

A Zoning Code for a Portion of Athens Township in The Plains, Ohio



Adopted at the General Election of November 3, 2020

Including all amendments through ???, 2021

Contents

Article 1 - General Provisions	7
Section 1.01 Title	7
Section 1.02 Authority and Purpose	7
Section 1.03 Relationship to Other Legislation and Applicability	7
Section 1.04 Construction of this Document	7
Section 1.05 Severability	8
Section 1.06 Establishment of Districts	8
Section 1.07 Exclusionary Nature of Zoning Code	9
Section 1.08 Interpretation of Zoning Boundaries	9
Section 1.09 Establishment of the Zoning Map	9
Article 2 – Residential Districts	10
Section 2.01 General Purpose of Residential Districts	10
Section 2.02 “R1” Residence District	10
Subsection 2.02(a) Specific Purpose (R1)	10
Subsection 2.02(b) Principal Permitted Uses (R1)	10
Subsection 2.02(c) Permitted Accessory Uses (R1)	10
Subsection 2.02 (d) Conditionally Permitted Uses (R1)	10
Subsection 2.02(e) Non-permitted Uses (R1)	10
Subsection 2.02(f) Yard and Area Regulations (R1)	11
Subsection 2.02(g) Parking (R1)	11
Section 2.03 “R2” Residence District	11
Subsection 2.03(a) Purpose (R2)	11
Subsection 2.03(b) Principal Permitted Uses (R2)	11
Subsection 2.03(c) Permitted Accessory Uses (R2)	12
Subsection 2.03(d) Conditionally-permitted Uses (R2)	12
Subsection 2.03(e) Non-permitted Uses (R2)	12
Subsection 2.03(f) Yard and Area Regulation (R2)	12
Subsection 2.03(g) Parking (R2)	12
Section 2.04 “R3” Residence District	12

Subsection 2.04(a) Purpose (R3)	12
Subsection 2.04(b) Principal Permitted Uses (R3)	12
Subsection 2.04(c) Permitted Accessory Uses (R3)	13
Subsection 2.04(d) Conditionally Permitted Uses (R3)	13
Subsection 2.04(e) Non-permitted Uses (R3)	13
Subsection 2.04(f) Yard and Area Regulations (R3)	13
Subsection 2.04(g) Parking (R3)	13
Article 3 - Business Districts	14
Section 3.01 General Purpose	14
Section 3.02 “B1” Neighborhood Business District	14
Subsection 3.02(a) Specific Purpose (B1)	14
Subsection 3.02(b) Principal Permitted Uses (B1)	14
Subsection 3.02(c) Permitted Accessory Uses (B1)	14
Subsection 3.02(d) Conditionally Permitted Uses (B1)	14
Subsection 3.02(e) Additional Regulations (B1)	14
Subsection 3.02(f) Non-permitted Uses (B1)	15
Subsection 3.02(g) Yard and Area Regulations (B1)	15
Subsection 3.02(h) Parking (B1)	15
Section 3.03 “B2” General Business District	16
Subsection 3.03(a) Specific Purpose (B2)	16
Subsection 3.03(b) Principal Permitted Uses (B2)	16
Subsection 3.03(c) Permitted Accessory Uses (B2)	16
Subsection 3.03(d) Conditionally Permitted Uses (B2)	16
Subsection 3.03(e) Additional Regulations (B2)	16
Subsection 3.03(f) Non-permitted Uses (B2)	17
Subsection 3.03(g) Yard and Area Regulations (B2)	17
Subsection 3.03(h) Parking (B2)	17
Article 4 – “LLR” Large Lot Rural District	19
Section 4.01 Specific Purpose (LLR)	19

Section 4.02 Principal Permitted Uses (LLR)	19
Section 4.03 Permitted Accessory Uses (LLR)	19
Section 4.04 Conditionally Permitted Uses (LLR)	19
Section 4.05 Non-permitted Uses (LLR)	19
Section 4.06 Yard and Area Regulations (LLR)	19
Section 4.07 Additional Regulations (LLR)	19
Article 5 – “OS” Open Space Districts	20
Section 5.01 Specific Purpose (OS)	20
Section 5.02 Principal Permitted Uses (OS)	20
Section 5.03 Permitted Accessory Uses (OS)	20
Section 5.04 Conditionally Permitted Uses (OS)	20
Section 5.05 Non-permitted Uses (OS)	20
Section 5.06 Yard and Area Regulations (OS)	20
Article 6 – General District Regulations	21
Section 6.01 District Use Table (see Appendix 3, Table 1)	21
Section 6.02 Prohibited Uses	21
Section 6.03 Similar Uses	22
Section 6.04 Accessory Uses	23
Subsection 6.04(a) Accessory Buildings	23
Subsection 6.04(b) Mobile Homes	25
Subsection 6.04(c) Private Swimming Pools	25
Subsection 6.04(d) Temporary Use of Mobile Vehicles and Trailers	25
Subsection 6.04(e) Fences, Walls, Terraces, Stoops, and Hedges	26
Subsection 6.04(f) Home Occupation	27
Subsection 6.04 (g) Roof Mounted Solar Panels	28
Subsection 6.04 (h) Wind Turbines and Anemometers	28
Subsection 6.04(i) Signs Permitted	29
Subsection 6.04(j) Non-domestic, Small Animals	30
Subsection 6.04(k) Kennels	31

Section 6.05 Storage of Recreational Vehicles	31
Section 6.06 Government Property	32
Subsection 6.06(a) Government Exemptions	32
Subsection 6.06(b) "G" Government District	32
Section 6.07 Construction Period	32
Section 6.08 Lighting	33
Section 6.09 Encroaching Doors	33
Section 6.10 Parking Space Requirements	33
Section 6.11 Number of Buildings Restriction	33
Section 6.12 Lot Dimension and Setback Requirements	33
Section 6.13 Lot Area and Coverage Regulations	35
Section 6.14 Corner Lots	36
Section 6.15 Through Lots	37
Section 6.16 Trash	38
Section 6.17 Application of Regulations	38
Section 6.18 Construction on Existing Lots of Record	38
Article 7 - Nonconforming Uses and Buildings	40
Section 7.01 Nonconforming Uses	40
Section 7.02 Nonconforming Buildings	40
Article 8 – Zoning Administration	42
Section 8.01 Compliance with Chapter 519, Township Zoning, Ohio Revised Code	42
Section 8.02 Enforcement and the Township Zoning Inspector	42
Article 9 – Board of Zoning Appeals (BZA)	45
Section 9.01 Establishment (§519.13 ORC)	45
Section 9.02 Powers of the Board of Zoning Appeals (§519.14 ORC)	45
Section 9.03 Rules, Meetings, and Procedures (§519.15 ORC)	45
Article 10 – Zoning Certificate	47
Article 11 – Conditional Use Permit	48
Section 11.01 Explanation and Purpose	48

Section 11.02 Procedure for Conditional Use Permit	48
Section 11.03 Public Hearing Procedure	50
Section 11.04 Revocation of Conditional Use Permit	50
Section 11.05 Payment of Fees	50
Section 11.06 Appeal to the Court	50
Article 12 – Variances	52
Section 12.01 Purpose	52
Section 12.02 Procedure for Variance	52
Section 12.03 Conditions for Variance	52
Section 12.04 Terms of Variance	53
Section 12.05 Payment of Fees	53
Section 12.06 Appeal to the Court	53
Article 13 – Amendment	54
Section 13.01 Purpose	54
Section 13.02 Procedure	54
Article 14 - Appendices	55
Appendix 1 Definitions	55
Appendix 2 Procedure Flow Charts	68
Appendix 2a Procedure for Zoning Certificate Approval	68
Appendix 2b Procedure for Appeal of Zoning Inspector Decision	69
Appendix 2c Procedure for Conditional Use Permit	70
Appendix 2d Procedure for Variance from Zoning Resolution	71
Appendix 2e Procedure for Zoning District or Text Amendment of Zoning Resolution	72
Appendix 2f Zoning Enforcement Process	73
Appendix 3 Tables	74
Use Table (Table 1)	74
Lot Area, Coverage, and Setback Requirements (Table 2)	77

Article 1 - General Provisions

Section 1.01 Title

The title of this Resolution shall be “Zoning Code for a Portion of Athens Township in The Plains, Ohio” and it shall be cited in all proceedings as “Zoning Code”. The adopted map indicating the use zones shall be the “Zoning Map.” The area that is zoned shall be referred to as “Zoning District.”

Section 1.02 Authority and Purpose

This Zoning Code is enacted pursuant to the authority vested in Athens Township by Chapter 519, Township Zoning, of the Ohio Revised Code (ORC) and is intended to exercise the authority permitted by law over the use of land within the Zoning District while at the same time recognizing and protecting the rights of individuals to use their land as they deem best. The Zoning Code is enacted for the purpose of promoting the public health, safety, and general welfare of the residents of the Zoning District; to encourage the economic development of the Zoning District, to protect the property rights of all individuals by assuring the compatibility of uses and practices within the Zoning District; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of the Zoning Code, the Ohio Revised Code, or common law rulings; and to prescribe penalties for violations of the Zoning Code.

Section 1.03 Relationship to Other Legislation and Applicability

This Zoning Code is intended to be administered with other rules and regulations of other governmental units including those of the United States, the state of Ohio, Athens County, and Athens Township. In the event any of the requirements or regulatory provisions of these rules and regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable. This Zoning Code applies to all land and to every structure lying within the Zoning District. Land owned by governmental units or other political subdivisions shall be subject to this Zoning Code, except to the extent exempted by the laws of the state of Ohio. Hereafter, no land shall be used or occupied and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations prescribed by this Zoning Code for the use zone in which such land, or building or structure is located as shown by the Zoning Map.

Section 1.04 Construction of this Document

The following rules shall be applied in the construction and application of this Zoning Code:

1. Compliance with the Constitution of the United States and with the State of Ohio was intended;
2. Compliance with state statutes insofar as they are mandatory was intended;

3. The titles of all sections of this Zoning Code are intended for identification only and in the event of a conflict between the title and the text of a section, the text shall control;
4. The word “shall” is mandatory, the word “may” is permissive;
5. In the event a word or phrase is not defined in this Zoning Code it shall be presumed to be used in its ordinary dictionary definition;
6. In the event of a conflict between a general provision and a specific provision, the specific provision shall control;
7. Words used in the singular shall include the plural and words used in the plural shall include the singular.
8. Words used in the present shall include the future; and
9. The conjunction “and” means all connected items shall apply; the conjunction “or” means any of the connected items may apply singly or in combination; the phrase “either or” means that the connected items shall apply singly, but not in combination.

Section 1.05 Severability

If any section of this Zoning Code is declared invalid, unenforceable or unconstitutional by a court of competent jurisdiction with respect to the application of that section to a parcel of land or an owner of that land, the invalidity, unenforceability or unconstitutionality shall not be deemed to affect the validity, enforceability or constitutionality of that provision as to any other parcel of land or any other owner of land. If any section of this Zoning Code is declared invalid, unenforceable or unconstitutional, per se, by a court of competent jurisdiction, the declaration shall not affect any other section of this Zoning Code or the Zoning Code as a whole. The balance of this Zoning Code shall remain in full force and effect and the section declared invalid, unenforceable or unconstitutional shall be deemed to have never been enacted.

Section 1.06 Establishment of Districts

For determining the regulations of land and structures as imposed by this Zoning Code, the Zoning District is hereby divided into the following use zones:

- OS Open Space
- LLR Large Lot Rural – Very Low Density, includes Agriculture
- R-1 Residential (Single Family) Low Density Residential District
- R-2 Residential (One, Two, & Three Family) Medium Density Residential District
- R-3 Residential (Apartments, Multi-family) High Density Residential District
- B-1 Business District - Neighborhood Business District
- B-2 Business District - General Business District

The use and area regulations shall be uniform in each zone. A use allowed in a more restricted zone is also allowed in any less restricted zone. The above list is ranked in order from most restrictive to least restrictive.

Section 1.07 Exclusionary Nature of Zoning Code

This Zoning Code shall be deemed to be exclusionary in nature and any use of land not specifically allowed by this Code in a district or in any district shall be deemed to be a use which was intentionally excluded from the district or all districts.

Section 1.08 Interpretation of Zoning Boundaries

1. Except where referenced and noted on the Zoning Map by a designated line and/or dimensions, the Zoning District boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams, or railroads, or the extension of such lines, as they existed at the time of the passage of this Zoning Code.
2. The Zoning Inspector shall interpret the boundary lines which are on the Zoning Map. When the Zoning Inspector's interpretation is disputed, the boundary lines shall be determined by the Board of Zoning Appeals.

Section 1.09 Establishment of the Zoning Map

The location of each of the zones provided for in this Zoning Code are shown upon the official Zoning Map. The Zoning Map is a separate document and supplement to this Zoning Code. The Zoning Map is identified by a certificate signed by the Athens Township Trustees in the following form:

*THIS IS THE OFFICIAL ZONING MAP OF A PORTION OF ATHENS TOWNSHIP IN THE PLAINS,
ATHENS COUNTY, OHIO DULY ADOPTED BY THE ATHENS TOWNSHIP TRUSTEES ON
_____, 202__.*

Article 2 – Residential Districts

Section 2.01 General Purpose of Residential Districts

Residential districts are established to provide a variety of residential uses and dwelling units. There are three residential districts; R1, R2, and R3. Each is intended to provide a different density of dwelling units from the others. Residential uses are intended to be separated from business uses so as to minimize potential conflicts that can occur between these different use types.

Section 2.02 “R1” Residence District

Subsection 2.02(a) Specific Purpose (R1)

The R1 District provides for low density residential development with a minimum of non-residential intrusion. It allows only single-family residential dwellings and accessory uses as specified in Section 6.04 and the Use Table in Appendix 3, hereinafter referred to as Table 1.

Subsection 2.02(b) Principal Permitted Uses (R1)

1. Single Family Dwellings. One single family dwelling per lot of record is permitted. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.
2. Any other R1 District Principal Permitted Use (PP) as set forth in Table 1.

Subsection 2.02(c) Permitted Accessory Uses (R1)

Any R1 District Permitted Accessory Use (PA) as set forth in Table 1 and Section 6.04, Accessory Uses.

Subsection 2.02 (d) Conditionally Permitted Uses (R1)

Any R1 District Conditionally Permitted Use (CU) as set forth in Table 1.

Subsection 2.02(e) Non-permitted Uses (R1)

Non-permitted uses are any uses not specifically permitted by this Code, including any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood as set forth in Section 6.02 and Table 1.

Subsection 2.02(f) Yard and Area Regulations (R1)

1. Front setback There shall be a front setback of the residence as specified in Appendix 3, Table 2 and not less than fifteen (15) feet from the front property line to the front line of a one-story porch or any projection thereof, excluding steps and open terraces.
2. Rear setback There shall be a rear setback of the residence as specified in Table 2 in Appendix 3.
3. Side setback There shall be a side setback of the residence as specified in Appendix 3, Table 2.
4. Setback and lot area coverage regulations in Sections 6.12 and 6.13 also apply.

Subsection 2.02(g) Parking (R1)

1. Two (2) off-street parking spaces of a minimum dimension of 8' x 18' each must be provided in a garage, carport, or paved area.
2. Parking in the front setback area shall only be permitted on a driveway or on a paved parking area, accessed by a driveway, that meets the requirements of section 6.10.
3. The area reserved for parking of vehicles shall occupy no more than 25% of the total front setback area.

Section 2.03 "R2" Residence District

Subsection 2.03(a) Purpose (R2)

The R2 District provides for medium density residential development with a minimum of non-residential intrusion. The intent is to keep dwelling size on a house-size scale rather than an apartment complex scale. It allows one (1) single family, two-family (duplex) or three-family (triplex) residential dwelling per lot and accessory uses as specified in Table 1.

Subsection 2.03(b) Principal Permitted Uses (R2)

1. Any R2 District Principal Permitted Use (PP) as set forth in Appendix 3, Table 1 of this Code.
2. Single Family Dwellings. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.
3. Duplexes. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.

4. Triplexes. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.
5. Any R1 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.

Subsection 2.03(c) Permitted Accessory Uses (R2)

1. Any R2 District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.
2. Any R1 District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

Subsection 2.03(d) Conditionally-permitted Uses (R2)

1. Any R2 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.
2. Any R1 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

Subsection 2.03(e) Non-permitted Uses (R2)

Same as R1, Subsection 2.02(e).

Subsection 2.03(f) Yard and Area Regulation (R2)

1. Yard, setback and lot coverage regulations are specified in Appendix 3, Table 2.
2. Setback and lot area coverage regulations in Sections 6.12 and 6.13 also apply.

Subsection 2.03(g) Parking (R2)

1. Two (2) off-street parking spaces of a minimum dimension of 8' x 18' each must be provided per each dwelling unit. A duplex requires four (4) parking spaces and a triplex requires six (6) parking spaces.
2. Parking in the front setback area shall only be permitted on a driveway or on a paved parking area, accessed by a driveway, that meets the requirements of section 6.10.
3. The area reserved for parking of vehicles shall occupy no more than 25% of the total front setback area

Section 2.04 "R3" Residence District

Subsection 2.04(a) Purpose (R3)

The R3 District provides for high density residential development with a minimum of non-residential intrusion. It allows more than three-family residential dwellings (apartments) and accessory uses as specified in Table 1.

Subsection 2.04(b) Principal Permitted Uses (R3)

1. Any R3 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. Multi-unit residential dwellings of more than three units each.
3. Any R1 or R2 District Principal Permitted Use (PP) as set forth in Table 1 of this Code

Subsection 2.04(c) Permitted Accessory Uses (R3)

1. Any R3 District Principal Accessory Use (PA) as set forth in Table 1 of this Code.
2. Any R1 or R2 District Principal Accessory Use (PA) as set forth in Table 1 of this Code.

Subsection 2.04(d) Conditionally Permitted Uses (R3)

1. Any R3 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.
2. Any R1 or R2 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

Subsection 2.04(e) Non-permitted Uses (R3)

Same as R1, Subsection 2.02(e).

Subsection 2.04(f) Yard and Area Regulations (R3)

1. One principal building on the lot
Yard, setback and lot coverage regulations are specified in Appendix 3, Table 2.
2. More than one principal building on the lot
 - a. Each of the principal buildings on the lot shall be dwelling units.
 - b. Each of the principal buildings must individually satisfy the minimum setback requirements from the property lines specified for R3 districts in Table 2.
 - c. Each of the principal buildings must be separated from any of the other principal buildings by at least twenty-five (25) feet.
 - d. The total lot coverage occupied by all of the principal buildings and all accessory buildings must not exceed 80% of the lot area.
3. Setback and lot area coverage regulations in Sections 6.12 and 6.13 also apply.

Subsection 2.04(g) Parking (R3)

1. Two (2) off-street parking spaces of a minimum dimension of 8' x 18' each must be provided per each dwelling unit.
2. Parking in the front setback area shall only be permitted on a driveway or on a paved parking area, accessed by a driveway, that meets the requirements of section 6.10.
3. The area reserved for parking of vehicles shall occupy no more than 25% of the total front setback area.

Article 3 - Business Districts

Section 3.01 General Purpose

Business districts are established to provide land conducive to operating a variety of businesses. There are two business districts, B1 and B2. The B1 District is named the Neighborhood Business District because it is intended to be more compatible with the residential and other non-business districts. The B2 District is named the General Business District because its uses are permitted to be larger and cover a wider variety of business uses, some of which are less compatible with residential and other non-business districts.

Section 3.02 “B1” Neighborhood Business District

Subsection 3.02(a) Specific Purpose (B1)

The B1 Neighborhood Business District is established to provide land for professional offices and small, individual retail and service establishments which serve the daily needs of the people in residential areas and of the general public. Since such establishments are located in close proximity to the residential areas, the area requirements are more restrictive than those in the B2 General Business District. Other more intensive business uses such as processing, manufacturing, and assembly operations may be permitted in the B1 District as conditional uses.

Subsection 3.02(b) Principal Permitted Uses (B1)

1. Any B1 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. All residential uses. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.

Subsection 3.02(c) Permitted Accessory Uses (B1)

Any B1 District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

Subsection 3.02(d) Conditionally Permitted Uses (B1)

Any B1 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

Subsection 3.02(e) Additional Regulations (B1)

1. Unless the property owner demonstrates clearly that a landscaped screening or obscuring fence is not needed to protect other properties in any way, or with the written agreement of the adjoining neighbors on a form to be provided by the Zoning Inspector, a six (6) foot high landscaped screening or obscuring fence approved by the Zoning Inspector along all sides of the property, except the front, which abut a residential district, shall be required. The neighbor agreement is not

binding on new neighbors who have the right to require full compliance with this Code. This landscaped screening or fence shall be constructed no closer to the property line than the minimum setback line (see Table 2) along the sides of property.

2. No loudspeakers shall be located outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of the building.
3. A planting strip at least three (3) feet in width shall be maintained adjacent to and parallel with the public street, except for a driveway access with a maximum pavement width of twenty (20) feet.
4. In addition to the planting strip in subsection 3.02(e)(4), above, for every four hundred (400) square feet of parking area, at least one shade tree shall be planted in a permeable space of at least one hundred (100) square feet containing a minimum linear dimension of five (5) feet.
5. Vehicular encroachment. Landscaped areas abutting parking spaces must be protected from vehicular encroachment by wheel stops, curbing or other means to prevent vehicles from damaging trees or other landscaping. Vehicles shall not encroach on landscaped areas.

Subsection 3.02(f) Non-permitted Uses (B1)

As set forth in Sec. 6.02 and Table 1 of this code

Subsection 3.02(g) Yard and Area Regulations (B1)

1. For business uses, the setback and lot coverage regulations in Sections 6.12, 6.13, and Appendix 3, Table 2 apply.
2. For residential dwellings, the setback and lot coverage required shall be the same as that required for a residential dwelling of the same type specified in Sections 2.02(f), 2.03(f), or 2.04(f).
3. For business use, a twenty-five (25) foot side setback shall be required and not used for any other purpose on a side abutting a residential district.

Subsection 3.02(h) Parking (B1)

1. For businesses, one off-street parking space, measuring 8 feet by 18 feet, per 200 square feet of gross floor area, shall be provided.
2. For residential dwellings, the amount of parking space required shall be the same as that required for a residential dwelling of the same type specified in Sections 2.02(g), 2.03(g), or 2.04(g).
3. Parking regulations in Sec. 6.10 also apply.

Section 3.03 “B2” General Business District

Subsection 3.03(a) Specific Purpose (B2)

The B2 General Business District is established to provide land for general business purposes including retail sales, offices, service and repair of goods and materials, light manufacturing, and raw material and parts assembling and manufacturing. The B2 General Business District is intended to be separated from residential and other non-business uses whenever possible.

Subsection 3.03(b) Principal Permitted Uses (B2)

1. Any B2 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. All residential uses. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor. Mobile home parks, licensed by the State of Ohio, are permitted in B2 zones.
3. All B1 District Principal Permitted Uses.

Subsection 3.03(c) Permitted Accessory Uses (B2)

Any B2 District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

Subsection 3.03(d) Conditionally Permitted Uses (B2)

Any B2 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

Subsection 3.03(e) Additional Regulations (B2)

1. Unless the property owner demonstrates clearly that a landscaped screening or obscuring fence is not needed to protect other properties in any way, a six (6) foot high landscaped screening or obscuring fence approved by the Zoning Inspector along all sides of the property, except the front, which abuts a residential district shall be required. This landscaped screening or fence shall be constructed no closer to the property line than the minimum setback line along the sides of property.
2. Raw materials, finished products, work in process, machinery or equipment may not be stored outside of an enclosed structure except in the side or rear setback areas. No storage shall be allowed on the areas required by Table 2 as rear and side setback/yard area. Any such materials must be hidden by an appropriate obscuring fence so that they are not visible from adjacent properties or the public street upon which the building is located. The area of outside storage shall not exceed 25% of the building area.
3. Night operation- No building customarily used for night operations, such as a bakery or bottling and distribution station shall have an opening, other than stationary windows or required fire exits, within one hundred (100) feet of any Residential

Zone, nor shall any space used for loading or unloading commercial vehicles used in connection with such an operation be located within one hundred (100) feet of any Residential Zone.

4. Enclosed buildings- All business, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants, and fluids at service stations; loading and unloading operations; parking; and the outdoor display or storage of vehicles, materials and equipment.
5. No commercial building shall be constructed closer than forty (40) feet to any existing residence, or such further distance as shall protect the character of any adjacent Residential-Zoned District.
6. A planting strip at least three (3) feet in width shall be maintained adjacent to and parallel with the public street, except for a driveway access with a maximum pavement width of twenty (20) feet.
7. In addition to the planting strip in subsection 3.02(e)(4), above, for every four hundred (400) square feet of parking area, at least one shade tree shall be planted in a permeable space of at least one hundred (100) square feet containing a minimum linear dimension of five (5) feet.
8. Vehicular encroachment. Landscaped areas abutting parking spaces must be protected from vehicular encroachment by wheel stops, curbing or other means to prevent vehicles from damaging trees or other landscaping. Vehicles shall not encroach on landscaped areas.

Subsection 3.03(f) Non-permitted Uses (B2)

As set forth in Section 6.02 and Table 1 of this Code

Subsection 3.03(g) Yard and Area Regulations (B2)

1. For business uses, the setback and lot coverage regulations in Sections 6.12, 6.13, and Appendix 3, Table 2 apply.
2. For residential dwellings, the setback and lot coverage required shall be the same as that required for a residential dwelling of the same type specified in Sections 2.02(f), 2.03(f), or 2.04(f).
3. For business use, a twenty-five (25) foot side setback shall be required and not used for any other purpose on a side abutting a residential district.

Subsection 3.03(h) Parking (B2)

1. One off-street parking space per 200 square feet of gross floor area shall be provided.
2. For residential dwellings, the amount of parking space required shall be the same as that required for a residential dwelling of the same type specified in Sections 2.02(g), 2.03(g), or 2.04(g).

3. Parking regulations in Sec. 6.10 also apply.

Article 4 – “LLR” Large Lot Rural District

Section 4.01 Specific Purpose (LLR)

The LLR District is intended to accomplish several purposes. The Plains residential and business districts are surrounded by and abut large tracts of undeveloped lands that possess natural resources and open space values to The Plains. On these lands are agricultural uses, very low density housing, forests, fields, and streams. The LLR District is intended to preserve the very low density aspect of these areas. It allows uses that are designed to preserve large tracts of open space and agricultural lands.

Section 4.02 Principal Permitted Uses (LLR)

Any LLR District Principal Permitted Use (PP) as set forth in Table 1 of this Code.

Section 4.03 Permitted Accessory Uses (LLR)

Any LLR District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

Section 4.04 Conditionally Permitted Uses (LLR)

Any LLR District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

Section 4.05 Non-permitted Uses (LLR)

As set forth in Section 6.02 and Appendix 3, Table 1 of this Code

Section 4.06 Yard and Area Regulations (LLR)

1. Setback and lot coverage regulations in Sections 6.12, 6.13, and Table 2 in Appendix 3 apply.
2. A twenty-five (25) foot side setback shall be required and not used for any other purpose on a side abutting a R1, R2 or R3 residential district.

Section 4.07 Additional Regulations (LLR)

1. All yards and structures used to house or keep small or large farm animals shall be maintained in a sanitary condition and in good repair to prevent the breeding of flies and the emission of deleterious and offensive odors.
2. New buildings to be used for other than agriculture purposes, including dwelling units beyond single family dwellings, shall be required to be rezoned to the appropriate classification and comply with the requirements of this Code.

Article 5 – “OS” Open Space Districts

Section 5.01 Specific Purpose (OS)

Open Space Districts are intended to be areas set aside from development for a variety of reasons including resource protection, scenic, cultural, recreational, and historic. They include such uses as parks, cemeteries, bike paths, native Indian mounds, and land laboratories. Open space land shall not be occupied by non-recreational buildings, roads, or road rights-of-way except as otherwise permitted. Land designated as open space shall be maintained as open space and may not be sold, subdivided, or developed except as otherwise provided. Open-space areas shall be maintained so that their uses and enjoyment as open spaces are not diminished or destroyed.

Section 5.02 Principal Permitted Uses (OS)

1. Any OS District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. Agricultural uses that meet the definition of agriculture in §519.01 ORC.
3. Natural areas including woodlands, fields, waterways, floodplains, and wetlands.
4. Community garden plots for cultivation as gardens by residents of The Plains.
5. Recreational areas designed for specific, active recreational uses such as playgrounds, tennis courts, swimming pools, ball fields, golf courses, and similar uses.
6. Greenways including bicycle paths, footpaths, and bridle paths.

Section 5.03 Permitted Accessory Uses (OS)

1. Any OS District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.
2. Accessory buildings clearly related to the principal use which do not include any activity conducted as a business except agriculture conducted on lots greater than one acre and not in a platted subdivision.

Section 5.04 Conditionally Permitted Uses (OS)

1. Any OS District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.
2. Community Center.
3. Cemetery.

Section 5.05 Non-permitted Uses (OS)

Any use not previously listed as a principal use or conditional use.

Section 5.06 Yard and Area Regulations (OS)

Setback and lot coverage regulations in Sections 6.12, 6.13, and Table 2 in Appendix 3 apply.

Article 6 – General District Regulations

Section 6.01 District Use Table (see Appendix 3, Table 1)

All districts have uses that are either the Principal Permitted Use, Permitted Accessory Use, or Conditional Use. Table 1 in Appendix 3 shows uses that fit into these categories in the various Use Zones.

Section 6.02 Prohibited Uses

1. Any use not specifically listed as either a Principal, Accessory, or Conditional Use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map, Exhibit 1, or upon a finding by the Board of Zoning Appeals that a use is substantially similar to a specified permitted or conditional use, as provided for in Section 6.03, Similar Uses.
2. No commercial vehicles with a gross weight greater than 14,000 pounds may be parked on a residential lot (R1) except for the purpose of making a delivery or pickup. Commercial vehicles, including trucks with two (2) or more axles with or without a trailer, buses, or large delivery vans are not permitted. Trailers over 14,000 pounds used for commercial purposes shall fall under this same prohibition.
3. Concerts, gambling and landfills are determined to be inconsistent with the proper use of land within a Large Lot Rural (LLR) District.
4. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage including broken trash bags, loose garbage, overflowing containers or an accumulation of excessive waste in a trash storage area. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety, or health hazard, or is a public nuisance.
5. Notwithstanding any other provision of this Code the following uses are determined to be inconsistent with the proper use of land within the Zoning District, except for the B2 District, and only then when all necessary federal, state and local permits have been obtained prior to commencement of operations.
 - a. Asphalt manufacture
 - b. Brick or tile manufacture
 - c. Cement, plaster, or mortar manufacture
 - d. Creosote manufacture
 - e. Fat rendering or production of animal or vegetable products by boiling or distillation
 - f. Garbage plants or incinerators

- g. Gas and Oil wells, Hydraulic Fracturing and related activities
- h. Junk (see Appendix 1 Definitions)
- i. Junk or unlicensed motor vehicle stored outside any building or structure
- j. Junk or Scrap Yard
- k. Manufacture of fertilizer
- l. Manufacture or storage of explosives including fireworks or matches
- m. Paper, pulp, cardboard, building board manufacture
- n. Pesticide manufacture
- o. Petroleum refineries
- p. Roofing material manufacture
- q. Rubber manufacture or reclamation
- r. Commercial scale slaughterhouses as defined by the State of Ohio
- s. Solid waste, hazardous waste or radioactive waste disposal facilities
- t. Commercial scale stockyards as defined by the State of Ohio
- u. Tanning, curing or processing of hides or animal skins
- v. Waste Disposal plants or incinerators

Section 6.03 Similar Uses

Within each zoning district established by the Zoning Code and amendments thereto, uses of land or structures, which are compatible with each other, are permitted in the district. To the extent that new types of uses are created and are not addressed by this Zoning Code, this Section provides the procedure by which the Board of Zoning Appeals may make a determination that a new use is similar to a use permitted in a district.

1. Determination. A proposed use may be permitted as a similar use when the Board of Zoning Appeals determines that such proposed use is in compliance with the following provisions:
 - a. The proposed use is not listed as a permitted use in any other district;
 - b. The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;
 - c. The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.
2. Assignment to Districts. If the Board of Zoning Appeals approves the proposed similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in the Board of Zoning Appeal's determination.

Section 6.04 Accessory Uses

Except as otherwise expressly provided or limited in this Code, accessory uses are permitted in any zoning district in connection with any principal use lawfully existing within such district provided such uses conform to all applicable requirements of this Code. In residential districts, this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant.

Accessory uses shall also include:

1. Off-street loading and parking facilities and the storage of goods used, produced, or offered for sale which shall be accessory uses in any business district only and subject to all regulations of the district where located.
2. Garage or other casual sales of personal property shall be considered an accessory use so long as they are limited to two times a year and for no longer than three days each time.
3. The storage of licensed motor vehicles or the parking of trailer, recreational vehicle, bus or boat owned by residents of the premises only. Storage of any such items for non-residents of the premises whether or not a fee is charged, shall not be deemed an accessory use.
4. The keeping of dogs (family, hunting), cats, or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, bears, leopards, panthers, cougars, bobcats, wolves, foxes, apes, gorillas, crocodiles, or alligators.
5. Landscape structures, swing sets, jungle gyms, dumpsters and trash handling areas.
6. Satellite television reception equipment, electricity producing windmills or amateur radio antennae provided that such equipment shall be located in the side or rear setback areas of the residential use and meet the height requirements of Subsection 6.04(h).
7. In a Large Lot Rural District, the sale of fruits or vegetables grown on the premises where sold.

Subsection 6.04(a) Accessory Buildings

An accessory building is a structure that is not the principal building or structure on the lot. An accessory building which is physically attached to the principal building, such as a garage or shed, shall be deemed a part thereof and not an accessory for the purposes of this Code.

1. No lot should contain an accessory building or structure without a principal building, except as allowed in Sec. 6.07 during the construction of the principal building.

2. Accessory buildings and structures with a footprint larger than 50 sq. ft. require an Accessory Zoning Certificate.
3. Accessory buildings and structures with a footprint 50 sq. ft. or smaller do not require an Accessory Zoning Certificate. However, such buildings must still satisfy all setback requirements, and count against the maximum number of accessory buildings allowed on a lot, as specified in Section 6.11.
4. The footprint of an accessory building shall be measured using outside dimensions, taking into account the fullest extent of an overhanging roof if present.
5. Setback regulations
 - a. All parts of accessory buildings must maintain a setback of at least five (5) feet from any part of the principal building on the lot.
 - b. Accessory buildings are not permitted in a front setback area.
 - c. Accessory buildings are not permitted in a side setback area, except that a storage building equal to or less than fifty (50) square feet in area, not permanently attached to the ground may be located not less than five (5) feet from the side property line.
 - d. Accessory buildings are permitted in the rear setback area provided they are located not less than five (5) feet from any side or rear property line.
 - e. An accessory building may not be located closer than five (5) feet from any other accessory structure.
 - f. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front setback facing the adjacent streets.
6. Accessory structures should not contain or be used as a dwelling unit.
7. The maximum height of any accessory building shall not exceed the height of the primary building.
8. The total square footage of all unattached accessory buildings and structures shall not exceed 3% of the lot area or 20% of the principal building area, whichever is smaller.
9. A Conditional Use Permit is required for any portable or temporary carport in residential districts.
10. Accessory buildings are permitted in Large Lot Rural (LLR) Districts provided that they are clearly related to the principal use and do not include any activity conducted as a business except agriculture conducted on lots greater than one acre and not in a platted subdivision.
11. Semi-tractor trailers used for storage (with or without wheels) are prohibited accessory structures in all districts.

Subsection 6.04(b) Mobile Homes

Mobile homes are only permitted in licensed mobile home parks in R3 Districts. A manufactured home on a permanent foundation and considered real estate by the Athens County Auditor will be considered a dwelling for the purposes of this Code and is a permitted use in any district.

Subsection 6.04(c) Private Swimming Pools

A single, outdoor, in-ground, swimming pool of 650 gallons or more per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests and provided that the pool does not occupy more than ten (10) percent of the lot area. Said pool shall be enclosed by a wall or fence with access provided from a controlled point which shall serve to exclude unauthorized persons from entrance into the pool area. The fence or wall:

1. Shall be no less than four (4) feet in height above ground and water level,
2. Shall have no more than two (2) inches of bottom clearance,
3. Shall be securely gated at a height no less than the height of the fence or wall, and
4. Shall have no greater than a four (4) inch space between vertical panels.

Additionally,

1. No pool shall violate any setback requirements as established for a permanent structure or building as set forth in Table 2 of this Code.
2. An above-ground swimming pool of 650 gallons or more shall be equipped with a gated deck fence and/or a ladder which is capable of being secured in the UP position or removed when not in use.

Subsection 6.04(d) Temporary Use of Mobile Vehicles and Trailers

1. No travel trailer, trailer coach, mobile home, recreational vehicle, motor home, truck camper, or fifth wheel camper shall be used in any zoning district, or outside of a permitted trailer park or camp, to provide living quarters or space for the conduct of business, except that a trailer, trailer coach, recreational vehicle, or mobile home may be used as a temporary accessory building for a period of time not to exceed one (1) year during the construction of a principal building on the issuance of a zoning certificate for construction by the Zoning Inspector.
2. Recreational vehicles inhabited on a temporary basis shall not exceed consecutive or accumulated use beyond 45 days per calendar year.

Subsection 6.04(e) Fences, Walls, Terraces, Stoops, and Hedges

1. No fence, wall or hedge two (2) feet or greater in height shall be erected without the issuance of a Certificate of Zoning Compliance and permit fees have been paid. Applications for such permit shall include plans and drawings showing the actual and accurate shape and dimensions of the property upon which the fence, wall or hedge is to be erected; the exact height, location, length, type of material and type of construction of such proposed fence or wall; the location of the buildings on the lot; or any such other information as deemed necessary for such permit. Fences, walls or hedges less than two (2) feet in height do not require a Certificate of Zoning Compliance.
2. Unless specifically noted, the provisions of this Code shall not apply to fences, terraces or walls less than two (2) feet in height above the average natural grade, nor to terraces, steps, or unroofed stoops not over three (3) feet high above the level of the floor of the ground story.
3. A new Zoning Certificate is required whenever an existing fence is replaced with a new fence.
4. All fences and walls shall be structurally sound, safe, and properly finished at all times. Fences shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence. Ground areas between fences and property lines and between fences shall be kept properly maintained at all times.
5. The height of a fence, wall, or hedge shall be measured from the established grade line to the highest point of the fence posts and finials. Any light fixture placed on a pier or post may not exceed a height of one (1) foot above the fence, wall, or hedge. The height may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations.
6. Front Setback area.
 - a. Open fences and hedges are permitted inside or along the property line of the front setback area.
 - b. Any open fences or hedges shall not exceed four (4) feet in height.
 - c. No closed fence shall be located in the front setback area.
7. Side Setback Area.
 - a. Open or closed fences, walls, and hedges are permitted inside or along the property line of a side setback area.
 - b. Any fences, walls or hedges shall not exceed six (6) feet in height.
8. Rear Setback Area.
 - a. Open or closed fences, walls, and hedges are permitted inside or along the property line of the rear setback area.
 - b. Any fences, walls or hedges shall not exceed six (6) feet in height.
9. Prohibited Uses.

- a. No fence, wall or hedge or other landscaping plantings or materials shall be located within any drainage easement, or apparent drainage course for any parcel or subdivision which would be detrimental to the public health safety and welfare.
- b. No fence, wall or hedge or other landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.
- c. No fence, wall, hedge, plantings or landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.

10. Prohibited Materials.

- a. Fences, walls or other landscaping equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock are prohibited.
- b. Chicken wire, poultry wire or hex netting fence consisting of a galvanized or PVC coated material shall be prohibited.
- c. This section shall not be construed or applied to prohibit underground invisible fences installed for the purpose of confining pets to property.

Subsection 6.04(f) Home Occupation

- 1. Home occupation is an accessory use of a person's residential property for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within the main residence or an enclosed building.
- 2. The occupation is clearly incidental and secondary to the use of the property for residential occupancy and there shall be no substantial indication of the non-residential use of the premises which is visible or apparent as viewed from off the premises. There shall be no change in the outside appearance of the building or premises.
- 3. A home occupation shall be restricted to a lawfully built, fully enclosed structure and shall not be conducted in a manner as to give the outward appearance of a business.
- 4. A home occupation shall not create a public or private nuisance, including, but not limited to, noise, vibration, glare, fumes, odors, smoke, fire hazard, electrical, electronic, or electromagnetic interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 5. A home occupation shall be limited to the provision of services and shall not include on-site sales.
- 6. Parking of customer's or client's vehicles shall not create a hazard or excessive congestion.

7. Outside storage or display of materials, equipment, or merchandise used in or produced in connection with the home occupation is prohibited.
8. Non-Resident Persons Engaged in Home Occupation.
 - a. Not more than one non-resident person engaged in the home occupation shall work at the subject property. Additional persons may be employed by or associated with the home occupation so long as they do not report to work or pick up/deliver at the subject property.
 - b. The subject property shall not be used as a gathering place for non-resident persons who work off-site from the home occupation.
9. No commercial vehicles, having dual axles, designed for the transportation of cargo, including tractor-trailers, shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a home occupation.
10. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
11. The storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, construction debris, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances, scrap metal or vehicles is specifically prohibited as a home occupation.

Subsection 6.04 (g) Roof Mounted Solar Panels

Roof-mounted solar panels are a permitted accessory structure in all zoning districts, subject to the following requirements.

1. All solar panel installations shall comply with all applicable local and state building, electrical, plumbing, and NFPA codes and shall be maintained in good working order.
2. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

Subsection 6.04 (h) Wind Turbines and Anemometers

One (1) wind turbine or wind turbine farm generator or anemometer or any parts thereof are permitted.

1. In the event of collapse all portions of the structure must be confined to the property.
2. There must be a minimum height from the bottom of the blade to the ground level of twelve (12) feet.
3. The principal structure, not including the blades, must not exceed thirty-five (35) feet in height and the noise generated by the wind turbine may not exceed twenty

(20) db as measured at the property line. In all zoning districts, anemometers used in conjunction with small weather stations are acceptable.

Subsection 6.04(i) Signs Permitted

1) Residential Signs

- a) In R1 districts, one sign of no more than two (2) square feet identifying the resident's name or house number.
- b) In R1 districts, one sign of no more than two (2) square feet for a home occupation.
- c) Commercial signs are hereby determined to be a non-residential use of land and no commercial signs except as expressly hereinafter permitted in this section shall be allowed in the R1, R2, or R3 Residential Districts.
- d) One temporary sign per parcel advertising the sale, rental or lease of real estate provided the signs are located on the premises that are the subject of the sale, rental or lease, unlighted and no larger than four (4) square feet.
- e) Free standing signs are not allowed in R1 and R2 Districts.
- f) Illuminated signs are not allowed in R1, R2, or R3 Districts.
- g) Signs identifying a group home or apartment building in an R3 District and of no more than thirty-two (32) square feet.
- h) Condominium signs of no more than thirty-two (32) square feet.
- i) Signs identifying a complex or subdivision which does not exceed more than thirty-two (32) square feet.
- j) Political signs of no more than four (4) square feet, provided they are removed no later than ten days after the election at which the candidate or issue appears on the ballot.
- k) Garage, basement, porch or other casual sale signs of no more than four square feet and provided that no more than two (2) such sales are held per twelve (12) month period and the signs are present for no more than seven (7) days each time.
- l) Construction project identification signs denoting the owner or developer, the architect, engineer or contractor and information concerning the project located on the premises where the construction is taking place and no larger than sixteen (16) square feet.
- m) One (1) name place, name sign or bulletin board at the entrance to an institution, which shall not exceed twelve (12) square feet in area and six (6) feet in height.
- n) One (1) temporary sign, not to exceed twelve (12) square feet in area regarding the lease, hire or sale of a building or premises.

- 2) Business Signs. In any Business District, each establishment shall be allowed the following signs:
 - a) One wall sign with a maximum area of forty (40) sq. ft. for each one thousand (1,000) sq. ft. of floor area open to the public, but in no event larger than three hundred (300) sq. ft.
 - b) In lieu of one wall sign stated in division (a) above, one projecting sign with a maximum area of twenty (20) sq. ft. per side for each one thousand (1,000) sq. ft. of area open to the public but in no event larger than one hundred fifty (150) sq. ft. per side.
 - c) In lieu of a wall sign or projecting sign, one pole or pylon sign with a maximum area of forty (40) sq. ft. per side for each one thousand (1,000) sq. ft. of floor area open to the public.
 - d) No pole sign shall be higher than twenty (20) feet from the ground.
 - e) No pole or pylon sign shall be located closer than twenty (20) feet to any adjoining property line or closer than ten (10) feet to the public right-of-way.
 - f) No sign shall be allowed to overhang a public street nor be located within six (6) feet horizontally or twelve (12) feet vertically of any electrical lines or appurtenance.

Subsection 6.04(j) Non-domestic, Small Animals

The raising and keeping of non-domestic, small animals (chickens, ducks, and rabbits) and their associated structures on a non-commercial basis in a residential district is an appropriate conditional use provided that the raising and keeping of non-domestic, small animals is conducted in a way so as to not adversely affect the safety and general welfare of the citizens of the Zoning District. These regulations do not apply to LLR (farm) zoning districts.

1. A Conditional Use Permit shall be applied for and granted in advance of the housing of non-domestic, small animals.
2. The number of non-domestic small animals allowed shall be no more than the equivalent of twenty (20) animals per acre or, in the case of subdivision lots, no more than ten (10) animals total.
3. Roosters are expressly forbidden.
4. The on-site slaughtering of animals is prohibited.
5. No animal shall be permitted to roam outside the coop or enclosed area.
6. Free Ranging is prohibited.
7. Odors shall not be perceptible at the lot line.
8. Noise shall not be perceptible at lot lines to the extent that it results in a public nuisance.

9. Animals shall be confined within a secure outdoor enclosed area to prevent entry by predators or the escape of animals which shall include a covered and ventilated pen or cage that is in conformance to all setback requirements for accessory buildings.
10. The pen or cage and enclosed area shall be maintained in a neat and sanitary condition with no noxious odors, unsanitary conditions, or other nuisances.
11. Feed shall be stored and dispensed in rodent-proof and predator-proof containers.
12. All stored manure shall be placed within a fully enclosed container.
13. Animals shall be kept for non-commercial purposes only, however the incidental sale of eggs is permitted.

Subsection 6.04(k) Kennels

Dog Kennels are conditionally permitted (CU) in Large Lot Rural (LLR) Districts provided that no kennel shall be located closer than 300 feet from any adjoining property line, that such kennel complies with and is operated in compliance with all applicable law, and that no more than one dog per acre of property on which the kennel is located shall be kept in the kennel. No more than a maximum of six (6) dogs may be kept in any kennel and only one kennel shall be permitted on any parcel.

Section 6.05 Storage of Recreational Vehicles

1. Recreational vehicles must be parked on a hard surface such as asphalt, concrete or gravel.
2. One recreational vehicle, less than 20 feet in length may be stored on the driveway no closer than 20 feet to the public street; however, no storage is permitted in the rest of the front setback area.
3. A recreational vehicle may be stored in the side setback area, provided that it shall:
 - a. Be stored parallel to and adjacent to the structure.
 - b. Not exceed the dimension of the structure by more than 6 feet and not exceed the height of the structure.
 - c. Be provided with either an evergreen screening or a solid fence six feet high planted or installed between the vehicle and the property line. The evergreen screening shall be given 1 year to accomplish the goal of a solid screening from the time it is planted. It must be as effective as a solid fence. See Subsection 6.04(e) Fences, Walls, Terraces, Stoops, and Hedges.
 - d. Meet all applicable setbacks.
4. A recreational vehicle may be stored in the rear setback area, provided that it shall:
 - a. Be stored adjacent to the structure.
 - b. Not exceed the dimension or the height of the structure.
 - c. Be provided with either an evergreen screening or a solid fence six feet high planted or installed between the vehicle and the property line. The evergreen

screening shall be given 1 year to accomplish the goal of a solid screening from the time it is planted. It must be as effective as a solid fence. See Subsection 6.04(e) Fences, Walls, Terraces, Stoops, and Hedges.

- d. Meet all applicable setbacks.
5. A maximum of two recreational vehicles may be stored outside of a building on any lot containing a dwelling unit. Only one such unit may be equal to or greater than nine feet in height and twenty feet in length. Such vehicles must be owned or leased by the property owner or property tenant.
6. All vehicles shall have current license plates, if required.
7. No recreational vehicle shall be parked or stored on any privately owned vacant property in a residential district.

Section 6.06 Government Property

Subsection 6.06(a) Government Exemptions

1. Property and buildings owned by offices of the federal government are exempt from zoning regulations by the supremacy clause of the federal constitution.
2. Property and buildings owned by offices of the state of Ohio are exempt from zoning regulations by the Ohio Supreme Court decision in *Brownfield vs. Ohio*. (63 Ohio St. 2d, 282, 1980)
3. Property and buildings owned by the offices of Ohio counties (and presumably townships) are exempt since they have also been found to be subject to the *Brownfield* decision. (City of East Cleveland vs. Board of County Commissioners of Cuyahoga County, 69 Ohio St. 2d 23, 25, 430 N.E.2d 456, 458 (1982)) The legal opinion of the Athens County Prosecutor Office is that this also applies to the county 9-1-1 center.
4. Property and buildings owned by public school districts have also been found to be exempt. (Ohio Attorney General decision 1956-7111)
5. However, the *Brownfield* decision does require that government entities make a “reasonable attempt” to comply with any zoning restrictions that apply to the area where their building is located.

Subsection 6.06(b) “G” Government District

Highways crossing the zoning district have been classified on the zoning map as G districts.

Section 6.07 Construction Period

1. Construction of a new building, repair, alteration or addition to an existing building shall commence within one (1) year from the date of issuance of the Zoning Certificate. Failure to start construction within this one-year period shall void the Zoning Certificate.

2. Construction of a new building, repair, alteration, or addition to an existing building shall be completed within two (2) years from the date of issuance of the Zoning Certificate after which a new Zoning Certificate must be obtained.
3. Temporary buildings: A temporary building or buildings shall be removed upon the completion or abandonment of the construction work to build a permanent structure. Under no circumstance shall a temporary building remain erected for over one (1) year from the start of construction on the residential dwelling.

Section 6.08 Lighting

All exterior lighting in any District shall be shielded so as not to shine directly, to be a nuisance, onto adjoining property.

Section 6.09 Encroaching Doors

Every garage or portion of a main building used for garage purposes shall be equipped so that the doors when open or being opened will not project beyond any lot line of the lot on which such building is located and when said doors open to any alley the doors will not project into the alley traffic lane.

Section 6.10 Parking Space Requirements

1. Each off-street parking space shall measure eight (8) feet in width by eighteen (18) feet in length.
2. Parking spaces for the physically handicapped shall measure twelve (12) feet in width by eighteen (18) feet in length. For every 25 spaces, there must be at least one (1) handicapped accessible space, labeled and signed as such.
3. Parking for one vehicle can begin at the edge of the right-of-way.
4. Driveways leaving the right-of-way and entering property shall be no more than twenty-four (24) feet in width at the right of way to the street.
5. All dimensions shall be exclusive of driveways, aisles and other circulation areas.
6. All vehicle parking must be on an improved surface.

Section 6.11 Number of Buildings Restriction

1. There shall be not more than one (1) principal building and two (2) accessory structures on any R1 or R2 residential district lot.
2. Duplex and triplex dwellings in R2 Districts shall be limited to not more than one principal building and two (2) accessory structures per lot.
3. R3 Districts may have more than one multi-family buildings per lot.
4. There shall not be more than one (1) principal building and two (2) accessory structures on any B1 or B2 business lot.

Section 6.12 Lot Dimension and Setback Requirements

1. All buildings shall be situated on a parcel of property that meets the minimum building setback lines and frontage requirements imposed within the Use Zone

wherein the property is located as set forth in Table 2. However, any residential dwellings located in B1 or B2 business zones must use the setback requirements for a residential dwelling of the same type, as specified in Sections 2.02(f), 2.03(f), or 2.04(f).

2. The lot frontage of any lot shall be measured along the edge of the street or roadway.
3. Setback regulations are applicable to all principal and accessory uses.

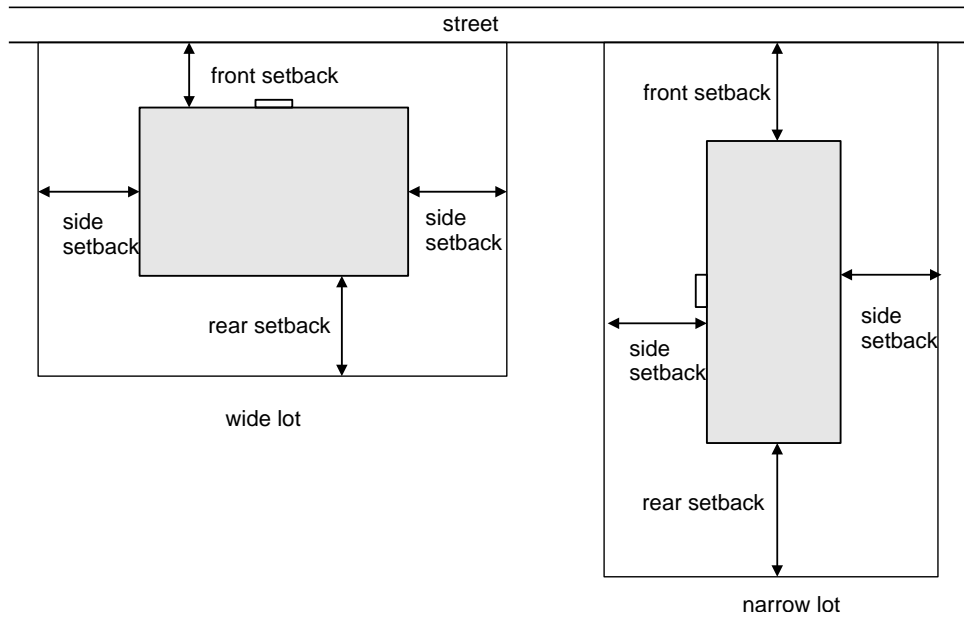


Figure 1 Wide and narrow lot setback distances.

Section 6.13 Lot Area and Coverage Regulations

1. All buildings shall be situated on a parcel of property which meets the minimum building area requirements imposed within the Use Zone wherein the property is located as set forth in Table 2. However, any residential dwellings located in B1 or B2 business zones must use the lot coverage requirements for a residential dwelling of the same type, as specified in Sections 2.02(f), 2.03(f), or 2.04(f).
2. Land coverage by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the zone where such principal and accessory buildings are located.
3. Lot coverage does not include:
 - a. A fence that is less than one foot in width that has not been constructed with a footer;
 - b. A wood mulch pathway;
 - c. Landscaping.

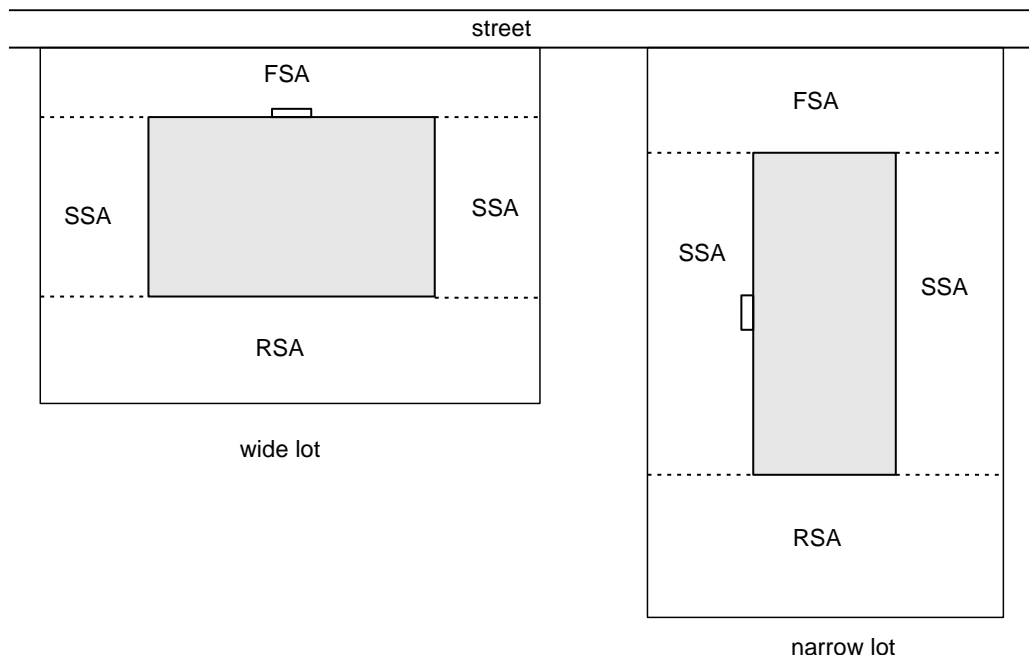


Figure 2 Wide and narrow lot setback areas. FSA: Front Setback Area, SSA: Side Setback Area, RSA: Rear Setback Area

Section 6.14 Corner Lots

1. For corner lots, the two sides of the primary structure adjacent to the streets shall conform to the front setback requirement.
2. For corner lots, the side of the primary structure furthest from the intersection of the streets shall conform to the rear setback requirement.
3. For corner lots, the side of the primary structure between the front setback area and the rear setback area and not adjacent to a street shall conform to the side setback requirement.
4. In any Residential Zone on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the corner (the point of intersection of the street lot lines), so as to interfere with traffic visibility across the corner.

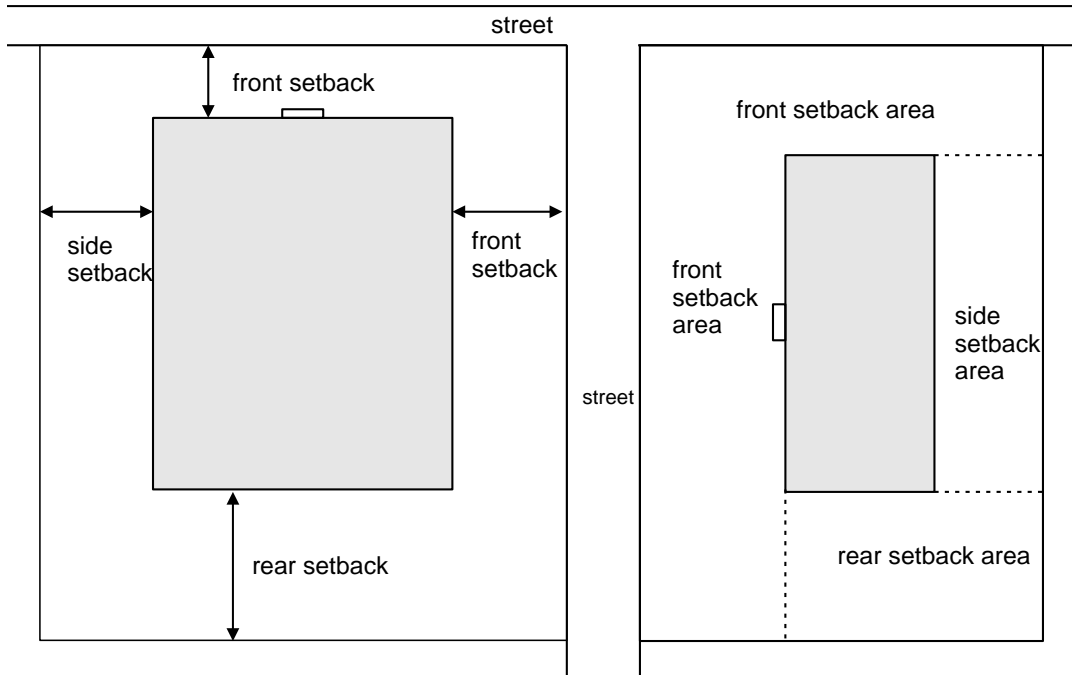


Figure 3 Corner lot setback distances and areas.

Section 6.15 Through Lots

1. For through lots, the side of the primary structure associated with the street address provided by the post office shall conform to the front setback requirements and the corresponding portion of the yard shall be considered as the front setback area.
2. For through lots, the side of the primary structure closest to the street not associated with the street address provided by the post office shall conform to the rear setback requirements and the corresponding portion of the yard shall be considered as the rear setback area.
3. For through lots, the two sides of the primary structure between the front setback area and the rear setback area and not adjacent to a street shall conform to the side setback requirements.

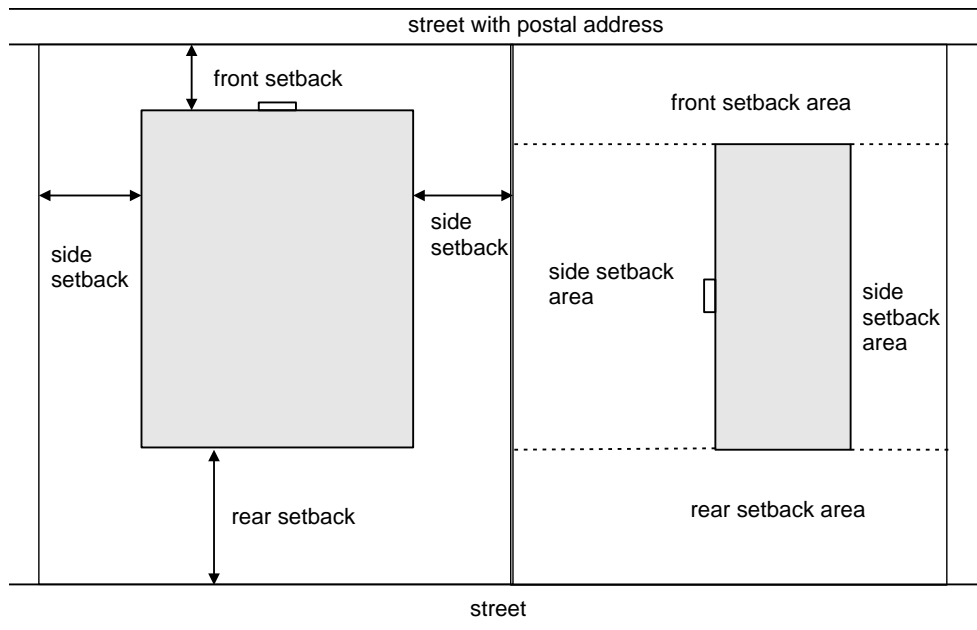


Figure 4 Through lot setback distances and areas.

Section 6.16 Trash

1. If the topography of a lot permits it, dumpsters and trash handling areas should be located out of sight from public roads.
2. If it is not possible to locate dumpsters and trash handling areas out of sight, then dumpsters and trash handling areas shall not be permitted in the area of the yard between the public road and the side of the principal building closest to the road.
3. Trash cans and dumpsters are not allowed to be left in the front setback area.
4. Dumpsters may be left in the front yard for a period of up to one (1) year during construction or remodeling.
5. Trash cans or bags are only allowed to be placed next to the street from 6 pm on the day before collection.
6. Trash cans must be removed from the street by 6 pm on the day of collection.

Section 6.17 Application of Regulations

Except as hereinafter otherwise provided:

1. No building or structure of any type shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses permitted in the zone district in which such building or land is located.
2. No building shall be erected, no existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations permitted for the zone in which such building or open space is located.
3. No yard or other open space provided around any building for the purpose of complying with the provisions of the Zoning Code shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

Section 6.18 Construction on Existing Lots of Record

1. Residential and business buildings may be constructed in any Use Zone allowed by Appendix 3, Table 1.
2. If the proposed building cannot satisfy the setback and area requirements given in Appendix 3, Table 2 for the Use Zone in which the proposed lot is located, and if adjacent to the lot in question there exists vacant land in the same ownership which would create a conforming lot if said vacant land were combined with the lot deficient in area, then the proposed construction must take place on the combined lots.

3. Off-street parking must be provided in accordance with the provisions set forth herewith in Section 6.10 Parking Space Requirements of this Code.

Article 7 - Nonconforming Uses and Buildings

Any nonconforming use or building that legally exists at the time of the adoption of this code, or any amendment thereto, may be continued, except as otherwise specified within this Article.

Section 7.01 Nonconforming Uses

1. A nonconforming use may be changed to a more conforming use.
2. A nonconforming use may not be changed to any other nonconforming use.
3. Once a nonconforming use is changed to a more conforming use, it may not thereafter be changed to a less conforming use.
4. Any nonconforming use that is discontinued for twelve (12) months or more shall be deemed to be expired and any further use shall be in conformity with the requirements of the zoning district.
5. Owners of any property at the time the Zoning Resolution was enacted, the use of which was subsequently classified as a Conditional Use in the Zoning Code, shall be assumed to have a valid Conditional Use Permit.

Section 7.02 Nonconforming Buildings

1. A nonconforming building may not be changed except to a more conforming building, and once changed to a more conforming building it may not thereafter be changed to a less conforming building.
2. Any nonconforming building or structure that is demolished, destroyed or removed may not be replaced unless the replacement is more conforming.
3. In the event that any nonconforming building or structure is damaged, destroyed or falls into disrepair to the extent of more than 50 percent of the county auditor's appraised value, exclusive of the foundation, it shall not be reoccupied for any use unless it conforms to all regulations of the Zoning Code.
4. In the event that any nonconforming building or structure is damaged, destroyed or falls into disrepair to the extent of 50 percent or less of the county auditor's appraised value, exclusive of foundation, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of the zoning code and the following conditions:
 - a. A zoning permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction. The rebuilding shall be completed within one (1) year thereafter. An extension of time may be granted by the Zoning Inspector.
 - b. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
 - c. On any nonconforming structure or portion of a structure, work may be done on ordinary repairs, or on repair or replacement of non-load bearing walls, fixtures,

wiring, or plumbing, provided that the volume of the structure that existed when it became nonconforming shall not be increased.

- d. Any newly created lot size requirement shall not apply to a lot which was separately owned or to a numbered lot in a subdivision which was duly recorded prior to the effective date of the resolution establishing such requirement, except that if such lot is contiguous to another lot or lots owned by the same person, and such person wishes to make a change that will increase the non-conformity, enough lots owned by the same person shall be merged and re-subdivided so as to conform to the requirements of the zoning district.
5. Owners who propose modifications of any nonconforming building only require a Zoning Certificate or Variance for the proposed modifications and not for the rest of the building.

Article 8 – Zoning Administration

Section 8.01 Compliance with Chapter 519, Township Zoning, Ohio Revised Code

The Ohio Revised Code provides for the Township Trustees to implement a program for zoning in unincorporated territory within the Township. A zoning code, in accordance with a comprehensive plan, is prepared by a Trustee-appointed zoning commission. A code and map are prepared and, after a series of public hearings, certified to the County Board of Elections for placement on the next primary, general, or special election (held for the purpose of voting whether to adopt the zoning plan).

An adopted zoning code is administered by the Township Trustees who account for the following aspects of township zoning (further explained in separate articles):

1. A procedure for amending the zoning code or map (§519.12 ORC).
2. A procedure for a citizen to appeal a decision made by the Zoning Inspector (§519.14 ORC).
3. A procedure for granting variances when enforcement of the zoning code will result in unnecessary hardship (§519.14 ORC).
4. A procedure for granting conditional use zoning certificates in circumstances where a use is not automatically permitted (§519.14 ORC).

Section 8.02 Enforcement and the Township Zoning Inspector

According to Section 519.16 ORC, for purposes of enforcing the zoning regulations, the Board of Township Trustees may provide for a system of zoning certificates and may establish and fill the position of Township Zoning Inspector.

1. In the event of any violation of this Zoning Code, the Zoning Inspector shall serve notice of violation by regular U.S. Mail, posting in a prominent place on said premises, or served personally to the record title owners(s), person(s) having the right of possession, or the person(s) having actual possession of the premises. The notice of violation shall identify the date of the violation, the property on which the violation is occurring, the nature of the violation, the corrective action to be taken, and the timeframe within which to complete such action. If no timeframe is specified in the notice of violation, then the timeframe for completion shall be not longer than 30 days.
2. In addition to being a violation of this Zoning Code, any buildings erected, altered, or converted, or uses carried on in violation of any provision of the Zoning Code are declared to be a nuisance. If the violation is not corrected within the specified timeframe, the Zoning Inspector may request a court of competent jurisdiction to

order such nuisance abated. Upon proof by the Township of violation, the owner or agent in charge of such building or land shall be adjudged guilty of said violation and therefore of maintaining a nuisance, and the Court shall order the violation to be remedied and shall issue an order to abate the said nuisance. These remedies shall be in addition to any fines or penalties assessed by Athens Township.

3. Any violation of this Zoning Code shall constitute a violation regardless of whether that violation is committed by any person, firm, or entity, including without limitation the following: by the property title owner(s) of record, by the person(s) having the right of possession, by the person(s) in actual possession or occupancy of the property, or by the person(s) who engage in construction or physical activity which actually violates the Zoning Code. In addition, should it not be reasonably practicable to identify the above persons, or if it is not reasonably practicable to serve notices of violation upon them, then the Township may pursue the violation as an in-rem matter against the property itself, and pursue the remedies available as such. In such cases, service of notice by posting the notice at the property itself shall constitute sufficient notice for purposes of this Zoning Code.
4. Failure to obtain a zoning certificate shall be a violation of this Zoning Code. Any use, alteration, construction, enlargement, location, erection, reconstruction, change, renovation, or maintenance not in compliance with that authorized shall be deemed a violation of this Code and remediable under this section.
5. Other Action. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.
6. 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 and be subject to the remedies herein provided.
7. It shall be the duty of the Athens County Prosecutor to see that this Zoning Code is faithfully enforced and to set appropriate penalties in the event of violation and a Court order in favor of Athens Township. The Board of Township Trustees may, by resolution, obtain special counsel to assist in the enforcement of the Zoning Code.
8. Pursuant to §519.99 ORC, any person, partnership, firm, corporation or association who violates any of the provisions of this resolution shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day during which such violation shall continue shall constitute a separate offense. The application of the above penalty shall not be held to prevent either the enforced removal of prohibited conditions, or the enforcement of any other legal rights, including declaratory judgment, nuisance actions, injunctive actions, and any other civil and common law

remedies the township zoning authorities may have pursuant to Ohio or Federal Law.

Article 9 – Board of Zoning Appeals (BZA)

Section 9.01 Establishment (§519.13 ORC)

The Athens Township Trustees, pursuant to §519.13 to §519.15, inclusive, shall create a Board of Zoning Appeals (BZA) composed of five members who shall be residents of the unincorporated territory in the Township included in the area zoned. The Board of Township Trustees may appoint two alternate members to the BZA, for terms to be determined by the Board of Township Trustees.

Section 9.02 Powers of the Board of Zoning Appeals (§519.14 ORC)

The Township Board of Zoning Appeals may:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of § 519.02 to §519.25 of the Revised Code, or of any resolution adopted pursuant thereto.
2. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the Zoning Code shall be observed and substantial justice done.
3. Grant conditional use zoning permits for the use of land, buildings, or other structures if such permits for specific uses are provided for in the Zoning Code.
4. Review and act upon changes to non-conforming use, provided that the board in accordance with Article 7, item 1, shall find that the proposed use is equally appropriate (similar) or more appropriate to the district than the existing non-conforming use.
5. In exercising the above-mentioned powers, the board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

Section 9.03 Rules, Meetings, and Procedures (§519.15 ORC)

1. The Township BZA shall organize and adopt rules in accordance with the zoning resolution. Meetings of the BZA shall be held at the call of the chairperson, and at such other times as the board determines. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths, and the BZA may compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall keep minutes of its proceedings showing the vote of each regular or alternate member upon each question, or, if absent or failing to vote, indicating such

fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and be a public record.

2. Appeals to the BZA may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing, with the officer from whom the appeal is taken and with the BZA, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
 - a) The BZA shall fix a reasonable time for the public hearing of the appeal, give at least ten days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.
 - b) The Board of Township Trustees may require a person making an appeal to pay a fee to defray the cost of advertising, mailing, and other expenses.

Article 10 – Zoning Certificate

1. Zoning Certificate Required (§519.17 ORC). No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the territory included in a zoning resolution without obtaining a zoning certificate, if required under section 519.16 of the Revised Code, and no such zoning certificate shall be issued unless the plans for the proposed building or structure fully comply with the zoning regulations then in effect.
2. The fact that the use of a building or accessory structure is permitted in a given Use Zone does not eliminate the need for obtaining a Zoning Certificate.
3. Zoning Certificates shall be issued after written application, or in case of new buildings or alterations within one (1) week before such erection or alteration shall be commenced, provided said building or premises or part thereof erected, altered or changed in use and the proposed use thereof, conforms to all the requirements herein set forth.
4. All applications for zoning certificates shall be accompanied by a map, drawn to a scale showing the actual dimensions of each lot and the size and location of each building erected or to be erected upon each lot. Drawings should include structural boundaries such as roof lines, bay windows, roof gutters, and other structural projections and such other information as may be necessary to enable the Township Zoning Inspector to determine that the structure or proposed structure and use of land will conform to the provisions of this Zoning Code. A record of such applications and maps shall be kept in the office of the Township Trustees.
5. A record of all certificates and applications therefore shall be kept on file by the Township Zoning Inspector, and copies shall be furnished the owner or tenant of the building.
6. A fee shall be charged for each certificate or copy issued, and such fee shall be remitted to the Township Fiscal Officer. The Township Trustees may, by resolution adopted at a public meeting, from time to time establish the fee for each certificate or copy issued. The fee schedule shall be in writing and copies made available from the Township Fiscal Officer and the Township Zoning Inspector.
7. Failure to obtain a zoning certificate prior to erection, alteration or change of use of a building or premises shall be subject to an additional fee established pursuant to Section 10.01 (5) and ORC 519.17.

Article 11 – Conditional Use Permit

Section 11.01 Explanation and Purpose

A Conditional Use is a use permitted, but only if special conditions are imposed upon that use to make that use less severe, unpleasant or harmful to neighboring properties.

Conditional uses are uses of land specifically permitted within a zoning district but only with the approval of the Board of Zoning Appeals (BZA), following a review of the use and its potential impact on its surroundings and a review of additional conditions which may mitigate those impacts.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development and with regard to appropriate plans. These uses are generally consistent with the purpose of the zoning district in which they are located but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. This article establishes the procedure for Conditional Use Permits and the general standards that must be met for all conditional uses. The BZA may authorize those permitted conditional uses listed in the various zoning districts within the Zoning Code, Table 1, including additional, more specific conditions, as prescribed.

Section 11.02 Procedure for Conditional Use Permit

1. Authorization. Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the principal permitted uses of such zoning district.
2. Application for Conditional Use. Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses listed in Table 1. An application for conditional use permit shall be filed with the Zoning Inspector who shall review each with the applicant before transmitting the same to the BZA for further action. The applicant, or his agent, shall file a conditional use application on forms provided by the Zoning Inspector. The completed application form shall also be accompanied by two copies of a map and sketch plan showing:
 - a. The boundaries and dimensions of the lot.
 - b. The size and location of existing and proposed improvements, including, but not limited to, buildings, structures, facilities, signs, lighting, accessways, walks, off-street parking spaces, loading berths and landscaping.
 - c. The proposed use of all parts of the lot and improvements.

- d. The relationship of the conditional use requested to the standards set by this Zoning Code.
3. Standards for Conditional Use. The BZA shall not grant a conditional use unless it can, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
 - a. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals or general welfare;
 - b. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;
 - c. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - e. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
 - f. The conditional use will be located in a district where such use is permitted and that all requirements set forth in this Zoning Code and applicable to such conditional use will be met.
4. Additional Conditions. In granting a conditional use the BZA may impose additional conditions upon the premises benefited by the conditional use as may be necessary to comply with the standards set forth in subsection (3), Standards for Conditional Use, hereof, to reduce or minimize potential injurious effects of such conditional use upon neighboring properties, and to carry out the general purpose and intent of this Zoning Code.
5. Decision on Conditional Use. The concurring vote of at least three (3) members of the BZA in attendance at the public hearing shall be necessary to grant a conditional use.
 - a. In cases where the board concurs with the written recommendations and findings of the Zoning Inspector, recommendations and findings shall constitute the written decision of the BZA.
 - b. In cases where the BZA's decision differs from the written recommendation and findings of the Zoning Inspector, the BZA shall draft, approve, and record written recommendations and findings based on its decision to the secretary of the board. Such written recommendations and findings shall be read

aloud by the president of the board at the same meeting in which they are formally submitted.

Section 11.03 Public Hearing Procedure

1. When a zoning application is filed, a public meeting will be scheduled so that members of the public have an opportunity to voice opinions concerning the application.
2. Applicant(s) should attend the public hearing and be prepared to answer questions relevant to the application.
3. The BZA may render a decision the same date as the public hearing or may continue the matter for further review.
4. In granting a conditional use, the BZA may impose additional and appropriate conditions, safeguards, and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the Standards for Conditional uses established in Section 11.02(3).
5. A conditional use granted by the BZA shall terminate at the end of one year from the date on which the Board grants the conditional use, unless within such one-year period, a zoning certificate is obtained.

Section 11.04 Revocation of Conditional Use Permit

The Township may revoke a Conditional Use Permit for failure to comply with the conditions of the permit. Upon a finding of failure to comply by the Zoning Inspector, the Township shall notify the holder of the permit either by certified mail, or by direct service by the Zoning Inspector, of its intent to revoke the permit and the holder's right to appeal that decision to the BZA. All such requests to appeal the revocation of a conditional use permit shall be made in writing and delivered in person to the Athens Township Meeting Hall or by certified letter and shall be received by the Township within fifteen (15) days of the holder's receipt of the Township's notice. If a request to appeal is not received within the required time, the Township may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided in this Zoning Code.

Section 11.05 Payment of Fees

Each application for conditional use shall be accompanied by a fee as established by the Athens Township Trustees.

Section 11.06 Appeal to the Court

Those aggrieved by the finding of the BZA and subsequent action may appeal such decision to the Athens County Court of Common Pleas, as provided in §2506.01 ORC. Such appeal petition

shall be presented to the Court within 30 days after the day upon which written notification of the BZA's decision is mailed to the applicant or appellant.

Article 12 – Variances

Section 12.01 Purpose

The purpose of a variance is to provide limited relief from the requirements of this Zoning Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. An extraordinary condition or situation is one that does not ordinarily exist elsewhere in the Zoning District.

Section 12.02 Procedure for Variance

An application for a variance may be made by any person aggrieved, including a tenant. Such application shall be filed with the Zoning Inspector, on a special form provided by the Township, who shall transmit the same to the Board of Zoning Appeals (BZA). The BZA will consider the matter at one of its regular meetings or a special meeting called concerning the variance request.

Section 12.03 Conditions for Variance

Variances from the regulations of this Code shall not be granted unless the BZA makes specific findings of fact, based directly on the evidence presented to it, which support conclusions that the standards and conditions imposed in this Zoning Code, if applicable, have been met by the applicant:

1. Practical difficulty because of undue hardship—Because of exceptional or extraordinary conditions pertaining to a specific piece of property, as stated below, a literal enforcement of these regulations will result in practical difficulty or undue hardship that is unnecessary to the achievement of public purposes, such as a lot that;
 - a. Is exceptionally narrow
 - b. Is exceptionally shallow
 - c. Is exceptionally unusual in shape
 - d. Has exceptional topographical conditions, or
 - e. Is located immediately adjacent to a property that has an extraordinary condition or situation that makes it impossible or extremely impracticable to accomplish the project for which the variance is being sought.
2. Exceptional circumstances—There are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the

property, that do not apply generally to other properties or classes or uses in the same zone.

3. Preservation of equal property rights—Literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone and the same vicinity, while a granting of the requested variance will not confer on the applicant any special privilege that is denied to other properties in the same zone and the same vicinity.
4. Minimum variance—The variance granted is the minimum variance required to make possible the reasonable use of the property.
5. Absence of detriment—The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the Zoning Code or the public interest.
6. Not of a general nature—The condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought, one or the other or in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

Section 12.04 Terms of Variance

No order of the BZA granting a variance shall be valid for a period longer than 12 months from the date of such order unless the use is commenced within such period. Any variance which results in the construction of a new building, or the repair, alteration or addition to an existing building shall be bound by the construction period as noted in this Code.

Section 12.05 Payment of Fees

Athens Township has established a fee that shall be paid upon filing an application for variance.

Section 12.06 Appeal to the Court

Those aggrieved by the finding of the BZA and subsequent action may appeal such decision to the Athens County Court of Common Pleas, as provided in §2506.01 ORC. Such appeal petition shall be presented to the court within 30 days after the day upon which written notification of the BZA's decision is mailed to the applicant or appellant.

Article 13 – Amendment

Section 13.01 Purpose

A procedure to allow the Zoning Code to be amended is established to allow flexibility for the Zoning Code to be changed as society, technology, cultural habits, and daily living change. After the Code has been administered for a period of time, there may be valid reasons for established Use Zones or regulations to be amended. §519.12 ORC gives the Township Trustees and Township Zoning Commission authority and direction to consider amendments to the Zoning Code.

Section 13.02 Procedure

Amendments or supplements to this zoning resolution may be made as set forth in § 519.12 ORC, et seq.

1. Amendments to the zoning resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the Board of Township Trustees requires such a fee, it shall be required generally, for each application.
2. This Zoning Code may be amended or changed as to number, shape, area or regulations of or within any district or districts, but no such amendment or change shall become effective unless the resolution proposing such amendment or change shall first be submitted to the Township Zoning Commission for approval, disapproval or suggestions. The amendment procedures are outlined in the flow chart, Appendix 2e.

Article 14 - Appendices

Appendix 1 Definitions

For the purpose of this Code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory building. A subordinate structure or building, detached from, but located on the same lot, as the principal structure or building, the use of which is incidental and accessory to that of the principal structure, building, or use. Accessory structures include, but are not limited to detached residential garages, storage sheds and barns, detached carports and picnic shelters.

Accessory use. A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

Adult Family Home. A residence or facility, as defined and regulated in §5123.19 ORC, which provides accommodations for three to six 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 §5123.19 ORC, which provides accommodations for seven to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

Agriculture. Any agriculture use as defined in §519.01 ORC, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Alley. A public or private way which affords only a secondary means of access to abutting properties.

Apartment. A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations, located in a building in which are four or more such rooms or suites.

Assisted Living Facility. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living.

Bed and Breakfast (BNB). A private residence, where rooms are set-aside for overnight guests and whose paid accommodations include breakfast.

Building. A structure that has a roof supported by columns or walls. When separated by a division wall without an opening, each portion of such building shall be deemed a separate building.

Building, Front of. The portion of a building that affords principal access into the building.

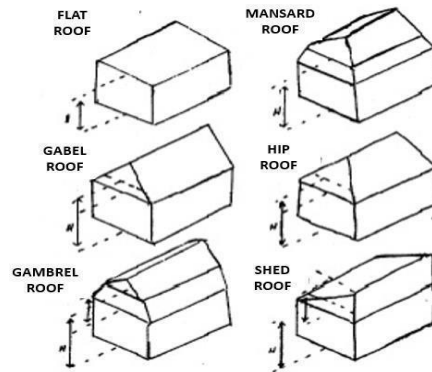
Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, Rear of. The portion of a building, opposite to the front of the building, whether or not affording service access to the building.

Building Area (For Zoning Certificate Dimensions Only). The maximum horizontal projected area of a building and its accessories, excluding open porches, steps, and terraces.

Building Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a

mansard roof; (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. (See Illustration)



Carport. A carport is a covered vehicle parking space, for not more than two vehicles, which is not completely enclosed by walls or doors and located on the same lot as a dwelling.

A carport does not necessarily have to be attached to the main building.

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

Church or Place of Religious Worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other religious related activities.

Clinic. A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Club. Buildings or facilities owned or operated by a corporation association or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. This does not include student related organizations.

Community Center. A place, structure, area or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Comprehensive Plan. Means the long-range plan and any updates thereto, describing the desirable use of land as adopted by the Athens Township Trustees; the purpose of such Plan being, among other purposes, to serve as a guide in future development and zoning for the Athens Township portion of The Plains, Ohio.

Conditionally Permitted Use. A use which is subject to conditional approval by the Board of Zoning Appeals, upon such conditions as the Township may require. A conditional use may be granted by the BZA only when there is a specific provision for such special exceptions made in this Zoning Resolution. A conditional use is not considered to be a nonconforming use.

Conditional use permit. A permit approved by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the zone.

Condominium. A form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to §5311 ORC and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

Day Care Center. A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a twenty-four-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 twenty-four-hour period.

Density. Dwelling units per acre.

District or Zoning District. The administrative tracts designating the uses for which land can be legally utilized. Boundaries of the districts or zones are shown on the zoning map.

Domestic animals. Those animals commonly accepted as domesticated household pets. Domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, rats, mice, chinchillas, ferrets, domesticated rabbits, fish, arthropods, and nonpoisonous or nonvenomous reptiles or amphibians.

Drive-Through Facility. An establishment that encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway. An improved surface connecting a public road to a parking area.

Dumpster. A large metal container with a metal lid used to collect trash and garbage.

Duplex. A room or suite of rooms used as a single-family dwelling unit, including bath and culinary accommodations, located in a building in which there are two(2) such rooms or suites, separated by a common wall.

Dwelling. Any building or portion thereof, which is designed or used primarily for residents' purposes, including condominiums but excluding hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage shall be considered a part of the dwelling. A dwelling shall possess a kitchen and a bathroom.

Dwelling Unit. An individual residence within a dwelling. A single-family dwelling contains one (1) dwelling unit, a duplex contains two (2) dwelling units, a triplex contains three (3) dwelling units, and multi-family contains four (4) or more dwelling units.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property. A grant of one or more of the property rights by the property owner to and/or for specific use by the public, a corporation, or another person or entity.

Educational facilities. Buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, high schools. Educational facilities shall not include, colleges, vocational schools, and other similar uses.

Family. Two or more persons related by blood, marriage or adoption or not more than three unrelated individuals occupying a dwelling unit as an individual housekeeping organization.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fence, Closed. A fence designed to inhibit public view and provide seclusion and, when viewed at right angles, having less than 50 % of its vertical surface area open to light and air. Examples include, but are not limited to, board on board fences and picket fences where the boards abut one another.

Fence, Open. A fence constructed for its functional, ornamental, or decorative effect and, when viewed at right angles, have more than 50% of its vertical surface area open to light and air. Examples include, but are not limited to, chain link, split rail, or wrought iron fences.

Floriculture. The cultivation and management of ornamental and especially flowering plants.

Foster Family Home. A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not more than five (5) developmentally disabled persons pursuant to §5119 ORC and §5123 ORC.

Foster Home. A private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four (24) hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. "Family Foster Homes", "Specialized Foster Homes" and "Treatment Foster Home" as defined in §5013 ORC are types of foster homes.

Frontage. That part of a lot or lots, which abuts upon a street between two (2) consecutive intersecting streets.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- a) Embalming and the performance of other services used in preparation of the dead for burial;
- b) The performance of autopsies and other surgical procedures; and
- c) The storage of caskets, funeral urns and other related funeral supplies including the storage of funeral vehicles but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage. A separate or a subordinate portion of the main dwelling enclosed on all sides and designed or used for the storage of not more than three automobiles or incidental personal property owned and used solely by the occupants of the dwelling to which it is accessory. A garage shall not be used as a dwelling.

Government Property and Facilities. A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, county, state, federal, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, and other uses not defined separately within this Code.

Grade, Established. The grade at the inside line of the sidewalk as fixed by the Township Zoning Inspector.

Group Home. A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) developmentally disabled persons pursuant to §5119 ORC and §5123 ORC.

Health/Recreation Facility. An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzis and/or sauna and pro shop.

Hedge. A fence or boundary formed by closely growing bushes or shrubs.

Home occupation. An accessory use of a person's residential property for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within the main residence or an enclosed building.

Horticulture. The science and art of growing fruits, vegetables, flowers, or ornamental plants.

Hospital and/or Clinic. A facility providing physical or mental health services, outpatient or inpatient accommodations, and medical or surgical care of the sick or injured. This land use category shall also include urgent care centers or clinics that can receive ambulance service.

Hotel. A transient hotel, extended stay hotel, or residential hotel. Hotel includes any structure consisting of one or more buildings containing any combination of more than five guestrooms that are each approved by the state building official having jurisdiction and the state fire marshal as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such a structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise meet the definition of a transient hotel or an extended stay hotel as defined in this Zoning Resolution. Hotel does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories. (also, see "Motel") (§3731.01(a)(1) ORC).

Improved Surface. Portion of a yard covered by at least three (3) inches of gravel, asphalt, or concrete.

Inoperable Motor Vehicle. Any motor vehicle, including a licensed collector's vehicle or licensed historical vehicle, which for a period of thirty (30) days or more remains in any of the following conditions:

- a) Does not display a valid registration sticker or license plate; or
- b) is wrecked, partially wrecked, dismantled, partially dismantled, discarded or incapable of operation under its own power.
- c) "Dismantled or partially dismantled" means any motor vehicle from which some parts have been removed or are missing.
- d) "Incapable of operation" means any motor vehicle which is unable or apparently unable to move under its own power.

In-rem. A lawsuit against an item of property, not against a person.

Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Junk Motor Vehicle. Any motor vehicle meeting all of the following requirements:

- a) Three (3) years old or older;
- b) Extensively damaged, such damage including, but not limited to any of the following: a broken window or windshield, missing tire(s), wheel(s), motor or transmission;

c) Inoperable;

Junkyard. The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials including, but not limited to, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, and similar materials, are sold, stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

Kennel. Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold for profit and which offers provisions for medical treatment.

Libraries, Museums, Galleries, and Cultural Centers. A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially operated theaters.

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/Unloading Zone, Off-Street. An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

Lodging Establishment. An establishment located within the Zoning District kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which one or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. This includes but is not limited to hotels, motels, bed & breakfasts (including Airbnb), cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units, and non-owner-occupied residences.

Lot. Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this resolution and having its principal frontage upon a street or officially approved place.

Lot, Corner. A lot abutting on and at the intersection of two (2) or more streets.

Lot, Depth of. The mean horizontal distance between the front lot line and the rear lot line.

Lot, Interior. A lot other than a corner lot.

Lot Area. The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot Coverage. The fraction of the total lot area that is covered by the type of building or structure under consideration, including any covered porches.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street which is used for emergency vehicles. For purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and the yards shall be provided as indicated under "yards" in this section.

Lot Lines. Lines bounding a lot.

Lot Measurements. A lot shall be measured as follows:

- a) **Depth:** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b) **Width:** The distance between straight lines connecting the front and rear lot lines at each side of the lot, measured at the building setback line.

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

Manufactured Home. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) and has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park (§4781 ORC). Any lot upon which three (3) or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park. (also, see "Mobile Home Park")

Medical and Dental Office. A use providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Metes and Bounds. A way of describing land by listing the compass directions and distances of the boundaries.

Mini-storage facility. Individual self-storage units occupying less than 200 square feet of floor area.

Mobile Home. Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (§4781 ORC).

Modular Home. A building unit or assembly of closed construction that is fabricated in an off-site facility and that meets the siting and construction codes regulated by state and local agencies, the same way in which site-built homes are regulated.

Mobile Home Park. Any site or tract of land under single ownership upon which three (3) or more (§4781 ORC) mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. (also, see "Manufactured Home Park")

Motel. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for motor vehicle transient guests and having a parking

space next to a sleeping room. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel. (also, see "Hotel")

Motor Home. A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

Multi-family. A room or suite of rooms used as a single-family dwelling unit, including bath and culinary accommodations, located in a building in which there are four (4) or more such rooms or suites, separated by a common wall.

Non-domestic small animals. Chickens, ducks, and rabbits.

Nonconforming Building. Any building, structure or premises legally existing and/or used at the time of adoption of the Zoning Resolution, or any amendment thereto, and which does not conform with the lot regulations of the zone in which it is located.

Nonconforming Use. Any use of a building, structure or premises legally existing and/or used at the time of adoption of the Zoning Resolution, or any amendment thereto, and which does not conform with the use regulations of the zone in which it is located.

Nursing Home. A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Nursery, Plant Materials. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Offices. Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

Open Spaces. An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Open Space Zone. A zone within the Zoning District that includes a variety of land uses that are predominantly natural environmental features designed for environmental preservation, cultural preservation, scenic, or recreational purposes. These zones may include but are not limited to parks, outdoor education facilities, water bodies, cemeteries, fields, woodlands, and playgrounds.

Parcel. A lot of record.

Parcel (lot) Split. The division of a parcel into smaller parcels for further development.

Parks, Playgrounds, and Recreational Facilities. Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other active sports facilities with the exception of bike and hike trails. The principal use and activities of an active park, playground, and recreational facility are generally located outdoors although the use may include some enclosed structures that are accessory to the principal use.

Parking area. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles and bicycles including parking lots, garages, and legally designated areas of public interest with or without payment of fee.

Parking area, Private. A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking Space, Off-street. For the purpose of the Zoning Resolution, an off-street parking space shall consist of any area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room but shall be located totally outside of any street or alley right-of-way.

Parties of Interest. All owners of property within, and contiguous to, and directly across the street from, and within one hundred (100) feet from the boundary of an area that is proposed to be rezoned or redistricted into a different type of Use Zone.

Permanent Foundation. A permanent masonry, concrete footing and foundation to which a residential dwelling, industrialized unit, manufactured home or mobile home shall be affixed. Pursuant to Ohio Administrative Code 4781-6, permanent foundations shall: (1) have a continuous perimeter wall that complies with the requirements of HUD's September 1996 permanent foundation guide for manufactured homes; (2) have footings that are either below the frost line or protected from frost heave; (3) and tongue wheels, axles, and hitches shall be removed from under the manufactured home.

Permitted Accessory Use. A permitted use of land, within a particular zone or district, that is not a Principal Permitted Use, but is a secondary use or an accessory use.

Person. An individual, partnership, corporation, club or association, church, or governmental entity.

Principal Building. see "Building, Principal"

Principal Permitted Use. The main use of land permitted within a particular zone or district as distinguished from a secondary or accessory use. In this Zoning Resolution, Principal Permitted Uses are limited to those identified as such in Appendix 3, Table 1, Use Table.

Professional activities. The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Recreation facilities. A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Vehicle. Any vehicle used for recreational purposes, including but not limited to, all-terrain vehicles, boats, boat trailers, jet skis, motorcycles, motor homes, travel trailers, truck campers, fifth wheel campers and trailers, and snowmobiles.

Religious place of Worship. An institution that congregations of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

Residential Uses. Places where persons live or reside and are associated with dwelling units as defined in this Zoning Resolution.

Restaurants. An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Roadside Stand. A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Right-of-way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage

facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges.

Satellite earth station antenna. A parabolic or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

School. Any public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools and schools devoted to higher education.

Self-Storage Facilities. A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

Service station. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

Setback, front. The distance from the property line that lies along the street to the closest part of the principal building. See Sec. 6.14 for a corner lot and Sec. 6.15 for a through lot.

Setback, rear. The distance from the property line that lies furthest from the street to the closest part of the principal building. See Sec. 6.14 for a corner lot and Sec. 6.15 for a through lot.

Setback, side. The distance from the property line that connects a) the property line along the access road with b) the property line furthest from the access road, to the closest part of the principal building. See Sec. 6.14 for a corner lot and Sec. 6.15 for a through lot.

Setback Area, front. The portion of a yard enclosed by a) the property line that lies along the street, b) a line extending through the side of the principal building closest to the street, and c) the portions of the left and right property lines that connect lines a) and b). In the most common situation when the front of the house faces the street, the front setback area is the same as the front yard. See Sec. 6.14 for a corner lot and Sec. 6.15 for a through lot.

Setback Area, rear. The portion of a yard enclosed by a) the property line that lies furthest from the street, b) a line extending through the side of the principal building furthest from the street, and c) the portions of the left and right property lines that connect lines a) and b). In the most common situation when the front of the house faces the street, the rear setback area is the same as the rear yard. See Sec. 6.14 for a corner lot and Sec. 6.15 for a through lot.

Setback Area, side. The portion of a yard that is not included in the front and rear setback areas. In the most common situation when the front of the house faces the street, the side setback area is the same as the side yard. See Sec. 6.14 for a corner lot and Sec. 6.15 for a through lot.

Setback Line. A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided in said Zoning Resolution.

Sexually-Oriented Business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign. Any visual communication, display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

a) "Sign, on-premises." Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

b) "Sign, off-premises." Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.

c) "Sign, illuminated." Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

d) "Sign, lighting device." Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.

e) "Sign, projecting." Any sign which projects from the exterior of a building.

Social Clubs and Fraternal Organizations. A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Solar Panel. A photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

Solar Panel, Free Standing. A solar panel that is not attached to a principal structure as an accessory structure and is mounted on a structure attached to the ground.

Solar Panel, Roof Mounted. A solar panel attached to the roof of a principal structure.

Special District. A zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.

Street. Any roadway or public way dedicated to public use, except an alley.

Street Line. A lot line bordering a street, park or other public way other than an alley line.

Structurally Altered. Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or in the dimension or configurations of the roof or exterior walls.

Structure. Anything constructed or erected, the use of which required a permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, pergolas, farmers roadside stands, TV dishes and/or satellite dishes (disc), but not including fences or walls used as fences.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

Swimming pool. A pool, pond, lake, or open tank containing a depth of at least 1.5 feet of water at any point and maintained by the owner or manager, designed for human use.

a) "Private." Exclusively used without paying any additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.

b) "Community." Operated with a charge for admission

Temporary Building. A building for use incidental to construction work that may be erected in any of the zoned districts herein established, and which shall be removed once construction is completed.

Thoroughfare, Street, or Road. Any vehicular way that:

a) Is an existing federal, state, county, or municipal roadway; or

b) Is shown upon a plat approved pursuant to law; or

c) Is approved by other official action; or

d) Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

Trailer. Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle.

Trailer, House. see "Mobile Home" or "Manufactured Home"

Trailer, Travel. see "Recreational Vehicle"

Trailer Park or Mobile Home Park. A tract or parcel of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

Trash Handling Area. A portion of a yard where trash cans and trash bags are located prior to collection.

Triplex. A room or suite of rooms used as a single-family dwelling, including bath and culinary accommodations, located in a building in which are three such rooms or suites, separated by common walls.

Use. The purpose or activity for which land or buildings are arranged, designed, or for which lands or buildings are occupied or maintained.

Use Zone. An area depicted on the Zoning Map which allows for a certain type of land use, examples being residential, business, and open space.

Variance. An administrative exception to zoning requirements that should be granted only when a property owner would have a unique and unusual hardship, created by the physical characteristics of the land, if the ordinance is strictly and literally applied in his or her case.

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

Violation. The failure of a structure or other development to be compliant with this Zoning Resolution as approved.

Viticulture. The cultivation or culture of grapes especially for wine making.

Wall. A continuous vertical brick, stone, or masonry structure that encloses or divides an area of land.

Wireless Telecommunications Facility. A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless Telecommunications Tower. A structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, and guyed and lattice construction steel structures

Yard. An open unoccupied space on the same lot with a building.

Yard, front. A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, rear. A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, side. A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Inspector. The Zoning Inspector is the person designated by this Zoning Code to administer and enforce zoning regulations.

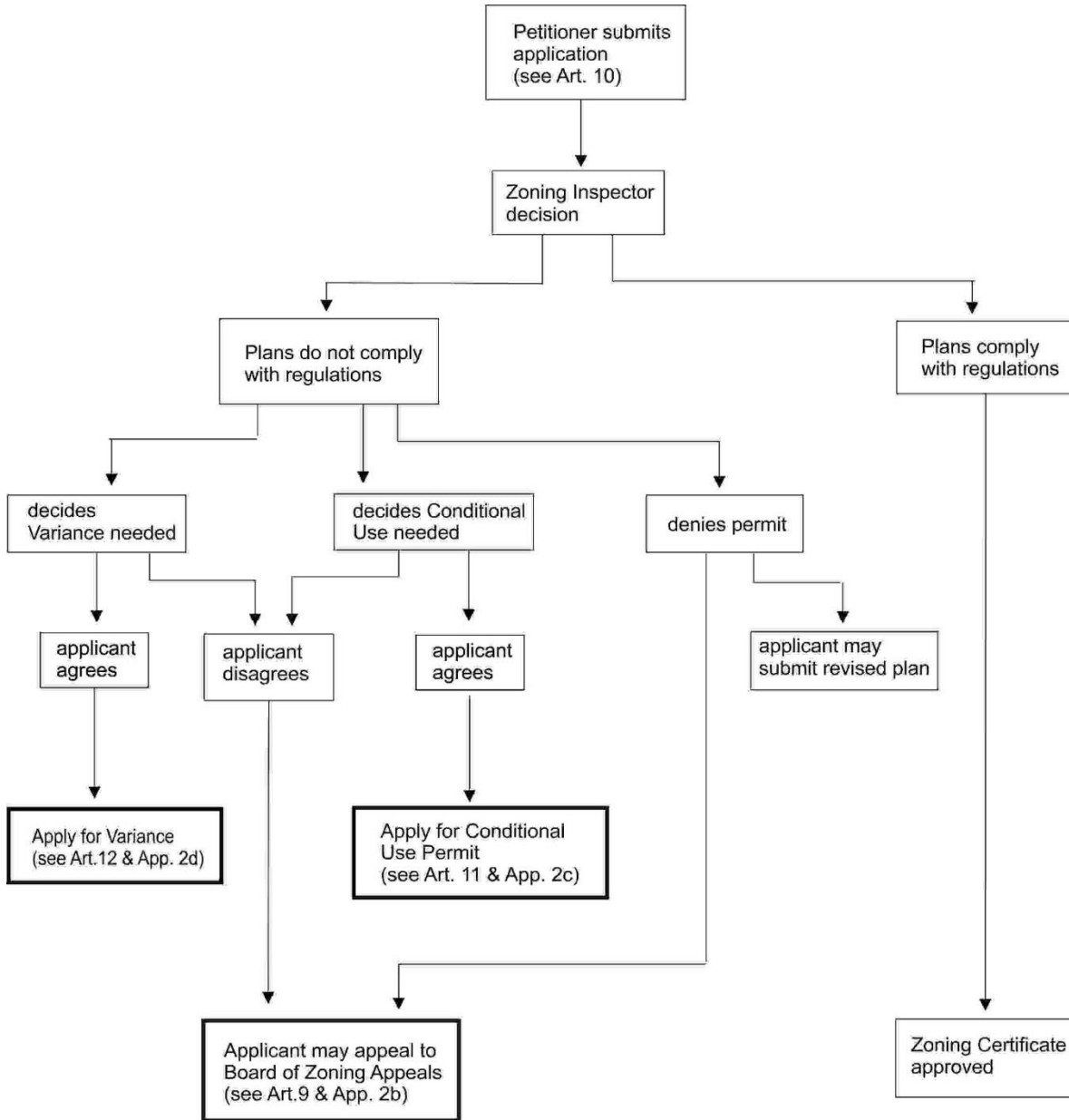
Zoning District. A section of Athens Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.

Zoning Map. The map or drawing indicating boundaries of parcels and tracts of land within the Zoning District of a portion of Athens Township known as The Plains, Ohio for the purpose of identifying uses for which those lots and parcels can be legally utilized.

Zoning Certificate. A document signed by the Zoning Inspector, as required in the Zoning Resolution, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that the owner acknowledges that such use, structure, or construction complies with the provisions of the Zoning Code or authorized variance provided by the Board of Zoning Appeals.

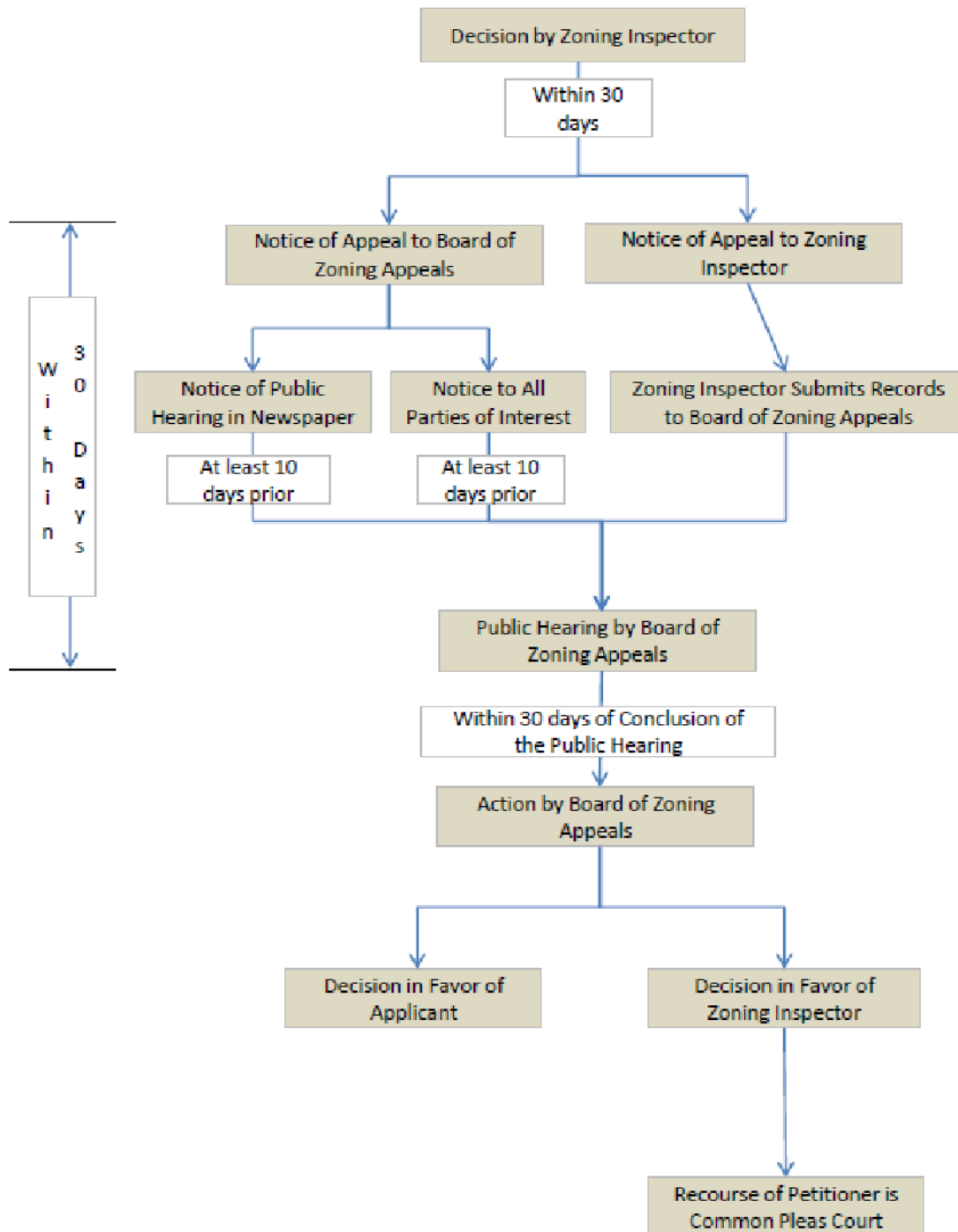
Appendix 2 Procedure Flow Charts

Appendix 2a Procedure for Zoning Certificate Approval

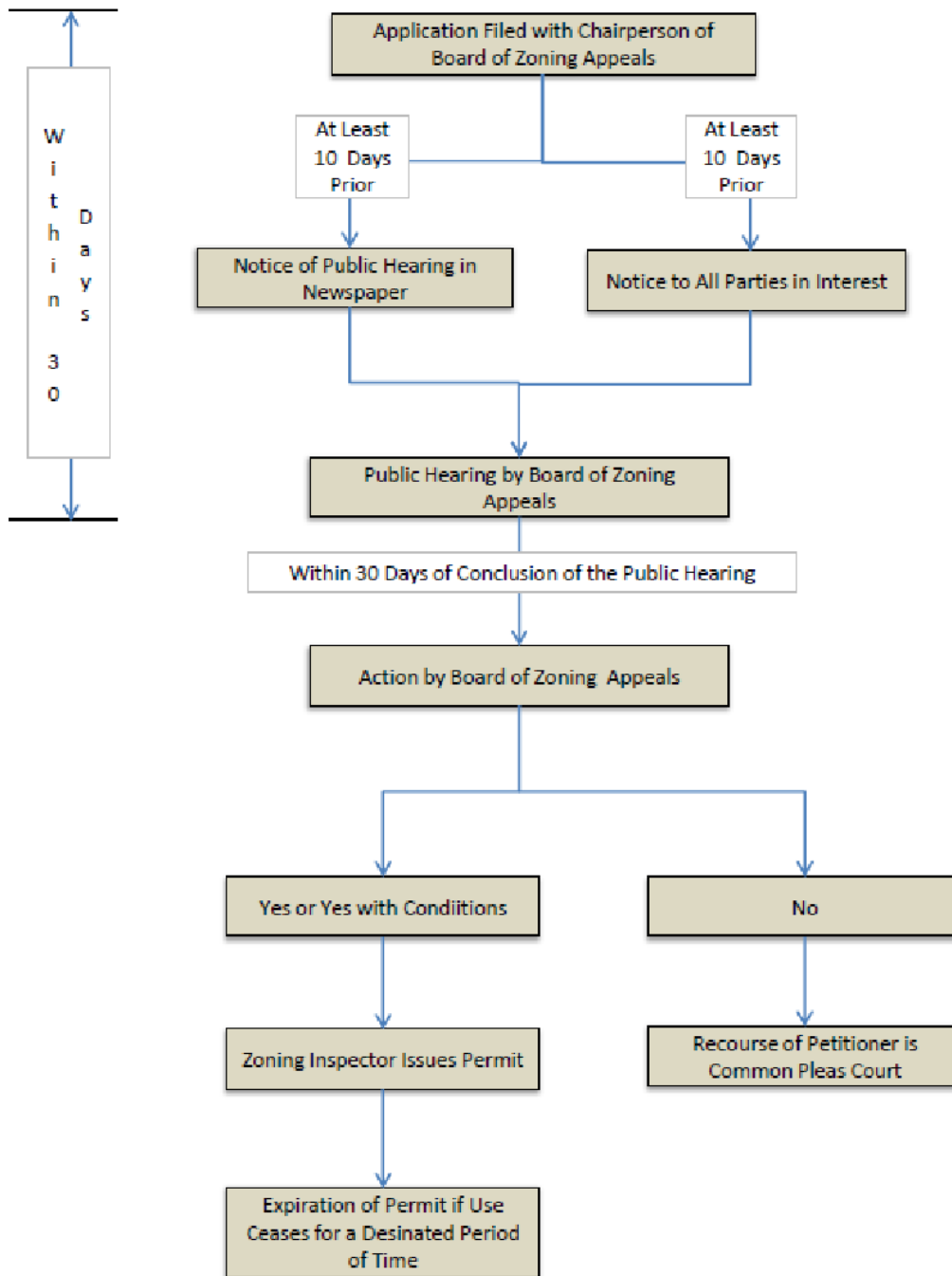


Procedure for Zoning Certificate Approval

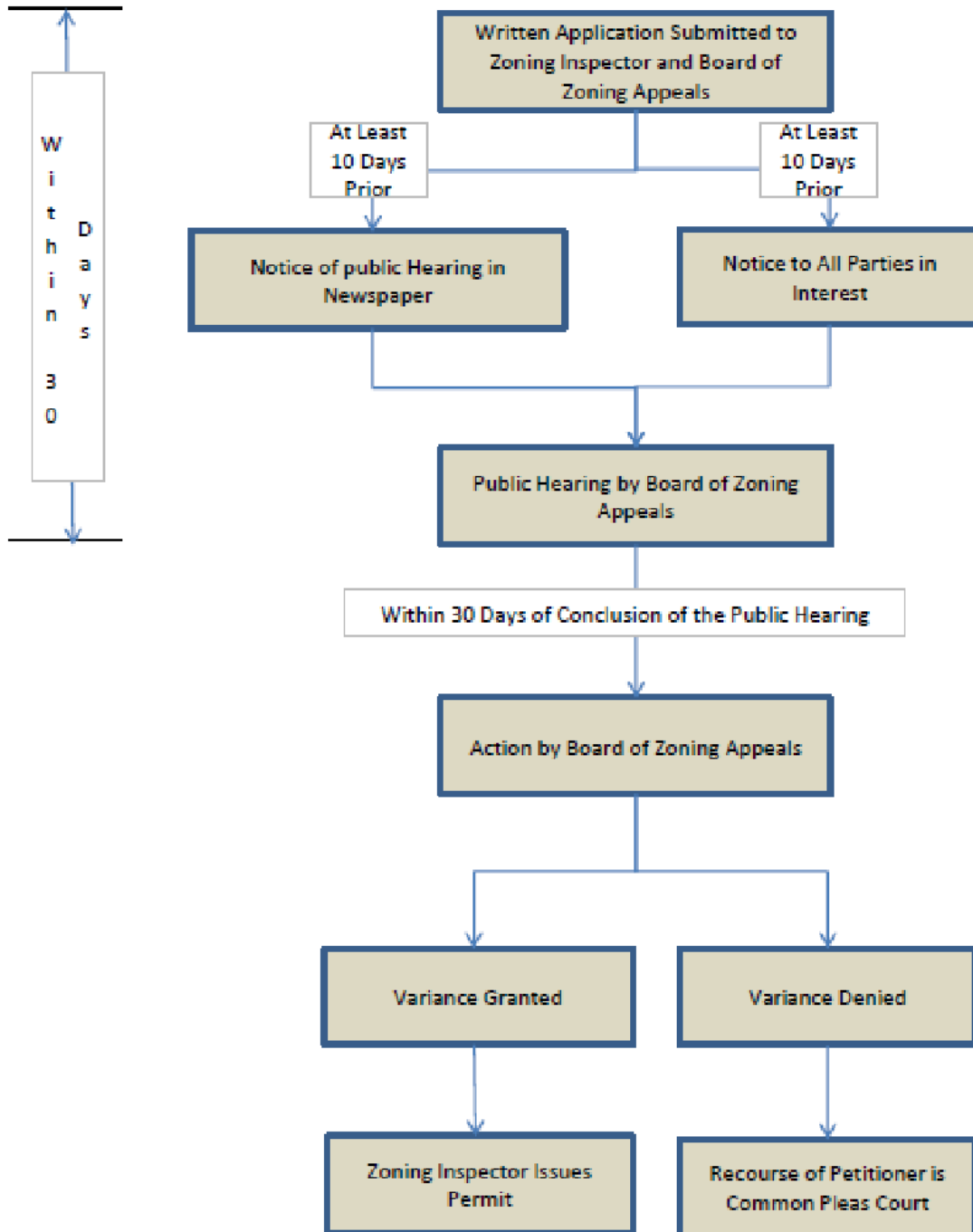
Appendix 2b Procedure for Appeal of Zoning Inspector Decision



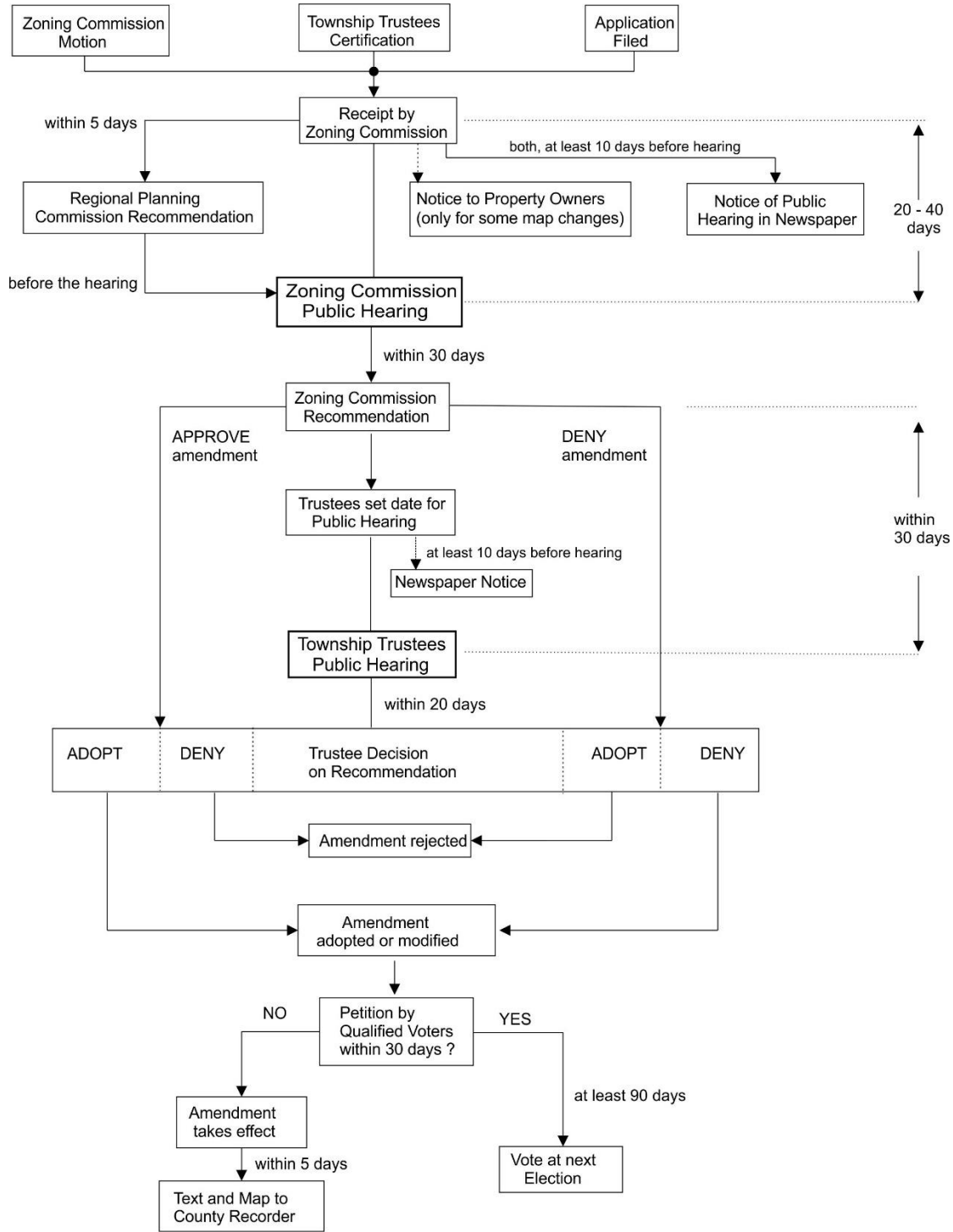
Appendix 2c Procedure for Conditional Use Permit



Appendix 2d Procedure for Variance from Zoning Resolution

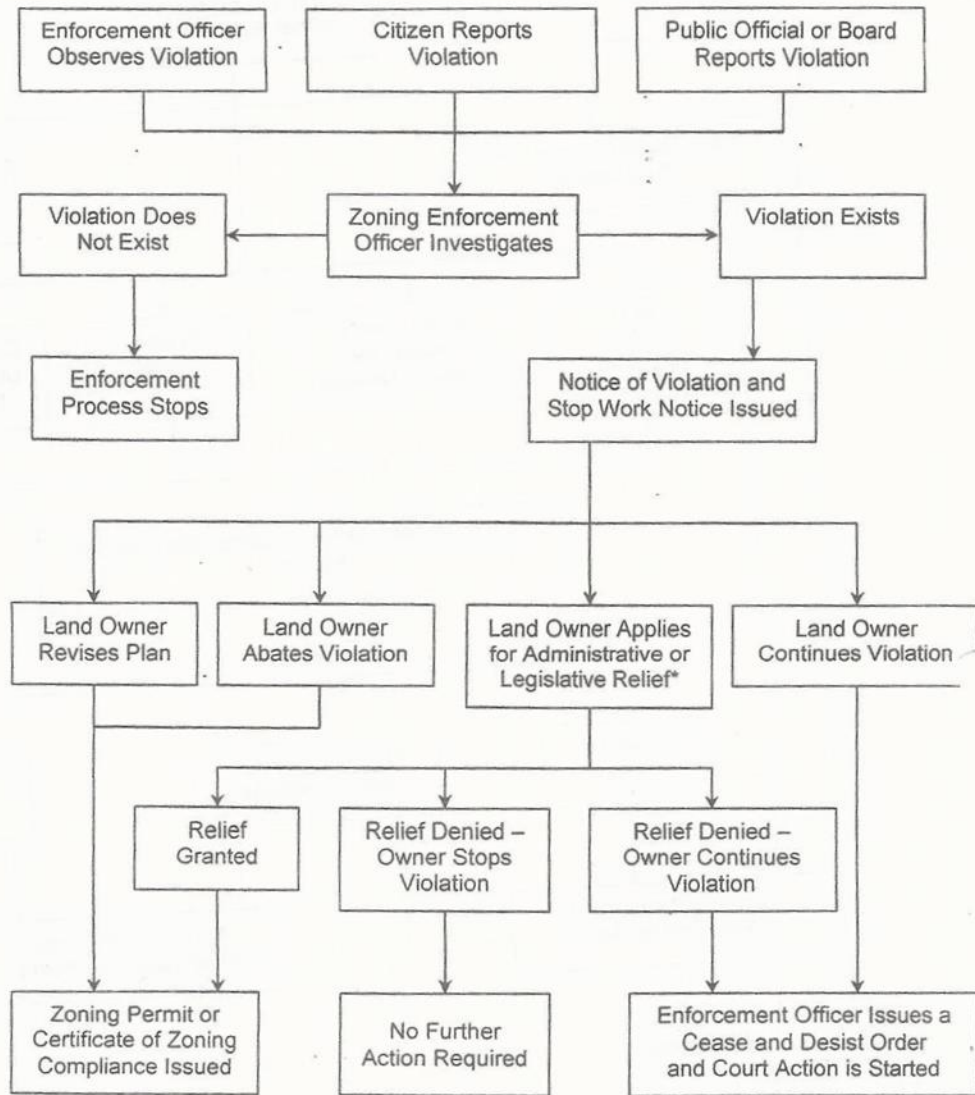


Appendix 2e Procedure for Zoning District or Text Amendment of Zoning Resolution



Ohio Revised Code 519.12

Appendix 2f Zoning Enforcement Process



* Administrative Relief: An Appeal; a Conditional Use Permit; or a Variance
 Legislative Relief: A Zoning Amendment

Zoning Enforcement Process for Violation

Appendix 3 Tables

Table 1 summarizes uses that are allowed in the zoning districts. The table columns are labelled as: R1= Single Family, R2= Medium Density Residential, R3=Multi-family, B1=Neighborhood Business, B2=General Business, LLR=Large Lot Rural, and OS= Open Space. The table entries are: PP= Principal Permitted Use, PA= Permitted Accessory Building or Use, and CU= Conditionally Permitted Use. The absence of a table entry means that the use is not permitted in that district. Uses that are not listed in the table require a Conditional Use Permit from the Board of Zoning Appeals.

Use Table (Table 1)

RESIDENTIAL	R1	R2	R3	B1	B2	LLR	OS
Bed and Breakfast/short term rental		CU	CU	PP	PP	CU	
Boarding House			CU	PP	PP		
Condominium			PP	PP	PP		
Detached garage, shed, barn or outbuilding	PA	PA	PA	PA	PA	PA	
Home Occupation	PP	PP	PP	PP	PP	PP	
Mobile Home (only in a mobile home park)			CU				
Nursing Home			CU	CU	PP		
R-1 (one dwelling, single family) (see Note 2)	PP	PP	PP	PP	PP	PP	
R-2 (duplex or triplex) (see Note 2)		PP	PP	PP	PP		
R-3 (4 or more unit apartments) (see Note 2)			PP	PP	PP		

ACCESSORY USES	R1	R2	R3	B1	B2	LLR	OS
Accessory uses as regulated in Section 6.04	PA	PA	PA	PA	PA	PA	PA
Portable or temporary carport	CU	CU	CU	PA	PA	PA	PA

AGRICULTURAL	R1	R2	R3	B1	B2	LLR	OS
Agriculture or Keeping of Livestock						PP	
Fruit store and vegetable market				PP	PP	PP	
Greenhouse				PP	PP	PP	
Keeping of non-domestic small animals (chickens, ducks, and rabbits)	CU	CU	CU			PA	
Nursery (with a retail structure)				PP	PP	CU	
Nursery (without a retail structure)				PP	PP	PP	
Sale of farm products grown on premises						CU	
Stables						PA	
Temporary building	PA	PA	PA	PA	PA	PA	
Vegetable and Flower Gardens	PA	PA	PA	PA	PA	PA	

TABLE 1 (continued)

BUSINESS, OFFICE BASED (non-residential based)	R1	R2	R3	B1	B2	LLR	OS
Advertising Agency				PP	PP		
Answering Service				PP	PP		
Cable TV Office				PP	PP		
Professional Office (Attorney, Architect, Engineer, Insurance, Real Estate, etc.)				PP	PP		

BUSINESS, RETAIL AND SERVICE	R1	R2	R3	B1	B2	LLR	OS
Antique Shop				PP			
Auction House				PP	PP		
Automotive, tractor and truck sales				PP	PP		
Automotive & miscellaneous repair services				PP	PP		
Banks, Credit Unions, Savings and Loans				PP	PP		
Beauty shop			CU	PP			
Car wash				CU	PP		
Clothing, Apparel and Accessory store				PP			
Convenience store with or without gasoline				PP	PP		
Department store				PP			
Drive thru Carryout				CU	PP		
Drug store				PP			
Fast Food Restaurant				CU	PP		
Florist				PP			
Food truck				PP	PP	CU	
Funeral Home and Mortuaries			CU	PP			
General Merchandise				PP			
Grocery store				PP	PP		
Hardware store				PP	PP		
Home furnishings and equipment				PP	PP		
Kennel, Veterinary Clinic or hospital				CU	PP	CU	
Laundromat or Dry Cleaner				PP			
Medical Cannabis Dispensary				CU	CU		
Mini-storage facility				CU	PP		
Motel and Hotel establishments				PP	PP		
Restaurant, Café, Soda Fountain store			CU	PP	PP		
Retail bakeries				PP			

ENTERTAINMENT	R1	R2	R3	B1	B2	LLR	OS
Adult book store				CU			
Amusement Arcade				PP	PP		
Bar, Lounge or Club				CU	PP		
Billiard room				PP	PP		
Microbreweries				CU	PP		
Sexually Oriented Business					CU		
Theaters, not including outdoor				PP	PP		

TABLE 1 (continued)

HEALTHCARE / MEDICAL	R1	R2	R3	B1	B2	LLR	OS
Adult Day Care Center			CU	PP	PP		
Adult Family / Group Home		CU	CU	PP	PP		
Assisted Living Facility / Nursing Home		CU	CU	PP	PP		
Certified Foster Home ORC 5103.0318	PP	PP	PP	PP	PP		
Child Care, home operated, 1 to 6 children	CU	CU	PP	PP	PP		
Child Care, home operated, 7 to 12 children		CU	CU	PP	PP		
Medical Offices and Clinics				PP	PP		
Residential Health Care Facilities			CU	PP	PP		

INDUSTRIAL	R1	R2	R3	B1	B2	LLR	OS
Bottling operation				CU	PP		
Processing, Manufacturing, Assembly operations				CU	PP		
Storage and Transfer facilities				CU	PP		
Truck terminal				CU	PP		
Warehouse				CU	PP		
Wholesale storage and Distribution Facilities				CU	PP		
Wireless Communication Facilities or Towers				CU	CU	CU	

PUBLIC, COMMUNITY, & RECREATIONAL	R1	R2	R3	B1	B2	LLR	OS
Athletic field				PP	PP	CU	PP
Church, Synagogue, Temple for religious purposes	CU	CU	PP	PP	PP		
Community Center			CU	PP	PP		CU
Fire House	PP	PP	PP	PP	PP	CU	
Fraternal and Social Organizations				PP	PP		
Fraternity or Sorority House			PP	PP	PP		
Golf Course				PP	PP	CU	
Library	CU	CU	CU	PP	PP		
Museums				PP	PP		
Parks & primarily outdoor recreational uses	PP	PP	PP	PP	PP	PP	PP
Post Office				PP	PP		
Primarily indoor recreational uses				PP	PP		
Schools, non-public	CU	CU	CU	PP	PP	CU	
Swimming Pool, Private	PA	PA	PA	CU	CU	CU	
Utility & Public service buildings and uses	CU	CU	CU	CU	PP		

Table 2 summarizes lot coverage and setback requirements for the principal building on lots containing a single principal building. Setbacks are measured from the property line or any applicable right of ways

Lot Area, Coverage, and Setback Requirements (Table 2)

Zoning district & use type	Min. lot area (ft ²)	Min. lot frontage (ft)	Max. lot coverage (%)	Min. front setback (ft)	Min. side setback (ft)	Min. rear setback (ft)
R1	5,000	50	30	25	10	20
R2						
1 family	5,000	50	35	25	10	20
2 family	7,500	50	40	25	10	20
3 family	10,000	50	40	25	10	20
R-3	10,000	60	50	25	15	30
B-1	8,000	50	40	25	10	30
B-2	20,000	70	50	25	10	30
LLR	5 acres	50	10	25	15	30

See Sec. 6.04(a)(5) for requirements on any accessory structures that are also located on the lot. See Sec. 2.04(f) for requirements on R3 apartment complexes in cases where there are more than one principal building on a lot. See Sec. 6.18 for small existing lots.