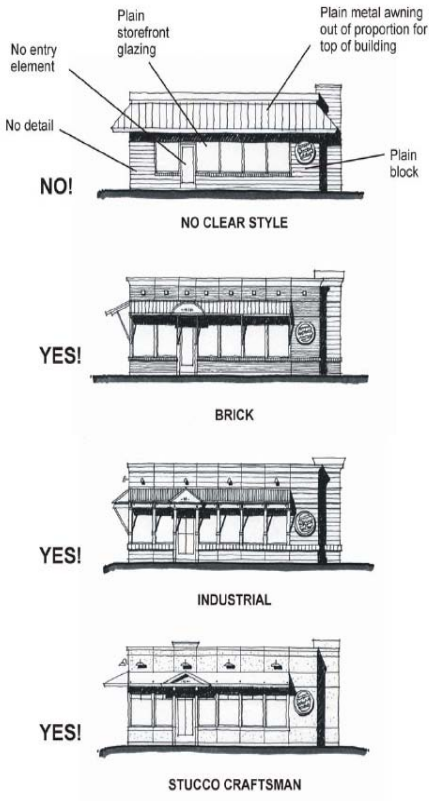

Figure 6.03-A: This image shows how franchise architecture can be modified to fit an architectural style within a development.

2. Building Relationship

Buildings within a multi-building development should be arranged and grouped so that their primary orientation complements one another and adjacent, existing development. See Figure 6.03-B. Buildings should:

a. Frame the corner of an adjacent street intersection or entry point to the development;

b. Frame a "main street" pedestrian and/or vehicle access corridor within the development site;

c. Frame at least three sides of parking areas, public spaces, or other site amenities; or

d. Frame outdoor dining or gathering spaces for pedestrians between buildings.

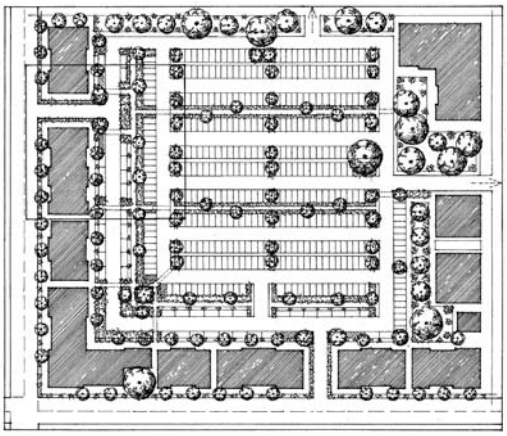

Figure 6.03-B: This diagram demonstrates how multi-building retail/commercial developments can be organized to frame a street intersection, enclose off-street parking areas, and create an opportunity for seating or dining areas between buildings.

3. Outparcel Orientation

Outparcels and outparcel buildings should be organized to reinforce, rather than obscure, the identity and function of the other buildings within the same development.

a. Outparcels and their buildings should be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings.

b. The even dispersal of outparcel sites in a widely-spaced pattern along off-site streets is strongly discouraged.

c. Spaces between buildings on outparcels should be improved to provide small-scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or well-landscaped parking areas.

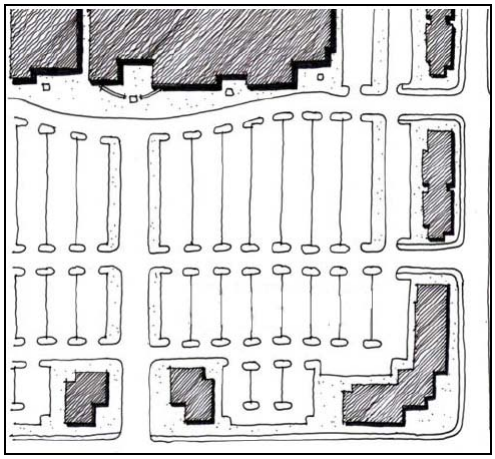

Figure 6.03-C: This image demonstrates how outparcels and outparcel structures (located along the side and bottom of the image) should be configured along off-site streets to create a consistent building wall along the street. Outparcel placement should help to create consolidated and logical entrances to the development as well as to screen views of surface parking from off-site areas.

4. Building Transparency

Building transparency provided by storefront windows, entrances, and other openings is a key element to establish a pedestrian-oriented context, and should be provided by retail and commercial development in the following amounts:

a. Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of 40% of the length of the front façade, of each tenant space, to windows or transparent entrances.

b. Buildings or tenant spaces that occupy 40,000 square feet or more of gross floor area should dedicate a minimum of 25% of the length of the front façade to windows or transparent entrances.

c. Outparcel structures should dedicate a minimum of 35% of the length of the front façade to windows or transparent entrances.

d. Offices and other noncommercial structures should dedicate a minimum of 25% of the length of the front façade to windows or transparent entrances.

D. ARCHITECTURAL STANDARDS

The following design standards shall apply to all development in the O, O-W, N-B, G-B, B-RD, and L-M Districts, including PUDs in these districts.

1. Building Orientation

a. Single-building developments shall be oriented so that the primary façade treatment faces the street from which the building derives its street address.

i. For lots that face two non-intersecting streets, the primary façade shall face the street with the higher vehicle capacity.

ii. For corner lots, the building orientation may face the street intersection.

b. Larger multi-building developments should be configured in a manner that breaks the site into a series of smaller "blocks" defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes.

c. Doors and other entrances may be on any side of the building and do not have to be located on the primary façade.

2. Façade Consistency

a. The expansion of an existing structure shall maintain the average setback of the existing primary façade with no more than a 10 foot variation unless the expansion occurs at the corner or edge of the primary building.

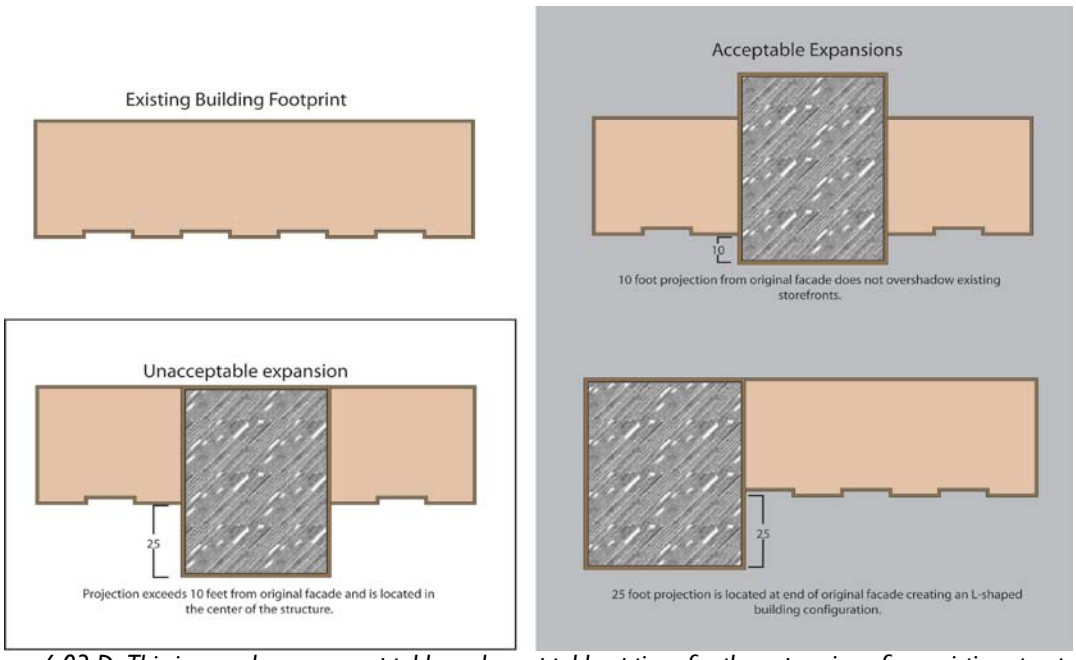

Figure 6.03-D: This image shows unacceptable and acceptable options for the expansion of an existing structure.

b. The primary façade of a new structure shall not vary more than 10 feet along the length except at the corner of the building which may vary any distance to allow for an L-shaped building configuration.

3. Façade Massing

a. Offset Required

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See Figure 6.03-E.

Figure 6.-3-E: Façade offsets.

b. Offset Alternatives

The following alternatives can be used in place of the required front façade offsets:

i. Façade color changes following the same dimensional standards as the offset requirements;

ii. Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80% of the façade's height; and/or

iii. Roofline changes when coupled with correspondingly aligned façade material changes.

c. Roof Line Changes

i. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.

ii. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See Figure 6.03-F.

Figure 6.03-F: Roofline changes.

4. Multi-Sided Architecture

a. Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public roadway or adjacent building, not subject to applicable buffering requirements, shall incorporate architectural detailing that is consistent with the front facade.

b. All outparcel structure facades should include a similar level of architectural detail and treatment consistent with the front façade.

5. Roofs

a. Flat Roofs

All roof types are permitted except that where any non-architectural roofing materials (e.g., tar and paper) are utilized, such roofing shall be concealed with parapet walls that have 3-dimensional cornice treatments or similar screening methods. See Figure 6.03-G.

Figure 6.03-G: Flat roofs.

b. Roof Penetrations and Equipment

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from:

i. A public street.

ii. Existing single family uses.

iii. Vacant land zoned for residential.

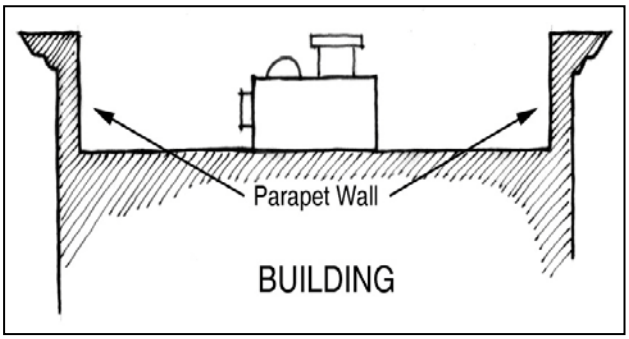

Figure 6.03-H: Parapet walls to screen roof mounted equipment.

E. CUSTOMER ENTRANCES

1. Required Entrances

Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

2. Entrance Design

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features. See Figure 6.03-I:

a. Canopies/porticos above the entrance;

b. Roof overhangs above the entrance;

c. Entry recesses/projections;

d. Arcades that are physically integrated with the entrance;

e. Raised corniced parapets above the entrance;

f. Gabled roof forms or arches above the entrance;

g. Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;

h. Display windows that are directly adjacent to the entrance;

i. Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or

j. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

Figure 6.03-I: Customer entrances.

F. Enforcement of Standards

The zoning compliance officer shall be responsible for reviewing and enforcing the provisions of this section during the review of a zoning permit application.

G. Approval of Alternate Standards

1. An applicant may submit a variance application to propose an alternative to the above architectural guidelines or standards. In doing so, the following standards must be met:

a. Proposals must, at a minimum, include site plans, building elevations, and perspective drawings or photo overlays. These shall illustrate the improvement(s) in relation to the neighboring facilities including, but not limited to: building shapes and sizes, colors, shade and shadow, signage, entrance treatment, edge treatments and appurtenances. Construction material type and quality shall be noted. Exterior artificial lighting shall be noted for location, lamp type, size, and fixture type. Treatment of mechanical equipment and service operations shall be also be illustrated.

b. Visual appeal shall be considered from all pedestrian and vehicular accessible viewpoints surrounding the site.

c. Additional presentation tools such as material samples, models or electronic visualizations are encouraged but not mandatory.

2. In making its determination, the BZA must find that:

a. The proposed alternative achieves the intent of the subject guideline or design standard to the same or better degree than the subject standard.

b. The proposed alternative achieves the goals and purpose of this resolution to the same or better degree than the subject standard.

c. The proposed alternative results in benefits to the community that is equivalent to or better than compliance with the subject design standard.

Section 6.04: Open Space

A. Purpose

The purpose of this section is to establish the types of land that are appropriate for open space areas, and to regulate the manner in which open space areas are preserved and maintained.

B. Applicability

The provisions of this section shall apply to open space areas in the following developments:

1. Mixed Residential Development.

2. Park Residential Development.

3. Planned Unit Development.

C. OPEN SPACE REQUIREMENTS

1. Types of Land to Be Preserved

a. The following types of land shall be required to be preserved in its natural state as part of the minimum open space requirement for each development type:

i. Stream corridor setback areas (both sides) as established below based on the drainage area of the stream. The drainage area shall be determined by the Warren County Soil and Water Conservation District and the setbacks shall be measured from the centerline of the stream.

A) 50 feet for streams with a drainage area of up to 320 acres.

B) 75 feet for streams with a drainage area between 320 acres and 20 square miles.

C) 100 feet for streams with a drainage area between 20 square miles and 300 square miles.

D) 300 feet for streams and rivers with a drainage area over 300 square miles (e.g., Little Miami River).

ii. Floodways and the 100-year flood plain as determined by FEMA.

b. The following types of land are encouraged, but not required, to be preserved in a natural state as part of the minimum open space requirement for each development type:

i. Mature woodlands and existing vegetation;

ii. Intermittent streams;

iii. Wetlands as determined by the U.S. Fish and Wildlife Service; and

iv. Areas with slope or other unique natural and/or geological features.

2. Minimum Percentage Devoted to Active Recreation

a. A minimum of 25% of the required open space for each development type shall be improved for active park and recreational uses or facilities including but not limited to: benches or other seating areas; pedestrian scaled lighting; gazebos or other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields; courts; and clubhouses used primarily for recreational purposes (equipment or structures for such uses shall be indicated on the site plan).

b. These active recreation areas shall be located in areas with the least impact on natural amenities and resources.

c. These areas should also be of a useable size and shape for the intended purpose with a minimum width of 20 feet in any one dimension.

3. All other areas designated for open spaces shall be improved for active park and recreational uses or preserved in its natural state unless otherwise permitted as follows:

a. They are designated to be utilized for farming when authorized in a conservation easement (See Section 6.04:D.3) or in a homeowners association's covenants and restrictions recorded with the Warren County Recorder's Office; or

b. They are designated to be utilized for stormwater management facilities. Easements shall be required to enable the maintenance of these facilities; or

c. Disturbance of the open space is required for the construction of improvements and infrastructure or for mitigation efforts that may be required by FEMA, the Army Corps of Engineers, or other county or federal agencies.

4. Reclamation of Disturbed Open Space

Any area designated as required open space that is to be preserved in its natural state but is disturbed during construction shall be landscaped with vegetation similar to that which existed prior to construction.

a. The following areas shall not count toward the minimum open space requirements:

- **i.** Private and public roads, and associated rights-of-way;
- **ii.** Public or private parking areas, access ways, and driveways related to any residential use;
- **iii.** Required setbacks between buildings and parking areas;
- **iv.** Required setbacks between buildings and streets;
- **v.** Required minimum spacing between buildings and parking areas;
- **vi.** Private yards, including front, rear and side yards;
- **vii.** Above-ground buildings, pipes, apparatus, and other equipment for community or individual septic or sewage disposal systems; or
- **viii.** Dry stormwater detention basins or facilities unless they are located within an open space area preserved under Section 6.04:C.1.

b. In the case of phased developments, open space shall be provided in a proportional manner with a developed area (e.g., if a 60 acre site is to be developed in two phases of 30 acres each, nine acres of open space, or 30% of the first phase, shall be provided with the first phase of development).

D. Protection and Ownership of Open Space

1. Further subdivision of the open space for uses other than those prescribed in this section and the approved development plan shall be prohibited.

2. All required open space shall be owned by either:

a. The township, county, state, or park district subject to acceptance by the appropriate legislative body; or

b. Held jointly or in common by the owners of the building lots with maintenance provided through a homeowners' association or similar association. If the open space is to be owned jointly or in common by a homeowners' association, the open space shall be protected through the establishment of a conservation easement as outlined in Section 6.04:D.3. below. Such easement, along with any deed restrictions or covenants of the homeowners' association, shall be recorded with the Warren County Recorder's Office.

3. Conservation Easements

a. At the time when an applicant records the plat for the approved mixed residential development as a subdivision, a conservation easement shall be placed on all lands and private waters used to satisfy the open space requirement. The conservation easement shall:

- **i.** Run with the land, regardless of ownership;
- **ii.** Provide for protection of the land in perpetuity;
- **iii.** Be granted and deeded to the township, a township approved land trust, or other qualified organization approved by the township;
- **iv.** Be solely for the purpose of ensuring the land remains undeveloped; and

v. Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.

b. While the township, township approved land trust, or other qualified organization may hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the mixed residential development), or the homeowners' association. If it is to be owned by the homeowners' association, the association's documents shall be recorded with the subdivision plat and a copy submitted to the zoning inspector to be maintained as part of the township's records.

c. The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this zoning resolution. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.

4. Homeowners' Associations

a. A homeowners' association shall be established to permanently maintain all open space and common areas if such areas are not transferred and accepted by the township, county, state, or park district.

b. All homeowners' association agreements shall be submitted to the zoning inspector as part of the development plan. No set of proposed covenants, articles of incorporation, or bylaws of a homeowner's association shall permit the abrogation of any duties set forth in this section.

c. All homeowners' associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development through the deed restrictions or covenants.

d. Membership in the association shall be mandatory for all purchasers of lots in the development.

e. The association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

Article 7: Parking, Loading and Mobility

Section 7.01: Purpose

The purpose of this article is to:

A. Relieve congestion on the streets by requiring that parking, loading, and associated circulation be provided on property and off streets in relation to the parking demand generated by the property user;

B. Promote safety and convenience for people by requiring that vehicular use areas and driveways be located and constructed according to good standards for visibility and accessibility; and

C. Protect the visual amenities and values of residential areas by the visual screening of large parking areas by limiting the parking and storage of vehicles, boats, trailers and trucks in residential areas.

Section 7.02: Applicability

All vehicular use areas (e.g., parking spaces, loading spaces, stacking spaces, driveways, etc.) shall be provided in conformance with the provisions of this article prior to occupying or using any building, structure, land, or portion thereof.

A. New and Expanded Uses

The requirements of this article shall apply to the following:

1. A zoning permit application for the construction of a new building;

2. For an alteration, addition, or change of use of an existing building that would expand the square footage of a use or would require additional parking, loading, or stacking spaces, based on the requirements of this article; or

3. Where an expansion of a vehicular use area is proposed.

B. Existing Uses

The requirements of this article shall not apply to buildings and uses legally in existence on the effective date of this zoning resolution unless modified in the manner stated in Section 7.02:A New and Expanded Uses. Furthermore, any vehicular use areas now serving such existing buildings or uses shall not be reduced below the requirements established in this article in the future.

C. Maintenance

The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the responsibility of the property owner where the vehicular areas are required.

D. Plan Review

For any off-street parking, loading, or vehicular use area required under this article with five or more parking spaces, a plan shall be submitted with the application for a zoning permit or certificate of occupancy. The required contents of the plan shall be as established by the zoning inspector.

Section 7.03: General Standards Applicable to all Vehicular Use Areas

A. Maintenance

1. All vehicular use areas shall be maintained and kept free from debris, litter, junk, or rubbish.

2. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.
3. The owner shall, at his own expense, maintain all paved surfaces and repair any disintegration of the surface by patching or resealing when such disintegration takes place.

B. STORAGE

All vehicular use areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours, except where expressly permitted in this resolution as accessory to the principal use of the lot.

C. LANDSCAPING

Landscaping for vehicular use areas shall be as established in Article 8: Landscaping and Buffering.

D. FIRE CODE

All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by Deerfield Township Fire Rescue, or as approved by Deerfield Township Fire Rescue.

E. DRAINAGE

All vehicular use areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

F. OTHER USES WITHIN REQUIRED VEHICULAR USE AREAS

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area shall not be permitted unless otherwise specifically permitted as regulated in Section 4.09: Accessory Uses and Structures.

G. SURFACING

1. All vehicular use areas shall be graded and paved with an asphalt or concrete surface unless otherwise provided in this article.
2. Residential subdivision parcels one acre or larger or parcels used for agricultural purposes shall be required to have a minimum 25 foot deep apron that shall be surfaced with an asphaltic, Portland cement binder, or other like pavement. See Figure 7.03-A.

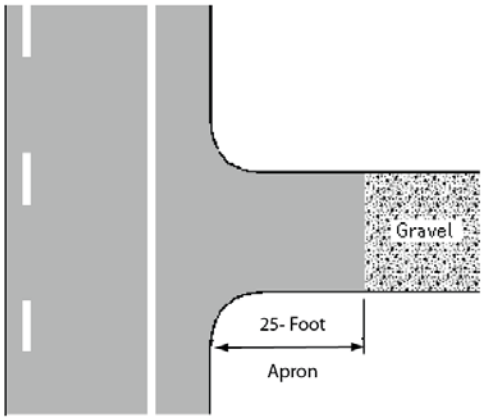

Figure 7.03-A: A 25-foot driveway apron is required for agricultural or non-recorded residential subdivision parcels.

3. Pavers or porous pavement systems that allow for stormwater drainage to pass through or grass to grow through them may be permitted for use in up to 50% of the parking areas and aisles in nonresidential districts, and up to 100% in residential districts.

H. LIGHTING

All lighting within a vehicular use area shall be subject to the standards in Section 6.02: Outdoor Lighting.

I. STRIPING

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

Section 7.04: Off-Street Parking Requirements

A. UNITS OF MEASURE

The following rules shall apply when computing parking spaces:

1. On-Street Parking

On-street parking spaces shall not be counted toward off-street parking space requirements.

2. Multiple Uses

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

3. Area Measurements

a. Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building.

b. Up to 15% of the gross floor area may be excluded from the above calculation if the area is used for storage, restrooms, loading, unloading, or for mechanical equipment.

c. When a measurement of the number of required spaces results in a fractional number, any fraction of ½ or less shall be rounded down to the next lower whole number and any fraction of more than ½ shall be rounded up to the next higher whole number.

4. Occupancy- or Capacity- Based Standards

a. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.

b. In hospitals, bassinets shall not be counted as beds.

c. In the case of benches, pews and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

5. Stacking Spaces

Vehicle stacking spaces that are required for drive through facilities shall not count toward the off-street parking requirements of this section, and shall be in accordance with Section 4.09:E.5 Drive-Through Facility.

6. Unlisted Uses

a. Upon receiving an application for a use not specifically listed in the parking schedule below, the zoning inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.

b. If the zoning inspector determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations from parking studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).

B. REQUIRED NUMBER OF PARKING SPACES

1. Table 7.04-A (Minimum Off-Street Parking Standards) defines the number of parking spaces required for each use within Deerfield Township.

2. For all uses except single-family and two-family dwellings, the number of parking spaces required in Table 7.04-A (Minimum Off-Street Parking Standards) below may be modified according to the following provisions without requiring a variance or other review outside of the zoning permit:

a. An applicant may provide a number of spaces equal to the number of spaces required by Table 7.04-A (Minimum Off-Street Parking Standards); or

b. Up to 10% fewer than the number of spaces required by Table 7.04-A (Minimum Off-Street Parking Standards); or

c. Up to 25% more than the number of spaces required by Table 7.04-A (Minimum Off-Street Parking Standards).

3. Applicants may propose fewer parking spaces than provided in this section through the use of shared parking or off-site parking as established in Section 7.04:E.

4. Applicants may propose more spaces than allowed in Table 7.04-A (Minimum Off-Street Parking Standards) but must submit an application for a variance and the applicant shall provide the BZA with a parking demand study that illustrates the need for the additional parking.

TABLE 7.04-A: MINIMUM OFF-STREET PARKING STANDARDS

USE	REQUIRED NUMBER OF PARKING SPACES
AGRICULTURAL USES	
Agricultural use	No parking spaces required
RESIDENTIAL USES	
Adult family home or small residential facility	1.5 spaces per bedroom
Adult group home or large residential facility	1.5 spaces per bedroom
Dwelling, attached (3-4 units)	2.0 spaces per dwelling unit
Dwelling, single-family	2.0 spaces per dwelling unit
Dwelling, two-family	2.0 spaces per dwelling unit
Institutional housing	1.5 spaces per bedroom
Mixed residential development	2.0 spaces per dwelling unit
Park residential development	2.0 spaces per dwelling unit
Permanently sited manufactured housing	2.0 spaces per dwelling unit
BUSINESS AND MIXED USES	
Adult entertainment establishment	1.0 space per 200 square feet
Animal hospital or veterinarian clinic	1.0 space per 250 square feet
Automotive fuel sale	1.0 space per 250 square feet

TABLE 7.04-A: MINIMUM OFF-STREET PARKING STANDARDS	
USE	**REQUIRED NUMBER OF PARKING SPACES**
Automotive repair use	1.0 space per 300 square feet for facilities under 5,000 square feet or 1.0 space per 500 square feet for facilities of 5,000 square feet or larger.
Automotive sale or rental	1.0 space per 400 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area; this does not include spaces for display of vehicles for sale, lease or rent.
Automotive service use	1.0 space per 300 square feet for facilities under 5,000 square feet or 1.0 space per 500 square feet for facilities of 5,000 square feet or larger.
Automotive washing facility	2.0 spaces plus stacking spaces as required per Section 4.09:E.5.
Bar or tavern	1.0 space per 100 square feet
Bed and breakfast establishment	1.0 space per guest room plus requirement for dwelling unit
Billiard parlor	1.0 space per 300 square feet
Call center	1.0 space per 50 square feet of telephone work station area, plus 1.0 space per 400 square feet of office area
Club, lodge or other social meeting place	1.0 space per 125 square feet
Commercial greenhouse	1.0 space per 500 square feet of sales area
Conference center, assembly hall, or banquet facility	1.0 space per 100 square feet
Day care center	1.0 space per 350 square feet
Financial institution	1.0 space per 300 square feet
Funeral home	1.0 space per 50 square feet
Hotel and motel	1.0 space per room or suite, plus 1.0 space per 200 square feet of commercial or public meeting space
Indoor commercial entertainment or recreation facility	1.0 space per 200 square feet or 1.0 space per five persons at maximum capacity, whichever is greater
Kennel	1.0 space per 400 square feet
Lumber yard	1.0 space per 400 square feet
Medical or dental center or outpatient clinic	1.0 space per 250 square feet
Mixed use	Parking shall be provided as required for the individual uses in the development
Night club	1.0 space per 100 square feet
Office	1.0 space per 400 square feet
Outdoor commercial entertainment or recreation facility	1.0 space per 5,000 square feet of land area or 1.0 space per three persons at maximum capacity, whichever is greater
Outdoor dining area	1.0 space per 100 square feet
Outdoor sale and display	1.0 space per 400 square feet
Outdoor storage	1.0 space per 1,000 square feet
Restaurant	1.0 space per 100 square feet
Restaurant, fast food	1.0 space per 100 square feet
Retail and service commercial use	1.0 space per 250 square feet
Self-storage facility/mini-warehouse	3.0 spaces plus 1.0 space per 50 units
Tattooing/piercing parlor	2.0 spaces per station or service chair
Truck, trailer or farm implement sale and service	1.0 space per 1,000 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area
Type-A day care home (7-12 children)	2.0 spaces in addition to that required for the dwelling unit

TABLE 7.04-A: MINIMUM OFF-STREET PARKING STANDARDS

USE		REQUIRED NUMBER OF PARKING SPACES
Type-B day care home (1-6 children)		No additional parking spaces required
Wholesale business		1.0 space per 400 square feet
INDUSTRIAL AND WAREHOUSE USES		
Contractor office and storage use		1.0 space per 200 square feet plus 1.0 space per 5,000 square feet of storage area
Light manufacturing use		1.0 space per 1,000 square feet
Office-warehouse		1.0 space per 300 square feet
Research and development facility or laboratory		1.0 space per 500 square feet
Warehousing, distribution or storage facility		1.0 space per 2,000 square feet
PUBLIC AND INSTITUTIONAL USES		
Active park or recreation facility	Ball field	30.0 spaces per field
	Golf course	8.0 spaces per hole
	Golf driving range	2.0 spaces per tee
	Miniature golf course	2.0 spaces per hole
	Racquetball, handball and tennis court	5.0 spaces per court
	Swimming pool (not associated with a residence)	1.0 space per 50 square feet of swimming area including water, lawn, deck, and bathhouse
	Park or playground not otherwise specified	1.0 space per 10,000 square feet of park or playground area
Cemetery		1.0 space per four seats in a chapel or place of assembly
Community garden		No parking spaces required
Educational facility		1.5 spaces per classroom, library, lecture hall, and cafeteria plus 1.0 space per 10 fixed seats of public assembly areas. High schools shall have an additional 1.0 space per 10 students at maximum capacity.
Educational facility, higher		5.0 spaces per each classroom and 1.0 space per 300 square feet of administrative office space
Hospital		1.0 space for every three patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4.0 spaces per 1,000 square feet.
Passive park, recreation, and open space		1.0 space per 10,000 square feet of park, recreation, or open space
Public and government building or use		1.0 space per 250 square feet
Religious place of worship		1.0 space per three fixed seats in the main assembly room or 1.0 space per three persons, whichever is greater
Wireless telecommunication tower		1.0 space per provider

C. BICYCLE PARKING SPACES

1. All nonresidential uses shall contain two bicycle parking spaces for each 50 parking spaces provided, or fraction thereof.
2. Bicycle racks or other accommodations to allow locking of bicycles shall be provided and shall be placed within reasonable access to the main entrance.
3. The space shall be at least two feet wide by six feet long in size.
4. The location of bicycle racks should not obstruct access to building entrances.

D. PARKING REQUIREMENTS FOR PHYSICALLY DISABLED

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

E. ALTERNATIVE PARKING OPTIONS

The following are three methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot.

1. Shadow Parking

A portion of the required parking spaces may remain landscaped and unpaved or paved with porous pavement provided that the parking and unpaved areas comply with the following standards. See Figure 7.04-A.

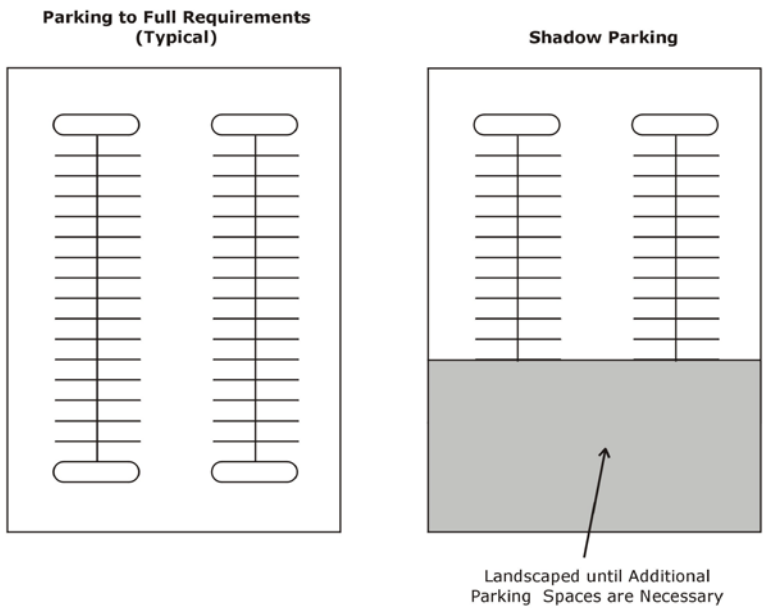

Figure 7.04-A: Shadow parking

a. No more than 30% of the required number of parking spaces may be designated for shadow parking.

b. The plans submitted with the zoning permit application shall denote the location and layout of that portion of the parking area that is deemed currently not required. The plan shall indicate that the "shadow" parking spaces will be constructed according to this resolution in the event that the zoning inspector makes a finding, at any time, that all or any portion of this parking is necessary.

c. At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that grass pavers or reinforced turf may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.

d. At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this article.

e. The owner shall initiate construction of the approved "future" parking area, as identified on the approved plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the zoning inspector, identifying that such parking is determined to be necessary.

f. When the designated shadow parking area is constructed, such parking shall be constructed in a manner to meet the parking lot landscaping requirements of Article 8: Landscaping and Buffering.

2. Shared Parking

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following.

a. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

b. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:

i. A sufficient number of spaces are provided to meet the highest demand of the participating uses.

ii. The uses are located adjacent to each other.

iii. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the zoning inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.

iv. The shared parking space shall be located not more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

v. A legal shared parking agreement is submitted and approved by the Deerfield Township legal counsel, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.

vi. The approved shared parking agreement shall be filed with the application for a zoning permit and shall be filed with the county recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.

vii. No zoning permit will be issued until proof of recordation of the agreement is provided to the zoning inspector.

viii. Shared parking shall not account for more than 50% of the required parking spaces as established in Section 7.04:B Required Number of Parking Spaces.

3. Off-Site Parking

A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards.

a. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.

b. No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

c. Off-site parking shall not be permitted on a vacant lot in a residential zoning district.

d. Off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.

e. In the event that an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.

f. An off-site parking agreement shall be submitted and approved as to form by the Deerfield Township legal counsel. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.

g. The off-site parking agreement approved by the Deerfield Township legal counsel shall be filed with the application for a zoning permit and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement.

h. A zoning permit shall not be granted until proof of recordation of the agreement is provided to the zoning inspector.

i. Off-site parking shall be used and maintained solely for parking as long as the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.

F. DESIGN STANDARDS FOR PARKING LOTS

Unless otherwise specified, the standards of this section shall apply to all parking lots or areas that can accommodate five or more parking spaces.

1. Location

All driveways and open off-street parking areas shall comply with the following:

a. All vehicles shall be parked in an open off-street parking space or garage.

b. All parking spaces shall be connected to a public street by a driveway, except dwelling units which may be accessed from an alley.

c. Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of Section 7.04:E.2. Shared Parking or Section 7.04:E.3 Off-Site Parking.

d. Parking for business, office, industrial, or warehouse uses shall not be permitted in residential districts.

e. All required off-street parking spaces shall have direct access to an aisle or driveway without the need to move any other vehicle.

f. Parking lots shall be located, to the maximum extent feasible, to the rear and side of buildings.

g. Parking areas shall be set back subject to the requirements of Section 8.07: Landscaping and Screening of Vehicular Use Areas.

h. On side and rear lot lines, all parking areas shall be set back a minimum of five feet from the lot line unless adjacent to a residential district in which case the parking areas shall be set back a minimum of 10 feet from the lot line. The five foot setback shall not be required when vehicular use areas are shared between properties and the installation of the five foot setback would interfere with use or cross access between properties.

i. Reduced Front Yard Setback

i. In the O District, the front yard setback may be reduced to 20 feet if parking spaces are located to the side or rear, and not in the front yard.

ii. In O-W, N-B, G-B, B-RD, and L-M Districts, the front yard setback may be reduced to 30 feet if parking spaces are located to the side or rear, and not in the front yard.

2. Access

a. Cross access easements to adjacent parcels shall be provided in order to achieve better circulation throughout the township and to minimize driveway cuts along public roads. If only one of the adjacent parcels is subject to review, this cross access easement requirement shall be established as a condition of the zoning permit approval, prohibiting the applicant from denying cross access from adjacent parcels. At the establishment of the easement, shared maintenance agreements shall be filed with the Warren County Recorder and provided to the zoning inspector for the township files. All cross access easements shall comply with the county's access management requirements.

b. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within 30 feet of the right-of-way. See Figure 7.04 B.

Figure 7.04-B

c. Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.

d. To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.

e. The township with guidance from the Warren County Engineer may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need for such improvements.

3. Dimensional Requirements

a. Parking stalls shall conform to the minimum standards set forth in Table 7.04-B (Parking Area Dimensions) and Figure 7.04-C.

b. Any parking space adjoining a landscaped area of the parking lot may include a two-foot overhang into the landscaped area as part of the required parking stall length, provided curbing or well maintained wheel stops are used to prevent damage to landscaped areas. See Figure 7.04-D.

TABLE 7.04-B: PARKING AREA DIMENSIONS

ANGLE OF PARKING (DEGREES)	ONE-WAY MANEUVERING AISLE WIDTH (FEET) "A"	TWO-WAY MANEUVERING AISLE WIDTH (FEET) "A"	PARKING STALL WIDTH (FEET) "B"	PARKING STALL LENGTH (FEET) "C"
0 – Parallel	12	21	10	23
30 – 53	14	21	10	20
54 – 75	19	22	10	20
76 – 90	22	24	9	18

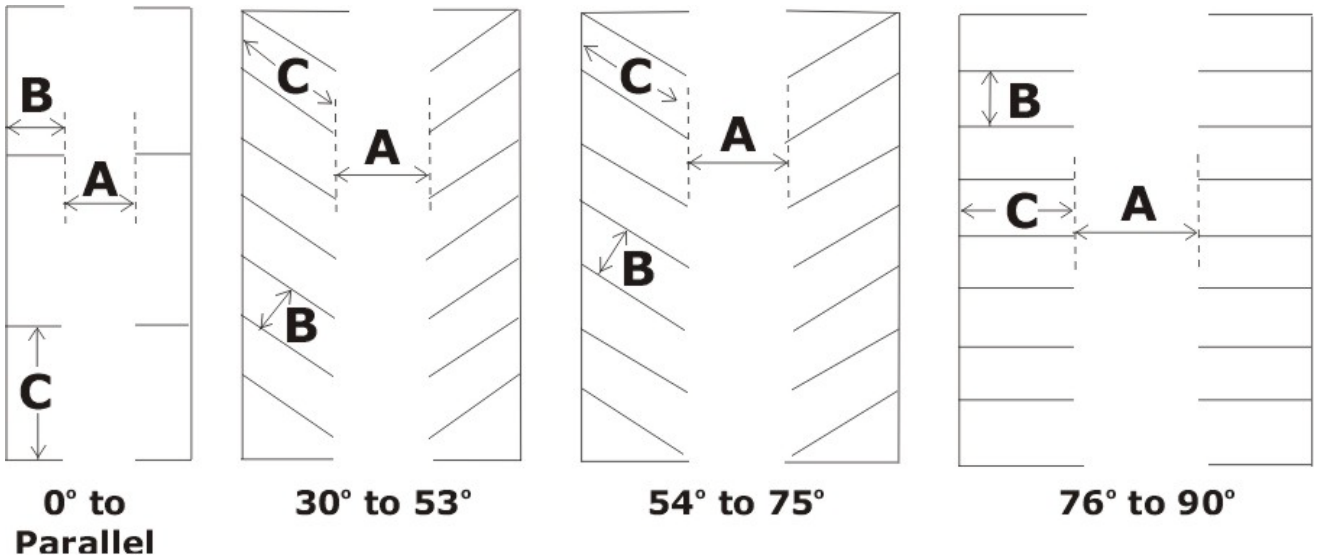

Figure 7.04-C: Parking Area Dimensions

G. WHEEL STOPS AND CURBING

1. Continuous curbs of concrete, asphalt, stone or other similar material at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures, unless the elimination of this curbing is required to adhere to stormwater management requirements.

2. Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area. See Figure 7.04-D.

3. Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.

4. When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

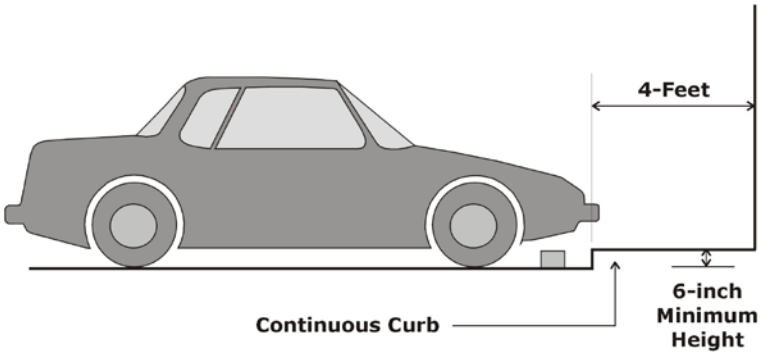

Figure 7.04-D: Continuous curbs.

Section 7.05: Mobility and Sidewalks

A. Sidewalks Along a Public Street

1. Any use or building subject to the provisions of this article and established after the adoption of this resolution shall be required to provide a four foot wide sidewalk along all public streets for the full length of street frontage.
2. Any established use or building that is expanded more than 50% of the existing floor area after the adoption of this resolution shall be required to install a four foot wide sidewalk along all public streets for the full length of street frontage.
3. All sidewalks shall meet the minimum design requirements of the rules and regulations of the Warren County Subdivision Regulations.
4. In the B-RD District, a sidewalk with a minimum width of 10 feet shall be required to be installed parallel to any street right-of-way. The sidewalk shall be located no closer than three feet to the right-of-way line, and shall be designed to connect to existing sidewalks or stubbed when there is no sidewalk on adjacent properties. Such sidewalk may be located within the minimum required open space.

B. Walkway Connections to Public Sidewalks

1. There shall be one internal continuous sidewalk of at least four feet in width that provides a direct connection from the public street to the primary customer entrance or to the sidewalk along a multi-tenant building.
2. This sidewalk may be located in one of the landscape medians required in Section 8.07:A 7.
3. At a minimum, all internal pedestrian walkways shall be constructed of an impervious surface that is visually distinct from the parking area surface by use of pavers, bricks, or scored concrete. Applicants are strongly encouraged to physically separate internal walkways from the vehicular circulation drives.

Figure 7.05-A: Pedestrian connection from building to sidewalk.

4. Sidewalks, at least eight feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting public parking areas. At all times, such sidewalks shall maintain a clear pedestrian passage equal to the width of the sidewalk. Additionally, such sidewalks shall connect all customer entrances to other internal sidewalks.

Section 7.06: Off-Street Loading Requirements

A. Applicability

On the same premises with every building, structure, or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance with this section.

B. Number of Loading Spaces Required

1. Table 7.06-A (Loading Space Requirements) establishes the number of loading spaces required.

Table 7.06: Loading Space Requirements

Gross Floor Area	Required Number of Spaces
Up to 10,000 sq. ft.	0
10,001 to 25,000 sq. ft.	1
25,001 to 50,000 sq. ft.	2
50,001 to 100,000 sq. ft.	3
100,001 to 200,000 sq. ft.	4
Over 200,000 Square Feet	4 plus 1 additional space for every 50,000 square feet over 200,000 square feet

2. Off-street loading spaces shall not count toward any minimum parking space requirements.

C. Loading Space Design Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

1. Location of Required Loading Spaces

a. Loading spaces shall be located on the same lot as the building or structure to which they are accessory.

b. No loading space shall be located in any front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.

c. Notwithstanding other provisions of this regulation and other setback requirements, off-street loading spaces may be located in the required rear or side yard of any business district or industrial district provided that not more than 80% of the required rear yard or side yard is occupied, and that no part of any loading space shall be located closer than 50 feet from any right-of-way or residential district.

2. Dimensions

Loading spaces shall have a minimum width of 12 feet, a minimum length of 40 feet and a minimum vertical clearance of 15 feet.

3. Access

a. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The zoning inspector shall approve access to and from loading spaces.

b. No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.

c. Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

4. Screening

a. All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.

b. The screening material shall be at least six feet in height and 100% opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

c. Screening areas shall also be subject to applicable requirements and standards in Article 8: Landscaping and Buffering.

5. Surfacing

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials.

6. Drainage

All loading space areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

7. Lighting

The lighting of off-street loading areas shall be regulated by Section 6.02: Outdoor Lighting and shall only consist of full cut off lighting fixtures.

Section 7.07: Parking and Storage of Recreational Vehicles and Trailers

The parking of recreational vehicles and trailers in residential districts shall be subject to the following regulations:

A. A parked or stored recreational vehicle or trailer shall not be connected to water, gas, or sanitary sewer facilities and at no time shall this equipment be used for living or housekeeping purposes.

B. If the recreational vehicle or trailer is parked or stored outside of a garage, it shall be parked or stored no closer to the street than the nearest foundation line of the house.

C. Screening shall be provided for the adjacent property if the recreational vehicle or trailer is located in the side yard. Such screening shall be a minimum of six feet high providing an opaque screen using vegetation, fence or wall.

D. Notwithstanding the provisions of this section, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than 48 hours.

E. One recreational vehicle, one boat, and one trailer may be placed on a lot in accordance with this section.

Section 7.08: Parking and Storage of Tractor Trailers

The parking of tractor trailers in residential districts shall be subject to the following regulations:

A. Tractor trailer parking, except the temporary parking for the delivery of goods and/or services, and the outdoor storage of tractor trailers shall not be permitted in residential districts.

B. Except as otherwise stated, parking of trucks over 7,500 pounds gross vehicle weight and eight feet in height, buses, mobile homes and semi-tractor and/or trailers shall not be permitted as an accessory use other than those utilized for daily business use.

Article 8: Landscaping and Buffering

Section 8.01: Purpose

The purpose of this article is to:

A. Promote and protect the interest of the public convenience, comfort, prosperity, or general welfare in accordance with Article 1: General Provisions of this resolution by providing for the planting and maintenance of trees, shrubs, and other plants within the township.

B. Require buffering between non-compatible land uses and to protect, preserve and promote the character and value of surrounding neighborhoods, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas in accordance with the standards and requirements of this article.

C. Require reasonable landscaping that is economically beneficial in attracting new residents, visitors, and businesses to the community. This article will enhance this via proper location and quantities of planting and landscaping. This article also will promote the preservation and replacement of trees and significant vegetation removed during the development of land.

Section 8.02: Applicability

A. For the purposes of this article, the zoning inspector shall be authorized to review and make decisions on landscaping plans as provided for in Section 519.171 of the Ohio Revised Code.

B. This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single-family dwellings, two-family dwellings and parking lots of five spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below in Table 8.02-A (Substantial Expansion):

TABLE 8.02-A: SUBSTANTIAL EXPANSION

WHEN EXISTING STRUCTURE IS....	A SUBSTANTIAL EXPANSION IS...
0 - 1,000 Square Feet	50% or Greater
1,001 – 10,000 Square Feet	40% or Greater
10,001 – 25,000 Square Feet	30% or Greater
25,001 – 50,000 Square Feet	20% or Greater
50,001 Square Feet or larger	10% or Greater

C. For expansion of structures or parking areas, the landscaping, buffering, and screening requirements shall apply to any new or expanded parking or vehicular use areas.

D. For the expansion of structures that will decrease the setback between the structure and a residential zoning district, the buffering and screening standards of this article shall apply.

E. Where there is a change in use that is more intense than the pre-existing use, the buffering and screening standards of this article shall apply.

Section 8.03: Landscaping and Buffer Plan

A. Landscaping and Buffer Plan Requirement

1. Any property to which this article applies shall illustrate all proposed landscaping and buffer, including the proposed landscaping material, on a site plan or on a separate buffer plan as part of the application for a zoning permit.
2. All plans shall include a table listing the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the landscaping material selection.
3. Details shall be provided showing the proper planting of trees, shrubs, and ground cover within the landscaping and buffer areas.
4. The plans shall include any proposed irrigation plan.

B. Approval of Buffer Plan

Criteria for the approval of a buffer plan shall be as follows:

1. No zoning permit shall be issued without approval of a landscaping and buffer plan.
2. No zoning permit shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:
   a. Such plan has been fully implemented on the site; or
   b. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the township in a form acceptable to the township legal counsel and secured by a letter of credit, cash escrow or other instrument acceptable to the township legal counsel in an amount equal to the cost of such installation plus a 10% allowance for administrative costs, inflation and potential damage to existing vegetation or improvements.
3. Failure to implement the buffer plan within 12 months of the issuance of a zoning permit shall be deemed a violation of this resolution.
4. The township may seek professional advice from a landscape architect or licensed nurseryman in the review of the submitted plans. The cost of such consultation may be passed on to the applicant.

Section 8.04: Landscaping Materials and Standards

A. Responsibility for Installation of Landscaping Materials

The buffer area requirements shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise.

B. Existing Landscape Material

1. Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part provided they meet all requirements of this article.
2. The zoning inspector shall determine satisfaction of this requirement.

C. EASEMENTS AND CLEAR VISION

1. Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires shall be from the plant list (Plant List B) maintained by the Deerfield Township Community Development Department.

2. Landscaping must also be placed in the required area between the property line and the front, rear and side yard setbacks.

3. In no case shall landscaping and buffer yards be established so as to block the sight distance at street or drive intersections in accordance with Section 6.01:E Traffic Safety Visibility Triangle.

D. LANDSCAPING MATERIALS

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the zoning inspector. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the township.

1. Walls and Fences

a. When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this article.

b. Walls and fences shall be designed to orient the finished side away from the subject lot so the finished side faces the adjacent lots.

2. Plants

a. Plant materials used in conformance with these provisions shall conform to the American Nursery and Landscape Association and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.

b. A plant list has been established for Deerfield Township and lists prohibited street trees and recommended plant types for the township. The plant list is maintained by the Deerfield Township Community Development Department.

c. The following are specific standards for landscaping materials.

i. Deciduous Trees

Deciduous trees shall have a minimum caliper of at least 2.5 inches diameter at breast height (DBH) conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this article shall be used to create a dense buffer.

ii. Evergreen Trees

Evergreen trees shall be a minimum of six feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 20 feet on center to provide an effective, dense screen within four years of planting.

iii. Ornamental and Understory Trees

Ornamental and understory trees shall have a minimum height of four feet or a minimum caliper of at least 1.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting.

iv. Shrubs and Hedges

Shrubs and hedges shall be at least 36 inches in height at the time of planting. Unless otherwise specified in this article, all shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six feet within four years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

v. Grass and Ground Cover

Grass of the Fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Warren County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved and shall be reviewed by the Warren County Soil and Water Conservation District. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75% complete coverage after two growing seasons.

d. Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

3. Species Diversity

a. To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the standards of Table 8.04-A (Species Variety Requirements):

TABLE 8-04-A: SPECIES VARIETY REQUIREMENTS

NUMBER OF TREES REQUIRED ON SITE	MAXIMUM PERCENTAGE OF TREES THAT MAY BE A SINGLE SPECIES
1-19	50%
20-39	33%
40 or more	25%

b. Required shrubs shall utilize the same species diversity requirements.

c. Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different species than specified above.

4. Earth Mounds

Earth mounds may be used as physical barriers which block or screen a view. Differences in elevation between areas requiring screening do not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

a. The maximum side slope shall be 3:1 and the design shall be reviewed by the zoning inspector to ensure that proper erosion prevention and control practices have been utilized.

b. Mounds and earth forms shall be designed with physical variations in height and alignment throughout their length.

c. Landscape plant material installed on mounds and earth forms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.

d. The landscape plan shall show sufficient detail, including a plan and profile of the mound or earth form, soil types and construction techniques to demonstrate compliance with the above provisions.

e. Mounds and earth forms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.

f. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

5. Grade Changes

In cases where grading is necessary that results in a parking lot lower in elevation than the surrounding area or adjacent right-of-way, the resulting embankment shall be planted with low shrubs and shade or ornamental trees. The type and variety of plantings shall be based on the steepness of the slope. A maximum slope of 1:2.5 shall be provided for landscaping between the lot line and the parking lot.

Section 8.05: Landscape Buffering Requirements

A. Minimum Buffer Yard

1. Table 8.05-A (Minimum Buffer Yard Required Between Zoning Districts) shall define the minimum buffer requirements between lots based on adjacent zoning districts.

2. Where any activity or land falls under more than one of the categories listed, the most stringent requirements shall be applied.

3. Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standard shall apply.

Table 8.05-A: Minimum Buffer Yard Required Between Zoning Districts (Feet)

When \ Abuts	R-SF	R-TF	R-MF	R-TR	O	O-W	N-B	G-B	B-RD	L-M
R-SF	----	----	----	----	----	----	----	----	----	----
R-TF	----	----	----	----	----	----	----	----	----	----
R-MF	15	15	----	----	----	----	----	----	----	----
R-TR	----	----	----	----	----	----	----	----	----	----
O	20	20	20	----	----	----	----	----	----	----
O-W	30	30	30	30	----	----	----	----	----	----
N-B	30	30	30	30	----	----	----	----	----	----
G-B	30	30	30	30	----	----	----	----	----	----
B-RD	30	30	30	30	----	----	----	----	----	----
L-M	50	50	50	50	50	50	50	50	50	----
A nonresidential use in a residential zoning district	15	15	----	15	----	----	----	----	----	----

B. PLANTING REQUIREMENTS FOR REQUIRED BUFFERS

1. Buffer Requirement for L-M District

The buffer yard required in Table 8.05-A (Minimum Buffer Yard Required Between Zoning Districts) for L-M District uses shall incorporate a 40 foot wide, six foot tall earth mound and a double row of staggered evergreen trees planted a maximum of 15 feet on center.

2. Buffer Requirements for Nonresidential Uses in Residential Districts

The buffer yard required in Table 8.05-A (Minimum Buffer Yard Required Between Zoning Districts) for institutional uses abutting a residential district shall incorporate one of the following options:

a. A staggered row of evergreen trees and ornamental trees planted a maximum of 15 feet on center, and a single hedge row with evergreen shrubs a minimum of six feet high.

b. A six foot high fence or wall, and one deciduous tree planted a maximum of 30 feet on center.

3. Buffer Requirements for Other Districts

Other buffer yards required in Table 8.05-A (Minimum Buffer Yard Required Between Zoning Districts) not covered in Subsections 1 and 2 above shall incorporate landscaping and screening materials under one of the following options:

a. A six foot high fence or wall or an earth mound, and a three foot tall hedge with deciduous shrubs and one deciduous tree planted a maximum of 30 feet on center.

b. One deciduous tree planted a maximum of 30 feet on center, and a double row hedge with evergreen shrubs a minimum of six feet high.

c. A double row of staggered evergreen trees planted a maximum of 15 feet on center.

C. BUFFER DESIGN STANDARDS

1. Buffers shall not be located on any portion of an existing, dedicated, or reserved public right-of-way or private ingress/egress easement.

2. The buffer shall be provided on the lot that is being developed.

3. On sloped areas the buffer shall be located to maximize its effectiveness.

4. No construction shall be permitted within a required buffer other than a wall, fence, or mound, or a driveway in the front yard connecting a parking area on the lot to a street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the buffer area.

5. Subsurface constructions are permitted provided the required buffer is placed above said subsurface constructions and further provided no part of a subsurface construction protrudes above the ground surface.

Section 8.06: Screening Requirements

A. INTENT AND APPLICABILITY

In addition to the buffer requirements and interior landscaping requirements, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

B. Items to be Screened

The following areas shall be screened in accordance with this section:

1. Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers), but not including drop-off boxes for use by the public (see Section 4.09:E.6Drop-Off Box);
2. Loading and service areas, including any areas where tractor-trailers will be stored;
3. Outdoor storage areas (including storage tanks) not subject to the outdoor storage requirements of Section 4.08:C.14 Outdoor Storage; and
4. Mechanical equipment and utility meters not located on, and screened by, the building or structure.

C. General Provisions

1. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of the properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such condition to the satisfaction of the township.
2. Required screening areas shall be provided by the owner and/or developer as a condition of development. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner. Failure to maintain the required screening areas to accomplish their intended purpose shall constitute a violation of this resolution under Article 11: Enforcement and Penalties.
3. Areas to be set aside as screening areas shall be identified on the plans required for zoning permit review. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

D. Screening Requirements

1. All screening shall be approved during the zoning permit review.
2. All items to be screened shall be shielded from view from public roads and adjoining property.
3. All items to be screened shall be provided with a visual screen consisting of fences, walls, mounds or plant materials or a combination thereof. The screening shall be at least one foot higher than the item to be screened but not less than six feet in height, but shall not exceed 10 feet in height, and shall extend along three sides of the service area.
4. For dumpsters, a gate shall be required on the fourth side where access is provided to the dumpster. The gates shall be opaque enough to shield from view the interior of the service area.
5. All plant materials used for required screens around service areas shall be of an evergreen variety.
6. If an adjacent building provides screening on one side of the service area, only two sides need to be screened, mounded, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.
7. Roof mounted mechanical equipment shall be screened by parapet walls or other screening device with height not lower than six inches below the height of mechanical equipment. (Also see Section 6.03: Architectural Design Guidelines and Standards)

E. Fence or Wall Screens

1. Fences or walls shall be compatible with the architectural materials and patterns of the principal structure.
2. Under no circumstances shall a wall be constructed of unfinished concrete or cinder block.

Figure 8.06-A: Use of a wall and fencing for screening that is architecturally compatible with the principal building.

F. MOUND SCREENS

1. Mounds shall be a minimum of three feet in height if other screening materials are used (fences or plant materials). If no other screening materials are used, the mounds shall be a minimum of six feet in height.

2. When mounds are to be used in conjunction with planting materials to screen residential uses, the mound plus any trees shall be of sufficient height to screen the first story of the residential uses.

G. CURBING OR BOLLARDS

Whenever screening material is placed around any large waste receptacle (dumpster) or waste collection unit which is emptied or removed mechanically on a regular basis, a curb or bollards to contain the placement of the container shall be provided within the screening material. The curbing or bollards shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

Section 8.07: Landscaping and Screening of Vehicular Use Areas

A. INTERIOR LANDSCAPING OF PARKING LOTS

1. Amount of Landscaping Required

a. For all parking areas with five or more parking spaces, a total of 10% of the paved area (not including loading spaces or stacking lanes/spaces) shall be landscaped under the provisions of this section.

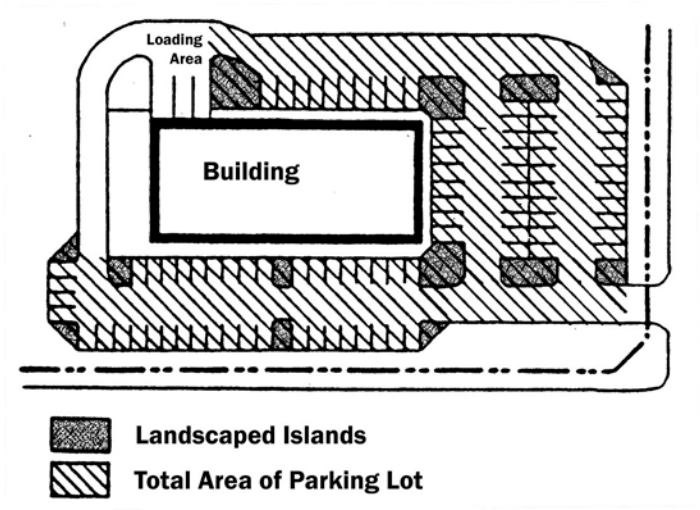

Figure 8.07-A: Parking Lot Interior Calculation

2. The required landscaping shall be located within landscaped islands. Landscaped areas that extend into parking areas from the perimeter landscaping may count toward this requirement but only that area that extended into the parking area.

Figure 8.07-B: Landscaping and screening is intended to soften the appearance of large expanses of parking areas and can also provide areas for stormwater management.

3. Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes; and to provide visual and climatic relief from broad expanses of pavement.

- **a.** Each island shall have a minimum dimension of nine feet in any horizontal direction.
- **b.** Landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded parking rows, and a minimum size of 270 square feet for double loaded rows. See Figure 8.07-C.
- **c.** No more than 15 parking spaces shall be located in a continuous row without being interrupted by a landscaped island.
- **d.** Landscape medians with a minimum width of 10 feet shall be located as to separate every four parallel rows of cars and shall run the full length of the parking row. See Figure 8.07-C.

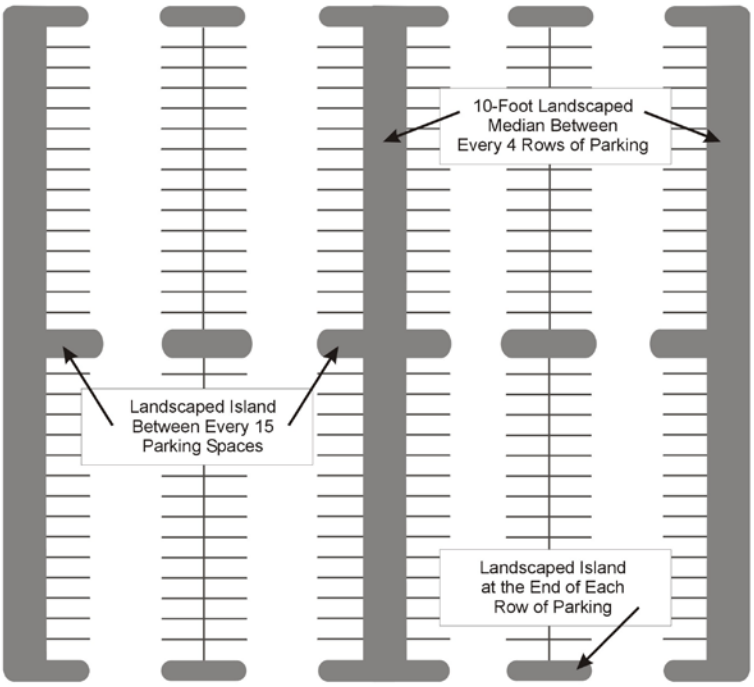

Figure 8.07-C: Example of interior landscaping requirement for vehicular use areas.

e. Island Planting Requirements

i. There shall be a minimum of two deciduous trees and four shrubs provided for every 15 parking spaces, or fraction thereof; such trees shall be planted within the required landscaped islands.

ii. Each individual landscape island shall include a minimum of one tree and two shrubs.

iii. Additional shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.

iv. The landscape medians/islands that separate every fourth row of parking spaces, running the full length of the parking area, shall be planted with a minimum of one tree per 40 lineal feet. Sidewalks and/or pedestrian paths may be incorporated into these medians.

v. The trees and shrubs shall be distributed throughout the parking lot islands to decrease the appearance of a single expanse of pavement and to create a canopy effect.

vi. The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch.

4. The landscaped islands shall be protected by the installation of continuous curbs or wheel stops with a height of six inches, except as modified to accommodate stormwater runoff.

5. The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with runoff.

B. Perimeter Landscaping Requirements

All surface vehicular use areas designed for five or more parking spaces shall be screened in accordance with this subsection.

1. Perimeter Adjacent to Property Line

Vehicular use areas shall maintain a minimum perimeter planting strip along adjacent private property lines with an average width of eight feet unless the vehicular use area is adjacent to or a continuation of a vehicular use area on an adjacent property.

a. Along adjacent properties the minimum planting strip width may be reduced to five feet through the provision of an ornamental metal fence or masonry wall constructed in accordance with the following:

i. The wall or fence shall have a minimum height of 3 feet and a maximum height of 6 feet;

ii. A masonry wall shall have a minimum opacity of 75% of the entire wall surface along any single lot line;

iii. The wall or fence shall be supplemented with 30 inch high evergreen shrubs planted between the fence or wall and the lot line a minimum of three feet on center.

2. Perimeter Adjacent to Right-of-way

Vehicular use areas shall maintain a minimum planting strip adjacent to public rights-of-way with an average width of 18 feet as measured from the outer edge of the vehicular use area to the right-of-way. The perimeter planting strip may include paved paths or sidewalks to meet the requirements of Section 7.05: Mobility and Sidewalks. The paved portion of this perimeter area shall not exceed 10 feet in width. See Figure 8.07-D.

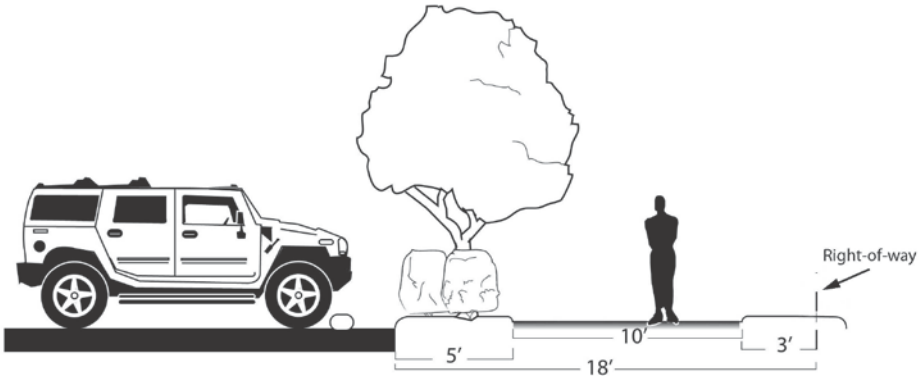

Figure 8.07-D: Perimeter landscaping.

3. The planting strip shall contain a continuous hedge composed of a double-staggered row of evergreen shrubs with a minimum planting height of 30 inches and a maximum on-center spacing of 3 feet.

4. Up to 25% of the shrubs may be deciduous, but in no event shall deciduous shrubs be used in areas fronting public street rights-of-way.

5. In addition to the required shrubs, the planting strip shall include canopy trees that shall be provided at a rate of 2.5 trees per 100 lineal feet of the perimeter of the vehicular use area. Clustering or grouping of these trees is permitted.

6. Understory trees may be used in areas where the presence of overhead utilities prevents the use of canopy trees.

7. Trees may be planted in front of, behind, or within the hedge, as long as a continuous hedge is maintained.

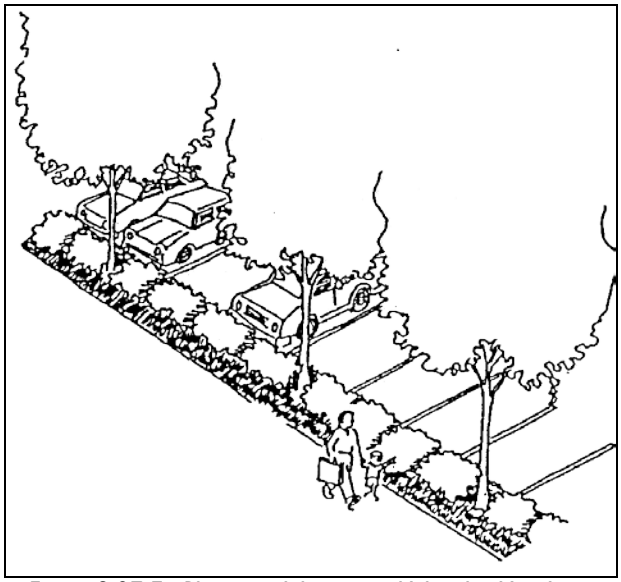

Figure 8.07-E: Plantings Adjacent to Vehicular Use Area.

8. Building Perimeter

When a building is not abutted by a sidewalk, shrubs shall be placed around the building perimeter of the primary facade a minimum of three feet from the building. See Figure 8.07-F.

Figure 8.07-F: Building Perimeter Planting.

Section 8.08: Maintenance

A. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times.

B. Unhealthy and dead plants that are required as part of these requirements shall be replaced within one year, or by the next planting season, whichever comes first.

C. Violation of these maintenance practices shall be a violation of this zoning resolution.

Section 8.09: Modifications

The zoning inspector may approve modifications to the buffer or landscaping requirements of this article. The zoning inspector shall base its decision on all of the following criteria:

A. The specific conditions which are unique to the applicant's land.

B. The manner in which the strict application of the provision of this article would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same district.

C. The unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this article.

D. Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.

E. A demonstration that the applicant has provided for a buffer or landscape area that achieves the spirit of this article.

Article 9: Signs

Section 9.01: Purpose

The purpose of this article is to permit the use of signs as a means of communication in the township; to maintain and enhance the township's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

A. The purpose as stated above is based on the following findings concerning signs:

1. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the township, and as such are detrimental to the public health, safety and general welfare of the township.

2. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

B. More specifically, this article is intended to:

1. Promote and protect public health, safety and welfare by regulating existing and proposed outdoor signage and associated illumination in a manner that will provide for the minimal amount demonstrated absolutely necessary for identification, informational and directional purposes in order to sufficiently serve the public and private concerns.

2. Protect property values from detrimental visual impacts that could otherwise result from an over proliferation of unrestricted signage.

3. Create an attractive and effective business environment by providing design specifications and restrictions as to the types, sizes and locations of outdoor signage permitted, inclusive of lighting and landscaping, as applicable.

4. Enhance and protect the developed appearance of Deerfield Township, by causing signage to be well organized, helpful and informative in directing the viewing public and identifying signage dependant uses, without being visually distractive, overwhelming and unsafe in doing so.

5. Preserve and promote the scenic beauty of natural and developing areas in Deerfield Township by preventing or restricting the size, type, number and location of signage and lighting devices in and around them.

6. Minimize signage and related lighting to prevent visual distractions and sight obstructions which would pose an accident hazard to viewing pedestrians and/or motorists.

7. Reduce hazards which might be caused by signs hanging over, projecting into or abutting public rights-of-way and/or erected in a structurally overwhelming or visually intrusive or obstructive manner.

8. Enhance community development and prevent visual deterioration of its natural environment and open space by regulating against objectionable types, sizes, numbers and locations of signage and lighting.

Section 9.02: Applicability

A. The regulations contained within this article shall apply to all signs and to all zoning districts.

B. No sign shall be erected, established, modified, created, or maintained in Deerfield Township without the issuance of a zoning permit and the payment of fees unless otherwise exempted in this article.

C. No zoning permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

D. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect.

E. No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of building or fire code of Warren County or the State of Ohio.

F. Changes of sign panels or letters require a zoning permit.

Section 9.03: Computations and Rules of Measurement

The following principles shall control the computations of sign area and sign height.

A. Sign Face or Area

1. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed.

2. The calculation for the sign face area does not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined by the zoning inspector to constitute an integral part of the sign design or is determined to be designed to attract attention. See Figure 9.03-A.

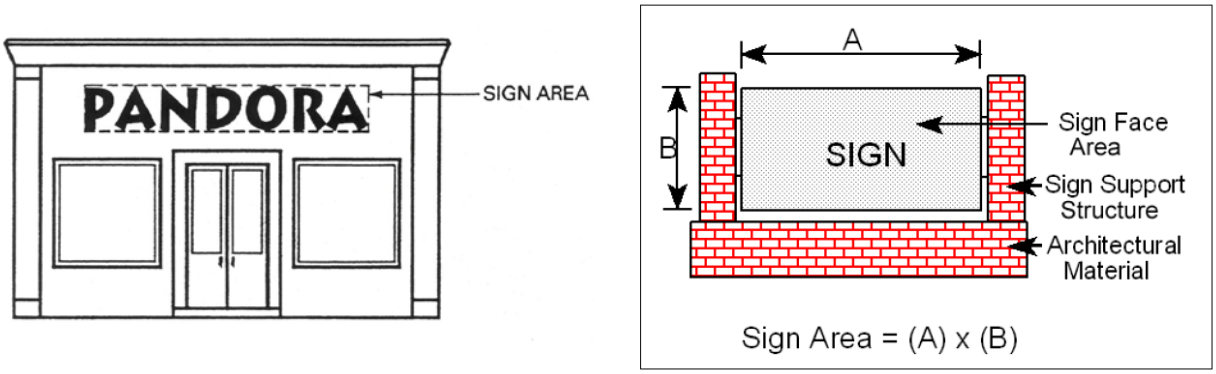

Figure 9.03-A: Illustration of sign area calculation for a wall sign (left) and a ground sign (right).

3. The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.

4. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.

5. No more than two display faces shall be permitted for freestanding and projecting signs.

6. In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.

7. When calculating sign area, fractional amounts are not required to be rounded.

B. Street and Building Frontage

1. When calculating street frontage, only the street frontage that lies in the unincorporated area of Deerfield Township shall be used in the calculation.

2. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
3. The building frontage is the length of an outside building wall on a public or private street.

C. Window Area

Where the sign area is based on the total window area, the window area shall be calculated as the total area of glass windows on the building frontage.

D. Sign Height

1. The height of a sign shall be computed as the distance from the average natural grade at the base of the sign or support structure to the top of the highest attached component of the sign.
2. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the average natural grade, where the sign is to be located, prior to the addition of the sign.

E. Sign Setbacks

1. The required setbacks for a sign shall apply to all elements of the sign including its frame and base.
2. The setback of a freestanding sign shall be measured horizontally from the edge of the sign frame to the street right-of-way line or lot line, as applicable.

Section 9.04: Signs Exempt from this Article

The following signs and messages are exempt from the regulations of this article:

A. Temporary noncommercial speech signs.

B. Signs bearing no commercial message and installed by employees or officials of a township, city, county, state or federal agency in the course of their governmental duties.

C. Other signs conforming with the Manual of Uniform Traffic Control Devices and bearing no commercial message.

D. Reflectors and safety signs or devices used to mark driveways, towers and potentially dangerous structures or situations provided such signs and devices do not display commercial messages.

E. Signs required by a state or federal statute.

F. Signs required by an order of a court of competent jurisdiction.

G. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message necessary to identify the use.

H. Signs installed by a transit company with a franchise or other right to operate in Warren County, where such signs are installed along its routes and relate to schedules or other information about the transit route.

I. Flags, emblems and insignias of national, state or local political subdivisions.

J. Commemorative plaques placed on a structure by recognized historical agencies; such a sign shall bear no commercial message unless it meets all of the standards for a sign bearing a commercial message at that location. Such signs shall not exceed six square feet in area and shall not be illuminated.

K. Signs that do not exceed eight square feet in sign area and six feet in height that give notice of Neighborhood Crime Watch Programs being in effect.

L. Name and/or address descriptions mounted to the front wall of a building or to a lamppost in the front yard not to exceed two square feet in sign area (e.g., street numbers).

M. Window signs. The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.

N. Interior signs within a stadium, open-air theater, shopping center, arena or other use of which signs can be viewed only by persons within such stadium, open-air theater, shopping center, arena or other use.

O. Directional ground-mounted monument signs, with no commercial message, not-to-exceed two signs per driveway indicating entrance and exit locations with a maximum permitted sign area of eight square feet and a maximum height of four feet.

P. Any work of art that does not display a commercial message provided that the work of art meets all other applicable standards of this resolution.

Q. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.

R. Holiday decorations for religious or national holidays. Such decorations may blink, flash, or move. No such holiday decorations shall interfere with traffic, present any hazard, or be detrimental to public health, safety, or morals.

S. Routine maintenance of any sign, not involving structural changes to the sign.

T. Changes of message, either manually or electronically, on a message board or reader board, subject to limitations in this article.

Section 9.05: Prohibited Signs

The following signs are specifically prohibited in Deerfield Township:

A. Signs in the right-of way unless specifically permitted in this article (See also Section 9.04: Signs Exempt from this Article);

B. Pennants, banners (except under Section 9.08: Temporary Signs), streamers and similar type devices intended to grab the attention of drivers or pedestrians;

C. Roof signs and signs that extend above or beyond the building façade, except as otherwise specifically permitted in this article;

D. Flags intended for advertising or commercial purposes;

E. Signs emitting sounds;

F. All portable advertising signs (mobile signs on wheels, etc.) and signs mounted, attached, painted, etc. on trailers, boats or motor vehicles except those on licensed commercial delivery and service vehicles (See Figure 9.05-A.);

G. Beacons and searchlights, except for emergency purposes;

H. Off-premise signs unless permitted as an outdoor advertising sign in accordance with Section 9.07:E. Outdoor Advertising Signs (Billboard);

I. Flashing, moving, blinking, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, ribbons, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices;

J. Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention-getting, identification or advertising purposes; and

K. Permanent signs erected or attached to accessory structures.

Figure 9.05-A: Examples of prohibited sign types.

Section 9.06: General Construction

A. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

B. Permanent signs shall be constructed and erected to withstand wind pressures and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

C. No sign shall be erected so as to project over and obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.

D. No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.

E. Temporary signs shall be durable and weather-resistant.

Section 9.07: Permitted Signs

The following are provisions for permitted, permanent signs that require a zoning permit.

A. SIGNS FOR PUBLIC AND INSTITUTIONAL USES IN ANY DISTRICT

1. One ground sign or one wall sign is permitted for any public or institutional use.

2. The maximum sign area shall be 25 square feet per side (two sides maximum).

3. The maximum height of the ground sign shall be five feet.

4. Signs shall be set back a minimum of five feet from the street right-of-way line.

5. Changeable Copy

a. Freestanding signs may include a changeable copy sign provided that it does not comprise more than 75% of the total sign area. See Figure 9.07-A.

b. The changeable copy shall not change more than one time per 60-second period.

c. The changeable copy sign may be manually changed or may be an electronic message sign but electronic messaging areas shall not comprise more than 25% of the total sign area.

d. The changeable copy sign shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night.

6. Such sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.

Figure 9.07-A: Illustration of a sign for an institutional use on a brick base with foundation plantings.

B. Entrance Monuments For Residential Subdivisions or Developments

One ground sign or two wall signs may be permitted at each development entrance along a township, county, or state road under the following provisions:

1. Ground-Mounted Sign

a. One ground-mounted sign is permitted at each development entrance.

b. The sign shall be set back five feet from the public right-of-way line.

c. The maximum sign area shall be 30 square feet per side (two sides maximum).

d. The maximum height of the ground sign shall be five feet.

e. The zoning permit shall include information suitable to identify an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping.

f. The sign shall not include any changeable copy.

g. The sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.

h. No sign shall bear a commercial message.

i. Illuminated signs shall only use external lighting sources.

2. Wall Signs Attached to a Fence or Wall

a. Up to two wall signs are permitted at each development entrance.

b. The sign shall be set back five feet from the public right-of-way line.

c. The maximum sign area shall be 30 square feet per sign.

d. The sign shall not exceed the height of the fence or wall to which it is attached.

e. The zoning permit shall include information suitable to identify an established mechanism to ensure the ongoing maintenance of the signs.

f. The sign shall not include any changeable copy.

g. No sign shall bear a commercial message.

h. Illuminated signs shall only use external lighting sources.

C. Signs in Nonresidential Districts

The following regulations apply to permanent signs in nonresidential districts that require a zoning permit.

1. Freestanding Signs

a. One ground sign is permitted per lot.

b. The maximum sign area shall be 35 square feet.

c. The maximum sign height shall be seven feet.

d. All signs shall be set back a minimum of five feet from the right-of-way or any side or rear lot line.

e. Ground-mounted signs shall be constructed of building materials similar to the primary material used on the buildings located on the same property as the sign.

f. Applicants are encouraged to work with the township zoning inspector to determine if the township's logo can be incorporated into ground-mounted signage wherever possible. The use of the township logo shall not be counted as part of the overall sign area.

g. Signs for Large Floor Area Structures

i. An office building, office park or campus, multi-tenant building or other property with at least 50,000 square feet of retail, office, or industrial floor area is permitted one freestanding sign.

ii. The maximum sign area of the freestanding sign is 150 square feet.

iii. The maximum height of the freestanding sign is 10 feet for 50,000 to 200,000 square feet of building area. The maximum height is 20 feet for 200,001 or more square feet of building area.

iv. When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

v. Such sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.

vi. In addition to the freestanding sign, one ground sign with a maximum sign area of 50 square feet and a maximum height of seven feet is permitted.

h. Changeable Copy

i. Freestanding signs may include changeable copy that is manually changed or an electronic message sign provided that it does not comprise more than 50% of the total sign area.

ii. The changeable copy shall not change more than one time per 60-second period.

iii. All changeable copy shall be of a consistent lettering style and lettering color.

iv. The electronic message changeable copy sign shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night.

2. Wall, Projecting, Canopy, or Awning Signs

Wall signs (integral or attached to a building), projecting, canopy, or awning signs are permitted in accordance with the following:

a. The maximum square feet of any combination of wall, projecting, canopy, or awning signs on a single structure shall not exceed one square foot per lineal foot of building frontage. The allowable sign area may be allocated to more than one sign.

b. The above ratio shall apply separately to each building frontage that faces a public or private street.

c. Allowable sign area may be allocated to a wall that is not building frontage, but the combined sign area shall not exceed the maximum square feet allowed.

d. No changeable copy sign shall be permitted.

e. No wall sign shall project more than 15 inches beyond any building façade, canopy façade, or wall.

f. No sign shall project above the roof line. See Figure 9.07-B.

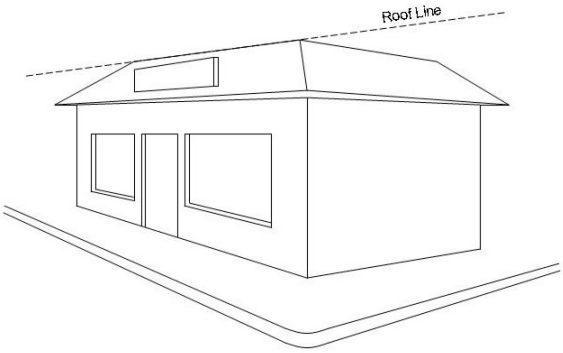

Figure 9.07-B: Illustration of roof line.

g. Wall signs shall be limited to individually mounted letters or logos. Back-lit light box style signs that have interchangeable sign faces shall be prohibited unless designed to accommodate a logo. See Figure 9.07-C.

Figure 9.07-C: Back-lit box style signs such as this are prohibited.

h. Painted wall signs shall be prohibited.

i. Awnings may only be lit by exterior illumination sources. Awnings may incorporate signage but the total area of signage on an awning shall be counted as part of the maximum wall sign area permitted for the building.

j. Signs located on canopies for the sale of automotive fuel shall be considered canopy signs. Such canopies shall be considered a separate structure for the purpose of determining allowable sign area. The maximum square feet of signs on such structure shall not exceed one-half square foot per lineal foot of canopy building frontage. The allowable sign area may be allocated to more than one sign.

3. Fuel Price Displays

Digital fuel price signs are permitted for automotive fuel sales. Such price signs shall be included in the allowable sign area for the use.

4. Menu Boards

Menu boards are permitted in accordance with Section 4.09:E.5.c Menu Board Signs.

D. Signs Permitted in PUD Planned Unit Development Districts

Signs in a PUD Planned Unit Development District shall comply with the regulations in this article for the underlying zoning district. Signs in PUD Districts approved prior to the adoption of this regulation shall continue to be regulated by the PUD regulations applicable to the property.

E. Outdoor Advertising Signs (Billboard)

1. Outdoor advertising signs are hereby classified as a business use and, in compliance with Section 519.20 of the ORC, are permitted in all nonresidential districts and on lots that are used for agricultural purposes.

2. No outdoor advertising sign shall be located on a parcel that contains another principal structure or use.

3. All outdoor advertising signs shall meet the minimum setback requirements of the zoning district where it is located and all properties where such signs are located shall meet the applicable minimum lot area.

4. The maximum sign area shall be 350 square feet per side with no more than two sides.

5. The height of an outdoor advertising sign shall not exceed 40 feet.

6. Outdoor advertising signs shall be located a minimum of 300 feet from any recorded subdivision or land zoned for any of the following R-SF, R-TF, R-MF, and R-TR Districts.

7. Outdoor advertising signs shall be located a minimum of 300 feet from any educational facility, hospital, day care center, park or recreation facility, religious place of worship, or other similar public uses.

8. No outdoor advertising signs shall be located within 500 feet of any other outdoor advertising sign.

9. Outdoor advertising signs located along any federal or state route shall comply with all applicable federal and state regulations including Sections 5516.06 and 5516.061 of the ORC.

10. An outdoor advertising sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.

11. The illumination of outdoor advertising signs shall comply with the following:

a. Outdoor advertising signs located within residential districts or within 1,000 feet of a residential district shall not be illuminated.

b. Outdoor advertising signs located in a nonresidential district may be externally illuminated through fixtures located external to the sign face and no internal light sources or light producing elements in the sign face or message media shall be permitted.

c. Such illumination shall be concentrated upon the area of the sign face so as to prevent glare upon the roadway or adjacent properties.

12. Electronic changeable messages boards are not permitted on outdoor advertising signs.

Section 9.08: Temporary Signs

A. General Definitions Related to Temporary Signs

1. Temporary signs shall be as defined in this resolution and may include, but are not limited to, political signs, real estate signs, and special event signs.

2. Temporary signs with a commercial message include, but are not limited to, real estate signs, signs that reference the sale of items or other business related activities, or signs that include text classified as a commercial message.

3. Temporary signs that do not contain a commercial message include, but are not limited to, political signs and any other sign with text that is not classified as a commercial message.

B. Standards that Apply to All Temporary Signs

1. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement, or to the ground upon which it is erected.

2. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roof of a structure.

3. No temporary sign shall be illuminated by anything other than non-reflected daylight, except by variance issued by the BZA.

4. No temporary sign shall be located in a right-of-way.

C. Temporary Noncommercial Speech Signs

1. Temporary noncommercial speech signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal.

2. Temporary noncommercial speech signs shall be set back a minimum of 10 feet from the street right-of-way line.

3. The maximum height of temporary noncommercial speech signs shall be eight feet.

4. The maximum area of a temporary noncommercial speech sign shall be 32 square feet.

D. Temporary Signs for Development/Construction

1. One temporary, on-premise sign may be posted on the site where a development project or subdivision is under construction.

2. The sign may be posted 60 days prior to, and throughout the duration of, construction.

3. Such sign shall not exceed 64 square feet in area per side (two sides maximum).

4. The maximum height of the sign shall be 10 feet.

5. The sign shall be set back a minimum of 15 feet from the right-of-way line.

6. The applicant must submit a request to renew the applicable zoning permit every six months.

E. TEMPORARY SIGNS FOR SPECIAL EVENTS

1. One temporary, on-premise sign may be used announcing special events on-site and may be erected 30 days prior to the event and must be removed one week after the event with the occurrence of no more than twice a year or as approved by the zoning inspector.

2. Such signs shall not exceed 32 square feet in area per side (two sides maximum).

3. The maximum height of the sign shall be seven feet.

4. The sign shall be set back a minimum of five feet from the right-of-way line.

F. TEMPORARY SIGNS ON PROPERTIES FOR LEASE OR SALE

1. Temporary Signs on Properties for Lease or Sale in Residential Districts

Up to two temporary signs that contain a commercial message may be permitted on an individual lot (without a zoning permit). Such signs shall be limited to six square feet or less in sign area and five feet in height.

2. Temporary Signs on Properties for Lease or Sale in Nonresidential Districts

a. Up to two temporary signs that contain a commercial message may be permitted on an individual lot (without a zoning permit). Such signs shall be limited to six square feet or less in sign area and five feet in height.

b. In addition to the above two temporary signs, a larger temporary sign is allowed in a nonresidential district provided it complies with the following requirements:

i. The owner of the property where the sign will be located shall apply for and receive a zoning permit for the sign;

ii. There shall be a limit of one sign per lot and such sign shall not exceed 32 square feet per side with a maximum of two sides;

iii. The maximum height shall be seven feet; and

iv. The applicant must submit a request to renew the applicable zoning permit every six months.

Section 9.09: Enforcement and Maintenance

A. REMOVAL OF SIGNS BY THE ZONING INSPECTOR

1. The zoning inspector shall have the authority to have any temporary or permanent sign removed that constitutes a public nuisance in that it endangers the public health or safety. This may include situations such as a sign which has been abandoned or is illegal as defined in this resolution, dangerous, materially, electrically, or structurally defective as may be identified by the building inspector. The zoning inspector shall keep the sign at the township offices until such time the sign may be lawfully disposed of or returned pursuant to Section 9.09:A.6 (below).

2. The zoning inspector shall also have the authority to have any sign (except a valid nonconforming sign) removed that does not have a zoning permit or a sign that is not in compliance with the zoning permit issued.

3. Before removing any such sign, the zoning inspector shall first make all reasonable efforts to prepare and serve upon the property owner or occupant a notice which describes the sign and specifies the violation involved. This notice shall require that a permanent sign be removed or the violation corrected within the next 10 days or that a temporary sign shall be removed or the violation corrected within the next 24 hours. If no emergency exists and the notice is not complied with, the

zoning inspector will institute legal proceedings for removal of the sign and for a possible violation of the zoning resolution pursuant to the Ohio Revised Code.

4. All notices issued by a zoning inspector may be served by certified mail or delivery to the property owner, current occupant, or to a person temporarily or permanently in charge of the establishment or the sign owner in the case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.

5. The property owner and current occupant shall be jointly and severally obligated to reimburse the township immediately for all third party and administrative expenses incurred in removing any sign including, but not limited to, costs to township of time of township employees. If the violations are corrected and removal obligations paid, the property owner, the occupant or the sign owner of temporary sign may reclaim the sign from the township.

6. The sign shall become the property of Deerfield Township after 30 days if removal costs are not paid or if violations are not corrected. Thereafter, the sign shall be disposed of in any manner deemed appropriate by the township trustees. This possible result shall also be explained by the served notice.

B. REMOVAL OF UNLAWFUL SIGN IN THE PUBLIC RIGHTS-OF-WAY

Signs, other than those installed by the township, county, city, state, or federal government, are specifically prohibited in the public right-of-way. The township shall remove or cause to be removed from the public right-of-way any sign other than governmental signs as referenced above. Just as a private property owner may remove any sign placed on his or her private property, so may the township if the sign is in violation of this article. Such removal authority must be exercised in a nondiscriminatory manner.

C. MAINTENANCE OF SIGNS

1. All signs as herein permitted shall be constructed and maintained and illuminated in a safe manner, comply with applicable codes and be kept in good repair.

- **a.** Signs shall be free from rust, dust, dirt, and other such debris.
- **b.** Exposed surfaces shall be clean and painted if paint is required.
- **c.** Defective parts shall be replaced.
- **d.** The zoning inspector shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated. Such sign shall be repaired or removed by the owner, agent, or person having the beneficial use of the sign within 30 days after notification to the owner from the zoning inspector.

2. Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of Section 6.01:E Traffic Safety Visibility Triangle.

Section 9.10: Nonconforming Sign Regulations

Notwithstanding any provision of this subsection to the contrary, all signs erected following the effective date of these regulations shall comply with all the provisions of this article. All signs that are in existence on the effective date of these regulations, that do not conform with the standards of this article, shall be considered nonconforming uses and shall be subject to the following provisions:

A. Changes in words, symbols, or messages shall not be made on nonconforming signs unless the sign is specifically designed for periodic change of message.

B. Nonconforming signs shall not be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated without complying with the standards of this article, except that the BZA may grant a change that will result in a decrease in the nonconformity of the sign.

C. Nonconforming signs shall be subject to the provisions of Section 10.06: Nonconforming Structures or Sites.

D. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article.

Section 9.11: Illegal Signs

A. Any sign which is contrary to the requirements of this resolution and which does not satisfy the nonconforming specifications stated in this resolution shall be deemed an illegal sign.

B. Signs that were illegally erected, established, or maintained with respect to the applicable requirements of prior resolutions shall be removed or brought into compliance with this sign resolution per the requirements and procedures of Article 11: Enforcement and Penalties.

Article 10: Nonconformities

Section 10.01: Purpose

Within the districts established by this zoning resolution, some lots, uses of land or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this zoning resolution, but that are prohibited, regulated, or restricted under the terms of this amended zoning resolution. The purpose of this article is to outline provisions related to the continuance of those existing uses, lands, and structures.

Section 10.02: General Provisions

A. The lawful use of any dwelling, building, structure, or of any land or premises as existing and lawful at the time of enactment of this zoning resolution may be continued although such use does not conform with the provisions of this zoning resolution.

B. Passage of this zoning resolution in no way legalizes any illegal uses existing at the time of its adoption.

C. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use or structure.

Section 10.03: Nonconformities and Variances

A. Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use.

B. The granting of a variance for a lot, site, structure, or use that would otherwise comply with this resolution shall not create a nonconformity upon the approval of the variance.

C. When a property owner or authorized agent is granted a variance for a nonconforming lot, site, or structure that addresses the nonconformity, the lot, site, or structure shall no longer be considered nonconforming.

D. If a property owner or authorized agent is granted a variance for a nonconforming lot, site, or structure that addresses some nonconformities but additional nonconformities continue, the lot, site, or structure shall still be considered a legal nonconformity.

Section 10.04: Nonconforming Uses

A. An existing building or premises devoted to a use that is not permitted by this zoning resolution in the applicable zoning district, except when required to do so by law or order, shall not be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the applicable zoning district.

B. If no structural alterations are made, a nonconforming use of a building or premises may be changed to another nonconforming use of the same or more restrictive classification, provided that the change is less offensive to adjacent properties, and the proposed use is desirable to the township as determined by the BZA.

C. Whenever a nonconforming use has voluntarily been changed to a conforming use (i.e., a use that is permitted within the applicable zoning district), such use shall be deemed conforming and shall not be changed back to the previous nonconforming use.

D. Whenever a nonconforming use has been changed to a more restrictive classification of use, such use shall not be changed thereafter to a less restrictive use.

E. TERMINATION OF USE THROUGH DISCONTINUANCE

If the legally nonconforming use of any building, structure, or of any land or premises is voluntarily discontinued for 24 continuous months or longer, any future use thereof shall be in conformity with the provisions of this zoning resolution. Discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred.

F. DAMAGE OR DESTRUCTION OF A STRUCTURE CONTAINING A NONCONFORMING USE

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of the market value as established by the Warren County Auditor's Office, such structure shall not be restored unless the structure and the use will conform to all regulations of the applicable zoning district.

2. When such damage or destruction is 50% or less of the market value as established by the Warren County Auditor's Office, such structure may be repaired and reconstructed and used for the same purposes and to the same extent as it was before the damage or destruction, provided that such repair or reconstruction is commended and completed within 24 months of the date of such damage or destruction. The BZA may impose such reasonable conditions as may be necessary to mitigate the adverse effect of the nonconformity within the district in which such use is located and upon surrounding and neighboring properties.

Section 10.05: Nonconforming Lots of Record

A. Where any lot or lots of record exist, as of the effective date of this zoning resolution, that do not conform to the area and/or frontage requirements of this zoning resolution, development in accordance with the use and other regulations of the district in which it is located may be permitted on any such lot provided that the lot was subdivided or platted as a separate tax parcel and regardless of whether contiguous parcels are in separate ownership, however, no lot shall be used for if it is found to be less than 40 feet wide. Where a dimensional variance from any minimum yard or setback requirement is necessary to develop on said lot, an application for dimensional variance shall meet the criteria of this section.

B. If two or more adjacent lots of substandard width for the district in which they are located, belong to one owner, they shall be combined into new lot sizes as follows:

1. If the total combined width is less than the required minimum width for one lot for the district in which they are located, they shall be combined to form one lot.

2. If the total combined width is greater than the minimum required width for one lot, for the district in which it is located, but not a multiple of said width, it shall be divided into equal width lots of such width as to result in one more lot with the minimum width required in the district in which they are located.

C. The sum of the side yard width of any substandard size lot shall be 30% of the width of the lot.

D. The sum of the side yard width of any substandard size lot shall be at least 10% of the lot width for any one side yard.

E. The depth of the rear yard of any substandard size lot need not exceed 10% of the depth of the lot.

Section 10.06: Nonconforming Structures or Sites

A. Any nonconforming structure or site may be enlarged, maintained, repaired or altered provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this resolution.

B. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the district in which such structure is located after being relocated.

C. DAMAGE OR DESTRUCTION OF A STRUCTURE CONTAINING A CONFORMING USE

1. In the event that any structure that is devoted in whole to a conforming use is damaged or destroyed, by any means, to the extent of more than 50% of the market value as established by the Warren County Auditor's Office, such structure shall not be restored unless the structure will conform to all regulations of the applicable zoning district.

2. When such damage or destruction is 50% or less of the market value as established by the Warren County Auditor's Office, such structure may be repaired and reconstructed and used for the same purposes and to the same extent as it was before the damage or destruction, provided that such repair or reconstruction is commended and completed within 24 months of the date of such damage or destruction. The BZA may impose such reasonable conditions as may be necessary to mitigate the adverse effect of the nonconformity within the district in which such use is located and upon surrounding and neighboring properties.

Section 10.07: Burden of Proof

An applicant for any development review procedure that deals with a nonconforming use shall bear the burden of proof in demonstrating that the use was a legal nonconforming use on the effective date of this zoning resolution.

Article 11: Enforcement and Penalties

Section 11.01: Enforcing Officer

The zoning inspector is hereby designated as the enforcing officer of this resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this resolution. The zoning inspector may be assisted by other personnel as the township trustees may authorize.

Section 11.02: Remedies

If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this resolution or any amendment or supplement thereto, the township legal counsel, the enforcing officer, any person or any property owner damaged by or subject to damage by such violation in addition to remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alterations, enlargement, change, maintenance or use.

Section 11.03: Notice of Violation

The notice of any violation of the zoning resolution shall be as follows:

A. Whenever the zoning inspector determines that there is a violation of any provision of this zoning resolution, a notice of such violation shall be issued. Such notice shall:

- **1.** Be in writing;
- **2.** Identify the violation;
- **3.** Include a statement of the reason or reasons why it is being issued and refer to the section of this zoning resolution being violated; and
- **4.** State the time by which the violation shall be corrected.

B. Service of notice of the violation shall be as follows:

- **1.** By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of 16 years or older; or
- **2.** By certified mail, and first class simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when a certified mail receipt is received or first class mail is not returned after 10 days of mailing; or
- **3.** By posting a copy of the notice form in a conspicuous place on the premises found in violation.

Section 11.04: Penalties

Any person, firm or corporation violating any regulation, provision, amendment or supplement to this resolution, or failing to obey any lawful order of the zoning inspector issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

Section 11.05: Affected Parties

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

Section 11.06: Other Actions

Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing zoning resolution violation.

Article 12: Definitions

Section 12.01: Rules of Construction and Interpretation

A. Intent

All provisions, terms, phrases, and expressions contained in this zoning resolution shall be construed according to this zoning resolution's stated purpose.

B. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

C. References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

D. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Deerfield Township, unless otherwise expressly stated.

E. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

F. Technical Words

Technical words and phrases not otherwise defined in this zoning resolution that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

G. Mandatory and Discretionary Terms

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

H. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events shall apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

I. Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

J. Gender

The masculine shall include the feminine, and vice versa.

K. Meaning

For the purpose of this zoning resolution, words and phrases shall have the meanings set forth in this article.

L. OTHER TERMS NOT DEFINED

Words and phrases not otherwise defined in this zoning resolution shall be construed according to the common and approved usage of American English.

Section 12.02: Definitions

Abutting or Adjacent

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

Accessory Building, Structure, or Use

See definitions under "building, accessory", "structure, accessory", or "use, accessory."

Accessory Retail Sales

The sale of products manufactured, produced, stored, or marketed on-site at an office, office-warehouse, or industrial use.

Active Park or Recreation Facility

Any park or recreational facility that requires grading of the land (beyond minor grading or revegetation), construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses, and other similar outdoor facilities with the exception of bike and hike trails.

Adult Entertainment Establishment

An establishment having a significant portion of its function as presenting adult material or entertainment. The following are categorized as adult entertainment establishments:

- **Adult Arcade** – Any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing of "specified sexual activities" or "specified anatomical areas."
- **Adult Book Store, Adult Novelty Store or Adult Video Store** – A commercial establishment that has as a significant or substantial portion of its stock in trade or inventory in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
- **Adult Entertainment –** The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
- **Adult Entertainment Establishment** – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not an "adult entertainment establishment".
- **Adult Materials** – Any book, novelty, sexual paraphernalia, sex toy, sexual devise, magazine, periodical, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, compact disc (CD), digital video disc (DVD), computer hardware or software, or other tangible thing that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

- **Adult Mini Motion Picture Theater** – A facility with a capacity for less than 50 persons, which in exchange for any form of consideration, presents adult material for observation by patrons therein.
- **Adult Motel or Hotel** – An establishment offering public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, characterized by the depiction of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this type of material by means of a sign visible from the public right-of-way, or by means of off-premises advertising; or offers a sleeping room for rent for a period of time less than 10 hours; or allows a tenant or occupant to sub-rent the sleeping room for a period of time less than 10 hours.
- **Adult Motion Picture Theater** – A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.
- **Adult Theater** – A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.
- **Escort Agency** – A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s), date(s), or companion(s) for another person.
- **Massage** – A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.
- **Massage Establishments** – Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder, or recreation centers and sports complexes.
- **Nude Model Studio** – Any place where a person, who regularly appears in a state of nudity, semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons A modeling class or studio is not a nude or semi-nude model studio and is not subject to this chapter if it is operated in any of the following ways: (i) By a college or university supported entirely or partly by taxation; (ii) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation; (iii) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or semi-nude model is on the premises at any one time.
- **Sexual Device –** Any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breasts or for sadomasochistic use or abuse of oneself or others, including, but not limited to, dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- **Sexual Device Shop –** A commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.
- **Sexual Encounter Center** – A business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or semi-nude.

- **Sexual Encounter Establishment** – A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons congregate, associate or consort, for the purpose of specified sexual activities, or the exposure of specified anatomical areas, or activities when one or more of the persons is in a state of nudity or semi-nude (not including an establishment where a medical practitioner, psychologist, psychiatrist or similar person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy).
- **Specified Anatomical Areas** – Anatomical areas that include human genitals, pubic region, or buttocks or human female breast below a point immediately above the top of the areola.
- **Specified Sexual Activities** – Real or simulated sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of or in connection with any of these activities.

Adult Family Home
A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

Adult Group Home
A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

Agriculture
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.

Agriculture - Raising of Crops
The use of land for field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

Agriculture - Raising of Livestock
The use of land for dairying, animal raising, breeding, and pasturage of livestock and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The raising of livestock shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley
Any public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alteration
Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amateur Radio Transmitter or Antenna
An antenna, related supporting mast or tower, and transmitter used in amateur ratio (a.k.a., ham radio) for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Animal Hospital or Veterinary Clinic
A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall be related and incidental to the hospital use.

Appeal
An appeal of an administrative decision made by the zoning inspector, considered by the BZA, in accordance with Section 3.08: Appeals, Variances, and Conditional Uses.

Applicant
Unless otherwise specified, an owner of a property or an agent for the owner, including a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Article 3: Development Review Procedures.

Application
The process by which the applicant submits a request for any type of development review or approval identified in Article 3:Development Review Procedures of this zoning resolution. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the township.

Authorized Agent
A person with express written consent to act upon another person's behalf.

Automated Teller Machines (ATM)
An automated devise that performs banking or financial functions.

Automotive Fuel Sales
Any building or land used for the retail dispensing or sales of vehicular fuels and including, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories.

Automotive Repair
Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles. See also definition for "truck, trailer, and farm implement sales and service."

Automotive Sales or Rental
Any building or land used for the display, sale or rental of new or used motor vehicles or trailers in operable condition. See also definition for "truck, trailer, and farm implement sales and service."

Automotive Service
Any business that derives or expects to derive more than 50% of its gross revenue from the maintenance of automobiles and trucks. Examples of maintenance include but are not limited to: oil changes, tire replacement, light suspension work, coolant system repair, air conditioning system maintenance and repair, audio, or exhaust system repair. See also definition for "truck, trailer, and farm implement sales and service."

Automotive Washing Facility
Any building or land used for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Awning
A roof like cover that is temporary or permanent in nature, and that projects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

Banner
Any sign of lightweight fabric or similar material that is mounted to a building or other structure at one or more edges.

Bar or Tavern
An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. A tavern shall be this type of establishment where food may also be available for consumption on the premises.

Basement
That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided for in the definition of "story" and "story, half."

Bed and Breakfast Establishment
A single-family dwelling where no more than four sleeping rooms are offered for pay to transient guests for a period of stay of 14 days or less in association with breakfast the next day.

Billboard
See definition for "sign, outdoor advertising".

Billiard Parlor
A business establishment containing more than two pool or billiard tables that is the principal use of the business.

Block
The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the township.

Board of Township Trustees
The Board of Township Trustees of Deerfield Township, Warren County, Ohio.

Board of Zoning Appeals (BZA)
The Deerfield Township Board of Zoning Appeals.

Buffer or Bufferyard
An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or mound as provided in accordance with the provisions of Article 8: Landscaping and Buffering.

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.

Building, Accessory
A subordinate building, the use of which is incidental to that of the main building or to the principal use of the premises.

Building Frontage
See definition of "frontage, building."

Building Height
The vertical distance of a building as measured pursuant to Section 6.01:A.7 Height Measurement and Exceptions.

Building Line
A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from the said right-of-way.

Building Material Sales
An establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures.

Building, Nonconforming
A building that lawfully occupied a lot at the effective date of this resolution, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

Building or Structure, Nonconforming
Any building or structure that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put to use.

Building, Principal
The building containing the main or principal uses on the lot.

Building Trades
Businesses related to the construction of buildings including, but not limited to, carpentry, electrical, plumbing, and heating/air conditioning, and the like.

BZA
See "Board of Zoning Appeals."

Call Center
A building or part of a building engaged primarily in service transactions electronically, by telephone or other communication medium where customer and other communications are handled by an organization, and may include such establishments as credit card information centers, virtual banking services, on-line services and telephone solicitation services.

Canopy
A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

Cemetery
Land used for the burial of the human dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Club, Lodge, or Other Social Meeting Places
A building and/or facilities owned or operated by a corporation, association, person, or persons for social, educational or recreational purposes but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Greenhouse
A glassed or translucent enclosure used for the cultivation and protection of plants that are in turn sold to retail or wholesale customers and which is not related to an on-premises agricultural use that is otherwise exempt from these regulations.

Commercial Message
Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Common Areas
Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

Common Drive
A driveway shared by multiple buildings, tenants or uses.

Community Garden
A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens. Community gardens may be a principal or accessory use and may include related accessory uses as allowed for in this zoning resolution.

Comprehensive Plan
A long range planning document for Deerfield Township as adopted in December 2008 and as amended from time to time.

Conference Center, Assembly Hall or Banquet Facility
A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Construction Dumpster
A container used for the temporary storage of rubbish or materials related to the related construction site or project.

Construction Trailer
A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

Contractor Offices and Storage
A use where the principal activity is the storage of equipment and materials related to building or landscaping contractors. Such use may also include office space for the business. Such uses are typically related to the construction industry and may include, but are not limited to, plumbing, heating, roofing, interior remodeling, excavating, and landscaping contractors.

County
Warren County, Ohio

County Commissioners
Board of County Commissioners of Warren County, Ohio

Cul-de-Sac
A dead-end street which includes a turnaround space.

Dance Hall or Dance Club
An establishment where members of the public can gather for dancing on a recurring basis, regardless if there is a charge for admission.

Day Care Center
A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

DBH
See "diameter-at-breast height".

Deck
A projecting non-enclosed portion of a house located at a height of less than eight feet above the ground. Decks may be covered or uncovered by a canopy or awning.

Density
The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this resolution, density shall mean gross density as defined in "density, gross."

Detached Accessory Building
A detached accessory building is a "building" that is clearly accessory and incidental to the principal use of the lot. Detached accessory buildings may include, but are not limited to, detached garages, storage sheds, and utility sheds.

Development
Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filing, grading, paving, excavation, or drilling.

Development Plan
A plan for the development and use of a specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract; the location, size, height, and use of all structures; all vehicular and pedestrian ways and parking areas; all sewer and water mains, fire hydrants (both public and private); and all landscaped and recreational areas to be erected and maintained thereon; and further explained by such specifications, conditions and limitations as may be imprinted on the plat, or contained in the amendment or supplement to the zoning resolution, incorporating the development plan as an integral part of the zoning regulations applicable to that particular tract of land.

Diameter-at-Breast Height (DBH)
DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

District
See "zoning district."

District, Nonresidential
Any property or portion thereof located within the unincorporated area of Deerfield Township that has been established as an O, O-W, N-B, G-B, B-RD, or L-M zoning district according to the terms set forth in this zoning resolution.

District, Planned Unit Development
Any property or portion thereof located within the unincorporated area of Deerfield Township that has been established as a Planned Unit Development (PUD) zoning district according to the terms set forth in this zoning resolution.

District, Residential
Residential district means any property or portion thereof located within the unincorporated area of Deerfield Township that has been established as a R-SF, R-TF, R-MF, or R-TR zoning district according to the terms set forth in this zoning resolution.

Drive-Through Facility
Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Driveway
A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses.

Drop-Off Box
A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection boxes or dumpsters.

Dwelling
A building or portion thereof designed or intended to be used exclusively for residence purposes, but not including a hotel, motel, tent, cabin, trailer or trailer coach, or camper on truck.

Dwelling, Multi-Family
A building or portion thereof designed for or occupied by more than two non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit. Multi-family dwelling shall include apartment buildings, elderly housing, and buildings where three or more dwellings are attached by common walls or floors within a single structure.

Dwelling, Single-Family
A building designed for or occupied exclusively by one non-transient family or housekeeping unit.

Dwelling, Two-Family
A building designed for or occupied exclusively by two non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.

Dwelling Unit
A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured homes that conform to the requirements for such uses.

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

Educational Facility, Higher
Buildings or structures used to teach students at a level beyond primary schools, elementary schools, middle schools, and high schools. Higher educational facilities shall include, but not be limited to, colleges, vocational schools, universities, training centers and other similar uses.

Educational Institution Facility
Buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, or high schools. Educational facilities shall not include colleges, vocational schools, and other similar uses.

Entrance Monument
A fence, wall, or sign located at the entrance of a subdivision or development that identifies the name of the subdivision or development.

Excavation
The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

Expansion
An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

Façade
The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Family
A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities as distinguished from a group occupying a hotel, club, boarding or lodging house, motel, sorority house, fraternity house or group home.

Fence
An artificial barrier or divider constructed to prevent escape or intrusion, to mark a boundary, or to enclose an area.

Financial Institution
Any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, credit unions, savings and loan institutions, mortgage companies and facilities for automated teller machines (ATMs).

Flag
Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flood Plain
Any water course covering a one hundred (100) year frequency flood as determined by the United States Army Corps of Engineers.

Footcandle
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Footprint
The area of a building measured from the exterior surface of the exterior walls at grade level.

Frontage, Building
The length of an enclosed building facing a public or private street. See Figure 12.02-A.

Frontage, Street
The length of the property line of any one premises along a public right-of-way on which it borders. See Figure 12.02-A.

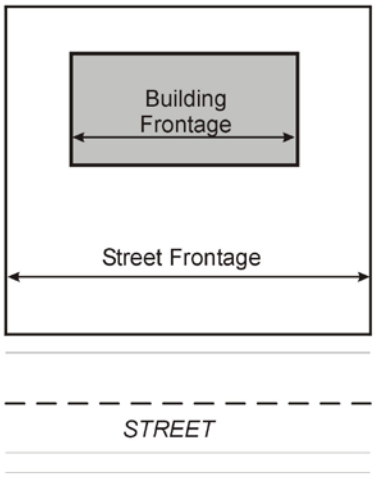

Figure 12.02-A: An illustration of street frontage versus building frontage

Funeral Home
A building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

Garage
A detached or semi-detached accessory building or portion of the principal building used for the storage of motor vehicles, boats and their trailers, by the occupants of the premises. Garages in certain nonresidential districts may be used for the repair or servicing of vehicles if the use is permitted within the applicable zoning district.

Glare
Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

Grade
The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

Grass
A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

Gravel Surface Parking Lots
An area designated for the parking or temporary storage of vehicles that is surfaced with gravel or other types of crushed stone to create a temporary parking surface.

Ground Cover
A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Hedge
A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

Home Occupation
Any occupation, profession, activity or use which is customarily incidental to the principal use of the premises and is conducted by a resident occupant which does not alter the exterior of the property of affect the residential character of the neighborhood.

Hospital
A facility providing physical or mental health services, inpatient or over-night accommodations, and medical or surgical care of the sick or injured.

Hotel or Motel
A building in which lodging is provided for transient guests and operated for profit and which may provide additional services such as restaurants, meeting rooms and recreational facilities.

Housekeeping Unit
One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

Impervious Surface
Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

Indoor Food Sales
The sale of prepared food products as an accessory use within a structure that contains a different principal use. This may include accessory restaurants, cafeterias, or kiosks for sale of food and beverages.

Indoor Recreation or Entertainment Facility
A recreational facility where all activities occur within a fully enclosed building and which is operated for commercial profit. Such uses include, but are not limited to, bowling alleys, dance clubs, movie theaters, and indoor athletic clubs.

Institutional Housing
Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to, elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals, medical offices, medical or dental clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without long-term residency.

Internet Café
A place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials, and does not include internet sweepstakes establishments.

Internet Sweepstakes Establishment
An establishment that promotes the sale of prepaid internet time cards, phone cards or similar devise to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card, internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

Junk
Scrap, abandoned or discarded metal, paper, wood, plastic, rubber, glass, building materials, equipment, bottles, appliances, furniture, rags, trash, rubbish, inoperable motor vehicles or parts thereof, or similar materials/items.

Keeping of Chickens
The non-commercial raising and caring of female chickens on a residential lot as an accessory use.

Kennel
Any structure or premises on which more than five dogs and/or cats that are more than five months of age are kept. Kennel includes facilities that provide daytime care for dogs and/or cats.

Landscape Material
Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

Landscaping
The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

Light, Cutoff
An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 6.02: Outdoor Lighting.

Light, Non-Cutoff
An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 6.02: Outdoor Lighting.

Light Trespass
Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

Livestock
Generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, etc. Livestock shall not include dogs, cats, and other household pets.

Loading Space
An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

Lot
A parcel of land that is part of a plat, legally recorded in the Warren County Recorder's Office, occupied or intended to be occupied by a principal use or structure.

Lot Area
The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

Lot, Corner
A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See Figure 12.02-B.

Lot Coverage
That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

Lot, Cul-De-Sac or Curved Street
A lot with frontage along a curved street or cul-de-sac.

Lot, Double Frontage
A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Figure 12.02-B.

Lot, Interior
A lot, other than a corner lot, panhandle lot, double frontage lot, or triple frontage lot that includes including those lots that have a front lot line along a street and all other lot lines abutting other lots. See Figure 12.02-B.

Lot Line, Front
The front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line.

Lot Line, Rear
A lot line opposite a front yard line. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line.

Lot Line, Side
A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line.

Lot Lines
The property lines bounding the lot.

Lot, Nonconforming
A lot which does not conform to the minimum site development standards for the applicable zoning district.

Lot of Record
A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Warren County, or a lot described by metes and bounds, the description and deed of which has been recorded in such office.

Lot, Panhandle
A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See Figure 12.02-B.

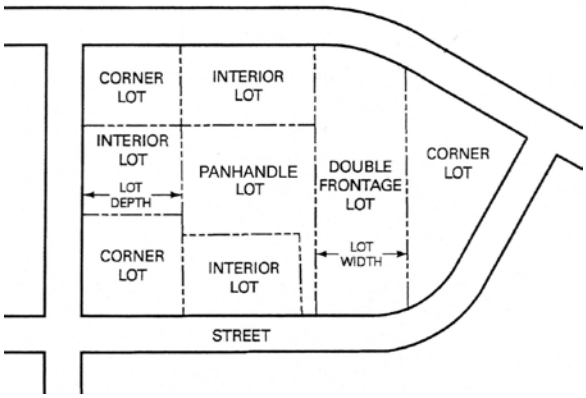

Figure 12.02-B: Illustration of lot configurations and types

Lot Width
The horizontal distance between the side lot lines measured at the two points where the building line, or setback line, intersects the side lot lines. When the minimum setback line is not perpendicular to the side lot lines, lot width shall be measured at the midpoint of the minimum setback line. See Figure 12.02-B.

Lumber Yard
An outdoor facility where there are retail sales of lumber and other building materials.

Maintenance, Sign
The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Manufactured Home
A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development. Pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Manufactured Home, Permanently Sited
A "manufactured home" that meets the requirements for a permanently sited manufactured home in Section 4.08:B.5.

Manufacturing, Light
The assembling, altering, fabricating, finishing, processing or the treatment or storage of a product within a fully enclosed building and which does not utilize hazardous or dangerous chemicals or processes.

Maximum Extent Feasible
No feasible or practical alternative exists, as determined by the zoning inspector, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent feasible."

Medical and Dental Center or Outpatient Clinic
A building or facility used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

Mixed Residential Development
A residential development use that incorporates open space and a mix of different residential dwelling types.

Mixed Use or Mixed Use Building
A combination of residential, and office or commercial uses within the same building.

Monopole
A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Mound
A mound or berm formed as a result of man-made grading and/or excavation.

Nameplate
A sign indicating only the name and/or address of the person, business, or activity occupying the lot or the buildings.

Night Club
A place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons. Not including sexually oriented businesses, game rooms, video arcades.

Nonconformity
A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning resolution. See also the definitions for "use, nonconforming," "lot of record," "building, nonconforming," and "structure, nonconforming."

Office
A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

Office-Warehouse
A building in which the affairs of an office are conducted in which the storage and service of products may also be conducted. The warehouse use shall be predominant and the office use ancillary to the building. No walk-in retail sales shall be permitted. No outside storage shall be permitted.

Open Space
Land used for resource protection, recreation, amenity and/or buffering.

Open Space, Common
Land used for resource protection, recreation, amenity and/or buffering that is collectively owned by a homeowner's association, business owners' association, or a group of property owners.

ORC
The Ohio Revised Code.

Outdoor Commercial Recreation or Entertainment Facility
A recreational facility where some or all activities occur outside of a structure and which is operated for commercial profit. Such uses include, but are not limited to, private ball fields and commercial sports stadiums.

Outdoor Dining
An area located on a sidewalk or other area that is associated with a restaurant, bar, tavern, or similar use, but that allows a patron to sit outside and consume any food or beverage products sold on-site.

Outdoor Lighting
Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section 6.02: Outdoor Lighting.

Outdoor Sales and Displays
The placement of products or materials for sale or lease outside of a retail or wholesale sales establishment.

Outdoor Storage
A lot or facility for the keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

Outdoor Wood Furnace
Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler or outdoor wood-fired hydronic heater.

Owner
A person recorded as the property owner on official records.

Parapet or Parapet Wall
That portion of a building wall that rises above the roof level.

Parcel
A distinct portion or tract of land as is recorded and distinguished in the Warren County Auditor's Property Tax Atlas.

Park Residential Development
A residential development use that conserves open space or parks within a single-family development as outlined in the comprehensive plan.

Parking Aisle
The driveway or access drive by which a car enters and departs a parking space.

Parking Lot
A surface level 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.

Parking Space
A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

Parking Structure
A structure (e.g., parking garage) 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.

Parks
Any public land available for recreational, educational, cultural, or aesthetic use.

Passive Park, Recreation Facility, or Open Space
Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

Pedestrian Way
A path or sidewalk used for non-motorized transportation, and may include use by bicycles.

Person
An individual, corporation, association, firm, partnership or similarly defined interest.

Planned Unit Development
A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot area, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.

Plat
A map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.

Porch
A covered, but non-enclosed, portion of a house, excluding a carport.

Premises
A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Private Stable
Any building, incidental to a residential principal use, that shelters equine for the exclusive use of the occupants of the premises.

Public and Government Building or Use
A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined separately within this article. Government and public use shall not include schools or other educational facilities as defined elsewhere in this zoning resolution.

Public Hearing
A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official township business which require public participation and input.

Quorum
The minimum number of board members that must be present in order to conduct official business or take official action.

Rain Garden
A planted depression that allows rainwater runoff from impervious areas such as roofs, driveways, walkways and vehicular use areas the opportunity to be absorbed. See Figure 12.02-C.

Figure 12.02-C: Example of a rain garden incorporation with parking lot landscaping.

Real Estate Sales/Model Homes
A dwelling unit temporarily converted into a sales and display office or a temporary sales trailer/office established in a development or subdivision for the purpose of providing an example of the units in the development.

Recessed Ceiling Fixture
An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

Recorded Subdivision
A subdivision plan that has been approved by Warren County and recorded with the Warren County Recorder's Office.

Recreation Facilities
Indoor or outdoor activities/facilities including, but not limited to, baseball fields, swimming pools, tennis courts, skating rinks, golf driving ranges, and the like.

Recreational Vehicle
Any type of vehicle used primarily for recreational pleasure. Examples include but are not limited to travel trailers, motor homes, boats, and snowmobiles. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

Regional Planning Commission
The Warren County Regional Planning Commission.

Reinforced Turf
Grass grown on a special membrane that is laid over a prepared bedding layer that includes a sub-base designed specifically to support the temporary parking of motor vehicles while having the appearance of a turf lawn.

Religious Place of Worship
A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to facilitate public worship.

Research and Development Facility or Laboratory
A building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory or facility.

Residential Facility
A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also "Adult Family Home" and "Adult Group Home."

Residential Facility, Large
A residential facility where there is supervision in a family setting of nine to 16 persons.

Residential Facility, Small
A residential facility where there is supervision in a family setting of six to eight persons.

Restaurant
An establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted.

Restaurant, Fast Food
An establishment whose principal business is the sale of prepared food or rapidly prepared food, in disposable containers and without table service, directly to the consumer in a ready to consume state.

Retail and Service Commercial Use
Uses including, but not limited to, groceries and other food stores, coffee shops, soda fountains, internet café, ice cream parlors, drug stores, barber shops, beauty salons, bakeries, dry cleaning, laundromats, tailoring, shoe repair shop, electrical appliance repair/servicing, and the like.

Right-of-way
Land dedicated to or owned by the public for use as a roadway, walk or other way.

Roadside Stand
The use of any land or a structure for the sale of produce in accordance with the provisions of Section 4.09:E.13.

Roof Line
The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Satellite Dish
A dish-like antenna used, or intended to be used, to transmit or receive satellite transmissions.

Screen or Screening
A visual shield between uses accomplished by the use of mounds, landscaping, walls or other aesthetic means.

Seasonal Agricultural Sales
The temporary sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products.

Self-Storage Facility or Mini-Warehouse
A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-storage of personal property.

Setback
The minimum distance a building or structure must be built from a property line or road right-of-way as defined further in Section 6.01:A Measurements, Computations, and Exceptions.

Setback, Front
The minimum distance required between a building, structure, or improvement and the front lot line.

Setback Line
The line created when applying the required setback distance to a lot.

Setback, Rear
The minimum distance required between a building, structure, or improvement and the rear lot line.

Setback, Side
The minimum distance required between a building, structure, or improvement and a lot line that is shared with another lot.

Shrub
A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Sidewalk
A pedestrian walkway within a right-of-way of a public street but not on the street surface.

Sign
Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, or projected images.

Sign, Abandoned
A sign or sign structure which no longer correctly directs any activity conducted or product available on the premises where such sign is displayed.

Sign Area
The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Article 9: Signs.

Sign, Awning or Canopy
Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry, or pursuit conducted within the premises.

Sign, Changeable Copy
A sign such as a bulletin board, announcement board, or electronic message sign, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over by electronic or mechanical devices.

Sign, Directional Ground
A permanent sign located on private property, at or near the public right-of-way, directing or guiding vehicles from the street onto private property.

Sign, Electronic Message
A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

Sign, Exempt
Signs exempted from normal permit requirements.

Sign Face
The area or display surface used for the message.

Sign, Flashing
Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

Sign, Freestanding Pole
A sign that is supported from the ground by poles or other types of individual supports.

Sign, Ground-Mounted
Any permanent or temporary sign placed on the ground or attached to a supporting structure (not on poles or pylons) and not attached to any building.

Sign Height
The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Sign, Illegal
Any sign which is contrary to the requirements of this resolution and which does not satisfy the nonconforming specifications stated in this resolution.

Sign, Menu Board
Any signage pertaining to items, goods, or services offered by a drive-through business.

Sign, Moving
Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation.

Sign, Off-Premises
Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

Sign, On-Premises
A sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

Sign, Outdoor Advertising
Any sign that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

Sign, Permanent
A sign permitted by this resolution to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Portable
A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

Sign, Projecting
A sign attached to a building and extending perpendicular from the building wall.

Sign, Roof
Any sign erected, constructed, mounted, or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or walls of the building.

Sign, Temporary
A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, attached to a structure or installed in the ground.

Sign, Wall
A sign fastened to the wall of a building or structure (such as a fence or wall) in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 18 inches from such building or structure. On a wall sign, the exposed face of the sign is in a plane parallel to the plane of said wall or structure.

Sign, Window
A sign that is applied or attached to the glass of a window or door, or located inside a building within three feet of a window so that the sign is visible and capable of being read from the outside of the building.

Site, Nonconforming
A lot where the use is a conforming use but the site does not meet the parking, signage, landscaping, lighting, architectural, or other applicable development standard, but not including any applicable site development standards.

Small Wind Energy Conservation System
An engine or motor having a drive shaft driven by the impulse air to create power for the site where such system is located. For the purposes of this zoning resolution, a small wind energy conservation system is one that creates under 100 Kilowatts of power.

Solar Panel
Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current.

Soundproof
To insulate or design so as to obstruct the passage of sound.

Stacking Space or Lane
A lane or area that is specifically designated for cars to "stack" in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

Story
Part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, such basement shall be considered a story.

Story, Half
An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches (7'6"). For the purpose of this resolution, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Stream
A flowing body of water with a current, confined within a bed and stream banks.

Street
A public right-of-way which provides a public means of access to abutting property for motor vehicles.

Street Frontage
See definition of "frontage, street."

Street or Road, Collector
Public streets which carry traffic from local streets to arterial streets and for the purposes of this zoning resolution shall be considered a street of higher classification than a local street. See the Warren County Official Thoroughfare Plan. Collector streets may be further classified as minor or major collectors.

Street or Road, Private
A shared means of vehicular ingress and egress located within an easement of access not dedicated to the public by recorded instrument that is maintained by the party or parties using such private street for private access.

Street or Road, Public
A street with the entire width, either curb to curb, or edge of pavement to edge of pavement, open and dedication to the use of the public as a thoroughfare for purposes of vehicular travel. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. See the Warren County Official Thoroughfare Plan.

Structural Alteration
Any change in the structural members of a building, such as walls, columns, beams or girders.

Structure
Anything constructed or erected or installed or located, the use of which requires location on the ground or attached to something having location on the ground, including but without limiting the generality of the foregoing, signs, outdoor advertising signs, billboards, backstops for tennis courts, swimming pools, and pergolas. Includes Building.

Structure, Accessory
A subordinate structure, the use of which is incidental to that of the principal structure or to the principal use of the premises.

Structure, Nonconforming
A structure that contains a use permitted and approved in the applicable zoning district that does not meet the applicable site development standards.

Structure, Principal
A structure containing the main or principal uses of the lot.

Structure, Temporary
A structure that is not permanently attached to the ground and that is intended to service its purpose in an established timeframe.

Surface Parking Lot
The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

Swimming Pool, Private
Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their non-paying guests.

Swimming Pool, Public
Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any private swimming pool or impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

Tattoo/Piercing Parlor or Studio
Businesses that provide tattoo or body piercing services.

Telecommunication Tower
Any structure or device, including accessory structures, used to receive or transmit electromagnetic waves between cellular phones, pagers, and ground wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.

Temporary Special Event
A temporary event including, but not limited to, circuses, festivals, or concerts, that only takes place for a short period of time and is not a regular occurrence on any given site.

Temporary Storage in a Portable Container
The temporary storage of materials in a large metal or wooden container, typically intended for transport by large truck, train, or ship.

Temporary Zoning Permit
A permit reviewed and approved, approved with conditions, or denied by the zoning inspector in accordance with Section 3.05: Zoning Permit.

Tennis Court or Other Game Courts
A specifically marked horizontal, generally hard surfaced area designed for playing tennis, racquetball, basketball or other sports played on a court.

Tent
Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter providing for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

Township
Deerfield Township, Warren County, Ohio

Trailer
See definition for "Vehicle, Recreational".

Tree, Deciduous
Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen
A tree with foliage that is not dropped, or that remains green throughout the year.

Tree, Ornamental
A small to medium tree with an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree, Understory
A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.

Truck, Heavy
Trucks, including truck tractors and similar vehicles with two or more rear axles.

Truck, Trailer, and Farm Implement Sales and Service
Any business where the primary business is the sales and/or service of trucks, trailers, and farm implements, whether new or used.

Type-A Family Day Care Home
A permanent residence of the provider in which child day care or publicly funded day care is provided for seven to 12 children at one time or is the permanent residence of the provider in which child day care is provided to four to 12 children at one time if four or more children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-A day care home shall be counted. Type-A day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-A day care homes do not include any child day camp as defined in ORC Section 5104.01.

Type-B Family Day Care Home
A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in ORC Section 5104.01.

Unenclosed Patio
An uncovered, non-enclosed outdoor hard surfaced area no higher than 18 inches above the ground.

Use
Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory
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 as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.

Use, Conditional
A use, not permitted by right, that has a particular impact on the surrounding area or neighborhood that cannot be predetermined and controlled by general regulations. Uses that may be permitted after review and approval as hereinafter provided.

Use, Conforming
A use that is legally permitted and approved in the applicable zoning district.

Use, Nonconforming
A use that is not permitted in the applicable zoning district.

Use, Principal
The primary use and chief purpose of a lot or structure.

Use, Temporary
A use that is not permanent and may be permitted for a specified period of time.

Variance
A modification of the terms of this 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 the actions of the applicant, a literal enforcement of this zoning resolution would result in unnecessary and undue hardship. See Section 3.08: Appeals, Variances, and Conditional Uses.

Vehicle
Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled, or towed by any self-propelled vehicle is considered a vehicle.

Vehicle, Inoperable
Any transportation device that is unfit for use for any of the following reasons:

- Not currently licensed for use on the roads in the State of Ohio; or
- Not roadworthy or in a state of disrepair.

Vehicle, Junk
A vehicle as defined in Section 505.173 of the Ohio Revised Code.

Vehicle, Recreational
Vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, which may be designed as temporary living accommodations, and is used for recreational, camping, and travel use. Recreational vehicles may include, but are not limited to, the following:

- **Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- **Motorized Home:** A portable dwelling designed and constructed as an integral part of a self-mounted vehicle on wheels and designed for travel and vacation uses.
- **Pick-up Camper:** A structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- **Boats and Boat Trailers:** Includes floats and rafts, plus the normal equipment to transport the same on the highway.
- **Fold-Out Tent Trailers/Pop-up Campers:** A canvas folding structure mounted on wheels and designed for travel and vacation uses.

Vehicular Use Area
Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

Wall
An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

Wall, Retaining
A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent down slope movement or erosion and provide support for vertical or near-vertical grade changes.

Warehousing, Distribution, or Storage Facility
A facility for the storage of merchandise or commodities in a completely enclosed structure not for the purpose of use or sale on the subject property. Such facility may be used for short-term storage of products prior to distribution to other facilities or as a distribution facility used as a central location to supply merchandise and commodities to multiple retail locations.

Wetlands
An area of land whose soil is saturated with moisture either permanently or seasonally. For the purposes of this resolution, wetlands shall be those areas designated as such on the National Wetlands Inventory, as established by the U.S. Fish and Wildlife Service.

Wholesale Business
An establishment that is engaged in the storage and selling of merchandise, goods and materials to retail establishments rather than to consumers.

Woodland, Mature
A stand of trees in which there are 10 or more trees that have a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the stand of trees.

Woodland, Young
A stand of trees in which there are 10 or more individual trees having a DBH of at least six inches whose combined canopies cover at least 50% of the area encompassed by the stand.

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 width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

Yard, Front
Unless otherwise stated, a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. See Section 6.01: Site Development Standards.

Yard, Rear
Unless otherwise stated, a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. See Section 6.01: Site Development Standards.

Yard, Side
Unless otherwise stated, a yard between the main building and the side lot line of the lot extending from the front yard to the rear yard. See Section 6.01: Site Development Standards.

Zoning Commission
The Deerfield Township Zoning Commission, as constituted pursuant to Ohio Revised Code Chapter 519.

Zoning District
An area within the unincorporated area of Deerfield Township for the regulations and requirements governing each class or kind of building or other structure or use are uniform.

Zoning District, Base
The underlying zoning designation of a Planned Unit Development.

Zoning Inspector
The Director of Planning and Zoning Department, his/her assistants, or any other person designated by the board of township trustees to perform the statutory duties of the zoning inspector.

Zoning Map
The Zoning Map of Deerfield Township, Warren County, Ohio.

Zoning Map Amendment
An amendment or change to the Official Zoning Map of Deerfield Township, reviewed and decided upon by the board of township trustees in accordance with Section 3.07: Zoning Text and Map Amendments.

Zoning Permit
A document issued by the zoning inspector authorizing buildings, structures or uses consistent with the terms of this zoning resolution and for the purpose of carrying out and enforcing its provisions.

Zoning Text Amendment
An amendment or change to the text of the Deerfield Township Zoning Resolution reviewed and decided upon by the board of township trustees in accordance with Section 3.07: Zoning Text and Map Amendments.