

MADISON TOWNSHIP ZONING RESOLUTION

**Madison Township
Licking County, Ohio**

Prepared by

**Madison Township Zoning Commission
And
Licking County Regional Planning Commission**

SUMMARY OF ZONING REGULATIONS

C-A-R-DISTRICTS

DISTRICT	PRINCIPAL USES	Heights	Yards		Lot Width	Lot Area* per family
		Stories Feet	Front Side	Rear		
C-1	Agriculture, forestry, parks, recreation, flood control	2 ½ 35	35	50-55 50	None	None
AG	Residence, agricultural, commercial grain storage, greenhouse, nurseries, home occupations	2 ½ 35	40	10-15 50	150	40,000
R-1	Residence, churches, schools, public services, libraries, parks and playgrounds	2 ½ 35	40 15	15- 50	150	40,000
R-2	Residence, community development projects, tourist homes, rest homes, clubs, lodging houses, clinics, professional & business offices, etc.	2 ½ 35	40 15 25-25 *	15- 45 50 *	100 150 200 225 250	20,000 40,000 55,000 70,000 80,000

SUMMARY OF ZONING REGULATIONS

B & M DISTRICTS

DISTRICT	PRINCIPAL USES	Height		Yards (Feet)		Lot Width	Lot Area Per Family
		Stories Feet		Front	Side		
B-1	General Retail stores; department stores, supermarkets, specialty shops, service and recreation and residence. Conditional Uses.	2	30	Front – 25 Feet	Side – None except where adjoining R District.	150 *	40,000 for Commercial Residence same as R-2 *
M-1	General Manufacture; warehousing and storage, light manufacturing, heavy manufacturing subject to performance standards.	3	50	Front – 40 Feet	Rear – 40 Feet	200 *	40,000 for Mfg. Residence same as R-2*

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ARTICLE 1

PURPOSE AND SCOPE

PREAMBLE: This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of Madison Township, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described – all as authorized by the Ohio Revised Code.

ARTICLE 2

TITLE

MADISON TOWNSHIP, LICKING COUNTY, OHIO, ZONING RESOLUTION: This Resolution shall be known and may be cited and referred to as the “Madison Township, Licking County, Ohio, Zoning Resolution.”

ARTICLE 3

INTERPRETATION OF STANDARDS

REQUIREMENTS AS MINIMUM: In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Wherever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations, the provisions of this Resolution shall govern.

ARTICLE 4

DEFINITIONS

INTERPRETATION: For the purpose of this Resolution certain terms or words used herein shall be interpreted as follows:

All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word “shall” is mandatory and not directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used.

Accessory Use or Building: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley or Lane: A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.

Apartment House: See dwelling, multi-family.

Automotive or trailer sales area: An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers excluding junk yards or salvage operations.

Automobile Service Station or Filling Station: A place where gasoline, kerosene or any other motor fuel or lubrication oil or grease for operation motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises and where repairs are made.

Automobile Wrecking: The dismantling or disassembly of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit.

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel

where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Board: The Board of Zoning Appeals of the Township.

Board or Lodging House: A dwelling or part thereof where meals and/or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

Building: Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs and similar structures, whether stationary or movable.

Building Line: The line beyond which no building or part thereof shall project, except as otherwise provided by this Resolution.

Cellar: That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Clinic: A clinic is a place which provides a range of services by a group of licensed practitioners, their associate and assistant(s), including the care, diagnosis and treatment of those who are sick, ailing, infirm and/or injured persons, and include the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

Club: A non-profit association of persons who are bonafide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily on as a commercial enterprise.

Commission: The Township Zoning Commission.

District: A portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply.

Dump: An accumulation of refuse or other discarded material.

Dwelling: A permanent building used primarily for human habitation but not including facilities for the housing of transient residents nor to include mobile homes.

Dwelling, Single – Family: A permanent building, separate and free standing, in itself providing living accommodations for one family.

Dwelling, Two – Family: A permanent building designed exclusively for occupancy by two families.

Dwelling, Multi – Family: A permanent building or portion thereof providing separate living accommodations for three or more families.

Dwelling, Unit: One room, or a suite or two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Dwelling, Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Floor Area: The number of square feet of living area excluding garages, porches, carports, breezeways and other non-livable areas.

Frontage: All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, and of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts.

Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families resident upon the premises.

Garage, Public: A space or structure for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital: A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanitarium, sanatoria.

Industry: Storage, repair manufacture, preparation or treatment of any article, substance or commodity.

Junk Yard: Any open area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage and equipment.

Kennel: Any structure or premises on which five or more dogs over four months of age are kept.

Livable Area: The area excluding porches, breezeways, garages, carports and other similar areas.

Lot: A piece, parcel, or plot of land occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this Resolution.

Mineral: Any chemical compound occurring naturally as a product of inorganic processes.

Mobile Home: A structure designed to be used for human habitation, carrying or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place.

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

Nonconforming Use: A use of building or land lawful at the time of enactment of this Resolution that does not conform with the “permitted use” provisions of this Resolution.

Regional Planning Commission: The Licking County Regional Planning Commission.

Sanitary Landfill: A method of disposing of refuse on land without creating nuisances to the public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day’s operation or at such more frequent intervals as may be necessary.

Sign: A structure that is arranged, intended or designed or used as an advertisement, announcement or direction including a sign screen or advertising device of any kind.

Business Sign: refers to a sign used for identification purposes which directs attention to a business or profession conducted upon the premises at which the sign is located, and which may also refer to goods or services produced, offered for sale or obtained at such premises.

Non-Accessory Sign: refers to a sign which directs attention to a business, commodity, service or entertainment, not exclusively related to the premises at which the sign is located or to a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises at which the sign is located.

Illuminated Sign: refers to a sign designed to give forth any artificial light or to reflect light either directly from a source of light incorporated in or connected with such sign, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

Flashing Sign: refers to an illuminated sign, which contains flashing lights or exhibits noticeable changes in light intensity.

Outdoor Advertising: Same as non-accessory. For the purposes of this section the terms Business and Manufacturing are synonymous.

Stable, Commercial: A stable for horses, donkeys, mules, or ponies, which are let, hired, used or boarded on a commercial basis and for compensation.

Stable, Private: An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

Standard Equipment: A criterion for the control of type and placing of industrial equipment.

Performance: A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by an inherent in or incidental to land uses.

Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street: A public right-of-way designed for the purpose of moving people and goods or the provision of access to private property.

Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders.

Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Thoroughfare, Primary or Secondary: An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on an official Thoroughfare Plan, or a county or other road or street designated as a secondary thoroughfare on said Plan, respectively.

Use: The purpose or activity for which a building, structure, or land is occupied or maintained.

Variance: A variance is a relaxation of the terms of the zoning resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district, unless so authorized by this Resolution.

Yard: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this Resolution.

Front Yard: The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

Height of Building: The vertical distance from the established average sidewalk grade, street grade, or finished grade, at the building line, whichever is the highest, to the highest point of the building.

Zoning Certificate: A document issued by the Zoning or Building Inspector authorizing buildings, structures, or uses consistent with the terms of the Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector: The Zoning Inspector of the Township, or his authorized representative.

Zoning Map: The Zoning Map or Maps of the Township, together with all amendments subsequently adopted.

ARTICLE 5

DISTRICTS AND GENERAL PROVISIONS

5.0 Districts: The Township is hereby divided into 6 districts known as:

- C-1 Conservancy District
- AG Agricultural District
- R-1 Single Family Residence District
- R-2 General Residence District
- B-1 General Business District
- M-1 General Manufacturing District

5.1 Zoning Map: The districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, data, district boundaries and other information shown thereon, shall be part of these regulations. The Zoning Map, properly attested, shall be and remain on file in the office of the Township Clerk.

5.2 District Boundaries: The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the Map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the said railroad line.

5.3 Compliance with Regulations: No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the area regulations, minimum yard requirements, and minimum off-street parking space requirements of this Resolution for the District in which such building is located.

5.4 Rear Dwelling: No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements. For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access way not less than 20 feet wide, to a public street for each

dwelling unit in such dwelling, or one not less than 50 feet wide for three or more dwelling units.

- 5.5 Street Frontage Required: Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 40 feet on a street; and, there shall be not more than one single-family dwelling for such frontage.
- 5.6 Traffic Visibility Across Corner Lots: In any R-District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.
- 5.7 Off-Street Parking and Loading: In any district spaces for off-street parking and for off-street loading shall be provided in accordance with the provisions of Article 14.
- 5.8 Essential Services: Essential services shall be permitted as authorized and regulated by law and other resolutions of the Township, it being the intention here-of to exempt such essential services from the application of these regulations.
- 5.9 Unsafe Buildings: Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.
- 5.10 Vacated Street or Alley: Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- 5.11 Territory Not Included – Annexation: In every case where territory has not been specifically included within a district or where a territory becomes a part of the un-incorporated area of the Township as the result of the disincorporation of any city, town, or portion thereof, or otherwise, such territory shall automatically be classified as a “C-1” District until otherwise classified.
- 5.12 Accessory Buildings in R-Districts – AG Districts: Accessory buildings shall be distant at least 6 feet from any dwelling situated on the same lot unless an integrated part thereof; at least 6 feet from any other accessory building and at least 3 feet from any lot lines of adjoining lots which are within an R or AG District.
- 5.13 Drainage and Flood Plain Regulations:

1. Adequate Drainage Required: No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times nor which is subject to periodic flooding, nor so that the lowest floor level is less than 3 feet above the highest anticipated seasonal ground water level.
 2. Obstruction to Drainage Prohibited: The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the Zoning Commission and Board of Township Trustees.
 3. Building Restricted Adjacent to Drainage Channels or Watercourses: No building other than a bridge, dam or revetment subject to the aforesaid approval, shall be erected, structurally altered or relocated within 20 feet of the ordinary high water line of such surface water that the lowest floor of said building is less than 3 feet above the ordinary high ground water line, except with approval of the Zoning Commission and Board of Township Trustees.
- 5.14 Agricultural Exemptions: Sections 519.02 to 519.25, inclusive, of the Revised Code confer no power on any board of township trustees or zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.
- 5.15 Basements – Square Footage & Heights: Basements, when provided, shall have a minimum of 600 square feet of area per family and a ceiling height minimum of 7 feet.
- 5.16 Prohibited Uses: The following uses shall not be permitted in any District:
1. Race tracks.
 2. Junkyards, dumps or sanitary landfills.
 3. Mobile Home Parks or tourist camps.
 4. Bulk petroleum stations with above ground storage tanks.
 5. Commercial slaughterhouses.
 6. Penal, correctional or mental institutions.
- 5.17 Modular Homes – Permitted: For the purpose of this Resolution a “Modular Home” shall be defined as a structure comprised of one or more self-sufficient units except for site preparation, transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. Said modular home shall be affixed to a permanent foundation and comply with all Lot Area and Yard Requirements and Floor Area Requirements of this Resolution.

5.18 Outdoor Advertising: Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade; however, such uses shall comply with the requirements of the district in which they are located.

ARTICLE 6

NONCONFORMING USES OR BUILDINGS

- 6.0 Existing Nonconforming Uses – Continuation: Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this Resolution may be continued, although such use, building or structure does not conform with the provisions of this Resolution for the district in which it is located.
- 6.1 Nonconforming Uses or Buildings – Enlargement, Substitution, Etc.: No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless authorized by the Board in accordance with Article 23.
- 6.2 Discontinuance of a Use: No building, structure, or premises where a nonconforming use has been discontinued for a period of twenty – four (24) months or more shall be put to a nonconforming use.
- 6.3 Nonconformity – Performance Standards: All uses nonconforming at the time of adoption of this Resolution, by reason of noncompliance with the provisions of Article 13 if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within 2 years of the adoption of this Resolution.
- 6.4 Repairs and Alterations: Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure subject to the approval of the Board.
- 6.5 Replacing Damaged Buildings: Any nonconforming building or structure, or one or more of a group of nonconforming buildings or structures related to one industry and under one ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war riot or act of God, may be reconstructed and used as before, if it be done within 12 months of such calamity or if the area restored does not exceed the square foot area as it existed at the time of such calamity.
- 6.6 Exemption of Essential Services: Essential services, as defined in this Resolution, shall be exempt from the provisions of Sections 6.4 and 6.5 of this Article.

ARTICLE 7

C-1 CONSERVATION DISTRICT

7.0 Purpose: The purpose of this conservation district is to protect the public health and to reduce the financial burdens imposed on the community, its governmental units, and its individuals which may result from improper use of lands having excessively high water tables or are subject to frequent and periodic floods and overflow.

7.1 Uses Permitted in the C-1 Conservation District:

1. Any customary agricultural use, forestry.
2. Recreational facilities such as fishing lakes, golf courses, golf driving ranges, and parks.
3. Water conservation works; including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydro-electric power installation, etc.
4. Accessory use and buildings.
5. Essential services.

7.2 Conditional Uses in the C-1 Conservation District*

1. Gun clubs, archery courts, and other similar uses.
2. Commercial mining; in accordance with the provisions of Article 16.
3. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Commission unless the Commission finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the Commission after review by the technical staff available to the Soil and Water Conservation District.

* As approved by the Board of Zoning Appeals after Recommendation by the Commission.

7.3 Other Requirements:

Buildings or structures authorized in the Conservation District shall not obstruct natural drainage courses and floodways. Equipment, materials and wastes stored in area subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

1. Engineer's Report: Whenever the Commission is required to pass on matters of protection of life and property from flood hazards it shall request a report and recommendations thereon from the technical staff available to the Soil and Water Conservation District.
2. Change to Non-conservation District: Changes of district classification from C-1 to any other classification provided by this Resolution may be initiated in accordance with the requirements of this Resolution; provided that the applicant can show that any flood condition existing at the time the C-1 District was originally established does no longer exist or has been remedied to the satisfaction of the Planning Commission, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District. When deemed necessary the plan will be reviewed by the technical staff of the Soil and Water Conservation District.

7.4 Required Lot Area and Lot Width in the C-1 District:

None, except as may be specified by the Commission; provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 50 feet to any side or rear lot line.

7.5 Height Regulation in the C-1 District:

No structure shall exceed 35 feet in height.

ARTICLE 8

AG – AGRICULTURAL DISTRICT

8.0 Purpose: The purpose of the Agricultural District is to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for small rural estate residential development; and, to conserve areas physically unsuitable for intensive development.

8.1 Uses Permitted in the AG District:

1. Agricultural uses, commercial grain storage.
2. One-family dwellings.
3. Utility and service system buildings and lands, public buildings, picnic grounds, religious and educational institutions.
4. Unlighted signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area; unlighted signs advertising only the farm products grown or produced on the premises, shall not exceed 20 square feet in area; an, unlighted, identification signs for farms, churches, libraries, museums, social clubs, or societies shall not exceed 15 square feet in area.

8.2 Conditional Uses in the AG District*

1. Real Estate, professional, and small announcement signs, subject to the provisions of Article 15.
2. Uses of land including quarrying and mining of natural resources subject to the provisions of Article 15.
3. Cemeteries, golf courses, and similar uses.
4. Home Occupations.
5. Private aviation fields.

8.3 Required Lot Area & Lot Width in the AG District for Agricultural Uses:

For combined agricultural and residential use each dwelling shall be located on a lot having an area of not less than 5 acres and a lot width of not less than 250 feet.

* As approved by the Board of Zoning Appeals after recommendation by the Commission.

8.4 Required Lot area and Lot Width in the AG District for Residential Uses:

Each dwelling shall be located on a lot having an area of not less than 40,000 square feet and a lot width of not less than 150 feet at the building line.

8.5 Height Regulation in the AG District:

No dwelling shall exceed 2 ½ stories or 35 feet in height.

8.6 Required Yard in the AG District:

All dwellings shall have the following minimum yard spaces:

Front Yard – 40 feet #

Side Yard – 10 feet one side; 15 feet the other side

Rear Yard – 50 feet

Corner lots shall provide the minimum front yard requirements on each street side of the lot.

8.7 Required Floor Area in the AG District:

Any building intended in whole or part for residential purposes shall provide a minimum floor area as hereinafter specified:

Single – Family Dwelling*

With basement 1000 square feet

Without basement 1100 square feet

or 70 feet from the center of the road if no ROW has been established.

* Shall not be less than 24 feet in width or depth whichever is the smaller dimension.

8.8 Agricultural Structures: Area, Width, and Yard Requirements:

Front Yard – 50 feet*

Side Yard – 10 feet one side; 15 feet the other side

Rear Yard – None

Lot Area – None

- or 80 feet from the center of the road if no right-of-way has been established.

ARTICLE 9

R-1 RESIDENCE DISTRICT

9.0 Purpose: The purpose of the Residence District is to provide an area for rural small estate residential development; to provide an area for light agricultural pursuits; and, to conserve areas physically unsuitable for intensive development.

9.1 Uses Permitted in the R-1 District:

1. One-family dwelling; accessory use.
2. Churches and other places of worship, including Sunday School buildings, located not less than 50 feet from any other lot in any R-District; schools and colleges for academic instruction, located not less than 50 feet from any other lot in any R-District, public libraries, public museums, public art galleries and similar public cultural uses, located not less than 25 feet distant from any lot line.
3. Light agricultural uses including greenhouses and raising of farm products (not including livestock); provided any lot or tract in such use shall not be less than 5 acres in area, and provided that any greenhouse heating plant shall be located not less than 200 feet distant from any lot line.
4. Public parks, playgrounds, and other similar public recreational uses; provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any R-District.
5. Essential services.

9.2 Conditional Uses*

1. Country Clubs, golf courses, swimming pools, and similar uses and facilities. Swimming pools shall be located not less than 100 feet from any other lot in any R-District.
2. Utility sub-stations and pump houses provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.

* As approved by the Board of Zoning Appeals after recommendation by the Commission.

9.3 Required Lot Area and Lot Width in the R-1 District:

Each residential dwelling shall be located on a lot having an area of not less than 40,000 square feet and a lot width of not less than 150 feet.

9.4 Required Floor Area in the R-1 District:

Any building intended in whole or part for residential purposes shall provide a minimum floor area as hereinafter specified:

Single-Family Dwelling

With basement 1100 square feet
Without basement 1200 square feet

Single-family dwellings shall not be less than 24 feet in width or depth.

9.5 Height Regulation in the R-1 District:

No residential dwelling shall exceed 2 ½ stories or 35 feet in height.

9.6 Required Yard in the R-1 District:

All residential structures shall have the following minimum yard spaces:

Front Yard – 40 feet*
Side Yard – 15 feet each side
Rear Yard – 50 feet

Corner lots shall provide the minimum front yard requirements on each street side of the lot.

* or 70 feet from the center of the road if no ROW has been established.

ARTICLE 10

R-2 GENERAL RESIDENCE DISTRICT

10.0 Purpose: The purpose of the Residence District is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

10.1 Uses Permitted in the R-2 District:

1. Any use as permitted in the R-1 District.
2. One, Two, Three, Four, and Five Family Dwellings.
3. Light agricultural uses including nurseries and raising of farm products (not to include livestock). Seasonal produce may be sold on premises.
4. Churches, schools, libraries, museums, and art galleries, parks, playgrounds, cemeteries, public services, and utility office buildings.
5. Accessory building and uses.
6. Unlighted real estate signs, nonconforming business use signs, and public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over 4 square feet of sign area.
7. Essential services, home occupations.

10.2 Conditional Uses in the R-2 District* (As approved by the Board):

1. Country clubs, golf courses, swimming pools, and similar uses and facilities. Swimming pools shall be located not less than 100 feet from any other lot in any R-District.
2. Utility sub-stations and pump houses provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.
3. Professional and business offices.
4. Tourist homes, lodging houses, clubs, lodges, rest homes, funeral homes, clinics, and similar uses.

* As approved by the Board of Zoning Appeals after recommendation by the Commission.

10.3 Required Lot Area and Lot Width:

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width</u>
Single - Family	20,000	100
Two - Family	40,000	150
Three - Family	55,000	200
Four - Family	70,000	225
Five - Family	80,000	250

10.4 Required Floor Area (Sq. Ft. per unit)

<u>One – Family</u>	<u>Sq. Ft.</u>
With Basement	900
Without Basement	900

Two, Three, Four and Five Family

650 Square Feet per family

10.5 Height Regulation

No dwelling shall exceed 2 ½ stories or 35 feet in height.

10.6 Required Yard

All dwellings and permitted uses shall have the following minimum yard spaces:

One – Family

Front Yard – 40 feet*
Side Yard – 15 feet each side
Rear Yard – 45 feet

Two, Three, Four and Five Family & Other Permitted Uses

Front Yard – 40 feet*
Side Yard – 15 feet each side
Rear Yard – 50 feet

Corner lots shall have the same minimum front yards on each street side of the lot.

* Or 70 feet from the center of the road if no ROW has been established.

ARTICLE 11

B-1 GENERAL BUSINESS DISTRICT

- 11.0 Purpose: The purpose of the B-1 General Business District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy in a centralized business district.
- 11.1 Uses Permitted in the B-1 General Business District
1. Any use permitted in the R-2 District.
 2. Major Retail Outlets: furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
 3. Food, Drug, and Beverage: grocery stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail sales, restaurants, and tea rooms.
 4. Specialty Shops: gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods.
 5. Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop with not more than 10 full-time regular employees, places of amusement and assembly.
 6. Business and Professional Offices: medical and dental offices and clinics; law offices; insurance and real estate offices; banks; finance and utility companies.
 7. Automotive and Related Uses: new and used car sales; service; and repair; gasoline filling stations, however, bulk petroleum storage tanks shall not be permitted above the ground; motor-cycle and bicycle shops; cab and bus stands and depots.
 8. Motels and Motor Hotels: Motels and motor hotels shall have 60,000 square feet of area and a lot frontage of 200 feet, and shall be subject to the provisions of Article 19.
 9. Accessory uses or buildings.
 10. Business and advertising signs pertaining to the business on the property on which the sign is located providing that (a) Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residence districts or into the public way, (b) no sign shall be located in the direct line of vision of any traffic control signal, and (c) that the provisions of Article 15 are complied with.
- 11.2 Conditional Uses in the B-1 District*
1. Any conditional use permitted in the residential districts.
 2. Building trades or equipment: building concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments.

3. Vehicle Drive-In and Heavy Vehicle Service: drive-in theaters, drive-in restaurants and refreshment stands; express, cartage and trucking facilities; large item machinery or bulk sales and storage not including outdoor unfenced storage.
4. Heavy Service and Processing Facilities: laundry and dry cleaning plants; linens, towels, diaper and similar supply services; animal pounds, kennels, and veterinary establishments, however, kennels shall not be located within 200 feet of any “R” “AG” or “C” District; frozen food lockers; seed and food processing plants, dairies.
5. Accessory uses or buildings.

* As approved by the Board of Zoning Appeals after Recommendation by the Commission.

11.3 Required Lot Area and Lot Width in the B-1 Districts:

1. Residential Uses: Each residential use to be accommodated in the B-1 Districts shall meet the minimum lot area and minimum lot width requirements of the R-2 Residence Districts.
2. Commercial Buildings: Each commercial building shall be located on a lot having an area of not less than 40,000 square feet and a lot width of not less than 150 feet at the building line.

11.4 Building Height Regulation in the B-1 District:

No building shall exceed 2 stories or 30 feet in height, except as provided in Article 21.

11.5 Required Yards in the B-1 District:

1. Residential Uses: Each residential use to be accommodated in the B-1 General Business District shall meet the minimum requirements of the R-2 Residence District.
2. Commercial Uses:

Front Yard – 25 feet*

Side Yard – no minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residence District.

Rear Yard – 25 feet

Where a lot line abuts any alley, one-half of the width of such alley may be considered in meeting the rear yard requirements.

* Or 55 feet from the center of the road if no ROW has been established.

11.6 Landscaping or Screening Provisions:

For non-residential uses abutting an “R” District the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is approved. Such screening shall be 6 feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height.

ARTICLE 12

PROVISIONS GOVERNING MANUFACTURING DISTRICTS

- 12.0 Purpose: The purpose of the M-1 Manufacturing District is to provide for commercial uses, storage, and those manufacturing uses not normally creating a nuisance discernible beyond its property.

The purpose of the Conditional Use Provision is to provide for industrial uses not allowed in any other district, providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.

12.1 Uses Permitted:

1. Any use permitted in the B-1 Business District.
2. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole-yards, building material storage, and trucking storage. However, not including junkyards or similar uses.
3. Manufacturing: manufacture or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators; textile products manufacture; stone products manufacture; furniture manufacture; food manufacture or processing including hatcheries, canning, freezing, storage and bottling.
4. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals.

12.2 Conditional Uses Permitted*

All uses not otherwise prohibited by law, provided however, that the following uses will be permitted as special use in the M-1 District when authorized by the Board after public hearing and recommendation by the Commission; bag cleaning, boiler and tank works; glass and mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning and storage of raw hides and skins; distillation of bones, coal, wood, or tar, fat rendering, forge plant; salvage wrecking yard; foundry or metal fabrication plant; gasoline or oil storage above ground in excess of 500 gallons; slaughter house or stockyards; smelting acid, alcohol or alcoholic beverages; ammonia, bleaching powder, chemicals, brick, pottery, terracotta or tile; candles; disinfectants; dyestuffs, fertilizers; linseed oil, paint, oil, turpentine, varnish, soap and tar products, or any other use

which in the opinion of the Board would not emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property.

Such special uses shall be subject to any requirements the Board feels necessary to further the purpose of the Manufacturing District, as stated in the preamble.

12.3 Required Lot Area and Lot Width:

Each use to be established in the M-1 District shall provide a minimum lot area of 40,000 square feet and a minimum lot width of 200 feet at the building line.

12.4 Building Height Regulation:

No building in the M-1 District shall exceed 50 feet in height.

* As approved by the Board after hearing and recommendation by the Commission.

12.5 Yards Required:

All structures to be constructed, altered, or moved in the M-1 District shall provide yards of the following minimum depths:

Front Yard – 40 feet*

Side Yard – 25 feet each side, except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.

Rear Yard – 40 feet

12.6 Screening Required Between Manufacturing and Residential Districts:

Newly established manufacturing adjacent or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential area.

12.7 Lot Area and Yard Requirements – Residential:

Each residential use to be accommodated in the M-1 District shall comply with the lot area and yard requirement as provided in the R-2 District.

* or 70 feet from the center of the road if no ROW has been established.

ARTICLE 13

SPECIAL PROVISIONS

13.0 Performance Standards:

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed.

1. Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
2. Radioactivity or Electrical Disturbances: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
3. Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
5. Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
6. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
7. Air Pollution: No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
8. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
9. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
10. Water Pollution: pollution of water shall be subject to the requirements and regulations established by the State Sanitary Water Board.

13.1 Enforcement Provisions:

All uses existing on the effective date of this Resolution shall conform to these performance requirements within 2 years, provided, that an extension of up to six (6) months may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use that is likely to violate performance requirements to the Board of Appeals.

ARTICLE 14

OFF-STREET PARKING AND LOADING REGULATIONS

14.0 Off-Street Parking:

Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereinafter established; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 250 square feet per parking space shall be used.

14.1 Number of Parking Spaces Required

The number of off-street parking spaces required are set forth in the following table. Where the use of the premises is not specifically mentioned, the requirements of similar uses shall apply:

<u>Use</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales and Service Garages	-1 for each 600 sq. ft. floor area
Banks, Business and Professional Offices	-1 for each 400 sq. ft. floor area
Bowling Alleys	-7 for each alley
Churches and Schools	-1 for each 5 seats in an auditorium Or 1 for each 12 classroom seats; whichever is greater
Dance Halls and Assembly Halls without fixed seats Exhibition Halls Except Church Assembly Rooms in Conjunction with Auditorium	-1 for each 100 sq. ft. of floor area used for assembly or dancing
Dwellings	-2 for each family or dwelling unit
Funeral Homes, Mortuaries	-4 for each parlor for each 50 sq. ft. Of floor area

14.2 Development and Maintenance of Parking Areas

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

1. Screening and Landscaping: Off-Street parking areas for more than 5 vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between 4 and 6 feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 4 feet in height.
2. Surfacing: Any off-street parking area for more than 5 vehicles shall be graded for proper drainage and surfaced with a durable hard surface.
3. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.
4. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principal use with approval of the Board provided a written agreement, approved by the Board and accepted by the Board of Township Trustees shall be filed with the application for a zoning permit.
5. Parking Areas – Modifications: The Board may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.

14.3 Off-Street Loading

In any district, in connection with every building or part thereof erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 10,000 square feet or major fraction thereof, of gross floor area so used in excess of 10,000 square feet.

14.4 Loading Space – Dimensions: Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.

14.5 Loading Space – Occupy Yard: Subject to the limitations in Article 14.6 such may occupy all or any part of any required yard.

14.6 Loading Space – Distance from R-District: No space shall be closer than 50 feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than 6 feet in height.

ARTICLE 15

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

15.0 General Provisions:

1. Real estate signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on the property.
2. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed 4 square feet in area, and shall be permitted in any district. Such a sign requires no zoning certificate.
3. Bulletin boards and signs for a church, school, community or public or semi-public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed 20 square feet in area.
4. Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed 20 square feet.
5. Walls of existing or new buildings not adjacent to or in residential districts may be used for advertising signs.
6. Temporary signs not exceeding in the aggregate 50 square feet, announcing the erection of a building, the architect, the builders, contractors, etc., may be erected for the period of 60 days, plus the construction period not to exceed one year after date of issuance of permit after which the sign shall be removed from the premises.

15.1 Business and Manufacturing District Signs:

1. In a business or manufacturing district each business or manufacturing use shall be permitted one flat or wall sign. Projections of wall signs shall not exceed 2 feet measured from the face of the main wall of the building.
2. The area of all permanent advertising signs for any single enterprise shall not exceed a maximum area of 100 square feet per side.
3. Free standing signs not over 25 feet in height, having a maximum total sign area of 100 square feet per side and conforming to all setback requirements for the district in which they are erected shall be permitted.
4. Pole signs of symbolical design shall be permitted for automobile service stations and other similar business establishments, provided:
 - a. No part of such sign shall project into the right-of-way of any street or highway;
 - b. The support of such sign shall conform to the setback requirements for the district in which they are erected.
 - c. The maximum area of any face of such sign shall not exceed 100 square feet.

- 15.2 Setback Requirements: Signs, where permitted, shall be setback from the established right-of-way line of any street or highway at least as far as the required minimum front yard depth for a principal use in such district except for the following modifications:
1. At the intersection of any state or federal highway with a major or secondary street, the setback of any sign shall not be less than 150 feet from the established right-of-way of each highway or street, and in no case less than the minimum setback required building or business.
 2. Real estate signs and bulletin boards for a church, school, or other public or semi-public, religious or educational institution may be erected within 10 feet of the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility.
- 15.3 Non-Accessory Signs: Total display area – shall not exceed 1200 square feet. Setback requirements – shall be setback from the established right-of-way line of any street or highway at least as far as the required minimum front yard depth for a principal use in such district and shall conform with the side and rear lot requirements for said district and subject to the following modifications.
1. All advertising devices erected and maintained to be viewed from a highway on the Interstate and Federal-aid Primary Systems shall conform to all regulations of the State of Ohio, Department of Highways Regulations governing advertising adjacent to highways on the Interstate and Primary Systems.
 2. All advertising devices shall be controlled according to Sections 5516.01 – 5516.13 inclusive of the Ohio Revised Code.
- 15.4 Surety Bond: The owner or person in control of a display sign suspended over a street or extending into a street more than one foot beyond the building line, whether permanent or temporary, shall execute a bond as required.
- 15.5 Fees: Fees shall be subject to the provisions of Article 22.3 of this Resolution.

ARTICLE 16

EXTRACTION OF MINERALS

- 16.0 General Requirements: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any C-1 and AG Districts may file with the Board an application for authorization to mine minerals there from, provided however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements.
1. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than 50 feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.
 2. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road no part of such operation shall take place closer than 25 feet to the nearest line of such right-of-way.
 3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.
 4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
 5. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the sue regulations or the District in which the operation is located.

16.1 Applicant – Financial Ability:

In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

16.2 Application – Contents, Procedure

An application for such operation shall set forth the following information:

1. Name of the owner or owners of land from which removal is to be made.
2. Name of applicant making request for such permit.
3. Name of the person or corporation conducting the actual removal operation.

4. Location, description and size of the area from which removal is to be made.
5. Location of processing plant used.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mined area.

16.3 Public Hearing

Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of Article 23 after recommendation from the Commission.

16.4 Rehabilitation

To guarantee the restoration, rehabilitation, and reclamation of mined out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the Township in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitation of such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

1. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than 5 feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, or secure:
 - a. That the excavated area shall not collect and permit to remain therein stagnant water; or,
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof – so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
2. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.
3. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical, shall not be less than 3 feet horizontal to one foot vertical and said bank shall be seeded.

16.5 Additional Requirements

In addition to the foregoing the Board may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries, or gravel pits as the Board may deem necessary for the

protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board prior to issuance of the permit.

16.6 Gas and Oil Wells

In any and all Districts of the Township a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:

1. Compliance with all applicable laws of the State of Ohio.
2. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

ARTICLE 17

AUTOMOBILE SERVICE STATIONS, PARKING GARAGES, AND PARKING AREAS

17.0 Entrance – Distance Requirements

No automobile service or filling station, parking area for 25 or more passenger motor vehicles, trucks or buses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, the entrance to a public park or cemetery, monastery, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

17.1 Oil Draining, Etc

No automobile service station or public garage shall be permitted where any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances, other than filling caps, are located within 12 feet of any street lot line or within 25 feet of any R District, except where such appurtenances are within a building.

17.2 Automobile Service Station – Enclosure

Except in integrated shopping centers and in M Districts, no automobile service station shall be erected or constructed, and no alteration or improvement shall be made to any existing nonconforming service station, unless the premises upon which such station is, or is intended to be located shall be enclosed in the rear and on the sides by a wall approved by the Zoning Inspector not less than 6 feet high. The first 10-foot section of such wall, measured from the street right-of-way line, may be stepped down to 2 feet at said right-of-way line, following a pattern of appropriate design.

ARTICLE 18

SWIMMING POOLS

18.0 General Provisions

1. Private Swimming Pools: A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1 ½ feet or with an area of less than 100 square feet, shall be allowed in any “AG” or “R” District 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 the occupants of the principal building of the property on which it is located and their guests.
 - b. The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 15 feet to any property line on which located.
 - c. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.

2. Community or Club Swimming Pools: A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Such swimming pools shall comply with the following:
 - a. The pool is intended solely for the enjoyment of the members and 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 100 feet to any property line of the property on which located.
 - c. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall be not less than 6 feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.

ARTICLE 19

MOTELS AND MOTOR HOTELS

19.0 General Requirements: The following requirements shall be complied with:

1. Area and Yard Requirements: Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
2. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Resolution.
3. Entrance: No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
4. Landscaping – Unused Areas: All areas not used for access, parking circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than 10 feet in width, shall be established and maintained along its exterior boundaries when adjoining any C-1, AG or R District.
5. Enclosure: Motels and motor hotels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than 6 feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Commission.
6. Enlargement – Permit: Any enlargement or extension to any existing motel or motor hotel shall require application for a zoning certificate, as if it were a new establishment.

ARTICLE 20

PLANNED UNIT DEVELOPMENT

20.0 Purpose

The township officials concerned with property development shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizable developments, and that certain latitude, flexibility, and freedom in the execution of the design and layout of a project should be suggested or otherwise permitted by the township so as to encourage and provide amenities which are unique to the community.

20.1 General

Planned Unit Developments may be commercial or industrial developments, or they may be a combination of the two. The minimum site area for a commercial development shall be 5 acres, and for an industrial development, 30 acres. If a combination of uses is proposed, a minimum area shall be 40 acres. In combination developments, the amount of land devoted to commercial usage shall not exceed 12 ½ percent of the total land area of the development.

20.2 Submittal to Township Trustees

Such a development plan shall be submitted to the Trustees and shall be referred to the Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article 24 for hearings on changes and amendments.

20.3 Required Plans and Actions by the Commission

1. In order for the Commission to better determine that the planned unit development meets all requirements, the developer shall furnish a preliminary plan for the entire tract showing topography, roads, lot lines, lot areas, easements, encumbrances, and other relevant data. The plans shall include the location of existing structures, areas of shrubs and/or trees of 10-inch diameter or more, existing contours and the proposed grading plan.

20.4 Commercial Planned Unit Developments

In "B" Districts, a planned unit development may be permitted in accordance with the following provisions if the Commission is satisfied (1) that the proponents of the development are financially able to carry out the proposed project, (2) that they intend to start construction within one year of the approval of the project and necessary change in zoning, (3) that they intend to complete it within a reasonable

time as determined by the Commission, and (4) that the need for the proposed development has been demonstrated by means of market studies and such other evidence as the Commission may require.

1. Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development. Planting screens or fences as provided elsewhere in this resolution shall be required.
2. Off-street parking and loading requirements shall be observed as required. Group parking facilities shall provide spaces equal to the number of spaces required for each use to be developed.
3. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing or potential developments.
4. The ground area occupied by all the buildings shall not exceed in the aggregate 24 percent of the total area of the lot or tract.
5. Upon determination by the Commission that the proposed planned unit development project as shown by the preliminary plan conforms to the requirements of all applicable provisions of this resolution, the proponent shall prepare and submit a final development plan, and such plan shall incorporate any changes or modifications required by the Commission.
6. Upon approval by the Commission, the plans shall be submitted to the Trustees for consideration and action. The approval and recommendation of the Commission shall be based on the following general conditions:
 - a. The plan is consistent with the intent and purpose of this resolution to promote public health, safety, morals and general welfare.
 - b. The use of the land shall be similar to the uses permitted in the district in which the plan is located.

20.5 Acceptance by Action by the Township Trustees

1. Following a public hearing, the Trustees may modify the plan, consistent with the intent and meaning of this resolution, and may rezone the property to the classification permitting the proposal, for development in substantial conformity with the final plan as approved by the Trustees.
2. After the final development plan has been approved by the Trustees and in carrying out this plan, adjustment or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents, and provided such requests conform to the standards established by the final

development plan and this resolution, such adjustments or rearrangements may be authorized by the Commission.

3. Planned unit developments shall be encouraged, but they shall conform to the regulations of this resolution or to the following modifications of the regulations found elsewhere in this resolution.

20.6 Industrial Planned Unit Developments

In “M” Districts, a planned unit development may be permitted as follows:

1. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares, which are constructed, may be built to the highest possible standards.
2. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
3. Off-street parking and loading areas shall conform to the provisions of this resolution and all screening requirements shall be observed.
4. No building shall be less than 75 feet distant from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

ARTICLE 21

EXCEPTIONS AND MODIFICATIONS

21.0 Lot of Record

When a lot is an official lot of record at the time of adoption of this Resolution does not comply with the area, yard, or other requirements of this Resolution, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

21.1 Exception to Yard Requirements

1. Allowable Projections of Residential Structure Into Yards: Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as windowsills, cornices, roof overhangs, may project into the requirements provided such projection is not more than 4 feet to any lot line.

2. Allowable Projections of Business Structures over Sidewalk: Signs, awning, canopies, marquees, are permitted to overhang the sidewalk in the B District only, providing that the overhanging portion is a minimum of 8 feet above the sidewalk at any point.
3. Allowable Projection of Accessory Building into Rear Yard: One-story accessory buildings may project into only rear yards abutting on an alley providing such projection extends not closer than 5 feet to the rear lot line.

21.2 Exception to Height Limits

The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, silos, derricks, conveyors, flagpoles, radio towers, masts, aerials and other similar uses.

ARTICLE 22

ENFORCEMENT

22.0 Enforcement by Zoning Inspector

There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Resolution in accordance with the administrative provisions of this Resolution.

All departments, officials and public employees of the Township vested with the duty or authority to issue permits and licenses shall conform with the provisions of this Resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Resolution. Any permit or license issued in conflict with the provisions of this Resolution shall be null and void.

An appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals as provided in Article 23.

22.1 Zoning Certificates

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conforms with all the requirements of this Resolution. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

22.2 Conditions Under Which Certificates

A zoning certificate shall be required for any of the following, except as herein provided:

1. Construction or structural alteration of any building, including accessory buildings.

2. Change in use of an existing building or accessory building to a use of a different classification.
3. Occupancy and use of vacant land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

22.3 Application and Issuance of Zoning Certificates

The following shall apply in the application and issuance of zoning certificates:

1. Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within 30 days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
2. Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate therefore shall be issued within 30 days after the application for same has been made.
3. Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans, as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.
4. Failure to notify the applicant in case of such refusal within the said 30 days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.

22.4 General Provisions

1. Each plan shall show:
 - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - b. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - d. The location and size of the proposed structure, and/or the proposed enlargement of the existing structure.
 - e. Any other information, which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.

2. Each plan shall bear statements declaring:
 - a. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 - b. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.
3. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
5. A file of such applications and plans shall be kept in the office of the Zoning Inspector.
6. The Zoning Inspector shall not issue a zoning certificate for any application requiring site review by the Zoning Commission, such as:
 - a. Extraction of Minerals (Article 16).
 - b. Motels and Motor Hotels (Article 19).
 - c. Planned Unit Developments (Article 20).

22.5 Fees

Fees shall be charged in accordance with the orders and directions of the Township Trustees.

22.6 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto adopted by the Township Trustees. Any person, firm or corporation violating any of the provisions of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

22.7 Violations – Remedies

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Township Trustees, the County Prosecutor, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location,

erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 23

BOARD OF ZONING APPEALS

23.0 Appointment – Board of Zoning Appeals

There is hereby created a Township Board of Zoning Appeals consisting of five (5) members who shall be appointed by the Board of Township Trustees, and who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. The members may be allowed their expenses, or such compensation, or both, as the Township Trustees may approve and provide. The Board may, within the limits of the moneys appropriated by the Township Trustees for the purpose, employ such executives, professional, technical, and other assistants, as it deems necessary. Vacancies on the Board shall be filled by the Board of Township Trustees and shall be for the respective un-expired term.

23.1 Procedure

The Board shall organize and adopt rules for its own government and in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each 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 file in the office of the Township Trustees and shall be a public record.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and a concurring vote of three members of the Board shall be necessary to reverse an order or determination of the Zoning Inspector or to decide in favor of an applicant in any matter of which to Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution.

The Board may call upon the township departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

23.2 Applications, Appeals, Hearings and Stay of Proceedings

1. Applications – When and by Whom Taken: An application, in cases on which the Board has original jurisdiction under the provisions of this Resolution, may be filed by any property owner, including a tenant or by a governmental official, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit the same to the Board.
2. Appeals – When and by Whom Taken: An appeal to the Board may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within (20) days after the decision by filing with the Zoning Inspector and with the Board a notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
3. Hearings: The Board shall fix a reasonable time for the hearing of the application or appeal, giving 10 days notice to the parties in interest, give notice of such public hearing by one (1) publication in one or more newspapers of general circulation in the County at least (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check payable to the Clerk of the Township or cash payment sufficient in amount to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing any party may appear in person or by attorney. A party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Licking County on the ground that the decision was unreasonable or unlawful.
4. Decision of the Board: The Board shall decide all applications and appeals within 30 days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decisions shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the times and conditions of the same in the certificate to the applicant or appellant whenever a certificate is authorized by the Board.

A decision of the Board shall not become final until after the expiration of five (5) days from the date such decision is made unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

5. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board after Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application after notice to the Zoning Inspector or by judicial proceedings.

23.3 Powers of the Board of Zoning Appeals

1. Conditional Uses, Specified Exceptions and Interpretations of Zoning Map: The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications filed as hereinbefore provided for conditional uses, special exceptions, or for interpretation of the Zoning Map, or for decisions upon other special questions upon which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, a special exception, or interpretation of the zoning map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and, in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation – in addition to those expressly stipulated in this Resolution for the particular conditional use or special exception – which the Board may deem necessary for the protection of adjacent properties and the public interest.
2. Conditional Uses and Special Exceptions: In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:
3. Nonconforming Uses – Substitution: The substitution of a nonconforming use existing at the time of enactment of this Resolution by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, however, that any use so substantial shall be of the same of a more restricted classification.
4. Nonconforming Uses – Extension: The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot; provided that such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming and that such extension is necessary and incidental to such existing nonconforming use; provided further that the value of such extension shall not exceed in all 25 percent of the assessed valuation for tax purposes; provided further that such extension shall be within a distance of not more than 50 feet of the existing building or premises; and provided, still further, that such extension shall in any case be undertaken within five (5) years of the enactment of this Resolution.
5. Extension of Use or Border District: The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than 25 feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
6. Performance Standards Procedure: The Board shall have the power to authorize, upon application on specific cases, filed as hereinbefore provided, issuance of a Zoning Certificate for uses that are subject to Performance Standards Procedures as provided in this Resolution.
7. Temporary Structures and Uses: The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations

prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

23.4 Interpretation of Zoning Map

Where the street or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Resolution. In case of any questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the Resolution, a request for interpretation of the Zoning Map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

23.5 Administrative Review and Variances

1. Administrative Review: The Board shall have the power to hear and decide appeals filed as hereinbefore provided where it is alleged by the appellant that there is an error in any order, requirements, decision, or grant of refusal made by the Zoning Map or the textual provision in question may be made to the Board and a determination shall be made by said Board.
2. Variances: The Board shall have the power to authorize upon appeal in specific cases filed as hereinbefore provided such variances from the provisions and requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions, pertaining to a specific piece of property, the literal enforcement of the provisions and requirements of this Resolution would cause undue and unnecessary hardship.

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have the power to authorize a variance from the terms of this Resolution so as to relieve such hardship and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure of use as it may deem necessary in the interest of the furtherance of the purposes of

this Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to insure that the conditions attached are being and will be complied with.

No such variances in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

- a. That 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 of uses in the same zoning district;
- b. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity;
- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or of the public interest.

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which a 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 conditions or situations.

23.6 General

In exercising its power, the Board may, in conformity with the provisions and statutes and of this Resolution, 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 shall have all the powers of the officer from whom the appeal is taken.

1. Variances – Literal Enforcement Would Create Undue Hardship:
The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this Resolution as will not be contrary to the public interest; provided however, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would result in practical difficulty or undue hardship, so that the spirit of the Resolution shall be upheld, public safety and welfare secured and substantial justice done.
3. Variance – Conditions Prevailing:

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would cause unnecessary hardship – unnecessary to carry out the spirit and purpose of this Resolution – the Board shall have power to authorize a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.

23.7 Variance – Findings of the Board

No such variance of the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt that all the following facts and conditions exist:

1. Exceptional Circumstances: That 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 of uses in the same zoning district.
2. Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
3. Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Resolution or the public interest.
4. Not of General Nature: No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. Variances –Board May Reverse Orders, Etc.: In exercising its power, the Board may, in conformity with the provisions of statute and of this Resolution, 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 shall have all powers of the office from whom the appeal is taken.

23.8 Performance Standards – Procedure

The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Certificate for uses that are subject to performance standards procedure under Article 13 of this Resolution, as provided in the following:

1. Application: An application for a Zoning Certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board.

The applicant shall also submit in duplicate a plan of the proposed construction or development – including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 13 in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in Paragraph 2 below.

2. Report by Specialists: If , in its opinion, the proposed may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise s to whether a proposed use will conform to the applicable performance standards specified in Article 13 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

3. Review by Board: Within 30 days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a modification of the proposed plan of construction, or specifications, proposed equipment, or operation. Any Zoning Certificate so authorized and issued shall be conditioned upon, among other things, the following:

- a. That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and
- b. That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installation in operation will meet said applicable performance standards.

5. Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and, if there is reasonable grounds for the same, shall notify the Board of occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the Township.

ARTICLE 24

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

24.0 Initiation of Amendments or Supplements

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefore by the Township Trustees or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.

24.1 Procedure for Change

Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the applications.

24.2 Names and Addresses of Property Owners

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current tax roll.

24.3 Public Hearing by Zoning Commission

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Zoning Commission shall set a date for a public hearing thereon which date shall not be less than 20 days, nor more than 40 days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least 15 days before the date of such hearing.

24.4 Written Notice

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

24.5 Transmittal to Regional Planning Commission

Within 5 days after the adoption of such motion or the certification of such resolution or the filing of such application the Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Regional Planning Commission.

24.6 Action by Regional Planning Commission

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

24.7 Recommendation by Zoning Commission to Township Trustees

The Zoning Commission shall, within 30 days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Township Trustees.

24.8 Public Hearing by Township Trustees

The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the Township, at least 15 days before the date of such hearing.

24.9 Written Notice

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified

or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

24.10 Vote by Township Trustees

Within 20 days after such public hearing the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission the unanimous vote of the Township Trustees shall be required.

24.11 Effective Date of Amendment or Supplement; Referendum

Such amendment or supplement adopted by the Trustees shall become effective in 30 days after the date of such adoption unless within 30 days after the date of such adoption unless within 30 days after the adoption of the amendment or supplement there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated areas of the Township equal to not less than 8% of the total vote cast for all candidates for in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit an amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

24.12 Result of Referendum

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

24.13 Court of Common Pleas

Any person adversely affected by an order of the Board of Township Trustees adopting, amending or rescinding, publishing or distributing such regulation, or that the regulation as adopted or amended by the said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

24.14 Fees

Each application for a zoning amendment except those initiated by the Zoning Commission, shall be accompanied by a check or a cash payment sufficient in amount to cover the cost of the publishing, posting, and/or mailing the notices of the hearing or hearings required by the foregoing provisions.

ARTICLE 25

VALIDITY AND REPEAL

25.0 Validity

This Resolution and the various parts, articles, and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this Resolution is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby.

25.1 Authentication

The Township Clerk of the Township is hereby ordered and directed to certify to the passage of this Resolution. This Resolution shall be in effect and be in force from and after its passage, approval and publication.

25.2 Repeal

All other Resolutions of the Township, inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.