

# CHAPTER 155

## LIR

### LIGHT INDUSTRY RESTRICTED DISTRICT

- |                                      |   |
|--------------------------------------|---|
| 155.01 Establishment.                | 155.04 Industrial park conditions.                        |
| 155.02 Use Regulations.              | 155.05 Adult Entertainment and Adult Oriented Businesses. |
| 155.03 Height, area, yards and bulk. |   |

#### **155.01 ESTABLISHMENT.**

In accordance with Section 101.02 and 131.04 (f) and in order to provide for establishment and development of light industry in appropriate areas of the Township, which is physically compatible with existing patterns of land use that is predominantly residential in character, and which will not overtax the physical capacity of land and water resources to support such development, the LIR Light Industry Restricted District is hereby established along with the following regulations.

#### **155.02 USE REGULATIONS.**

- (a) Permitted Uses. Only the following uses shall be permitted:

No Zoning Certificate Required.

- Bainbridge Township government buildings and uses.
- Public utility or railroad as exempted by Ohio R. C. 519.21.

Zoning Certificate Required.

- Professional, medical, administrative, business and sales offices and office buildings.
- Data and word processing activities, and computer operations.
- Manufacturing, production or fabrication of the following, but excluding operations involving reduction, refining or chemical conversion of primary raw materials:
  - (1) Precision electrical or electro-mechanical equipment;
  - (2) Precision instruments, including clocks, cameras and other photo equipment, optical goods, business machines, surgical and dental instruments;
  - (3) Printing and reproduction products, including engraving and bookbinding, and;
  - (4) Assembly or creation of products made of plastic, rubber, wood or other similar substances.
- Warehouses and commercial and household storage facilities including self-storage units.

Wholesaling operations for: drugs, chemicals and allied products; dry goods and apparel; groceries and related products; electrical goods; hardware, plumbing and heating equipment and supplies; tobacco and allied products; beer, wine and distilled alcoholic beverages; paper and its products; furniture and home furnishings.

Exercise and fitness studios, martial arts facilities, yoga studios and similar disciplines and related facilities. [**Adopted 7/22/2019 – Z-2019-1**]

(b) Conditional Uses. Only the following conditional uses shall be permitted after obtaining a conditional zoning certificate:

Animal Hospital.

Governmental buildings and uses.

Funeral homes but not including crematoriums.

Hospitals, clinics and emergency care centers.

Industrial Park.

Research and development laboratories including laboratories for the development of manufactured, processed or compounded products, and development of techniques for the assembling and distribution of such products, provided that only such buildings and structures are to be permitted and only such facilities and equipment are to be located or installed on the premises as may be required for the operation of such laboratories, including such pilot experimental facilities and developmental assembly facilities as may require supervision by the staff of such laboratories.

Service station garages or repair garages provided: such uses are served by central sewage disposal facilities; no part of such premises is located within 3000 feet from any lot line of another lot of service station garage or repair garage use; no motor vehicle shall be parked nor shall any pump or pump island be located on the premises closer than thirty (30) feet from the right-of-way line of any dedicated street; no rental trailers may be stored or displayed outside, and; no repair work on motor vehicles shall be done except within a building.

Adult Entertainment and Adult Oriented Businesses. [**Adopted 9/15/2003 - Z-2003-2**]

(c) Accessory Uses. Only the following accessory uses or accessory structures shall be permitted after obtaining a zoning certificate:

Wind energy systems including windmills and wind generators.

Ground mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas extending more than twelve (12) feet in height above the roof from the point of anchorage.

Parking facilities, recreation areas, clinics and cafeterias for the use of employees, storage of materials and equipment, heating and cooling power plants, water tanks and refuse disposal systems, subject to the following limitations:

(1) That all accessory facilities shall serve only the premises to which they are accessory, and no other.

(2) That clinics, cafeterias and recreation areas shall be conducted within a main or accessory building, for the exclusive use of the occupants, employees and business invitees of the main use.

(3) That all storage of motor vehicles, equipment, supplies and refuse shall be located entirely within a building or in underground containers, or otherwise shall be effectively screened from the view of the public and of the occupants of adjacent properties.

(d) Address Numbers. All business addresses must be posted in front of or on the front of the building at least twenty four inches (24") above the finished grade or affixed to a roadside mailbox located within thirty feet (30') of the lot. Address numbers must be clearly visible from the road.

### **155.03 HEIGHT, AREA, YARDS AND BULK.**

All uses, buildings and structures located within the LIR Light Industry Restricted District shall conform to the following physical requirements:

(a) Minimum Lot Area. Any lot shall have a minimum area of twenty (20) acres.

(b) Minimum Lot Coverage For Buildings. The area covered by all principal and accessory buildings and structures, including heating, air conditioning and power plants, water towers and tanks, security offices and gates, but excluding parking areas, shall not exceed fifteen percent (15%) of the total area of the lot; except that the area covered for one (1) story buildings shall not exceed twenty-five percent (25%) of the total area of the lot.

(c) Minimum Yard Dimensions Except as herein specifically provided, no building or structure, including paved or graveled areas, other than driveways or roadways not used for parking of motor vehicles, shall be located less than three hundred (300) feet from the side line of any dedicated public street or less than three hundred (300) feet from any lot line; except that where a lot line abuts a park or other reserved open space, the Board of Zoning Appeals may reduce the required distance from such lot line to a minimum of one hundred fifty (150) feet, if the Board finds that such reduction will not adversely affect use of such park or reserved open space and will not otherwise be detrimental to the public interest. Gate houses and security offices not exceeding one (1) story in height may be located not less than thirty (30) feet from the side line of any dedicated public street. Water storage tanks not exceeding ten (10) feet in height above the average grade at its perimeter may be located less than three hundred (300) feet from the side line of the dedicated public street or less than three hundred (300) feet from the lot line, if required by applicable fire or fire prevention regulations.

(d) Maximum Height. No building or structure or any part thereof shall exceed thirty-five (35) feet or two and one-half (2.5) stories in height above the average grade at the building perimeter, whichever is less.

(e) Parking and Loading. Off-street parking and loading shall conform to requirements of Chapter 169.

(f) Utility Lines. All on-site utility lines shall be located underground.

(g) Screening and Landscaping. Front yards shall be entirely landscaped. Where parking areas are located adjacent to a front yard, such areas shall be placed as close as possible to the principal building, leaving maximum landscaped area between the building and abutting streets. If an industrial use authorized under this chapter abuts a residential district:

(1) A visual screen of natural or decorative materials shall be interposed between all parking areas and the residential district, sufficient to conceal the view of such parking area from occupants of adjacent residential properties, and;

(2) All yards adjoining such residential district shall include a natural screen or landscaped buffer, which shall be suitably maintained at all times. For purposes of this section "natural screen" means an evergreen hedge not less than five (5) feet nor more than eight (8) feet above ground level. "Landscaped buffer" means an open space, unoccupied except by any pedestrian walk with the ground surface maintained in lawn or evergreen ground cover, with or without shrubs or trees.

(h) Minimum Front Lot Lines. All front lot lines shall be a minimum of sixty (60) feet.

(i) Ground mounted satellite dishes or ground mounted antennas shall be restricted to rear yards.

<b>155.04 INDUSTRIAL PARK CONDITIONS.</b>
---

(a) The park shall contain a minimum of one hundred (100) acres. The park shall be subdivided into parcels.

(b) Each principal building shall be placed on a parcel with a minimum of three (3) acres and a parcel width at the building line of at least two hundred (200) feet.

(c) No building shall be nearer than seventy-five (75) feet to the front lot line. Except for necessary drives and walks, a front yard shall be planted in grass or other suitable ground cover, including flowers, ornamental shrubs and trees.

(d) All buildings shall have a total side yard requirement of fifty (50) feet with a minimum of fifteen (15) feet set back from the parcel/lot line. Each side yard shall comply with the planting requirements of a front yard. On a corner lot, the side yard adjacent to a street shall be subject to all regulations governing a front yard.

(e) No building shall be nearer than fifty (50) feet to the rear parcel/lot line.

- (f) When a side or rear yard of a lot used for industrial purposes adjoins a residential district, such side or rear yard shall be at least 100 feet in width or depth, and the strip of land nearest the lot line of such side or rear yard shall be planted to a width of twenty (20) feet with trees and shrubs in such a manner as reasonably to screen the industrial lot and buildings from the residential district. With the exception of the twenty foot area, the side or rear yard may be used for parking motor vehicles.
- (g) Parking and loading areas may be placed in a side or rear yard, except that on a corner lot they shall not be placed in the side yard adjacent to a street, provided such areas are not nearer than twenty-five (25) feet to a side or rear lot line and not nearer than 100 feet to such lot line if such side or rear yard adjoins a residential district, and provided further that sufficient screening by shrubbery, trees or other means is provided so that no vehicle can be seen from any street. No loading docks are allowed in front of a building.
- (h) Not more than forty percent (40%) of a parcel shall be covered by buildings or structures nor may more than forty percent (40%) of the industrial park be covered by buildings, structures, roads or streets.
- (i) No building or structure or any part thereof shall exceed thirty-five (35) feet or two and one-half (2.5) stories in height above the average grade at the building perimeter, whichever is less.
- (j) Chimneys, flagpoles, towers, water tanks, stacks, vents and other mechanical appurtenances to a building for industrial purposes shall be constructed as an integral part of such building, and may exceed the maximum allowable building height, but in no case shall exceed 100 feet in height above the established grade. Such appurtenances shall be so designed and arranged as to minimize their visibility from the lot lines, and especially from the front lot line. In hardship cases, the foregoing building appurtenances may be constructed outside of the limits of the main building providing the Board of Zoning Appeals specifically approves such appurtenances.

<p><b>155.05 ADULT ENTERTAINMENT AND ADULT ORIENTED BUSINESSES CONDITIONS. [Adopted 9-15-2003 – Z-2003-2]</b></p>
---

(a) Purpose and Intent

It is the purpose of this section to regulate adult oriented businesses, to promote the health, safety, and morals of the citizens of Bainbridge Township and to establish reasonable and uniform regulations to prevent the concentration of adult oriented businesses within Bainbridge Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented material protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to the adult market. There is convincing documented evidence that adult oriented businesses, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime

and downgrading property values.

The Bainbridge Township Trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety and morals of the citizenry.

(b) Definitions applicable only to this section:

For the purposes of this section, the following definitions of terms shall apply.

- (1) "Adult arcade" means an establishment where coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas." See also video viewing booth or arcade booth.
- (2) "Adult bathhouse or sauna" means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (3) "Adult cabaret" means a building or portion thereof including a nightclub, bar, restaurant or similar establishment which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on:
  - A) Persons who appear in a state of nudity, or
  - B) The Exhibition of specified anatomical areas or specified sexual activities for observation by patrons.
- (4) "Adult massage business" means an establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to "specified sexual activities" or "specified anatomical areas," unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.

- (5) "Adult media" means magazines, books, videotapes movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.
- (6) "Adult media store" means an establishment that rents and /or sells media and that meets any of the following:
  - A) 25 percent or more of the gross public floor area is devoted to adult media.
  - B) 25 percent or more of the stock in trade consists of adult media.
  - C) It advertises or markets itself in any forum as "X rated", "adult", "sex", or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.
- (7) "Adult motel or hotel" means an establishment which:
  - A) Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
  - B) Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or
  - C) Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
  - D) Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.
- (8) "Adult motion picture theater" means an establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (9) "Adult oriented business" means an establishment which is designed and used to sell, rent, or show sexually explicit or hard-core materials, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult bathhouse or sauna, adult cabaret, adult massage business, adult motel or hotel, body-painting studio, lingerie or adult modeling studio, nude photography studio, adult media store, adult motion picture theater,

adult theater, adult sexual paraphernalia business, and an adult sexual encounter business.

- (10) "Adult sexual encounter business" means an establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, a body-painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.
- (11) "Adult sexual paraphernalia business" means an establishment which devotes 25 percent or more of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.
- (12) "Adult theater" means an establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of nudity or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (13) "Body-painting studio" means an establishment wherein paint or similar materials or substances are applied to specified anatomical areas of patrons who are in a state of nudity.
- (14) "Display publicly" means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.
- (15) "Establishment" means any business regulated by this section.
- (16) "Explicit sexual material" means any hard-core material.
- (17) "Gross public floor area" means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.



- (18) "Hard-core material" means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- (19) "Lingerie or adult modeling studio" means an establishment that provides the services of live models to model lingerie to patrons and who engage in specified sexual activities or expose specified anatomical areas while being observed, painted, painted upon, sketched, drawn, photographed, or otherwise depicted by patrons.
- (20) "Nude photography studio" means an establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.
- (21) "Nudity" means the showing of either of the following:
- A) The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
  - B) The female breast with less than a fully opaque covering on any part of the areola.
- (22) "Sexually oriented devices, toys or novelties" means, without limitation, any artificial or simulated specified anatomical area or other device, novelty, toy or paraphernalia that is designed principally for specified sexual activities or to stimulate human genital organs, but shall not mean any contraceptive device.
- (23) "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (24) "Specified sexual activities" means any of the following:
- A) Human genitals in a state of sexual stimulation or arousal;
  - B) The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
  - C) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  - D) Masturbation, actual or simulated; or

E) Excretory functions as part of, or in connection with, any of the activities set forth herein above.

(25) "Video viewing booth or arcade booth" means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, books, magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than 500 square feet of floor area.

(c) Regulations Governing Adult Oriented Business

An adult oriented business shall be classified as a Conditional Use and is only allowed in areas zoned Light Industrial. As such, all adult oriented businesses are subject to the procedure for conditional zoning certificates as set forth in section 117.12 of this resolution, the general conditions for conditional uses as provided in section 117.13 of this resolution, and the following specific conditions. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this resolution. Nothing in this resolution shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film, video or other form of media or material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

- a) The proposed business shall be located more than five hundred (500) feet from the boundaries of a lot having situated on it a public or private school, church, library, public playground, active or passive public park or child day care center. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest lot line of the premises of a public or private school, or church, or library, or public playground, or active or passive public park or child day care center.
- b) The proposed business shall be located more than three hundred (300) feet from any boundary of a residential district, active park district, passive park district, convenience business district, commercial recreation district, or professional office district as established by the Bainbridge Township Zoning Resolution, the lot line of a lot devoted to residential uses, any boundary of a residential district in a local political subdivision abutting Bainbridge Township, or any building that contains a residence. Measurement shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest affected lot line of a residential district, or active park district, or passive park district, or a convenience business district, or a commercial recreation district, or a

professional office district, or a lot devoted to residential use or possession of a building that contains a residence.

- c) The proposed use shall be located more than one thousand (1,000) feet from an already existing adult oriented business, whether by permit or other means of establishment. The distance between any two adult oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest external wall of the structure in which each business is located.
- d) All viewing booths and viewing areas in an adult arcade, adult book store, adult video store, adult motion picture theater, or adult theater must be visible from an adjoining and continuous main aisle and must not be obscured by any curtain, door, wall or other enclosure or means of cover.
- e) No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.
- f) No owner or operator of an adult oriented business in the unincorporated areas of the township shall knowingly do any of the following:
  - 1) Refuse to allow appropriate state or local authorities, including police officers, access to the adult oriented business for any health or safety inspection, or any inspection conducted to ensure compliance with sections 503.41 and 503.52 to 503.59 of the Ohio Revised Code and regulation adopted by the township under sections 503.52 or 503.56 of the Ohio Revised Code;
  - 2) Employ any person under the age of eighteen;
- g) No person employed in an adult oriented business in the unincorporated area of the township shall knowingly do any of the following in the performance of duties at the adult oriented business:
  - 1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;
  - 2) Perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;
  - 3) Uncover the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.

- h) All provisions of the Ohio Fire Code must be met prior to the issuance of a zoning certificate.
- i) No person shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provision of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.
- j) As amended, any adult oriented business lawfully operating on the effective date of Section 3 of this Resolution that is in violation of that section of the Resolution shall be deemed a nonconforming use. An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a public or private school, church, library, or child day care center within five hundred (500) feet, or a residential district, active park district, passive park district, convenience business district, mixed use planned unit development district, professional office district within three hundred (300) feet, of the adult oriented business. When a nonconforming adult oriented business use of a building or premises is voluntarily discontinued or abandoned (2) two years or more, the building, or premises shall not thereafter be used except in conformity with the uses allowed for the zoning district in which it is located. **[Adopted 6/8/2015 – Z-2015-1]**