

CHAPTER 203
GENERAL PROVISIONS

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CROSS REFERENCES

Ch. 204 Special Provisions

203.01 REGULATION OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES

Regulations pertaining to the use of land and or structures, and the physical development thereof within each of the Zoning Districts as adopted and as shown on the Zoning District Map are hereby established and adopted.

203.02 GENERAL USE CLASSIFICATION SYSTEM

For the purposes of this resolution the general use system established in this Section shall be used to classify those uses that will be permitted, conditionally permitted, regulated, or prohibited either specifically or by omission pursuant to other provisions of this resolution.

- A. Residential Uses. Residential uses are places where persons live or reside and are associated with dwelling units as defined in Section 102.02 of this resolution.
- B. Public Uses. Public uses are owned or operated by private organizations or governmental agencies for administrative, educational, cultural, recreational, and similar activities that benefit or provide services to the public.
- C. Quasi-public Uses. Quasi-public uses are activities of a religious, educational, charitable, social philanthropic, and health nature, and non-profit membership organizations that have more limited public purposes than public uses, but which are not organized for profit.
- D. Office Uses.
 - 1. Administrative/Business. Administrative/business uses general administration, management, supervision, purchasing, and accounting. No retail sales.
 - 2. Professional. Professional uses deliver professional tangible and intangible services to the general public and are associated with recognized

professions most of which are regulated, licensed, or certified by the State of Ohio.

E. Commercial Uses.

1. Retail Store Uses. Retail store uses include uses primarily engaged in selling merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.

2. Commercial Establishments. Commercial establishments include food, lodging, and beverage services, and non-profit institutions engaged in furnishing food, beverages, or lodging for a fee or on a membership fee basis.

F. Automotive Uses. Automotive uses include sales and services directly associated with motor vehicles and other types of transportation.

G. Trade Services Uses. Trade services uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.

H. Research And Development Uses. Research and development uses involve research related to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.

I. Wholesaling And Storage Uses. Wholesaling and storage uses are associated with transporting, storing, handling or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.

J. Recreation Uses. Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership fee basis.

K. Manufacturing Uses. Manufacturing uses include all uses involving processing, fabrication, packaging, assembly and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.

L. Other uses shall include all other activities not otherwise classified.

203.03 USES PERMITTED

Unless otherwise permitted in an exceptional use zoning approved in accordance with Ch. 208 of this Resolution, Table 1 specifies which uses are permitted in the zoning districts established in Ch. 203 utilizing the symbols specified in Section 202.04 which is hereby adopted as the Official Schedule of Permitted Uses. If the specific use is permitted in the zoning district, a "P" will be found in the corresponding column. If the specific use is conditionally permitted, a "CU" will be found in the corresponding column. Conditionally

permitted uses may be permitted following the procedures and requirements specified in Ch. 107, inclusive, of this Resolution. In addition, unless otherwise permitted by an approved exceptional use zoning, all uses shall comply with any other regulations specified in this Resolution. Any specific use which is not approved as an Exception Use, does not have a "P" or "CU" in its column in Table 1 shall be a prohibited use and shall be permitted only upon rezoning of the land as provided for in Ch. 106 of this Resolution, or the finding that the use is substantially similar as provided for in Section 203.04.

203.04 SUBSTANTIALLY SIMILAR USES

Where a specific use is proposed that is not listed or provided for in Table 1, the Board of Zoning Appeals may make a determination upon appeal that the proposed use is substantially similar to any specific use provided for in Table 1. Should the Board find that a use is substantially similar to a specific use listed in Table 1, the substantially similar use is deemed to be a substantially similar permitted use in those districts where an "P" is found in the corresponding column of Table 1 and a substantially similar conditional use where a "C" is found in the corresponding column of Table 1. Substantially similar conditional uses may be permitted following the procedures specified in Ch. 107, inclusive of this Resolution. All substantially similar uses shall comply with any other regulations specified in Ch. 107 of this Resolution. Any use determined to be substantially similar which had no "P" or "C" in the corresponding column of Table 1 shall be a prohibited use and shall only be permitted upon rezoning of the land provided in Ch. 106 of this Resolution. The minutes shall be immediately filed in the office of the Township Trustees and with the Zoning Administrator.

The following standards and guidelines shall be considered by the Board of Zoning Appeals when making a finding that a use is substantially similar:

1. The relationship and compatibility of the use to the general use classification system specified in this Resolution.
2. The nature, predominate character, and intensity of the use in relation to those uses specified in Table 1.
3. The size, dimensional requirements, traffic generation and other regulatory characteristics normally associated with uses specified in Table 1.

203.05 IDENTIFICATION OF USES

Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution. When a listed use has a number it is the code number and activity title as listed in the Standard Industrial Classification Manual, Executive Office of the President, Bureau of Budget (1987).

- A. Major Code. Major Code and title (2 digits) shall include all industry codes and titles listed in the group other than those specifically excepted.
- B. Industry Group Number. Industry Group Number and title (3 digits) shall include all activities listed under the Industry Code other than those specifically excepted.
- C. Industry Number. Industry Number and title (4 digits) shall include only the code and title it designates and nothing outside of this specific paragraph or list of industries.

- D. Division Letter. Division Letter incorporates the whole division into the use definitions of the Zoning Resolution.

The full text of the listings in the Standard Industrial Classification Manual shall be a part of the definition of the use listed in this Zoning Resolution and is hereby adopted as a part of this Article.

203.06 LOT AND YARD REQUIREMENTS

- A. Platting Required. No use shall be established or altered and no structure shall be constructed or altered except upon a lot that has been platted in accordance with, or which otherwise meets the requirements, of the *Subdivision Regulations for Franklin County, Ohio*, as amended. In the event a lot is part of a subdivision plat containing lot restrictions or standards which exceed the requirements of this zoning resolution, the more restrictive shall apply.
- B. Minimum Requirements. Development standards are minimum requirements for the arrangement of lots and spaces to be achieved in all developments.
- C. Lot Area and Yard Preserved. The lot area and yard space required for a use or structure shall be maintained during its life and shall not be reduced below minimum requirements, occupied by another use or structure, or counted as yard space for another use or structure.
- D. Yards Required Open. The yard space required for a use or structure shall, during its life, remain free of all uses or occupancies except as follows:
1. Fences, walls and landscaping shall be permitted in any required yard, as provided for in Ch.s 301 and 304.
 2. Open and uncovered porches may project beyond the front building line or into a required rear yard a distance not to exceed five (5) feet.
 3. Driveways shall be permitted in required yards, but shall be three (3) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
- E. Yards Not Otherwise Required. Yard space not otherwise required but provided shall be five (5) feet or more in width.
- F. Yards Maintained. All yard space shall be maintained in accordance with one or more of the following provisions:
1. Fenced as permitted or required (Sec. 301.02, Fences).
 2. Landscaped by lawns, shrubbery, trees and other plantings, maintained in a neat orderly natural state, or used for permitted accessory or ancillary use.
 3. Paved for parking as permitted as per Chapter 305.

203.07 BUILDING LINES

Along every street right-of-way a building line shall be established from the centerline of that right-of-way a distance equal to the width of the existing right-of-way or the width of the right-of-way proposed in the *Franklin County Thoroughfare Plan*, as adopted by the Mid-Ohio Regional Planning Commission, as amended, whichever right-of-way is greater. A platted building line or a recorded plat shall govern in cases of conflict. For a substandard road or a road not identified on the *Franklin County Thoroughfare Plan*, a minimum building setback of sixty (60) feet from the centerline of the road shall be required.

Where a property adjoins a limited access right-of-way, a building line shall be established 50 feet from the property line adjoining the limited access line. Where property adjoins a limited access right-of-way, accessory structures may be permitted within the established building line on a condition that the setback of not less than five (5) feet from the property line is provided.

- A. Required Setback. A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.
- B. Parking Setback. Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to forty percent (40%) of the required setback distance, but in no case shall be less than twenty (20) feet.
- C. Reduced Setback. If existing structures or uses on both lots adjacent to a lot have a setback less than the setback line established by these Regulations, the setback on the center lot shall be the average setback established on the adjacent lots.

203.08 ASSIGNED YARDS FOR ARRANGEMENT OF STRUCTURES

- A. Assigned Yard Method. As an alternative method of determining the minimum requirement of yard space for the arrangement of two or more structures on the same lot or the arrangement of structures on separate lots of the same ownership or with agreement between owners, the following requirements may be used.
 - 1. Determination of Assigned Yards. The assigned yard (typically diamond-shaped) shall be the area bounded by lines passing through points that are located by the following procedure:
 - a. The outline of the structure shall be a quadrangle described by lines established by the projection of the outermost faces of the structure.
 - b. If a wing, bay or other section of the structure is twenty-five (25) percent or less of the linear dimension of a projected face or is of ten (10) feet or more difference in height, then a quadrangle and/or height as determined above may be described separately. If a face of the structure is other than straight, then the projection of such a face shall be a line through the outermost point of the face, such line being parallel to the projection of the structure's front face.

c. The points shall be established on a perpendicular bisector of each side of the quadrangle at a distance from such side equal to the sum of the length of the side and height of the structure divided by two (2).

2. Relationship of Assigned Yards. The assigned yard of a structure shall not be occupied by any other structure, except accessory structures on the same lot. Structures adjacent to property of another ownership shall comply with the yard requirements prescribed in relation to the lot line except that if the adjacent property is developed or its proposed structure is determined and with written consent of the adjacent property owner, then assigned yards may be used to establish the arrangement between the structures.

The assigned yard shall not extend into a street right-of-way, except that if a street is abutted by property of the same ownership or with agreement between owners for its full extent between intersections, then the assigned yard may be extended to the centerline of the right-of-way, except that the structure shall not be closer than ten (10) feet to the existing or proposed right-of-way, whichever is greater.

203.09 SIGHT TRIANGLE

At every intersection of street rights-of-way, a sight triangle shall be established as described by the right-of-way lines of the intersecting streets and the third side being a line passing through a point on each right-of-way line that is a distance from their point of intersection equal to the sum of the width of both rights-of-way divided by four (4).

A. Visibility Maintained. Within the sight triangle, there shall be maintained a clear visibility between the heights of two and one half (2 1/2) feet and ten (10) feet above the average center line grade of the intersecting streets within the sight triangle, except trunks of existing trees or light or sign supports. Such supports shall have maximum dimension of six (6) inches or less of its horizontal section. If two (2) or more supports are on a framework, they shall not have an opaqueness of more than ten (10%) when viewed parallel to the third side of the sight triangle. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided within the sight triangle.

203.10 DISPOSAL AREA SETBACK REQUIREMENT

Dwelling units and on-site water supply wells shall not be permitted within 1,000 feet of any landfill disposal area.

203.11 HEIGHT MODIFICATIONS

The height limitations stipulated elsewhere in this Zoning Ordinance shall not apply to the following:

A. Farm Buildings, Churches, Architectural Features and Similar Structures. Barns, silos, or other farm buildings or structures on farms; church spires, belfries, cupolas

and domes; monuments; chimneys, flagpoles; parapet walls extending not more than four (4) feet above the limiting height of the building.

- B. Elevator Penthouses, Water Tanks, and Similar Structures. Elevator penthouses, water tanks, monitors and scenery lofts, provided the height of any such structure doesn't exceed fifty (50) percent of the corresponding street lot line frontage; monuments, grain elevators, conveyers, derricks, gas holders or other structures and mechanical appurtenances where the manufacturing process requires a greater height.

203.12 YARD PROJECTIONS

The yard space required for a use or structure shall, during its life, remain free of all uses or occupancies except as follows:

1. Landscaping shall be permitted in any required yard, provided that no fence or wall, unless decorative, no higher than five (5) feet in height except as may be otherwise required, and not located so as to reduce visibility, shall be located between a public right-of-way and a front building line. Such fencing shall not include chain link fencing.
2. Eaves, cornices, canopies, window sills, belt courses and any similar architectural feature may project into any required yard a distance not to exceed three (3) feet.
3. Bay windows, balconies, uncovered porches, uncovered steps and chimneys may project beyond the front building line or into a required rear yard space a distance not to exceed five (5) feet.
4. Driveways shall be permitted in required yards, but shall be three (3) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.