

ARTICLE - 10

SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 Intent

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered and to further promote public health, safety, convenience, comfort, prosperity, or general welfare.

Section 1001 Conversion of Dwelling to More Units

A residence may not be converted to accommodate an increased number of dwelling units unless:

- A. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- B. The lot area per family equals the lot area requirements for a new structure in that district.
- C. The lot area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- D. The conversion is in compliance with all other relevant codes and resolutions.

Section 1002 Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any district where residences are permitted, except as an accessory use and unless it complies with the following conditions and requirements:

- A. The pool is intended and is to be used solely for the enjoyment of occupants and guests of the property on which it is located.
- B. It may not be located closer than ten (10) feet to any property line or infringe upon any front yard setback.
- C. The swimming pool, or the area on which the swimming pool is located, shall have one of the following safety features to prevent uncontrolled access by children from the street or from adjacent properties:
 1. A wall not less than 48 inches in height
 2. A fence not less than 48 inches in height
 3. A swimming pool cover which meets or exceeds American Society of Testing and Materials (ASTM) F1346-91 safety requirements and bearing the UL Mark.

Double Leaf access gates shall be equipped with a padlock or other key-operated locking device that must be locked when the gate is not in use.

Single Leaf access gates shall open outward away from the pool, shall be self-closing, and shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 in. above grade, the release mechanism shall be located on the pool side of the gate a minimum of 3 in. below the top of the gate and the gate and fence shall have no opening greater than 1/2 in. within 18 in. of the release mechanism when the gate is in the fully closed position.

The maximum vertical clearance between grade and the bottom of the fence and gates shall be 4 in. measured on the side of the fence that faces away from the swimming pool.

It is the responsibility of the homeowner, occupant, or tenant to maintain the integrity of the fence, wall, or pool cover, and to regularly inspect gates, doors, and covers for proper closing and locking operation.

- D. A permit from the zoning inspector is required before construction of the pool begins.

Section 1003 Community or Club Swimming Pools

Community and club swimming pools, where permitted, shall comply with the following conditions and requirements:

- A. The pool is intended solely for the enjoyment of the members of families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.
- C. The swimming pool and all of the area used by the bathers, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than 72 inches in height and maintained in good condition with a gate and lock. If the structure of an above ground pool meets the requirements of this section, no additional fencing or wall shall be required. Gates shall be constructed to ensure a human being cannot crawl under the gate when it is closed.
- D. A permit from the zoning inspector is required before construction of the pool begins.

Section 1004 Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the zoning inspector. No commercial vehicle with a net capacity rating in excess of two and one half (2 ½) tons, including commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, temporary storage containers, or pods shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials and equipment is to be performed during the actual time of parking.

Section 1005 Accessory Structures

- A. An accessory structure shall not be designed or used as living quarters for humans.
- B. A zoning permit shall be required for accessory structures except as noted in chart 1005C.
- C. Accessory structures may be located on side and rear yards as long as setback rules are followed for the district the property is in as shown in Table 1005B.
- D. An accessory structure that is a building (e.g. garage, storage building, etc.) may not exceed 18 (eighteen) feet in height.
- E. An accessory structure may be used for storage, recreation, security, etc. but shall not be used to extend the operation of a 'home occupation' that is limited to twenty-five (25) percent of the area (square-feet of living space) of the principal residential dwelling.
- F. Fences are considered accessory structures and are typically located around the perimeter of a parcel beginning at the lot line on the sides of the dwelling and extending around the rear yard. They may be up to six (6) feet in height in agriculture and residential districts and/or use and eight (8) feet high in business, and manufacturing districts. Fences up to ten (10) feet in height may be constructed of solid material when located between a residential district and a commercial or industrial district and/or use to provide protection from sound, lights or other objections.
See Section 1607 - Clear Sight Distance at Street & Access Drive Intersections.
- G. No accessory structures are permitted within the front yard, except decorative fences located a minimum of one foot outside of the road right-of-way (ROW) and low enough to ensure safe ingress and egress on a parcel adjacent to a public road as described in Section 1607 of this resolution.

Section 1005.1 Maximum Square Footage of Accessory Structures by Zoning District

Table 1005A Square Footage in Agriculture, Business, Manufacturing or Residential Districts	
Zoning District	Maximum Square Footage
R-1	1,000 sq. ft.
R-2	800 sq. ft.
RS	800 sq. ft.
SER	1,600 sq. ft.
AG	2,000 sq. ft.
AB, GB, LB, Pro, M-1, M-2, and M-3	1,000 sq. ft.
MHP	120 sq. ft.
* See Article 2 Definition of accessory structures.	

Table 1005B Location Standards of Accessory Structures In Business, Manufacturing and Residential Districts					
Accessory Structure type	Front Yard lot line (ft)	Side & rear yard lot line (ft)	Separation from principal structure (ft)	Separation from another accessory structure (ft)	Maximum height (ft)
Fence – (side & rear yard)	Not Permitted	0	0	0	6 ft Agriculture & Residential Districts, 8 ft Business & Industrial Districts
Deck	Not Permitted	5	0	0	18
Detached Garage, storage building, shed (>50 sq ft), solar panels etc	Not Permitted	5	10	10	18
Amateur Radio, TV towers, etc	Not Permitted	25 feet plus the height of the tower	10	10	See Section 1011
Swimming Pool	Not Permitted	10			See Section 1002

Table 1005C Accessory Structure Use Requirement Chart				
Structure		Residential & Agricultural	Business Manufacturing	Zoning Permit Required
1	Amateur Radio	P*	P*	Y
2	ATM Machine	P*	P	Y
3	Detached Garage	P	P*	Y
4	Storage Utility Shed & similar	P	P	Y
5	Fences	P	P	Y
6	Decks, Gazebo's, & Similar	P	P*	Y
7	Private Swimming Pools**	P	P*	Y
8	Ramps	P	P*	Y
9	Roadside Stands	P*	P*	Y
10	Solar Panels Free Standing	P*	P*	Y
11	Tennis and other ball courts	P*	P*	Y
12	Tree house, Play sets, Trampoline	P	P	N
13	Wood Boiler Furnaces	P*	P*	Y
14	Unenclosed Patios	P	P	Y
* Conditionally Permitted Use				
** See Section 1002-Private Swimming Pools				

Section 1006 Required Trash Areas

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be fully enclosed by a solid wall or fence, maintained in good condition, with a gate. Said fence or wall shall be at least 96” in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage shall be required.

Section 1007 Supplemental Yard and Height Regulations

In addition to all yard regulations specified in the official schedule of district regulations and in other sections of this resolution, the provisions of Sections 1008 through 1014, inclusive shall be used for interpretation and clarification.

Section 1008 Setback Requirements for Corner Buildings

On a corner lot, the principal building and its accessory structures shall comply with the restrictions of the clear sight distances of Section 1607.

Section 1009 Yard Requirements for Multi-Family Dwellings

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot. In addition, each structure upon a single lot of record shall provide a minimum separation between structures of thirty (30) feet.

Section 1010 Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, patios, decks, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into front, side, or rear yard setbacks.

Section 1011 *Exceptions to Height Regulations*

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

Section 1012 *Special Provisions All Districts and Uses*

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions, which could adversely affect the surrounding areas or adjoining premises. Any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are in place. Acceptable limits are established by the performance requirements in Sections 1013 through 1020, inclusive.

Section 1013 *Fire Hazards*

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance in compliance with the West Licking Fire District Code.

Section 1014 *Radioactivity or Electrical Disturbances*

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

Section 1015 *Noise*

No objectionable noise that constitutes a nuisance that is audible, due to volume, frequency, beat and/or duration, beyond the lot of the noise source, shall be muffled or otherwise controlled. Weather sirens and related apparatuses used solely for public safety in addition to passing motor vehicles utilizing public roadways, construction equipment, lawn equipment, agricultural equipment, and pets are exempt.

Section 1016 *Vibration*

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Section 1017 *Air Pollution*

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

Section 1018 *Glare*

Direct or reflected glare (light trespass) from the source lot shall not be detectible from any adjoining lot or street. Any lights used to illuminate outdoor areas on a lot shall be so arranged as to reflect the light away from the adjoining property and make use of fully-shielded fixtures to limit light pollution. Agricultural uses are exempt from this standard.

Section 1019 *Erosion*

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

Section 1020 *Water Pollution*

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

Section 1021 Enforcement Provisions

The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. Additionally, the Zoning Inspector may require permits from any Local, State, or Federal agency with regulatory jurisdiction and required permitting procedures prior to issuing a zoning permit.

Section 1022 Measurement Procedures

Methods and procedures for the determination of existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists Association, Inc., Washington, DC, the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

Section 1023 Required Lot Frontage

Except as permitted by other provisions of these regulations, no lot shall have less than the required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. For cul-de-sac lots: the minimum road frontage requirement for lots fronting on a cul-de-sac shall be sixty (60) feet with the district's width requirement being met at the set back line.

Section 1024 Temporary Dwellings

Temporary dwellings are permitted, with a zoning permit, in any district where dwellings are permitted and may be occupied during the construction or reconstruction of the principal dwelling for a period not to exceed eighteen (18) months. After a said eighteen (18) month period the temporary structure shall be vacated and removed from the lot. Requests for extensions shall be considered a variance and referred to the Board of Zoning Appeals.

Section 1025 Principal Structure Limitation

- A. Residential and Agricultural Districts.** In a residential or agricultural district, a dwelling located on a lot of record shall be deemed a principal structure. For permitted uses in a residential or agricultural district other than a dwelling, the term "principal structure" shall mean the structure in which is conducted the main or principal use of the property on which such structure is located.
- B. Business and Manufacturing Districts.** In a business or manufacturing district, a principal structure means a structure in which is conducted the main or principal use of the property on which such structure is located. When a dwelling is the only structure located on a lot of record in a business district, and that dwelling is converted to a business use, it is at that point and for ever more considered a structure for business use only, and cannot be used as a dwelling without being subject to the applicant obtaining a conditional use permit or variance.
- C. Number of Principal Structures.** Except as provided for by any other provisions of this resolution:
1. Only one principal structure used as a dwelling shall be permitted on any lot of record in any residential or agricultural district. In planned unit developments where multi-family uses are permitted, principle structures and dwellings shall be permitted as established by the planned unit development regulations.
 2. More than one principal structure used for business purposes, except dwellings, may be placed on lots of record in any business or manufacturing district, providing each principal structure occupies a portion of the lot equal to, or greater than the minimum size lot specified for the district in which it is located. All other requirements (front yard setback, side yard setback, height, etc.) of the district in which the lot is located must be met per structure.

Section 1026 Ponds, Lakes, Water Retention/Detention Areas (hereinafter referred to as ponds)

It is not the intent of this section to give instructions on how to construct a pond but should be considered a supplement to the Natural Resources Conservation Service Standard 378 publication.

- A. No pond shall be constructed in any zoning district, with the exception of districts zoned for agricultural purposes, using dikes, dams, or sidewalls which extend above the grade level existing prior to site preparation grading.
- B. A pond, lake, or other area designed for the permanent or temporary storage of water must lie within the boundaries of a single lot of record and may not be subdivided in such a manner that it lies within the boundaries of more than one lot of record.
- C. Ponds constructed within an agricultural district which extend above the natural grade, must maintain a distance of at least 100 feet, measured from the nearest edge of the pond, from adjacent properties.
- D. Ponds constructed within an agricultural district which do not extend above the natural grade, must maintain a distance of at least 50 feet, measured from the nearest edge of the pond, from adjacent properties.
- E. Ponds constructed within any other zoning district must maintain a minimum of 50 feet, measured from the nearest edge of the pond, from any adjacent residential property.
- F. With the exception of ponds in districts zoned for agricultural purposes, functional pond aeration/fountains sized at ½ HP per ¼ acre, or equivalent, shall be included in all retention ponds.
- G. Any pond located upon a lot of record being subdivided shall conform to a-f above.

Section 1027 Surface Drainage

All grading shall be done in such a way as to not impede, increase, or alter the natural flow of drainage on adjacent properties.

Section 1028 - Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer or motorized camper may be stored in the rear yard, if not creating a nuisance to any neighbor upon inspection by the zoning inspector, if the vehicles have a current license. Travel trailers or motorized campers or motor homes belonging to residential visitors are exempt from permit for thirty (30) days.