

**Harrison
Township
Zoning
Resolution**

PREAMBLE

A resolution of the Township of Harrison, Licking County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, dividing the unincorporated portion of the township into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public area; providing for adequate light, air, and convenience of access to property structures in relationship to surrounding properties; limiting congestion in the public right-of-way; and to facilitate adequate and economical provisions for public improvements, providing the compatibility of different land uses and the most appropriate use of land; the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this resolution of any amendment thereto, all the purpose of protecting the public health, safety, comfort, and general welfare; and for the repeal thereof.

Adopted Date: 6/1/98
Effective Date: 7/1/98

PURPOSE and SCOPE

2.0 PROVISIONS DECLARED MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern

2.1 SEPARABILITY CLAUSE

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

2.2 REPEAL OF CONFLICTING RESOLUTION, EFFECTIVE DATE

All resolutions or part of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

3 – DEFINITIONS

INTERPRETATION OF TERMS OF WORDS:

For the purpose of this resolution, certain terms of words used herein shall be interpreted as follows:

1. The word "person" includes but is not limited to a firm, association, organization, partnership, trust, estate, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
5. The word "lot" includes the words plot or parcel.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot or directly adjoining lot of common ownership with, and of a nature customarily incidental and subordinate to, the principle use or structure, including swimming pools, garages, parking places, outbuildings and sheds, decks, including satellite dishes and detached antennae, attached or detached from the principle structure.

ADULT ENTERTAINMENT FACILITY: Any establishment which is involved in one or more of the following listed categories:

- Adult Book Store - an establishment having greater than 25 percent of its display area or items for sale of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas".
- Adult Mini-Motion Pictures Theater - a facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.
- Adult Motion Picture Theater - a facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.
- Adult Entertainment Business - any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage and functions which utilize activities as specified above.

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, storing or sale of the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of normal agricultural activities.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all taxiways, aircraft storage, maintenance and tie-down areas, hangars and fueling stations and open spaces.

ALLEY: See Thoroughfare.

AUTOMOBILE and FARM IMPLEMENT WRECKING: The dismantling or disassembly of used motor vehicles, farm implements, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE SERVICE STATION OR FILLING STATION: A premises where motor vehicle fuels or lubricants are kept for retail sale, and where only minor or emergency repairs essential to the actual operation of motor vehicles may be performed, and where grease, antifreeze, tires, spark-plugs and other automobile supplies may also be sold incidentally, and where motor vehicles may also be oiled, greased or washed, but where no other activities of a public garage are carried on.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements to be displayed and sold on the premises, but not including repair work except incidental warranty repair of same.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, detailing and steam cleaning of vehicles.

BASEMENT: A story having at least one-half of its height below the average level of adjoining ground (See Figure 3).

BED & BREAKFAST: A residential structure wherein lodging and meals are provided to transient travelers and includes a tourist home but does not include a boarding house, rooming house, domiciliary hostel, group home, hotel or motel. The provision of lodging and meals shall be subordinate to the principal use of the structure.

BEGINNING OF CONSTRUCTION/WORK :

- A. PUD- Installation of streets for proposed development or first phase with base coat of asphalt as specified by the Licking County Engineer must be completed and applicant must possess a zoning certificate for a structure.
- B. Zoning Certificate Use- The incorporation of labor and materials at the site, lot or parcel as it applies to the issued zoning certificate. (O.R.C 519.16)

BOARD: The Board of Zoning Appeals of the Township (BZA).

BOAT REPAIR: The repair, rebuilding or reconditioning of boats or parts thereof, including painting, detailing and cleaning.

BOAT SALES: The sale or rental of new and used boats to be displayed and sold on the premises, but not including repair work except incidental warranty repair of same.

BOAT WRECKING: The dismantling or disassembly of used boats, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked boats or their parts.

BUFFER: Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

BUILDING, ACCESSORY: See Accessory Use or Structure.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

BUILDING, PRINCIPAL: A building on the lot in which the main use of the property is conducted.

BULK MATERIALS: Solid matter such as powder, grain, stone, sand, etc., that is not packaged.

BULK SALES AND STORAGE: The sale and/or storage of bulk materials.

BUSINESS, B 1: Commercial uses which generally require location on or near major thoroughfares and/or their intersections which in addition to serving the day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. B-1 Business uses include, but are not limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliance and furniture.

BUSINESS, GENERAL: The purpose of the "General Business District" (GB) is to encourage the establishment of areas for general business uses which meet the needs of a regional market area. Activities in this district are often large space users, and the customers using such facilities generally are from a larger radius or region creating heavier traffic, noise and light. Hours of operation in this district are generally not limited.

BUSINESS, LOCAL: The purpose of the "Local Business District" (LB) is to provide for a wide range of retail facilities and services for a clientele from a larger geographical area with higher traffic, light and noise volume than the NB district. The hours of operation in this district are less restrictive than those of NB district.

BUSINESS, NEIGHBORHOOD: The purpose of the "Neighborhood Business District" (NB) is to encourage the establishment of neighborhood businesses and services which tend to meet the daily needs of the residents of the immediate neighborhood. Such districts shall reduce parking and traffic congestion as well as discourage large, regional oriented-businesses or other businesses and services that would affect the neighborhood character of the district. Such businesses would normally operate with fixed hours, light traffic, low noise and lighting as not to affect the adjoining properties. This district is also designed to act as a buffer between more intense non-residential uses and residential uses. Strip center development shall be discouraged.

BUSINESS, SERVICE: Any business which renders service primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

CEMETERY: Land used or intended to be used for burial purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHANNEL: A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CLINIC: A place which provides a range of services by a group of licensed practitioners, their associate and assistant, 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, ASSOCIATION: 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 carried on as a commercial enterprise.

CLUB BUILDING: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs and cocktail lounges.

COMMISSION: The Township Zoning Commission.

COMPREHENSIVE DEVELOPMENT PLAN: An adopted plan showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the general goals, objectives and policies of the community.

CONDITIONAL USE: A use permitted within a district requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals for a conditional use.

CORNER LOT: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot.

CONSTRUCTION SALES AND SERVICE: Establishment or places of business primarily engaged in wholesale or retail sale(s), from the premises, of materials customarily used in the construction of buildings or other structures but specifically excluding automobile or equipment (machinery) sales, supplies and service. Typical uses include building material stores and home supply centers that store and sell such items as lumber, pre-cast concrete and masonry products, electrical wiring and fixtures, plumbing fixtures and related supplies, heating and cooling systems, appliances, doors and windows.

CREMATORY: A building fitted with proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CUL-DE-SAC: See Thoroughfare.

CULVERT: Used for drainage and must be a minimum of 20 feet in length and 12 inches in diameter and subject to approval of the Zoning Inspector or Road Superintendent.

DAY CARE FACILITY: Any type of group program that provides temporary care or guidance on a daily basis without overnight accommodations.

DAYS: Days as referred to in this resolution are to be interpreted as calendar days.

DEAD-END STREET: See Thoroughfare.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

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

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

DRIVEWAY: That portion of land designated by the owner for ingress and egress to said land.

DRUG STORE: A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies and nonprescription medicines but where non-medical products are sold as well.

DWELLING: A permanent building used primarily for human habitation.

DWELLING, SINGLE -FAMILY: A permanent building, separate and free standing, in itself providing living accommodations for one family.

EASEMENT: Authorization by a property owner for the use by another, of any designated part of this property for a specified purpose.

ESSENTIAL SERVICES: Public utilities or governmental agencies, underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonable and necessary for the furnishing of adequate service for the public health or safety or general welfare.

FAMILY: One or more persons related by blood, adoption, or marriage occupying a single dwelling unit.

FARM MARKET: Markets from which fifty (50) percent or more of the gross income received from the market is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

FARM VACATION ENTERPRISES (Profit or Non-Profit): Farms adapted for use as vacation farms which may include picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas, hunting areas, hunting preserves and watershed projects.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the periodic floods.

FLOOD WAY FRINGE: That portion of the flood plain, including the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS): The interior floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms. See Article 18.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries.

FRONTAGE: See Article 10.2.

FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall be also permitted.

GARAGES, PRIVATE: A detached accessory building or portion of a principal building for the parking or storage of motor vehicles, travel trailers and/or boats of the occupants of the premises wherein no more than one commercial vehicle not exceeding two (2) tons capacity is permitted.

GARAGES, PUBLIC: A principal or accessory building other than a private garage, used, intended to be used or adapted to be used for parking or temporary storage of automobiles, travel trailers and/or boats in which no service shall be provided for remuneration.

GARAGES, SERVICE STATIONS: See Automotive Repair.

GARBAGE DUMP: See Landfill.

GIFT SHOP: A gift shop is a store primarily selling small decorative items or souvenirs relating to a particular topic, often simply provide evidence that the consumer has visited that location. The items sold are generally fairly trivial, often including specialty food, coffee mugs, stuffed animals, t-shirts, postcards, and other souvenirs. Said shop shall not include an establishment selling adult novelties or other materials defined as adult entertainment as specified in Article 3.

GOVERNMENTAL BUILDINGS: Buildings owned or operated by federal, state or local governments or departments and /or subdivisions thereof, which buildings are used for administrative, ministerial, public service, safety, health, public utility or recreational purpose. "Governmental Buildings" under this resolution shall not include any buildings used for imprisonment or rehabilitation, including but not limited to any prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, any facility created under chapter 341, Sections 2151.65, Sections 753.02 et seq. or Sections 5145.01 et seq. of the Ohio Revised Code.

GREEN STRIP: See Buffer.

GROCERY STORE: Grocery stores are retail stores primarily selling an assortment of food preparation and wrapping material, household cleaning, and servicing items.

HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of part of a dwelling unit or part of an accessory building to the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in conducting the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, not illuminated and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property lines of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television or telephone receivers off the premises, or causes fluctuations in line voltage off the premises.

HOSPITAL: A building or portion thereof used for the accommodation of the sick, injured or infirm people.

HOTEL, MOTOR HOTEL, INN: A building, or part of a building, in which guest rooms are offered for public hire to any given individual for no more than thirty-five (35) consecutive days in a calendar year, and where a general kitchen and dining room may be provided within the building or in any accessory building.

HOUSE TRAILER: See Mobile Home.

INDUSTRY: A use providing for the co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, repair, storing, transporting, warehousing or distributing of goods or materials or things with or without an ancillary office to administer the industrial use on the lot and includes wholesaling provided that the merchandise being sold is distributed from the lot, but excludes the processing of fish, live animals, live poultry or other fowl.

INDUSTRIALIZED UNIT: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site of intended use. "Industrialized Unit" includes units installed on the site as independent units as part of a group of units or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured home or mobile home as defined in this resolution.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services. "Institution" under this ordinance shall not include a prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, halfway house, any facility created under Section 2151.65, Chapter 341, Sections 753.02 et seq. or Sections 5145.01 et seq. of the Ohio Revised Code.

JUNK MOTOR VEHICLES: See Article 25.0.

JUNK YARD: Any open area where waste, discarded or salvaged materials of any kind are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places for storage and equipment whether or not for commercial purposes, as well as any structures or buildings used in connection therewith.

KENNEL, AGRICULTURE: Any building, structure, including the surrounding fenced land, used by a person, partnership, firm, company or corporation professionally engaged primarily in the business of breeding dogs (animal husbandry) for hunting or for sale. There shall be no boarding, training, housing, or grooming services provided to the general public. These services may only be provided for those animals involved in the breeding business.

KENNEL, COMMERCIAL: Any building or structure, including the surrounding fenced land, used for the care and board of five or more domesticated dogs or cats more than four months of age which is open to the public for let, hire, board, housing, grooming, or other use on a commercial basis and for compensation.

LANDFILL: An engineered and licensed site for the disposal of non-hazardous waste material, refuse or debris which is buried in natural or excavated holes or depressions, or built up in layers on the ground; the waste is compacted and covered daily with soil, clay, or plastic foam, with the goal of avoiding any water related connection with the waste and the surrounding environment.

LCPC: Licking County Planning Commission

LIVING AREA: The area excluding basements, porches, breezeways, garages, carports and decks. (See Floor Area of Residential Building).

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See Vicinity Map

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 (See Figure 1).

LOT, USABLE AREA OF: Shall mean the total horizontal area within the property lines of a lot or parcel of land exclusive of all road right-of-way of any public or private road and any other dedications required.

LOT MEASUREMENTS: A lot shall be measured as follows:

Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.

Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the ROW.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material, excluding junk yards.

MANUFACTURED HOME: A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Constructions and Safety Standards Act of 1974" as amended and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating processing, storing, separating, cleaning or marketing of any mineral natural resource.

MANUFACTURING, HEAVY: Processing, assembling, storing, testing, and industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the manufacturing site.

MANUFACTURING, LIGHT: Manufacturing establishments which are clean, quiet, and are free of elements which create a nuisance or are hazardous, such as noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions shall operate entirely within enclosed structures and generate minimum traffic congestion.

MEAT MARKET: A commercial establishment where meat and already processed meat products are sold. Such establishment may provide for select cuts of meat from already slaughtered and processed animals, but shall not include slaughterhouses, meat packing and processing facilities.

MINI STORAGE: A principal commercial structure, open to the public, for enclosed storage of personal property.

MOBILE HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify under the definition of manufactured home or industrialized unit.

MOBILE HOME SALES: See Automotive, Mobile Home, Travel Trailer and Farm Implement Sales.

MORTUARY: A place for the storage of human bodies prior to autopsy, burial or release to survivors.

MOTOR VEHICLES: Automobile, Truck, Bus, Travel Trailer, Farm Implement, Boat, Motorcycle, Airplane and/or Motor Home.

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.

NURSING HOME: A facility for the assisted or non-assisted care of children and/or adults.

NURSERY, PLANT MATERIAL: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for sale on the premises including products used for gardening or landscaping.

OPEN SPACE: Land that shall not be built upon. Streets, parking areas and ground occupied by other structures shall not be included.

PARKING SPACE, OFF-STREET: An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider, mining operation or developer with State, County, or Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PLANNED UNIT DEVELOPMENT (PUD): Are addressed in Section 519.021 of the Ohio Revised Code. According to this section of the law, a PUD shall "further the purpose of promoting the general public welfare, encouraging the efficient use

of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development". In particular, the law states that a PUD should integrate residential, commercial, industrial or any other use.

PRINTING SHOP: An establishment used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter shop.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, highway transport, communication, public water and sewage services.

PUBLIC STORAGE FACILITY: A permanently constructed structure rented in whole or part for storage to the public.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASI PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums and fitness centers.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

RESTAURANT: A structure in which the principal use is the preparation and sale of food and beverages.

RESTAURANT - DRIVE IN: A building where food and drink are served to the public and at which parking facilities are provided for customers to eat in their automobiles.

RESTAURANT- DRIVE THROUGH/FAST FOOD: An establishment engaged primarily in the business of preparing and sale of food and beverages. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

RIGHT-OF-WAY (ROW): A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

ROADSIDE STAND: A temporary structure designed or used for display or sales.

SALVAGE YARDS: See Junk Yards

SATELLITE DISHES: See Accessory Use or Structures

SCREENING: Buffer zones planted with grass, hardy shrubs or evergreen ground cover in a density sufficient to provide contiguous properties with sufficient foliage to screen unlike land uses all year. Such foliage shall be at least four (4) feet in height and ten (10) feet in planted width. Wall and fences made of natural materials or materials made to look natural, that are seventy-five (75) percent opaque or landscape berm may also be used in an effort to achieve the goal of adequate screening. All screening will be well maintained and free of all advertising and other signs. All screening shall

not obscure traffic visibility within fifty (50) feet of any intersection or driveway. No screening, made of either natural or man-made materials, shall interfere with the natural drainage of the area.

SEAT: For purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SETBACK LINE: A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in this resolution.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SEWERS, ON-SITE: A septic system on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the Licking County Board of Health.

SIDEWALK: A path for pedestrians, usually paved, along the side of a street.

SIGN: Any device designated to inform or attract the attention of persons.

1. Sign, Canopy: A sign, which is suspended from, attached to, supported from or forms a part of a canopy.
2. Sign, Height of: For areas where the site is on average level with the adjoining road or higher than the adjacent roadway, the height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or site grading, or (2) the newly established grade after construction and final site grading, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. Areas where the site is lower than the adjacent roadway, the sign height shall be the vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light inducting reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, On-Premises: Any sign, including the sign face and supporting sign structure, related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
6. Sign, Off-Premises: Any sign, including the sign face and supporting sign structure, unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
7. Sign, Projecting: Any sign which projects from the exterior of a building.
8. Sign, Swinging: A sign installed on an arm mast or spar that is not, in addition, permanently fastened to an adjacent wall or an upright pole.
9. Sign, Off-Premise Outdoor Advertising: A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; such signs include but are not limited to billboards.
10. Sign, Temporary: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and for display for a period of time of less than sixty (60) days.
11. Variable Message Advertising Device, Changeable, Digital: One message is partially changed by electronic process or remote control, including, but not limited to, rotating vertical triangular slats, messages change by turning lights on and off, remote numeric displays, glow tubes, light emitting diodes, cathode ray tubes and florescent discharge or similar technology. Also shall mean a computer or digital software generated message or other automated or remote method of changing message.

SIGN-AREA OF: See Article 19

STORY: That part of a building between the surface of a floor and the ceiling immediately above.

STREET: See Thoroughfare

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

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

SUPERMARKET: Large scale store which sells groceries and services. The facility may also serve as a department store and/or restaurant. Supermarkets are generally open 24 hours a day and generate high volumes of traffic.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL: A body of water constructed of vinyl, concrete, fiber glass or man-made material with a pump and filter system.

Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi family development, or a community, the members and guests of a club, or the patrons of a motel or hotel and accessory use.

Community: Operated with a charge for admission; a primary use.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic, to be adequate for emergency vehicles, fire equipment, snow removal and service equipment and designated as follows: (See Figure 4)

Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

Collector Street: A street, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.

Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

Local Street: A street primarily for providing access to residential or other abutting property.

Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street.

Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

TOURIST HOME: See Bed and Breakfast

UNNECESSARY HARDSHIP: The general nature of an unnecessary hardship is that the property owner, unless granted the use variance, would be unable to use the property for the purposes for which it is zoned. To amount to an unnecessary hardship, there must be a showing that all permitted uses are not economically feasible or cannot be efficiently continued. Thus, when the restriction amounts to a virtual confiscation of property where the owner is deprived of the beneficial use of the land, an unnecessary hardship exists. It is well to remember, however, that the mere fact that one's property can be put to a more profitable use does not, in itself, establish an unnecessary hardship where less profitable alternatives are available within the zoning district.

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 the Resolution, a variance is authorized 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.

VARIETY STORE: A retail commercial establishment in which goods or materials such as tobacco products and smokers' supplies, confections, soft drinks, stationary supplies, reading materials, non-prescription legal over the counter

medicines, and first aid supplies, house wares, souvenirs and similar goods are offered for sale to the general public and may include groceries and dairy products as a secondary line.

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

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

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 (See Figure 2).

Front Yard: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building (Also called building line).

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

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

ZONING INSPECTOR: An employee of Harrison Township who is authorized to enforce the zoning resolution.

ZONING MAP: Map or Maps of the Township showing zoning districts together with all amendments subsequently adopted.

ZONING PERMIT/CERTIFICATE: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

Revisions:

09-17-2014

expanded definitions of SIGN, added UNNECESSARY HARDSHIP and its definition

Previous version: Adopted Date: 05-20-2013, Effective Date: 06-19-2013

4 – ADMINISTRATION

4.0 OFFICE OF ZONING INSPECTOR

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The township zoning inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

4.1 DUTIES OF ZONING INSPECTOR

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s)
2. Order discontinuance of illegal uses of land, buildings, or structures
3. Order removal of illegal buildings or structures or illegal additions or structural alterations
4. Order discontinuance of any illegal work being done
5. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning and Certificate of Zoning Compliance permits and such similar administrative duties as are permissible under the law.

4.2 ZONING COMMISSION

A Zoning Commission shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years. The initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), five (5) year terms. Each member shall be a resident of the unincorporated areas of the Township. Members of the Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

The Alternate Members shall meet the same appointment criteria as Regular Members, and shall take the place of an absent Regular Member at any meeting of the Board of Zoning Commission. An Alternate Member may vote on any matter on which the absent Member is authorized to vote. Alternate Members of the Board(s) may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

4.3 PROCEEDINGS OF ZONING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings; showing the vote, of each member upon each motion; if absent or failing to vote, indicate such fact; keep records of its examinations and other official actions, all of which shall be a public record and filed in the office of the Commission.

4.4 DUTIES OF ZONING COMMISSION

For the purpose of this Resolution the Commission shall have the following duties:

1. Initiate proposed amendments to this Resolution and to the Harrison Township Zoning Map
2. Review all proposed amendments to this Resolution and proposed zoning map changes and make recommendations to the Board of Township Trustees as specified in Article 6
3. Review all planned unit developments and make recommendations to the Board of Township Trustees as provided in Article 24
4. Review actions of the Board of Zoning Appeals for possible amendments to this Resolution

4.5 BOARD OF ZONING APPEALS

Board of Zoning Appeals shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years. The initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), five (5) year terms. Each member shall be a resident of the unincorporated areas of the Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing as provided in Section 519.04 of the Ohio Revised Code.. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

The Alternate Members shall meet the same appointment criteria as Regular Members, and shall take the place of an absent Regular Member at any meeting of the Board of Zoning Appeals. An Alternate Member may vote on any matter on which the absent Member is authorized to vote. Alternate Members of the Board(s) may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment by the Board of Township Trustees for the un-expired term of the member affected.

4.6 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings 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 examination and other official actions, all which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

Three members of the Board of Zoning Appeals shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Board of Zoning Appeals present to form a quorum shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution..

4.7 DUTIES OF THE BOARD OF ZONING APPEALS

The Board has the following responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector
2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship for use variances or practical difficulties for area variances, so that the spirit of this Resolution shall be observed and substantial justice done
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 4.19 and such additional safeguards as will uphold the intent of this Resolution
4. To interpret the Zoning Map - Where the streets or lot lines actually in place, or as recorded, differ from the streets and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the Map in such away 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 of Zoning Appeals and a determination shall be made by said Board of Zoning Appeals.

The concurring vote of a majority of the Board of Zoning Appeals shall be necessary to reverse any order.

4.8 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTER OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees, in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Article and this Resolution. Under this Resolution the Board of Township Trustees shall have only the duties of considering the adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Article 5.11 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the Board of Zoning Appeals' written decision.

4.9 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Articles 4.10 through 4.19. As specified in Article 4.7, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

4.10 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appeals form was taken.

4.11 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action for which the appeal was made. After the notice of appeal is filed with the Zoning Inspector, he may, by reason of facts stated in the application, find and certify to the Board of Zoning Appeals that a stay, in his opinion, would cause imminent peril of life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

4.12 VARIANCE

1. Use Variance

The Board of Zoning Appeals may authorize upon appeal in specific cases a variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered ground for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provision of this Resolution would result in unnecessary hardship.

The factors to be considered and weighed in determining whether a property owner seeking a use variance has encountered unnecessary hardship in the use of the property include, but are not limited to:

- a. the variance will not be contrary to the public interest;
- b. owing to special conditions, literal enforcement of the Resolution will result in unnecessary hardship (See definition of UNNECESSARY HARDSHIP in Article 3);
- c. the spirit of the Zoning Resolution shall be observed; and
- d. substantial justice shall be done

2. Area Variance

The Board of Zoning Appeals in regards to lot area, lot width and setbacks may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this Resolution would result in practical difficulties. The Board of Zoning Appeals shall not grant a variance from the terms of this Resolution unless and until practical difficulty is proven. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of the property include; but are not limited to:

- a. whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance,
- b. whether a variance is substantial,
- c. whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance,
- d. whether the variance would adversely affect the delivery of governmental services, (e.g. water, sewer, garbage, medical, fire, police.),
- e. whether the property owner purchased the property with knowledge of the zoning restriction,
- f. whether the property owner's predicament feasibly can be prevented or corrected through some method other than a variance; and
- g. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

4.13 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicant(s)
2. A certified copy of the deed, from the Licking County Recorder's Office, showing the legal ownership of said property, and legal owner's consent if applicant is not the legal owner
3. Description of nature of variance requested
4. Current zoning district
5. A narrative statement demonstrating that the requested variance conforms to the requirements of Article 4.12.1.a through 4.12.1.d for a Use Variance or Article 4.12.2.a through 4.12.2.g for an Area Variance

6. A drawing of the proposed site for the variance showing the location of all buildings, parking and loading area, traffic access traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards. Note additional information may be required by the Board at the time of the hearing

7. Names and addresses of adjoining owners within 500 feet of property, including across the roadway. This list shall be typed or printed on mailing labels.

8. In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of pending zoning changes, the Township will provide a notice sign with the recommended wording:

"This property is under a zoning consideration. For additional information contact the Harrison Township Zoning Office at 740-927-8277 or visit website at www.harrisontownship.net"

The notice must be erected within 48 hours of application. It shall be erected on the site readily legible from the most traveled thoroughfare adjacent to the property. The sign must be maintained until a final decision by the appropriate board. At which time the sign must be returned in good condition to the township.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Article 4.13.4 have been met by the applicant.

4.14 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Article 5.10 of this Resolution.

4.15 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal, conditional use, or variance from the Zoning Inspector.

4.16 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Article 4.15, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal, conditional use, or variance.

4.17 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Article 4.15 – Public Hearing by the Board of Zoning Appeals, written notice of such hearing shall be mailed by first class mail at least ten (10) days before the day of the hearing to all owners of property within 500 feet of property to be considered for a variance, conditional use, or appeal by the Board of Zoning Appeals., including across the roadway. The notice shall be mailed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees.

4.18 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Article 4.15, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Article 4.14, or disapprove the request for appeal, conditional use, or variance. The Board of Zoning Appeals may further make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Article 4.8.

4.19 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requirements of Articles 4.20 through 4.27.

4.20 GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually.

4.21 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

An application for conditional use permit shall be filed with the Zoning Inspector by at least one owner or lessee of property for which such conditional use is proposed. The application shall contain the following information:

1. Name, address and phone number of applicant(s)
2. A certified copy of the deed, from the Licking County Recorder's Office, showing the legal ownership of said property, and legal owner's consent if applicant is not the legal owner
3. Description of existing use
4. Current zoning district
5. Description of proposed conditional use
6. A drawing of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards. Note additional information may be required by the Board at the time of the hearing
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district
8. Names and addresses of adjoining owners within 500 feet of property, including across the roadway. This list shall be typed or printed on mailing labels
9. Such other information as may be required in Article 4.22

In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of pending zoning changes, the Township will provide a notice sign with the recommended wording:

"This property is under a zoning consideration. For additional information contact the Harrison Township Zoning Office at 740-927-8277 or visit website at www.harrisantownship.net"

The notice must be erected within 48 hours of application. It shall be erected on the site readily legible from the most traveled thoroughfare adjacent to the property. The sign must be maintained until a final decision by the appropriate board. At which time the sign must be returned in good condition to the township.

4.22 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. is in fact a conditional use as established under the provisions for the Zoning District involved;
2. will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or the Zoning Resolution;
3. will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. will not be hazardous or disturbing to existing or future neighboring uses;
5. will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor;
8. will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

4.23 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Article 4.15, the Board of Zoning Appeals shall approve, approve with supplementary conditions or disapprove the application as presented. When considering the application for conditional use the Board of Zoning Appeals should refer to the specific district of this Resolution to which this application applies. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board of Zoning Appeals for approval. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas. Appeals from Board of Zoning Appeals decisions shall be made in the manner specified in Article 4.8.

Revisions:

09-17-2014

- 4.1 – one revision
- 4.2 – several revisions
- 4.4 – several revisions
- 4.5 – several revisions
- 4.6 – several revisions
- 4.7 – several revisions
- 4.8 – several revisions

4.9 – several revisions

- 4.10 – one revision
- 4.12 – several revisions
- 4.13 – several revisions
- 4.15 – one revision
- 4.17 – several revisions
- 4.18 – one revision
- 4.21 – several revisions
- 4.22 (existing) – deleted
- 4.22 (new) – added
- 4.24 (existing) – deleted

Previous revision

Adopted Date: 8/3/98

Effective Date: 9/2/98

Revised 4.13, 4.21 Date: 3/7/05

ENFORCEMENT

5.0 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

5.1 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one half (2 ½) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant and owner if different
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Lot plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;

7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, which provide for the enforcement of this resolution;
11. Each plan shall bear statements declaring 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.
12. 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.

5.2 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this resolution.

5.3 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun with one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2 ½) years from the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

5.4 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof erected, until a certificate of occupancy shall have been issued thereof by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this resolution.

5.5 TEMPORARY CERTIFICATE OF OCCUPANCY

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding eighteen (18) months for partial occupancy of a building pending its completion.

5.6 RECORD OF ZONING PERMITS AND CERTIFICATE OF OCCUPANCY

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

5.7 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this resolution and punishable under Section 5.10 of this resolution.

5.8 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto and no other use arrangement or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution and punishable as provided in Section 5.10 of this resolution.

5.9 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such Complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate and take action thereon as provided by this resolution.

5.10 PENALTIES FOR VIOLATION

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution or failure to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (100) dollars or imprisoned for not more than thirty (30) days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

5.11 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Board of Township Trustees shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. No action shall be taken on any application or appeal until fees are paid.

5.12 NO REFUND OF FEES

After the Zoning Inspector has issued any required permit in compliance with these regulations and the fee has been collected as provided for such permit or action there shall be no refunds.

6 – AMENDMENT

6.0 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This resolution may be amended by utilizing the procedures specified herein.

6.1 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

6.2 INITIATION OF ZONING AMENDMENTS

Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission
2. By adoption of a resolution by the Board of Township Trustees
3. By the filing of an application by a least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

6.3 CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Article 7 shall contain at least the following:

1. Name, address, and phone number of applicant(s)
2. Legal description of property, including owner's consent if applicant is not the legal owner
3. Proposed amendment resolution
4. Present use

5. Present zoning district
6. Proposed use
7. Proposed zoning district
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Inspector may require
9. A list of all property owners certified by the county tax auditor office and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case. Names and addresses need not be included where more than ten (10) parcels are to be rezoned.
10. A statement on how the proposed amendment relates to the comprehensive land use plan, if applicable
11. A fee as established by the Board of Township Trustees according to Article 5.11.
12. In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of pending zoning changes. The Township will provide a notice sign with the recommended wording:

"This property is under a zoning consideration. For additional information contact the Harrison Township Zoning Office at 740-927-8277 or visit website at www.harrisontownship.net"

The notice must be erected within 48 hours of application. It shall be erected on the site readily legible from the most traveled thoroughfare adjacent to the property. The sign must be maintained until a final decision by the appropriate board. At which time the sign must be returned in good condition to the township.

Applications proposing to amend, supplement, change or repeal portions of this resolution other than the Official Zoning Map shall include items (1),(2), (3), (10), and (11) listed above.

6.4 TRANSMITTAL TO ZONING COMMISSION

Within five (5) days after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

6.5 SUBMISSION TO COUNTY OR PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval with some modification and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

6.6 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, (Ohio Revised Code, Section 5511.01), however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

6.7 PUBLIC HEARING BY ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

6.8 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing as required in Article 6.7, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, the time and place where the text and maps of the proposed amendments will be available for examination, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

6.9 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this Article, shall not invalidate such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Article 6.8.

6.10 RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after the public hearing required by Article 6.6 the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

6.11 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Article 6.7, 6.8 and 6.9.

6.12 ACTION BY BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing required by Article 6.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

6.13 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes 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.

6.14 COURT OF COMMON PLEAS

Any person adversely affected by an order of the Board of Township Trustees adopting, amending or rescinding a regulation, may appeal to the Court of Common Pleas of Licking County on the ground that said Board failed to comply with the law in adopting, amending, 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.

Revisions
09-17-2014
Revised 6.3 #12

Previous revision:
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Effective: 02/04/2004
Revised 6.3: 03/07/2005

PROVISIONS FOR OFFICIAL ZONING MAP

7.0 OFFICIAL ZONING MAP

The district established in Article 10 (District and General Provisions) of this resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

7.1 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the Chairperson of the Township Trustees, attested by the Township Clerk, and bearing the seal of the Township.

7.2 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, those lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

Adopted Date: 6/1/98

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3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.

7.3 INTERPRETATION OF ZONING MAP

Where the street or lot layout actually in place 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.

NON-CONFORMITIES

8.0 INTENT

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with such resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity.

Within the districts established by this resolution or amendments that may later be adopted there exists lots uses of land, structures and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district

After passage of this resolution, a non-conforming use of a structure or land, or of a structure and land in combination shall not be extended or enlarged by attachment on a building or premises, or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

8.1 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

8.2 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected, upon the approval of the Board of Zoning Appeals, on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, or the lot shall conform to the regulations for the district in which such lot is located.

8.3 NON-CONFORMING USE OF LAND

Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this resolution;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution;
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of land shall conform to the regulations specified by this resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land.

8.4 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot,

bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Any non-conforming building or structure, or one or more of a group of non-conforming buildings or structures related to one industry and under one ownership, which have 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 twelve (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.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

8.5 NON-CONFORMING USES OF STRUCTURES or STRUCTURES and LAND IN COMBINATION

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this resolution;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

8.6 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8.7 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

8.8 NONCONFORMITY - PERFORMANCE STANDARDS

All uses non-conforming at the time of adoption of this Resolution, by reason of noncompliance with the provisions of Article 9 if not otherwise stipulated by the Board of Zoning Appeals shall adopt necessary measures to conform within one (1) year of adoption of this Resolution.

SPECIAL PROVISIONS

9.0 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Section 9.1-9,10, inclusive are implemented.

9.1 FIRE HAZARDS

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

9.2 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

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

Adopted Date: 6/1/98 Effective Date: 7/1/98

9.3 NOISE

Noise which is objectionable as determined by the Board of Zoning Appeals due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Public alert systems and related apparatus used solely for public purposes are exempt from this requirement.

9.4 VIBRATION

No vibration shall be permitted which is discernible with instruments on any adjoining lot or property. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American National Standards Institute, Inc., New York, Chemical Manufacturers' Association, Washington D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

DISTRICT AND GENERAL PROVISIONS

10.0 DISTRICTS

The Township is hereby divided into the following districts:

| | |
|------|-----------------------------------|
| C -1 | Conservation District |
| AG | Agricultural District |
| R | Residential Districts |
| B -1 | General Business District |
| NB | Neighborhood Business District |
| LB | Local Business District |
| GB | General Business District |
| M-1 | General Manufacturing District |
| PUD | Planned Unit Development District |

10.1 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 of this Resolution for the District in which such building is located.

10.2 STREET FRONTAGE REQUIRED

Except as required by other provisions of these regulations, no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. Only one principal dwelling shall be permitted on any residential lot. The minimum road frontage requirement for fronting on a cul-de-sac shall be sixty (60) feet

10.3 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In any R- District on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

10.4 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 18.

10.5 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other resolutions of the Township, it being the intention hereof to exempt such essential services from the application of these regulations.

10.6 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.

10.7 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.

10.8 MOBILE HOMES PROHIBITED - EXCEPT

1. A mobile home, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed, remodeled or repaired thereon, but such use shall not be continued for more than eighteen (18) months. A separate zoning certificate shall be required for the use of a temporary dwelling quarters, subject to renewal by the Board.
2. As a construction trailer to be used for temporary office or storage space. A permit, on a six (6) month renewable basis, is required.

10.9 MOBILE HOMES/TRAILERS - VISITORS

Not more than one (1) mobile home or trailer may be temporarily used as a residence by a visitor on occupied property owned, leased, or rented by a resident of the Township for a period of ninety (90) days, subject to renewal by the Board, provided that:

1. Joint application is filed with the Zoning Inspector by the aforesaid property resident and the mobile home/trailer owner within seventy two (72) hours after arrival on the property.
2. All provisions of the Licking County Health Board are complied with.

3. A fee subject to the provision of Article 5.11 has been paid to the Zoning Inspector who may issue a "Temporary Visitor's Zoning Certificate" for a period of ninety (90) days, subject to renewal by the Board.

10.10 TERRITORY NOT INCLUDED - ANNEXATIONS

In every case where territory has not been specifically included within a district or where a territory becomes a part of the unincorporated 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.

10.11 ACCESSORY BUILDINGS

Accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot unless an integrated part thereof; at least six (6) feet from any other accessory building and at least six (6) feet from any lot lines of adjoining lots and meet the same front yard requirements of structures in that district.

10.12 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 three (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 Board and upon recommendation from the Licking County Flood Plain Administrator, and the Licking County Planning Commission (LCPC).
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 twenty (20) feet of the ordinary high water line of such surface water that the lowest floor of said building is less than three (3) feet above the ordinary high ground water line, except with approval of the Board and upon recommendation from the Licking County Flood Plain Administrator.

10.13 AGRICULTURAL EXEMPTIONS

Section 519.02 and 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.

10.14 DOUBLE WIDE/SECTIONAL MOBILE HOMES

A double wide mobile home will be considered to be the same as a permanent site built dwelling provided:

1. It be affixed to a permanent foundation;
2. The undercarriage, tongue and hitch be removed.

10.15 PERMITS REQUIRED

At the time of application for permit for a Temporary Dwelling or Accessory Building, a permit for the principle structure is also required.

10.16 JUNK YARDS

Junk yards are prohibited when they are determined to be a junk yard as defined in Article 3 of this resolution.

10.17 BUFFERING AND SCREENING

1. REQUIREMENTS

A buffer yard shall be required along the boundary of all neighboring properties any property which proposes to facilitates unlike land use and/or has a zoning classification that allows for an unlike land use from the adjacent properties:

- a. To shield neighboring properties from any adverse external effects of a development;

- b. To shield the development from negative impacts of adjacent uses such as streets or railroads;
- c. To screen public views of rear or side yards and rear facades within double frontage or reverse frontage lots
- 2. Function and Materials – A buffer as referred to in this section shall be defined as a strip of land, free from buildings, driveways, or other impervious surfaces, that is permanently set aside by the owner for buffering purposes. Buffering shall provide visual and audio screening in order to minimize adverse impacts. It may consist of fencing, plantings, walls, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. No buffer design or material shall interfere with the natural drainage of the area, unless it is demonstrated that the drainage is adequately addressed and accommodated in the lots constructed or to be constructed storm water management infrastructure, and won't affect adjoin lots.
- 3. Planting Specifications – Size of evergreens and deciduous trees shall be allowed to vary depending on setting and type of shrub. All trees, shrubs, and ground covers shall be planted according to accepted horticultural standards and be live at the time of planting. The buffering shall be significant at the time of planting to provide an immediate effect of visual screening. A landscape plan shall be submitted by the applicant that shows the buffering and this will be required to be approved by the Zoning Inspector. The buffer shall be at least 70% opaque during the winter and at least six foot in height at the time of planting.
- 4. Plant Species – The plant species selected should be hardy for the particular climate zone in which the development is located and appropriate in terms of function and size.
- 5. (existing 10.17.2) Installation and Maintenance
 - a. Plant materials must be installed to current nursery industry standards for Central Ohio, within one year of the issuance of the occupancy permit. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.
 - b. The owner shall be responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not limited to, mowing (of grass of six (6) inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size within ninety (90) days. Trees with a trunk diameter in excess of six (6) inches measured twenty-four (24) inches above the ground shall be replaced with ones of similar variety having a trunk diameter of no less than three (3) inches measured twenty-four (24) inches above the ground.
 - c. Irrigation shall be provided to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas shall provide a system which provides sufficient water to ensure that the plants become established. The system is not required to be permanent if the plants chosen can survive adequately on their own, once established.
 - d. Protection shall be provided for all landscaped areas, particularly trees and shrubs, from potential damage by adjacent development, including parking or storage areas.
 - e. If the buffer materials have not been installed or maintained in accordance with the standards herein, the Zoning Inspector may issue a violation notice in accordance with the authority given in Article 4.1 - Duties of the Zoning Inspector. If the violation is not remedied according to the violation notice within the time noted in the violation notice, then fines may be implemented in accordance with Article 5.10 - Penalties for Violation.
 - f. The Board of Zoning Appeals may grant a single time extension up to one year after a public meeting if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

Revisions:

05-20-2013

- Article 10.0, added references to NB, LB, GB
- replaced Article 10.17, BUFFERING AND SCREENING (10.17.5, "b" though "f" were not modified)

Previous version: Adopted Date 5-01-2000, Effective Date 5-31-2000, Revised Article 10.16 Date 3-07-05, Added Article 10.17 Effective Date 06-05-08

C-1 CONSERVATION DISTRICT

11.0 PURPOSE

The purpose of the 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.

11.1 USES PERMITTED IN THE C-1 CONSERVATION DISTRICT

1. Any customary agricultural use, forestry.
2. Water conservation works; including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydroelectric power installation, etc.
3. Accessory use and buildings.
4. Essential services.

11.2 CONDITIONAL USES IN THE C-1 CONSERVATION DISTRICT

1. Gun clubs and archery courts.
2. Commercial mining in accordance with the provision of Article 20.
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 Board unless it 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 Board after review by the technical staff of the Licking County Soil and Water Conservation District.
4. Recreational facilities such as fishing lakes, golf courses, golf driving ranges, parks, and outdoor sports complexes.

Adopted Date 01-04-2004

Effective Date 02-04-2004

11.3 OTHER REQUIREMENTS

Buildings or structures authorized in the Conservation District shall not obstruct natural drainage courses and flood ways. 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 or Board is required to act upon 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 Licking County Soil and Water Conservation District.
2. Change to Nonconservation 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 by the Licking County Flood Plain Administrator, 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 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 Licking County Soil and Water Conservation District.

11.4 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 thirty-five (35) feet to any existing or proposed public right-of-way, and not closer than fifty (50) feet to any side or rear lot line.

11.5 HEIGHT REGULATION IN THE C-1 DISTRICT

No structure shall exceed thirty-five (35) feet in height.

AG AGRICULTURAL DISTRICT

12.0 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 rural small estate residential development; and, to conserve areas physically unsuitable for intensive development.

12.1 USES PERMITTED IN THE AG DISTRICT

1. Agricultural uses, commercial grain storage.
2. One-family residential dwelling.
3. Utility and service system buildings and lands, public buildings, picnic grounds, religious and educational institutions.
4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four (4) square feet of sign area; signs announcing meeting time and place of civic organizations.
5. Home occupations.

12.2 CONDITIONAL USES IN THE AG DISTRICT*

1. Real Estate, professional, and small announcement signs, subject to the provisions of Article 19.
2. Uses of land including quarrying and mining of natural resource (See Article 20).
3. Cemeteries, golf courses and similar uses.
4. Private aviation field.

* As approved by the Board of Zoning Appeals.

12.3 REQUIRED LOT AREA AND LOT WIDTH IN THE AG DISTRICT FOR RESIDENTIAL USE

Each dwelling shall be located on a lot having an area of not less than forty-five (45,000) thousand square feet and a lot width of not less than one-hundred fifty (150) feet at the building line.

12.4 HEIGHT REGULATION IN THE AG DISTRICT

No dwelling shall exceed two-one half (2 ½) stories or thirty-five (35) feet in height.

Adopted Date 3-17-97

Effective Date 4-16-97

Revised 12.6 Effective Date 01-05-06

12.5 REQUIRED YARD IN THE AG DISTRICT

All dwellings shall have the following minimum yard spaces:

| | |
|------------|-------------------|
| Front Yard | 40 feet* |
| Side Yard | 15 feet each side |
| Rear Yard | 50 feet |

12.6 REQUIRED FLOOR AREA IN THE AG DISTRICT

Any building intended in whole or part for residential purpose shall meet requirements of Article 13.3

12.7 AGRICULTURAL STRUCTURES: AREA, WIDTH AND YARD REQUIREMENTS

| | |
|------------|-----------------------|
| Front Yard | 50 feet** |
| Side Yard | 25 feet on both sides |

Rear Yard None
Lot Area None

12.8 REDUCTION IN AREA REQUIREMENTS

As provided in Article 17, Exceptions and Modifications.

*Or 70 feet from the center of the road if no R.O.W. has been established.

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

** Or 80 feet from the center of the street if no R.O.W. has been established.

R- DISTRICT

13.0 PURPOSE

The purpose of R district is to provide an area for single family residential development. This chapter requires adequate storage space on the lot with each dwelling. All dwellings must have access to the public right-of-way. There are two (2) specific R districts, namely R45 and R70. Note: The former R-1, R-2 and R15 districts are replaced both in this Resolution and the Zoning map in accordance with this chapter. All references to R-1, R-2 or R15 in this Resolution shall refer to R Districts.

13.1 USES PERMITTED IN ALL R DISTRICTS

1. One-family dwelling; accessory uses.
2. Churches and other places of worship, including Sunday School buildings, located not less than fifty (50) feet from any other lot in any R district; schools and colleges for academic instruction, located not less than fifty (50) feet from any other lot in R district; public libraries, public museums and public art galleries located not less than twenty-five (25) feet from any other lot in any R district or Residence(s).
3. Light agricultural uses including greenhouses and raising farm products (not including livestock); provided any lot or tract in such use should be not less than five (5) acres in area, and provided that any greenhouse heating plant should be located not less than two hundred (200) feet distant from any lot line.
4. Public parks and playgrounds, provided that any principal building or community pool shall be located not less than one hundred (100) feet from any other lots in any R district or residence(s).
5. Home occupation.

13.2 CONDITIONAL USES IN ALL R DISTRICTS

1. Country clubs, golf courses and community pools shall be located not less than one hundred (100) feet from any other lot in any R district or residence(s); private pools shall be located not less than twenty-five (25) feet from any other lot in any R district or residence(s).
2. Utility sub-stations and pump houses provided that such structures will not detract from the general appearance of the area or adversely affect the comfort, safety or welfare of the residents of the area.

Adopted Date 5-01-00
Effective Date 5-31-00
Revised 13.3 Date 02-05-07 effective date 03-05-07

13.3 REQUIRED FLOOR AREAS IN ALL R DISTRICTS

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

SINGLE-FAMILY DWELLING: WITH OR WITHOUT BASEMENT:
1,800 square feet of heated, finished Living and/or Floor Area as defined in Article 3.

Single family dwelling shall not be less than twenty-four (24) feet in width or depth, whichever is the smaller.

1. The minimum depth of the single family dwelling shall be at least twenty-four (24) feet for at least fifty (50) percent of the depth and the minimum width shall be at least twenty-four (24) feet for at least fifty (50) percent of the width of the building.
2. Each single family dwelling to include a garage or a permanently constructed storage building of at least two hundred eighty eight (288) square feet

13.4 HEIGHT REGULATION IN ALL R DISTRICTS

No residential dwellings shall exceed two and one-half (2.5) stories or thirty-five (35) feet in height.

13.5 Not Used

13.6 PUBLIC WATER AND PUBLIC SEWAGE SYSTEM REQUIREMENTS

The following are the public water and sewage system requirements for the R districts:

- R45: public sewage systems are required by zoning.
R70: public water systems are not required by zoning.

13.7 REQUIRED LOT AREA AND LOT WIDTH

Each residential dwelling shall be located on a lot with the following requirements:

- R45: a lot having an area of not less than forty-five thousand (45,000) square feet and a lot width of not less than one hundred fifty (150) at the building line.
R70: a lot having an area of not less than seventy thousand (70,000) square feet and lot width of not less than one hundred seventy-five (175) feet at the building line.

13.8 REQUIRED YARD

All residential structures shall have the following minimum spaces:

- R45: and R70: Front yard: 50 feet*
Side yard: 15 feet each side
Rear yard: 50 feet
*or 80 feet from the center of the road if no R.O.W. has been established.

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

13.9 PUD-R

As to any R15 District existing as of the date of the amendment to this chapter, the former R15 District shall be governed by chapter 24 of this Resolution, Planned Unit Development, except that the provisions of section 13.1, 13.2, 13.2 13.3, 13.4, and 13.5 of this chapter shall apply in lieu of chapter 24 of this Resolution. The R15, R-1 and R-2 districts existing after the date of the amendment to this chapter shall be known and designated on the Zoning map as PUD-R. Notwithstanding anything to the contrary above the following restrictions shall apply to PUD-R:

1. Each residential dwelling shall be located on a lot with the following requirements:

R15: A lot having an area not less than fifteen thousand (15,000) square feet and a lot width one hundred (100) feet at the building line.

R-1: A lot having an area not less than forty-five thousand (45,000) square feet and a lot width one hundred fifty (150) feet at the building line.

R-2: A lot having an area not less than forty-five thousand (45,000) square feet and a lot width one hundred fifty (150) feet at the building line.

2. All residential structure shall have the following minimum spaces:

R15: Front yard: 40 feet or 70 feet from the center of the road if no right-of-way has been established.
Side yard: 15 feet each side
Rear yard: 40 feet

R-1: Front yard: 40 feet or 70 feet from the center of the road if no right-of-way has been established.
Side yard: 15 feet each side
Rear yard: 50 feet

R-2: Front yard: 40 feet or 70 feet from the center of the road if no right-of-way has been established.
Side yard: 15 feet each side (for one and two family or 20 feet for other permitted uses)
Rear yard: 50 feet

Corner lots in R15, R-1 and R-2 shall provide the minimum front yard requirements on each street side of the lot.

PUD-R is representative of the R15, R-1 and R-2 Districts existing prior to the adoption of this amendment and this PUD-R designation is not applicable for re-zoning proposals under this Resolution.

OUTDOOR LIGHTING

14.0 Purpose

The purpose of Outdoor Lighting requirements is to prevent excessive artificial light caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary sky glow.

All outdoor light fixtures installed and thereafter maintained within Harrison Township shall comply with the standards set forth in this section. Unless otherwise expressly exempted, lighting installed by Harrison Township shall comply with the standards set forth in this section.

14.1 Lighting Requirements for All Districts

The regulations contained in this section shall apply to all exterior lighting in all districts:

1. Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
2. Where used for nonresidential purposes, all light fixtures shall be equipped with automatic timing devices which turn off or reduce the lighting during non-operating hours and comply with the following:
 - a. Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - b. Other upward directed architectural, landscape or decorative direct light emissions shall have at least 90 percent of their total distribution pattern within the profile of the illuminated structure.
 - c. Recreational and sports facility lighting shall be shielded. Such lighting shall have directional and glare control devices, when necessary to avoid light trespass.
 - d. Externally illuminated signs including commercial billboard, building identification or other similar illuminated signs shall comply with the following:
 - i. Top mounted light fixtures shall be shielded and are preferred.
 - ii. When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep at least 90 percent of their total distribution pattern within the profile of the illuminated item.
 - e. All other outdoor lighting shall use shielded light fixtures.
 - f. The term "shielded light fixture" as used herein means a fixture for which direct illumination from the light source (e.g., light bulb) is not visible when the fixture is viewed along a line parallel with the ground at the height of the fixture.

Adopted Date: 05-07-07
Effective Date: 06-07-07

3. No flickering or flashing lights shall be permitted, except for temporary holiday decorations which may be in use only during the period from Thanksgiving Day until January 6.
4. Artificially produced light straying beyond property boundaries shall be considered a light trespass when intensity levels exceed the following maximum illumination levels at the adjoining property line and shall be adjusted, modified or removed accordingly.

Maximum Light Pollution Illuminance

Receiving Area Classification
Maximum Vertical Foot Candles
(measured at 5 (five) feet above grade at property line)

Agriculture
6.5

Conservation
0.8

Residential
0.1

Business
6.5

Manufacturing
6.5

Note: When two differing area classifications abut, the lower light level value shall take precedence (i.e., residential over business).

14.2 Light Trespass (Nuisance Light)

All light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass. Outdoor light fixtures, properly installed and thereafter maintained, shall be directed so there will be no objectionable direct glare source visible from any property.

14.3 Height Requirements for Lighting

The regulations contained in this section apply to height requirements in the following districts:

1. Street lighting on arterial streets or collector streets in a residential area shall be mounted no higher than twenty-five (25) feet, all other light fixtures in residential areas shall be mounted no higher than sixteen (16) feet.
2. Light fixtures for sporting facilities shall be mounted no higher than fifty (50) feet
3. Light fixtures in nonresidential uses shall be mounted no higher than twenty-five (25) feet.

B - BUSINESS DISTRICTS

15.0 PURPOSE

The purpose of the Business Districts is to provide for a wide range of retail, outlet and wholesale facilities and services of a nature as to be fully compatible in a business district. In addition to the existing B-1 Business District, there are four (4) additional specific B districts: NB, LB, and GB; and PUD, governing future changes to business zoning.

15.01 NB - "Neighborhood Business District"

The purpose of the "Neighborhood Business District" (NB) is to encourage the establishment of neighborhood businesses and services which tend to meet the daily needs of the residents of the immediate neighborhood. Such districts shall reduce parking and traffic congestion as well as discourage large, regional oriented-businesses or other businesses and services that would affect the neighborhood character of the district. Such businesses would normally operate with fixed hours, light traffic, low noise and lighting as not to affect the adjoining properties. This district is also designed to act as a buffer between more intense non-residential uses and residential uses. Strip center development shall be discouraged.

15.02 LB - "Local Business District"

The purpose of the "Local Business District" (LB) is to provide for a wide range of retail facilities and services for a clientele from a larger geographical area with higher traffic, light and noise volume than the NB district. The hours of operation in this district are less restrictive than those of NB district.

15.03 GB - "General Business District"

The purpose of the "General Business District" (GB) is to encourage the establishment of areas for general business uses which meet the needs of a regional market area. Activities in this district are often large space users, and the customers using such facilities generally are from a larger radius or region creating heavier traffic, noise and light. Hours of operation in this district are generally not limited.

15.1 PERMITTED and CONDITIONAL USES IN THE NB, LB, and GB DISTRICTS

| Permitted and Conditional Uses by Business District: P = Permitted C = Conditional NA= Not Allowed | NB | LB | GB |
|--|-----------|-----------|-----------|
| Churches and other places of worship, including Sunday School buildings, located not less than fifty (50) feet from any other lot in any R district; schools and colleges for academic instruction, located not less than fifty (50) feet from any other lot in any R district; public libraries, public museums and public art galleries located not less than twenty-five (25) feet from any other lot in any R district or residence(s). The above must comply with 15.6 Screening and Buffer Yard Requirements | P | P | P |
| Clothing, shoe, variety stores, hardware, appliance, paint and wallpaper stores. | P | P | P |
| Antique stores, gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting good stores, bicycle shops. | P | P | P |
| Dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, printing shops, day care centers. | P | P | P |
| Business and professional offices including but not limited to: government offices, medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance and utility company offices. | P | P | P |
| Accessory structures to any of above permitted | P | P | P |
| Public parks and playgrounds, provided that any principal building or community pool shall be located not less than one hundred (100) feet from any other lot in any R district or residence(s) | C | P | P |
| Grocery stores, meat markets (excluding slaughter facilities), drug stores, bakeries in conjunction with retail sales, restaurants (excluding drive in/ through establishments) and tea rooms. (Hours to be defined during approval hearing with BZA) | C | P | P |
| Laundromat and Dry Cleaners | C | P | P |
| Lodges, fraternal and service organizations | C | P | P |
| Bed and Breakfast | C | P | P |
| Places of amusement and assembly. | C | C | P |
| Construction Sales and Service | C | C | P |
| Pet shops, commercial kennels and veterinary establishments; however, pet shops and commercial kennels shall be located a minimum of two hundred (200) feet from any lot used for residential purpose. | C | C | C |
| Single family dwelling, accessory use or structure. | C | C | C |

| | | | |
|---|----|----|---|
| Furniture and Department Stores | NA | P | P |
| Motor vehicles sales, filling stations (excluding junk yards, motor vehicle disassembly and sale of used motor vehicle parts) | NA | P | P |
| Cemeteries, mortuaries, funeral homes and crematories | NA | P | P |
| Supermarket | NA | C | P |
| Public storage facility | NA | C | P |
| Motor vehicle services and repair. | NA | C | P |
| Drive-in/through retail, restaurants and refreshment stands, bulk sales and storage not including outdoor unfenced storage. | NA | C | P |
| Research facilities | NA | C | C |
| Golf Courses and their Country Clubs including but not limited to associated retail establishments and meeting facilities. | NA | C | C |
| Animal pounds | NA | C | C |
| Hotels and Motels | NA | NA | P |
| Motion picture theaters, excluding ADULTS ONLY ENTERTAINMENTS FACILITIES. | NA | NA | P |

15.2 MAXIMUM BUILDING SIZE, REQUIRED LOT AREA AND WIDTH, MINIMUM REQUIRED SET BACKS, LOCATION AND BUFFER REQUIREMENTS

| | NB Neighborhood | LB Local | GB General |
|---|----------------------------|---|---|
| Maximum Building Size | 5,000 sq. ft. | 25,000 sq. ft. | None |
| Minimum Lot Size | 45,000 sq. ft. | 90,000 sq. ft. | 150,000 sq. ft. |
| Lot Width @ Building Line | 150 ft. | 300 ft. | 300 ft. |
| Front Yard | 50 ft. | 50 ft. | 50 ft. |
| Back Yard | 50 ft. | 50 ft. | 50 ft. |
| Side Yard | 15 ft. | 15 ft. | 30 ft. |
| Buffer-If abutting residential use | 30 ft. | 50 ft. | 100 ft. |
| Abutting Roadway Requirements As defined by Licking County road classification map. | Any roadway type. | Must abut a: Major Collector, Major Arterial, or Minor Arterial | Must abut a: Major Arterial, or Minor Arterial |

15.3 SCREENING/BUFFER REQUIREMENTS

A buffer yard shall be required along the boundary of any property which proposes to facilitate unlike land use and/or has a zoning classification that allows for an unlike land use from the adjacent properties.

See Article 10, Section 10.17, "BUFFERING AND SCREENING", for specifications.

15.4 BUILDING HEIGHT REGULATION IN THE BUSINESS DISTRICT

No building shall exceed two and one-half (2.5) stories or thirty-five (35) feet in height, except as provided in Article 17.

15.5 RESIDENTIAL USE IN A BUSINESS DISTRICT

Any residence in a Business District, except as addressed in this Article, must follow regulations of the R districts; see Article 13.

15.6 B-1 BUSINESS DISTRICT

15.61 USES PERMITTED IN THE B-1 BUSINESS DISTRICT

1. Churches and other places of worship, including Sunday School buildings, located not less than fifty (50) feet from any other lot in any R district; schools and colleges for academic instruction, located not less than fifty (50) feet from any other lot in any R district; public libraries, public museums and public art galleries located not less than twenty-five (25) feet from any other lot in any R district or residence(s).

The above must comply with 15.66 Screening and Buffer Yard Requirements.

2. Public parks and playgrounds, provided that any principal building or community pool shall be located not less than one hundred (100) feet from any other lot in any R district or residence(s).

3. Furniture, department, clothing, shoe, variety stores, hardware, appliance, paint and wallpaper stores.
4. Grocery stores, supermarkets, meat markets excluding slaughter facilities, drug stores, bakeries in conjunction with retail sales, restaurants and tea rooms.
5. Antique stores, gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting good stores, motion picture theaters, excluding ADULTS ONLY ENTERTAINMENTS FACILITIES.
6. Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, printing shops, day care centers and nursing homes.
7. Business and professional offices, medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance and utility company offices.
8. Motor vehicles sales, filling stations (excluding junk yards, motor vehicle disassembly and sale of used motor vehicle parts), motor-cycle and bicycle shops.
9. Motels and hotels shall have a minimum sixty thousand (60,000) square feet of lot area and minimum lot frontage of two hundred (200) feet, and shall be subject to the provision of Article 23.
10. Cemeteries, mortuaries, funeral homes and crematories.
11. Lodges, fraternal and service organizations.
12. Public storage facility.
13. Golf Courses and their Country Clubs including but not limited to associated retail establishments and meeting facilities.
14. Accessory structures to any of above permitted uses.

15.62 CONDITIONAL USES IN B-1 BUSINESS DISTRICT

1. Motor vehicle services and repair.
2. Vehicle drive-in, drive-in theaters drive-in restaurants and refreshment stands, bulk sales and storage not including outdoor unfenced storage.
3. Animal pounds, pet shops, kennels and veterinary establishments; however, pet shops and kennels shall be located a minimum of two hundred (200) feet from any lot used for residential purpose.
4. Places of amusement and assembly.
5. Adult only entertainment facility providing it is not established within a fifteen hundred (1500) foot radius of any or all property lines of churches, day care facilities, nursing homes, any schools, library or teaching facilities whether public, private, governmental or commercial, boundaries of residential districts, recreational facilities, lot lines of lots or PUD's devoted to residential use, from an already existing adult oriented business or one that has received a conditional use permit, or from any structure that contains a residence.
6. Research facilities.
7. Single family dwelling, accessory use or structure.
8. Construction Sales and Service.

15.63 REQUIRED LOT AREA AND LOT WIDTH IN THE B-1 BUSINESS DISTRICT

1. All residential uses to be accommodated in the B-1 Business District shall meet the minimum lot width requirements of the R-45 Residential District.
2. All commercial buildings shall be located on a lot having an area of not less than forty-five thousand (45,000) square feet and a lot width of not less than one hundred fifty (150) feet at the building line.

15.64 BUILDING HEIGHT REGULATION IN THE B-1 BUSINESS DISTRICT

See Article 15, Section 15.4 BUILDING HEIGHT REGULATION IN THE BUSINESS DISTRICT.

15.65 BUILDING YARDS IN THE B-1 BUSINESS DISTRICT

1. Residential Uses: each residence in the B-1 Business District shall meet the minimum yard requirements of the R-45 Residential District.
2. Commercial Structures: each shall have the following minimum yard spaces:
 Front Yard: 50 feet
 Side Yard: 15 feet each side
 Rear Yard: 50 feet
 Corner lots shall meet minimum front yard requirements of each side of the lot. frontage.

15.66 SCREENING/BUFFER YARD REQUIREMENTS

A buffer yard shall be required along the boundary of any property which proposes to facilitate unlike land use and/or has a zoning classification that allows for an unlike land use from the adjacent properties.

The width of a buffer shall be in accordance with the following:

Any Residential District and/or Use: 30 feet wide
M-1 District and/or Use: 10 feet wide

See Article 10, Section 10.17, "BUFFERING AND SCREENING", for specifications.

15.67 RESIDENTIAL USE IN A B-1 BUSINESS DISTRICT

See Article 15, Section 15.5 RESIDENTIAL USE IN A BUSINESS DISTRICT.

Revisions:

05-20-2013

- Added references to B-1 Business district throughout
- Article 15.3, deleted requirements, added reference to Article 10.17.
- Inserted Article 15.6

Previous version: Adopted Date 12-03-2007, Effective Date

M-1 GENERAL MANUFACTURING DISTRICT

16.0 PURPOSE

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

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, noise or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.

16.1 USE PERMITTED

1. Any use permitted in a Business District.
2. Manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such use shall not be established without an application for a permit by the Environmental Protection Agency indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise.
3. Aircraft landing, storage and maintenance facilities.

16.2 CONDITIONAL USES PERMITTED

1. Single family dwelling and accessory use or structure
2. Heavy vehicle services, express cartage and trucking facilities, large item machinery .
3. Laundry and dry cleaning plants.
4. Linen, towels, diaper and shop supply services.
5. Frozen food lockers, food processing plants.
6. Warehousing and Storage: indoor and outdoor storage of goods and material, trucking storage.

16.3 REQUIRED LOT AREA LOT/WIDTH

Each use to be established in the M-1 District shall provide a minimum lot area of five (5) acres or 217,800 sq ft and a minimum lot width of three hundred (300) feet at right of away.

16.4 BUILDING HEIGHT REGULATION

No dwelling shall exceed two and one half (2½) stories or thirty-five (35) feet in height. No other building shall exceed fifty (50) feet in height.

16.5 YARDS REQUIRED

All structures except conditional use single family dwellings (see 16.7) to be constructed, altered, or moved in the M-1 District shall provide yards of the following minimum depths:

Front Yard 200 feet

Side Yard 50 feet Except where a side yard abuts an unlike land use in which case a side yard of one hundred (100) feet shall be provided.

Rear Yard 50 feet Except where a rear yard abuts an unlike land use in which case a rear yard of one hundred (100) feet shall be provided.

16.6 SCREENING/BUFFER YARD REQUIREMENTS

A buffer yard shall be required along the boundary of all neighboring properties which facilitates unlike land use. The width of a buffer shall be in accordance with the following:

Any Residential District and/or Use: 30 feet wide

All Business Districts and/or Use: 20 feet wide

See Article 10, Section 10.17, "BUFFERING AND SCREENING", for specifications.

16.7 REQUIRED FLOOR AREAS – RESIDENTIAL

Single family is a conditional use. Any building intended, in whole or part, for residential purpose shall meet requirements of Article 13.3.

16.8 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 requirements as provided in the R District, see ARTICLE 13.8

Revisions:

05-20-2013

- Article 16.6, deleted requirements, added reference to Article 10.17.

Previous version: Adopted Date: 12/05/2005, Effective Date: 01/05/2006

EXCEPTIONS AND MODIFICATIONS

17.0 LOT OF RECORD

When a lot, which 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.

17.1 EXCEPTION TO YARD REQUIREMENTS

1. Allowable Projections of Residential Structures 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 window sills, cornices, roof overhangs, may project into the requirements provided such projection is not more than four (4) feet and does not reach closer than four (4) feet to any lot line.

2. Allowable Projections of Business Structures Over Sidewalk:

Signs, awnings, canopies, marquees, are permitted to overhang the sidewalk in the Business District only providing that overhanging signs are a minimum of eight (8) feet above the sidewalk at any point and that all other structures are a minimum of eight (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 a thoroughfare providing such projection extends not closer than six (6) feet to the rear lot line.

17.2 EXCEPTIONS 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 and aerials.

17.3 PROVISION FOR REDUCTION IN AREA REQUIREMENTS

1. There are no provisions for reductions in lot area for other districts, i.e. R45, R70, B-1, LB, NB, GB, and M-1 in this resolution, except when such lot(s) is (are) part of a Planned Unit Development (PUD).

2. The lot area and frontage requirements for any residential lot in an AG District served by public water system and public sewage system may be reduced as hereinafter specified:

a. Water Available

| | |
|-----------------------|--------------------|
| Minimum lot area | 45,000 Square Feet |
| Minimum lot frontage* | 150 feet |

b. Sewage Available

| | |
|-----------------------|--------------------|
| Minimum lot area | 45,000 Square Feet |
| Minimum lot frontage* | 150 feet |

c. Sewage and Water Not Available

| | |
|-----------------------|--------------------|
| Minimum lot area | 70,000 Square Feet |
| Minimum lot frontage* | 150 feet |

*At the Building Line

Revisions:

05-20-2013

- Edited reference from B-1 Business District to Business District

OFF-STREET PARKING AND LOADING REGULATIONS

18.0 OFF-STREET PARKING

Surfaces off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter 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 two hundred fifty (250) square feet per parking space shall be used.

18.1 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 five (5) vehicles shall require a buffer yard along the boundary of any property which proposes to facilitate unlike land use and/or has a zoning classification that allows for an unlike land use from the adjacent properties. The width of a buffer shall be in accordance with the following:

Any Residential District and/or Use: 30 feet wide

Any Other Unlike Land Use: 20 feet wide

See Article 10, Section 10.17, "BUFFERING AND SCREENING", for specifications

2. Surfacing: Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with asphalt or concrete.

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 or residence(s). See Article 14.

4. Joint Use of Parking Area: Two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Zoning Inspector, shall be filled with the application for a zoning permit.

18.2 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, sixty five (65) feet in length, exclusive of driveways, aisles, and other circulation areas, and an overhead clearance of not less than fifteen (15) feet. One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5000) square feet. One (1) loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

18.3 LOADING SPACE - OCCUPY YARD

Subject to the limitations in Article 16.5, such may occupy all or any part of any required yard.

18.4 LOADING SPACE - DISTANCE FROM RESIDENTIAL DISTRICT AND/OR USES

No loading space shall be closer than fifty (50) feet to any other lot located in any Residential District and/or Use, unless wholly within a completely enclosed building or following the buffer and screening requirements in Article 10.17.

18.5 MINIMUM DISTANCE AND SETBACK

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by a screen as required by Article 18.1, paragraph 1. If on the same lot with a one (1) family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than fifteen (15) feet to any established street or alley right-of-way.

18.6 NUMBER OF PARKING SPACES REQUIRED

The minimum number of off-street parking spaces required are set forth in the following table:

Type of Use Minimum number of Parking Spaces Required

Residential

1. Dwellings 2 per dwelling unit

2. Institutional housing, boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms 1 per 3 occupants plus 1 for each employee during main work shift

Recreation or Entertainment

1. Dance floors, arcades, and miniature golf 1 for each 100 square feet of area used for the activity

2. Softball, basketball, baseball, football, soccer, skating rink or similar organized indoor or outdoor sport play field 50 for each play field, plus 1 for each 5 seats in stands

3. Tennis, handball, racquetball or squash courts 3 for each court

4. Bowling alleys 5 per lane plus necessary spaces as required for affiliated uses, such as restaurants

5. Swimming facility (excluding private residential) 1 per 50 square feet of total water surface

Type of Use Minimum number of
Parking Spaces Required

6. Theaters, stadium or sports arenas, auditorium or other assembly halls other than schools 1 for each 4 seats
7. Golf driving range 1 space per tee or driving bay
8. Golf course 5 spaces per hole
9. Campgrounds 1 space for each camp site

Institutional

1. Churches and other places of religious assembly 1 for each 5 seats
2. Hospitals, nursing facilities, homes for aged, asylums, and similar uses. 1 for each 4 beds plus 1 per employee on the main shift or 1 per 500 square feet of floor area- whichever is most restrictive
3. Public, private, or parochial school
 - a. Kindergarten, Elementary, and Junior High School 2 for each classroom plus 1 for every 8 seats in auditorium or assembly halls
 - b. High Schools 1 for every 10 students plus 1 for each teacher and employee
 - c. Business, technical, and trade schools 1 for each 2 students
 - d. College and Universities 1 for each 4 students
4. Nursery School/Day Care 1 for each 15 students of proposed capacity
5. Libraries, museums, community centers, and art galleries 1 for each 400 square feet of gross floor area
6. Civic, social, fraternal organizations 1 for each 3 persons allowed under maximum occupancy of main meeting room

Commercial

1. Food, departmental or general merchandise, hardware, drugs, and similar retail sales 1 for each 200 square feet of gross floor area
2. Home furnishings, appliances, apparel, and similar retail sales 1 for each 300 square feet of gross floor area
3. Eating and drinking establishments without drive through facilities 1 for each 100 square feet of gross floor area
4. Restaurants with drive through facilities 1 for each 85 square feet of gross floor area, plus additional 4 stacking spaces in each drive-through lane.
5. Personal services, including banks, savings and loans, repair services without drive-through facilities 1 for each 200 square feet of gross floor area
6. Banks, savings and loans and similar uses with drive-through facilities 1 for each 200 square feet of gross floor area plus additional 4 stacking spaces in each drive-through lane

Type of Use Minimum number of
Parking Spaces Required

7. Barber and beauty shops 3 for each operating station
8. Fuel services stations 2 for each service bay plus 1 for each 2 fuel dispensing units, plus 1 for each employee during main shift
9. Self-service laundries 1 for each 3 washers
10. Vehicle sales and service, garden centers, and lumber yards 1 for each 300 square feet of indoor gross floor area, plus 1 space per 1000 square feet of outdoor display area
11. Temporary outdoor sales 1 for each 200 square feet of area devoted to display and sales of goods
12. Hotel, motels, lodging houses 2 for each sleeping room or suite, plus 1 space for each employee during main shift, plus 1 space per five sleeping rooms
13. Medical or dental offices 5 for each doctor or dentist, plus 1 for each other employee during main work shift; or for every 200 square feet of examination, treating room, office and waiting room
14. Animal hospitals/clinics, veterinarian office 5 for each veterinarian, plus 1 for each other employee during main work shift; or 1 for every 200 square feet of examination, treating room, office and waiting room
15. General, professional, or administrative business office 1 space per each 400 square feet of gross floor area
16. Commercial and business support services 1 space per each 400 square feet of gross floor area
17. Neighborhood convenience store 1 space per 200 square feet
18. Kennel 1 space per 500 square feet
19. Funeral Homes, Mortuaries 15 spaces per maximum number of parlors available

Industrial and Manufacturing

1. Manufacturing, compounding, processing, assembling, packaging or treatment of goods; warehousing, distribution and service industries 1 for each 3 employees during the main working shift or 1 per 750 square feet gross floor area for the first 3,000 square feet of gross floor area, plus 1 per 2,000 square feet of gross floor area thereafter, whichever is greater
2. Administrative offices 1 for each 400 square feet of gross floor area

NOTE: The Zoning Inspector shall reserve the right to determine if an unlisted use is similar to one listed or determine the number of parking spaces required for any use not mentioned in this table.

Revisions:

05-20-2013

- Article 18.1, added buffer width and reference to Article 10.17
- Article 18.4, added reference to Article 10.17

Previous version: Adopted Date: 08/19/2003, Effective Date: 09/19/2003, Revised 18.5 Date: 03/07/2005

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

19.0 GOVERNMENTAL SIGNS EXCLUDED

For the purpose of this resolution, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations.

19.1 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The regulations contained in this section shall apply to all signs and all use districts:

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illumination sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may cause a traffic hazard or nuisance.
2. Walls of existing or new buildings not adjacent to or in residential districts may be used for advertising signs or billboards.
3. No portable or temporary sign shall be placed on the front, or face of, a building or on any premises, except as provided in Section 19.3 herein.
4. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising.
5. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape.
6. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

Adopted Date 5-01-00

Effective Date 5-31-00

Revised 19.5 Date 7-26-04

Revised 19.3, 19.4 Date 3-07-05

7. No sign shall be placed in any public right-of-way except government owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking, also parking on private property, bearing no advertising matter, shall be permitted on the property.
8. All off-premises advertising devices are erected or maintained under Chapter 5516.10 of the Ohio Revised Code.

9. The following are prohibited:
 - a. Advertising devices erected or maintained on trees.
 - b. Advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and traffic.
 - c. Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, or device.
 - d. Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble an official sign, or device.

19.2 MEASURE OF SIGN AREAS

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms, comprising all of the display area of the sign and including all of the element of the matter displayed. Frames and structural members not being advertising matters shall not be included in the computation of surface area.

19.3 SIGNS PERMITTED IN ALL DISTRICTS - NO PERMIT REQUIRED

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed twelve (12) square feet in area per side, except in all residential districts where the area of the sign shall not be more than six (6) square feet per side.
2. Professional name plates or home occupation signs not exceed four (4) square feet in area per side and not exceeding one (1) sign per home or business.
3. Farm signs, denoting the name and address of occupants, denoting advertising for produce or merchandise grown upon such farms, and denoting membership or organizations not to exceed twenty-five (25) square feet in area per side, per farm.
4. Signs or bulletin boards customarily incidental to places of worship, libraries, or museums which signs or bulletin boards, shall not exceed twenty (20) square feet in area and which shall be located on the premises of such institutions and shall be setback from the right-of-way at least twelve (12) feet.
5. Entrance and exit signs, containing only directional indication, shall not exceed four (4) square feet in area per side.
6. Temporary signs not exceeding twelve (12) square feet in area per side announcing special public or institutional events, the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of sixty (60) days, plus the construction period, after which the sign shall be removed from the premises.
7. Political and signs for issues on up-coming ballots are not to exceed nine (9) square feet in aggregate for each candidate or issue. Said signs shall not be posted more than thirty (30) days before an election. Each parcel may contain no more than three (3) sign for each person or issue. All candidates for public office and campaign committees for issues or political offices, or other persons responsible for the posting on private property of campaign material shall remove such material within 24 hours following the election day.

19.4 SIGNS PERMITTED IN DISTRICTS - PERMITS REQUIRED

1. In B-1 (business) or M-1 (manufacturing) districts, each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed four (4) feet measured from the face of the main building, nor ten (10) square feet on any face of the sign. The area of all permanent on-premises signs for any single business

may be equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such business but shall not exceed a maximum area of fifty (50) square feet per side.

2. In addition to the above, each business or industry shall be permitted one (1) on-premises permanently mounted ground sign, provided all parts of the sign shall be set back thirty (30) feet from the right-of-way. Based upon the number of businesses located on the site, the table below provides the maximum square feet, per face, for a two (2) face sign.

Number of businesses

- 1
- 2
- 3
- 4 or more

Maximum sign area

- 32
- 48
- 64
- 80

Where a sign has more than two (2) display faces, the total sign area shall not exceed two (2) times the value derived from the table above. For example a single business with an equally sided 3 face sign, the sign area allowed is sixty-four (64, i.e. 32 x 2) sq ft, and each side would be approximately twenty-one (21) sq. ft. The total height of all signs shall not exceed twenty(20) ft. in height from grade, including the support structure.

3. In addition to the above, each business or industry shall be permitted two (2) on-premises temporary free standing signs, not exceeding eight (8) feet in height or twelve (12) square feet in area on any face of the sign. Such signs shall not be located closer than twelve (12) feet from the right-of-way. Each temporary sign shall comply with Section 19.3, paragraph 6.

4. Larger signs or advertising devices for business or industries adjacent to the interstate and primary highways as regulated by the Ohio Revised Cod, Section 5516.07, as amended, shall be permitted in accord with those laws. Such signs shall not be subject to the above regulations but shall require a permit from the Township Zoning Inspector and the owner or agent of such sign must show proof of having obtained the required State of Ohio approval.

19.5 OUTDOOR ADVERTISING DISPLAYS BILLBOARDS - OFF PREMISES

1. Outdoor advertising in B-1 (business), M-1 (manufacturing), and AG (agriculture) districts shall be classified as a B-1 use and is subject to the following regulations:

- a. Such signs or structures shall not be located within fifty (50) feet of any right-of-way nor within 100 feet of an adjoining property line.
- b. Such signs or structures shall not be located within twenty-five hundred (2500) lineal feet of any other outdoor advertising display or billboard on the same or opposite side of the street or road.
- c. Such signs or structure shall not be located on or within one-hundred (100) feet of any building/structure.
- d. Such signs or structure shall not be larger than one-hundred (100) square feet on one (1) face and/or two-hundred (200) square feet for two (2) or more faces. In no case shall more than one-hundred (100) square feet of display or sign area be visible from any road or street.
- e. Such signs or structure shall not exceed thirty five (35) feet in height from grade.

2. In addition to the above regulations advertising devices adjacent to interstate and primary highways as regulated by the Ohio Revised Code, Sections 5516.01 to 5516.13 and 5531.07, as amended, shall be permitted in accord with those state laws.

19.6 SETBACK FOR PUBLIC AND QUASIPUBLIC SIGNS

Real estate signs and bulletin boards for a church, school, or any other public, religious, or education institution may be erected not less than twelve (12) feet from the right-of-way, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.

19.7 SPECIAL YARD PROVISIONS

On-premises signs, where permitted, shall be erected or placed in conformity with the side and rear requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twenty (20) feet of a side or rear lot line.

19.8 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of the article shall be deemed a violation and shall be punishable under Section 5.10 of this resolution. Political signs posted in violation of Section 19.3 of this resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 19.3 has been given.

19.9 ERECTION PERMIT

The Zoning Inspector shall issue an erection permit, when required, upon receipt of a properly completed application, and proof of the applicant having obtained the required State of Ohio approval. The application shall contain the purpose, anticipated longevity, name(s) and address of the applicant(s), name(s) and address of landowner(s), and the address for the property on which the sign is to be located.

19.10 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. No action shall be taken on any application or appeal until fees are paid.

EXTRACTION OF MINERALS

20.0 GENERAL REQUIREMENTS

Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any C-1 and AG Districts shall file with the Board an application for authorization to mine minerals therefrom, 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 stock pile placed closer than fifty (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 twenty-five (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 fifty (50) 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 necessary for public safety.
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.

20.1 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. Proponents shall post performance bond to insure such ability.

Adopted Date 01-04-2004

Effective Date 02-04-2004

20.2 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.

20.3 PUBLIC HEARING

Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of Article 4.

20.4 REHABILITATION - PERFORMANCE BOND

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 payable to the township. The bond amount shall be not less than one hundred thousand (\$100,000) dollars and not more than five hundred thousand (\$500,000) dollars. This will be to guarantee that such applicant is restoring, reclaiming and rehabilitating such land. The following minimum requirements shall be met within a reasonable amount of time.

1. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with nonnoxious, nonflammable and noncombustible 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 above provided.
3. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line. Slope shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

20.5 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, the amount of the performance bond and reasonable time shall be determined by the Board prior to issuance of the permit.

20.6 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 fifty (50) feet of any public right-of-way nor within one hundred (100) feet of a residential lot line.

AUTOMOBILE SERVICE STATIONS, PARKING GARAGES AND PARKING AREAS

21.0 ENTRANCE - DISTANCE REQUIREMENTS

No automobile service or filling station, parking area for twenty-five (25) or more motor vehicles or parking garage or motor vehicle repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, the entrance to a public park, cemetery, monastery, church, hospital, public library, 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.

21.1 AUTOMOBILE SERVICE STATION - ENCLOSURE

Except in integrated shopping centers and in M and Business 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 six (6) feet high. No wall shall be within ten (10) feet of the street right-of-way line.

Revisions:
05-20-2013

- Edited reference from B-1 Business District to Business District

SWIMMING POOLS

22.0 GENERAL PROVISIONS

1. Private Swimming Pools shall meet the following criteria:
 - a. Portable swimming pool, with a diameter less than twelve (12) feet or with an area less than one hundred (100) square feet will not be considered as an accessory use.
 - b. The swimming pool may be located anywhere on the premises, except in required front yards, provided it will not be located closer than twenty-five (25) feet to any property line.
 - c. Walls or fencing requirements per zoning District are as follows:

R45: not required

R70: not required

AG : see below

BUSINESS : see below

M1 : see below

C1 : see below

PUD: see below

Any lot with a pool adjoining or abutting a lot used for residential purpose where either the residential lot or the lot containing the pool is less than forty-three thousand six hundred (43,600) square feet, a fence is required.

d. When wall or fencing is required, said fence or wall will not be less than six (6) feet in height and maintained in good condition with a gate and lock to prevent uncontrolled access. For above ground swimming pools with attached fence, the height must be a minimum of six (6) feet from ground level and with retractable locking steps.

2. Community Swimming Pool shall meet the following criteria:

a. The pool and accessory structure thereto, including the area used by the bathers, will not be closer than one hundred (100) feet to any property.

b. The swimming pool and all of the area used by the bathers will be walled or fenced to prevent uncontrolled access. Said fence or wall will not be less than six (6) feet in height and maintained in good condition with a gate and lock.

Revisions:

05-20-2013

- Edited reference from B-1 Business District to Business District

Previous version: Adopted Date: 09-01-1999, Effected Date: 10-01-1999

MOTELS AND HOTELS

23.0 GENERAL REQUIREMENTS

The following requirements shall be complied with:

1. Area and Yard Requirements: Motels and 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 hotel, wherever such may be located, shall be within two hundred (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.

5. A buffer yard shall be required along the boundary of any property which proposes to facilitate unlike land use and/or has a zoning classification that allows for an unlike land use from the adjacent properties. The width of a buffer shall be in accordance with the following:

Any Other Unlike Land Uses: 20 feet wide

See Article 10, Section 10.17, "BUFFERING AND SCREENING", for specifications.

Revisions: 05-20-2013

Article 23.0.5, added buffer width and reference to Article 10.17

Previous version: Adopted Date: 01/04/2004

PLANNED UNIT DEVELOPMENT (PUD)

24.0 PURPOSE

The intent of a Planned Unit Development ("PUD") district shall be to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development. Within a PUD in Harrison Township, these regulations, where applicable, need not be uniform but may vary in order to accommodate unified development and to promote the public health, safety, morals and the other purposes of the Harrison Township Zoning Resolution and the laws of the State of Ohio.

24.1 GENERAL

A PUD may be residential, agricultural, business or manufacturing or any combination of the four. The minimum site area for residential, agricultural, business or manufacturing development is ten (10) acres. A combination of uses shall require a minimum area of forty (40) acres. A PUD may be considered in any or all (AG, R-DISTRICTS, BUSINESS, M-1) of the Harrison Township Zoning Districts. In combination developments with a residential section, the amount of land devoted to business or manufacturing usage shall not exceed fifty (50) percent of the gross acreage.

24.2 PRE-APPLICATION CONSULTATION

An applicant is encouraged to engage in informal consultations with the Harrison Township Zoning Inspector ("Zoning Inspector"), Licking County Planning Commission ("LCPC") staff, County Engineer, Licking County Soil and Water District and Public Utilities Provider prior to the filing of any application; however, no statement of representation by such persons shall be binding on either the Harrison Township Zoning Commission ("Zoning Commission") or the Harrison Township Trustees.

24.3 DEFINITIONS

- 1) Gross Acreage (GA) - The Applicant's total land area included in the Applicant's application.
- 2) Open Space Development - Land that is designed and developed as a residential unit with open space as an integral characteristic. Instead of subdividing an entire tract into house lots of conventional size, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the tract is reserved for open space area, the future development or subdivision of which is prohibited.
- 3) Net Developable Area (NDA) - Determined by deducting fifteen percent (15%) of the proposed development gross acreage for streets and utilities and in addition all otherwise unbuildable areas. Net Developable Area (NDA) is computed as follows: multiply the gross acreage by eighty-five (85%) then subtract all of the following that apply:
 - (a) Jurisdictional wetlands (JW), as defined in the US Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of:
 - (i) hydric soil
 - (ii) hydrophytic vegetation and
 - (iii) wetland hydrology (this generally means they support more than fifty (50%) wetland vegetation, and are poorly drained soils which are periodically inundated or saturated).
 - (b) flood plains (FP) - areas that lie within a FEMA 100-year flood plain, either within elevations determined by FEMA or mapped by FEMA.
 - (c) slopes (S) - greater than twenty (20%).
 - (d) utilities (U) - rights of way and easements for all utilities, including, but not limited to, water lines, sewer lines, gas and petroleum pipelines, electric, telephone and cable lines.
 - (e) existing bodies of water (EBW).

The above is represented by the following mathematical formula, where "x" represents multiplication and "-" represents subtraction, the formula is:

$$NDA = (GA \times .85) - (JW + FP + S + U + EBW)$$

- 4) Permitted Density (PD) - The maximum permitted density in a PUD shall be computed by dividing the Net Developable Area by fifteen thousand (15,000) square feet.

Note: In no case shall the lot size be less than ten thousand (10,000) square feet.

Expressed as a formula: $PD = NDA / .345$ (Note .345 acres = 15,000 square feet)

If land is dedicated to public use as part of the PUD plan, and such dedicated tract will house public buildings (such as a school, fire station, police station, public recreational facility, township hall) that are approved by the Zoning Commission and if the public buildings occupy less than thirty (30%) of the tract so dedicated, the full land area of the tract dedicated to a public use may be included in the net developable area for density calculations.

If the buildings on the public dedication tract comprise more than thirty percent (30%) of the land area of the dedicated tract, the amount of acreage in excess of thirty percent (30%) lot coverage of the dedicated tract shall be subtracted from the net developable area and reduce overall allowable project density.

5) Open Space - Land within the development that shall not be built upon unless the Zoning Commission approves any building(s) for recreational use as described in 5.a) below and may be classified as either "common" or "natural" open space, or a combination of both. Open space shall comprise a minimum of thirty percent (30%) of the proposed development's gross acreage. It does not include the areas of individual fee simple lots to be conveyed to homeowners. Open space land may be retained by the applicant, owned by homeowner's association, or may be owned by a third party if protected by an open space easement which permanently and irrevocably transfers the development rights from the open space land to the homeowner's association of the PUD. Open space shall also include buffers as defined in paragraph 10 below. For purposes of computing density, if the Buffer is buildable, it shall be considered common open space and if the Buffer is not buildable, it shall be considered natural open space.

(a) Common open space - land set-aside for passive or active recreational purposes. These areas may contain accessory buildings and improvements necessary and appropriate for recreational uses. If deemed appropriate by the Zoning Commission, common area may incorporate land for on site wastewater disposal.

(b) Natural open space - land set-aside in its natural condition for the benefit of the residents of the PUD. Typical natural conditions might be, but are not limited to, ravines, wetlands, flood plains, woods, scenic views or appropriate agriculture.

6) Open Space Easement - A recorded legal instrument which permanently and irrevocably transfers all development rights, other than for approved open space uses, from open space to the PUD lot owners. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.

7) Homeowner's Association - A private non-profit corporation, association or other non-profit entity established by the developer to maintain such open space and facilities as may be dedicated to subdivision residents. Membership in such an association shall be mandatory for property owners and made a required covenant in any deed issued. It shall provide voting and use rights in the open space areas when applicable and may charge dues to cover expenses, which may include tax liabilities of common areas, recreational or utility facilities. Articles of association or incorporation must be recorded pursuant to subdivision plat approval.

8) Phase - A portion of a PUD approved by the Zoning Commission to be developed in increments of no less than ten (10) acres each.

9) Complete or Completion - Shall mean that all streets, curbs, sidewalks, gutters, storm sewers, water and sanitary sewer, electric, gas and all other utilities for the proposed development or the Phase under development have been constructed and/or installed to the satisfaction of and have been approved by the Licking County Engineer, Licking County Planning Commission and when the last occupancy permit is issued.

10) Buffers - A buffer yard shall be required along the boundary of any property which proposes to facilitate unlike land use and/or has a zoning classification that allows for an unlike land use from the adjacent properties. The width of a buffer shall be in accordance with the following:

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|---|--------------|
| Single-Family (detached) Residential | 20 feet wide |
| All Other Single-Family or Multi-Family Residential | 20 feet wide |
| All Business Areas | 10 feet wide |
| All Manufacturing Areas | 10 feet wide |

See Article 10, Section 10.17, "BUFFERING AND SCREENING", for specifications. The buffers shall be included as part of the Open Space.

24.4 PUD PLAN SUBMISSION

The applicant shall submit fifteen (15) copies of a proposed PUD Plan. The plan shall be drawn to scale 1" to 100' and submitted to the Zoning Inspector along with the required application fee. The proposed PUD Plan and application shall include the following:

1. Background Information:
 - a) Name, address, and phone number of applicant, and owner, if different;
 - b) Name, address, and phone number of registered surveyor, registered civil engineer, and or landscape architect assisting in the preparation of the PUD Plan;
 - c) Legal description of the property;

- d) Description of existing use(s);
- e) Written statements which offer a conceptual overview of the proposed development. These statements shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g. local businesses, golf course, etc.) And the clientele for which it is to serve (e.g. public residents only, retirees, etc.). In addition, a statement must set forth reasons why the proposed PUD would be in the public interest and would be consistent with the stated intent of the PUD requirements described in this Resolution;
- f) Description of proposed provision for utilities including, but not limited to, water, sewer, power and telephone service. The applicant shall include written certifications acceptable to the Zoning commission from all public authorities or private entities which have jurisdiction over all utility systems servicing the property that there are adequate public utilities available to serve the proposed development and that the rezoning and subsequent use will not impose an undue burden on such services. The applicant shall also provide a description of the current status of the utilities with respect to the necessary review and approval of the same;
- g) Written certifications acceptable to the Zoning Commission from the proper authorities that there are adequate public services available to serve the proposed development, including, but not limited to, fire protection, emergency service, schools, roads, etc., and that the proposed rezoning and subsequent use will not impose an undue burden on such services.
- h) Deed restrictions, protective covenants and other legal statements or devices to be used to control use, development and maintenance, and shall be consistent with the approved PUD Plan;
- i) If the applicant proposed to complete the development in more than one (1) Phase the applicant must provide to the Zoning Commission for review and approval a description of how this phasing is to be accomplished and the proposed time schedule with a written notice required to be given by the applicant to the Zoning Inspector upon commencement of each Phase;
- j) Written evidence that the applicant has sufficient control over the land in question and the financial capability to begin the proposed development or first Phase within one (1) year of the effective date of the zoning map change. Written evidence that the first Phase of a multi-Phase or the entire development of a single-Phase will be complete within three (3) years from the effective date of the zoning map change. For the second and subsequent Phases of a multi-Phase PUD a written agreement that each subsequent Phase started will complete within three (3) years from the stated date of that Phase.
- k) Where the completion is to be in Phases and the streets and roads are to be dedicated to the public, the applicant agrees to either provide a maintenance bond in an amount satisfactory to the Harrison Township Trustees or to construct a service road for access to subsequent Phases. A copy of the maintenance bond provided to the Harrison Township Trustees shall be provided to the Zoning Inspector and such bonds are to be released immediately upon completion.
- l) The applicant agrees to commit in writing to restore any constructed access road areas to natural landscaping when access roads are no longer required for the construction of the Planned Development or Phase. All restoration shall be complete within ninety (90) days upon the completion of the Planned Development of Phase.
- m) A list containing the names and mailing addresses of all property owners within five hundred (500) feet of the property in question shall be submitted on typed mailing labels. The addresses of financial or mortgage companies shall not be acceptable.
- n) The Applicant shall submit with the application six (6) copies prepared by appropriate professionals for the following:
 - i) an archaeological survey;
 - ii) an environmental impact study;
 - iii) a traffic analysis.

- o) Certification by the Applicant that all information in the application is true and correct. A description of each land area based on its proposed use as it relates to the corresponding article in this resolution.
 - p) Fifteen (15) copies of all recorded comments and recommendations made by LCPC in the subdivision sketch meeting.
2. Plan Drawing - The following information shall be submitted and shown on the drawings of the site.
- a) A vicinity map size 8 ½ x 11 to be posted for the public notice. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest State Routes. Reference distances shall be in feet if less than one thousand (1000) feet and in miles or tenths of a mile greater than one thousand (1000) feet.
 - b) A table with the following information:
 - i) net developable area, as defined herein;
 - ii) net open space in acres;
 - iii) net residential space in acres;
 - iv) net business space in acres.
 - c) Location, type, and permitted density of the proposed development types.
 - d) A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.
 - e) The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching fields envelopes.
 - f) A letter from the approving authority (ies) that the water/sewer will be available.
 - g) Conceptual drainage plan.
 - h) Natural features.
 - i) Location and acreage of open spaces (e.g. parks, common space, recreational facilities, golf course layout, etc.), including landscaping plans for the same.
 - j) Location and acreage of Buffers between incompatible land uses and activities, including landscaping plans for the same.
 - k) Proposed street system layout and circulation patterns, including curbs, gutters, sidewalks, and names of all proposed streets.
 - l) Layout and dimensions of all parking and loading areas with indications of what they are to serve.
 - m) Any existing buildings or potential environmental hazards (i.e. underground storage tanks, former industrial dump site, etc.).
 - n) Proposed point of access, for ingress and egress, onto existing roads.
 - o) Any proposed off-site improvement (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil and Water Conservation District.
3. Fees and Charges

- a) The applicant shall be responsible for all fees and charges incurred by Harrison Township in reviewing the PUD Plans or any modifications to those plans. Expenses may include items such as:
- i) The cost of professionals (e.g. geologists, landscape architects, planners, engineers, environmental scientists and architects), incurred in connection with reviewing the plans and prepared reports.
 - ii) The publications and mailing of public notices in connection therewith; and
 - iii) Any other expenses attributable to the review of the plans.
- b) Within thirty (30) days after submission of all the items indicated in 1 and 2 above, Harrison Township Trustees shall make an initial estimate of the required expenses to conduct the review of the submitted plans and shall send the applicant written notice of the Township's initial estimate of fees and charges it will incur in reviewing the application. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and if such review results in an increase in the estimated fees and charges which will be incurred in the Township's review of application, the Township shall send the applicant written notice of the revised estimate of the fees and charges.
- c) Within ten (10) days of the date of the notice of the initial estimate of the fees and charges, the applicant shall deposit in the office of the Township Clerk, an amount equal to the estimated cost of the Township's expenses. When the deposit has been depleted to thirty-three (33) percent of the original amount another deposit shall be made in an amount equal to the Harrison Township Trustees' estimate of the costs associated with the remaining Phases of the review. In making the estimates of required expenses, Harrison Township Trustees shall consider the reasonable business rates of qualified professionals in the area.

24.5 CRITERIA FOR PUD APPROVAL

The Zoning Commission shall not approve an application for a PUD District unless it shall, in each specific case, meet all of the following criteria:

1. The proposed development is in conformity with the goals and objectives of the Harrison Township Land Use Study.
2. The proposed development advances the general health, safety and morals of Harrison Township.
3. The benefits, improved arrangements, and the design of the proposed development justify the deviation from standard development requirements included in the Harrison Township Zoning Resolution.
4. The uses requested in the proposal are compatible with surrounding land uses.
5. Certifications have been provided with the application for rezoning from each of the proper authorities indicating that there are adequate public services available to serve the proposed development, including, but not limited to, all fire protection, emergency service, schools, roads, etc., and will not impose undue burden on such services.
6. The proposed development will not create overcrowding and traffic hazards on existing roads and intersections.
7. The arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, view and roadway access.
8. The clustering of development sites are shown to preserve any natural or historic features and provide usable common open space.
9. The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site roads systems.
10. There are adequate Buffers between incompatible land uses.
11. The Zoning Commission is satisfied that the developer possesses the requisite financial resources to begin the proposed development or first Phase within one (1) year, and complete first Phase of the proposed development within

three (3) years from the effective date of the zoning map change. The applicant has agreed to complete subsequent Phases of a multi-Phase PUD within three (3) years of commencement in said Phase.

12. The applicant has committed in writing to complete within the period of time specified in paragraph 11 above, all infrastructure improvements described in the PUD Plan.

13. The site will be accessible from public roads that are adequate to carry traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. If constructed to the same standards as public streets, private streets will be permitted.

14. The PUD Plan contains such proposed covenants, easements and other provisions relating to the proposed developments standards, as required for the public health, safety and welfare.

15. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a PUD District not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

16. When business or manufacturing structures or uses in the PUD District abut an "R" District, screening shall be provided. In no event shall a business or manufacturing structure in a PUD District be located nearer than one hundred fifty (150) feet to an "R" District.

17. The proposed development shall meet the permitted density and open space requirements as defined herein.

18. Minimum lot width, lot area and setback requirements will be reviewed and considered for each PUD Plan.

19. With exception of those items listed in paragraph 18 above, each site area in the proposed development shall meet the criteria in the following articles of this Resolution:

| | | |
|--------------------|---|----------------|
| Agricultural area | = | See Article 12 |
| Residential area = | | See Article 13 |
| Business area = | | See Article 15 |
| Manufacturing area | = | See Article 16 |

20. All site areas with exception of single family residential, must comply with Articles 18 and 19 of the Resolution.

21. The applicant will commit in writing at the time of the application to place in a deed to be recorded upon approval of the applicant's PUD Plan the regulations approved by the Zoning Commission that will apply only to the applicant's property.

22. The applicant has agreed to provide a maintenance bond or construct a service road for access to subsequent Phases.

23. The applicant has submitted a written agreement pertaining to land reclamation for construction roads.

24.6 ACTION BY THE ZONING COMMISSION ON PUD PLAN

The Zoning Commission shall hold a public hearing on the zoning map change and the PUD Plan as provided by this Resolution. Such public hearing shall consider all aspects of the zoning map change and PUD Plan including any proposed Phases and/or units of development. The Zoning Commission shall prepare and transmit to the Harrison Township Trustees and to the applicant, specific findings of fact with respect to the extent to which the zoning map change and PUD Plan complies or fails to comply with the standards set out in this Section and the District for which the change has been requested, together with its recommendations to the Harrison Township Trustees with respect to the action to be taken. The Zoning Commission in recommending approval, approval with amendments, conditions or restrictions or disapproval, shall follow the provisions of sections 6.7 through 6.10 of the Resolution.

24.7 ACTIONS BY THE BOARD OF TOWNSHIP TRUSTEES

The Township Trustees shall hold a public hearing on the zoning map change and the PUD Plan as provided in section 6.11 through 6.13 of this Resolution. If the applicant is granted, the area of land involved shall be rezoned as a PUD district by a resolution and such resolution shall incorporate the zoning map change and PUD Plan, including all regulations, conditions and restrictions that shall be imposed by the Township Trustees. The Township Trustees shall instruct the Zoning Inspector to issue a zoning certificate for each Phase or Planned Development in accordance with the terms and conditions of such resolution.

24.8 EXTENSION OF TIME

If the construction of the proposed development or Phase approved under this Article is not commenced within one (1) year, and completed within three (3) years from the effective date of the zoning map change, the Zoning Commission and Harrison Township Trustees may (in accordance with Article 6) initiate a rezoning amendment for the subject property (or part thereof) back to the original zoning district or districts in place prior to the rezoning to PUD. An extension of the time limit for the completion of an approved PUD Plan may be authorized by the Harrison Township Trustees, for a period not to exceed two (2) years, based on the findings that such extension is not in conflict with the general health, safety and morals of the public. The decision must also be based on evidence that the developer made a reasonable effort toward the accomplishment of the original PUD Plan.

Revisions:

05-20-2013

- Article 24.3.10, added reference to Article 10.17

Previous version: Adopted Date: 5-01-00, Effective Date: 5-31-00

JUNK MOTOR VEHICLE

25.0 Purpose

The purpose of the Junk Motor Vehicle requirements is to prevent excessive long term outside storage of motor vehicle(s) that are non-operational and of which there appears to be no apparent intent by the land owner to return it to an operational state.

25.1 Junk Motor Vehicle Definition

For the purpose of this Article, "Junk Motor Vehicles" means any motor vehicle which meets all the following criteria:

1. The vehicle is extensively damaged or apparently inoperable.
2. Left uncovered by not being housed in a garage or other suitable structure, in the open on private property for more than ten (10) days with the permission of the person having the right to the possession of the property.

In addition, no junk motor vehicles, i.e., those which are either extensively damaged or apparently inoperable, may be parked in the right-of-way of any state, county or township roadway.

Adopted Date 9-4-01

Effective Date 10-4-01

25.2 Procedures for Violation and Appeals

The Zoning Inspector of Harrison Township may send notice by Certified Mail as evidenced by a certificate of mailing, with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left; stating that within ten (10) days of receipt of the notice the junk motor vehicle either shall be covered, by being housed in a garage or other suitable structure or shall be removed from the property. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this zoning resolution.

Any person wishing to appeal the decision of the provisions of this article may appeal such decision to the Harrison Township Board of Zoning Appeals in accordance with Article 4.9.

