

# **HOCKING TOWNSHIP FAIRFIELD COUNTY, OHIO**

## **ZONING RESOLUTION**



**Adopted August 27, 2001  
Amendments Adopted on March 22, 2022  
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**ARTICLE I**  
**TITLE, PURPOSE, AND CONFORMANCE**

**1.1 TITLE**

This Zoning Resolution shall be known as and shall be cited and referred to as the “Zoning Resolution of Hocking Township, Fairfield County, Ohio.” (“Zoning Resolution”)

**1.2 PURPOSE**

The purpose of this code is to promote public health, safety, convenience, comfort, prosperity, and general welfare for the residents of Hocking Township, Fairfield County, Ohio. It is further the purpose of this code to protect the property rights of all individuals by assuring the compatibility of uses and practices within zoning districts; assuring that reasonable standards and procedures are established for development within the township; ensuring the established standards enable the township to grow with the most appropriate uses and that development includes adequate access, utilities, and setbacks that will promote health and safety throughout the township; to provide for a mechanism for administering and enforcing the regulations found within this code, including the provision for penalties for violations of the code; and for any other purpose provided in this code, the Ohio Revised Code, or under common law rulings.

**1.3 CONFORMANCE**

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution, or amendment or supplement to such resolution adopted by any Township Board of Trustees under Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day of continuation in violation of this section may be deemed a separate offense. ORC Section 519.23

**ARTICLE II  
INTERPRETATION OF STANDARDS—EXEMPTIONS AND LIMITATIONS**

**2.1 INTERPRETATION AND APPLICATION**

The provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed by other provisions of law, or by other rules or regulations or resolutions, the provisions of this Resolution shall control.

It is not intended by this Resolution to interfere with abrogate, or annul any easements, covenants or other agreements between parties which do not violate this Resolution. Where any specific provisions of this Resolution conflict or conflicts with any other lawfully adopted rules, regulations, or resolutions, the most restrictive or those imposing a higher standard shall apply.

**2.2 SEPARABILITY CLAUSE**

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this resolution either in whole or in part.

**2.3 ADOPTION**

This Zoning Resolution shall become effective upon approval by the Hocking Township Zoning Commission and the Hocking Township Board of Trustees as set forth in Section 519.12 of the Ohio Revised Code. Upon approval and effective date of this Zoning Resolution by the Hocking Township Zoning Commission and the Hocking Township Board of Trustees as set forth in Section 519.12 of the Revised Code all previous zoning resolutions in effect shall be deemed to be repealed.

**2.4 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL.**

**A. AGRICULTURE EXEMPTED.**

1. Except as otherwise provided in Section 2.4 A. 2. of this section, Use of land or buildings for agricultural purposes is not affected. Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any Township Board of Trustees, Township Zoning Commission, or Board of 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 for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of

which is used for viticulture, and no zoning certificate shall be required for any such building or structures. ORC Section 519.21

2. As permitted by Section 519.21(B), for any platted subdivision approved under Sections 711.05, 711.09, and 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, this zoning resolution hereby regulates:
  - a. Agriculture on lots of one (1) acre or less.
  - b. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five (5) acres by: setback building lines, height and size. Such buildings or structures shall comply with the requirements within the applicable zoning district.
  - c. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five (5) acres when at least 35 percent (35%) of the lots in the subdivision are developed with at least one building, structure, or improvements that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming uses of land and buildings or structures pursuant to Section 519.19 of the Revised Code and subject to the restrictions in Article XII of this Resolution.
3. Section 2.4 A. 2. confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.
4. Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income

## **Article II**

### **Interpretation of Standards – Exemptions and Limitations**

received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

**B. PUBLIC UTILITIES AND RAILROADS.**

Except as otherwise provided in ORC Section 519.211(B) or (C), such sections confer no power on any Township Board of Trustees or Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. (ORC Section 519.21)

Per ORC 519.21, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Revised Code. (ORC Section 519.21)

As provided in ORC Section 519.211(B), telecommunication towers shall be regulated as a conditional use in the RR District and subject to the provisions of Section 11.10 (Free Standing Telecommunication Towers) of this Zoning Resolution.

As provided in ORC Section 519.213, Individual Wind Energy Conversion Systems and Small Wind Farms (as defined in Article III), whether publicly or privately owned, shall hereby be regulated as set forth within this Zoning Resolution.

**C. RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES.**

Such sections confer no power on any Board of County Commissioners, Board of Township Trustees, or Board of Zoning Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any Retail Business, Hotel, lunchroom, or Restaurant is permitted. ORC Section 519.211(D).

**D. OUTDOOR ADVERTISING.**

For the purpose of Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes. (See Section 10.38 (D) for Signs/Outdoor Advertising Regulations).

### ARTICLE III – DEFINITIONS

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

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word “shall” is mandatory, the word “may” is permissive.

The words "used" or "occupied" includes the words “intended, designed, or arranged to be used or occupied”.

The word "lot" includes the words "plot" or "parcel”.

There may be some definitions within this Section that are referenced as definitions from the Ohio Revised Code (ORC). Provided the state law should be changed which would affect one or more of these definitions said change shall be made a part of this Resolution the same as if adopted by the Hocking Township Board of Trustees.

**ABOVE GROUND STORAGE TANK-** Any tank, pipe, or other vessel, used singularly or in combination, more than ninety percent (90%) of which is above the surface of the ground and used for materials holding, storage or containment.

**ACCESSORY STRUCTURE -** A Structure detached from the Principal Building and subordinate to the principal Use of a Building on the Lot or tract and serving a purpose customarily incidental to the Use of the Principal Building. Accessory Structures are located on the same Lot as the Principal Building and are not designed for human occupancy as a Dwelling. Examples of Accessory Structures are detached private garages, sheds, pool houses, storage Buildings, and other similar type Buildings.

**ACCESSORY USE –** A subordinate Use which is incidental to and customary in connection with the primary Building and which is located on the same Lot with such primary Building or Use. An example of an Accessory Use would be an attached garage within a residential Dwelling Unit.

**ADULT ARCADE -** Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

**ADULT BOOKSTORE OR ADULT VIDEO STORE** - A commercial establishment which as one of its principal business purposes offers for sale or rental, for any form of consideration, any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "Specified anatomical areas" or
- b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

**ADULT CABARET** - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. Persons who appear in a state of nudity; or
- b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- c. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified sexual activities" or "specified anatomical areas."

**ADULT MOTEL** – A hotel, motel, or similar commercial establishment which:

- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of "specified sexual activities;" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours

**ADULT MOTION PICTURE THEATER** - A commercial establishment where, for any form of consideration, films motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT THEATER** - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure or performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**AGRICULTURE-** The use of land for any of the following purposes: farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storing, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production (ORC Section 519.01).

**AIRPORT** - Any runway land area or other facility designed or used either publicly or privately by any person for the landing and taking off from an aircraft, including all necessary taxi ways, aircraft storage and tie down areas, hanger and other necessary buildings, and open spaces.

**ALLEY** – A public or private right-of-way affording secondary means of access to abutting property.

**ALTERATIONS** - Any change in the supporting members (foundations, bearing walls, beams, columns, girders, etc.) of a building or structure; or movement of a building or structure from one location to another.

**AQUIFER** - A consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store or transmit water to wells or springs.

**AUTOMOBILE SALES OR RENTAL** - A building, lot or both used for the display, sale, or rental of new or used vehicles in operable condition and where repair service is incidental.

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

**AUTOMOTIVE MAINTENANCE-** Any premises used for supplying vehicle fuel and oil, at retail direct to the customer, including minor accessories and services for automobiles.

**BASEMENT** - A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. (See **STORY**).

**BED AND BREAKFAST FACILITY** – Any place of lodging that provides four (4) or fewer rooms for rent on a temporary basis, is the Owner’s personal residence, is occupied by the Owner at the time of rental, and where meals may be served to guests.

**BLOCK** - A tract of land bounded by street, a combination of streets, railroad right of way, unsubdivided acreage, river or live stream or any other barrier to the continuity of development including corporation lines.

**BOARD OF ZONING APPEALS** - The Board of Zoning Appeals of Hocking Township, Fairfield County, Ohio.

**BUILDING** - A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes. All building structures shall also mean structures that are portable, permanent, or sectional.

**BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING HEIGHT** - The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof, (b) the deck line of a mansard roof (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.

**BULK STORAGE**- The holding or containment of dry, semi-dry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption. Large quantities are defined as “quantities greater than those associated with normal household use”. Normal household use is the amount of regulated substance a prudent person would have available in their home (or office) for performing routine cleaning, insect control, or use at a place of residence.

**BUSINESS, AGRICULTURAL IMPLEMENT** – A use primarily engaged in the selling of items used for agricultural production and the rendering of services that is incidental to the sale of such items. Such uses include fertilizer sales, seed sales, agricultural machinery sales and repairs, and other similar uses.

**BUSINESS, AUTOMOBILE ORIENTED** - A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle that includes services rendered directly on, to, or for vehicles. Automobile Oriented Business facilities include, but are not limited to, drive-through Restaurants, drive-in Restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations, facilities specializing in oil changes, establishments installing car accessories, other similar automobile service facilities and standalone parking lots. Automobile Oriented Business also include facilities for automotive repair and automotive maintenance as defined in Article III. The sale of new or used vehicles is not included within this definition.

**BUSINESS, RETAIL** – A Use primarily engaged in the selling of merchandise and the rendering of services that is incidental to the sale of the goods.

**BUSINESS, HOME BASED RETAIL** - A Retail Business where goods are sold in the home of the retail operator either using the Internet, a magazine, catalog or other similar mechanism, and in which the consumer is typically not required to visit the operator's home to choose, order, purchase or pick up the goods. Such Uses do not involve delivery trucks other than normal parcel delivery services.

**BUSINESS, NEIGHBORHOOD RETAIL** – A Retail or Wholesale business that is less than ten thousand (10,000) square feet in area and typically services nearby neighborhoods.

**BUSINESS, MEDIUM RETAIL** – A Retail or Wholesale business that is at least ten thousand (10,000) square feet in area, but less than twenty (20,000) square feet in area.

**BUSINESS, LARGE RETAIL**– A Retail or Wholesale business that is twenty thousand (20,000) square feet or larger.

**BUSINESS, PERSONAL SERVICES** – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This does not include laundry or dry-cleaning services.

**BUSINESS, WHOLESALE** – A Use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers or other wholesale establishments.

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

**CERTIFICATE OF ZONING COMPLIANCE** - A certificate issued by the Zoning Inspector confirming that the requirements of this Zoning Resolution have been met and the building can be occupied, or the property can be utilized for the purpose stated in the Zoning Permit.

**CHILD DAY CARE CENTER** – Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on

the premises of the center shall be counted. Any facility listed in ORC Section 5104.01(L)(1)-(3) shall not be considered a Child Day-Care Center (ORC Section 5104.01(L)).

**CHILD DAY CARE HOME – TYPE A** – A permanent residence of the administrator in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the child day care shall be counted.

**CHILD DAY CARE HOME – TYPE B** – A permanent residence of the provider which child day care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two (2) years of age at one time. In counting children for the purposes of this code, any children under six (6) years of age who are related to the provider and who are on the premises of the child day care shall be counted. This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

**CLINIC** - A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.

**CLUB** - A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.

**CLUSTER DEVELOPMENT** - A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive areas.

**CLUSTER, RESIDENTIAL** - The placement of more than one building envelope on a single lot or parcel of land for the purpose of constructing single-family residential dwelling units in either attached or detached construction arrangement, and where the property ownership outside the building envelope is commonly held by all single-family dwellings on that lot or parcel of land.

**COMMENCE (WORK)** – The time at which physical improvements begin to be made to a Building or Structure so that it may be utilized for its intended purpose stated in the Zoning Permit.

**COMMENCE (CONSTRUCTION)** – The time at which physical improvements begin to be made to a property (excluding the clearing of the land) to comply with the requirements of an approved Development Plan within a Planned Residential District, Planned Commercial-Office District or Planned Industrial District.

**COMMERCIAL ENTERTAINMENT FACILITY** – Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, dance halls, pools halls, bowling alleys, skating rinks, and similar entertainment activities.

**COMMERCIAL RECREATIONAL USES** – The recreational use of land or water for business or financial gain. Commercial recreational uses include but are not limited to business activities such as golf courses; tennis, soccer, or other sports clubs, guided sports fishing, guided or outfitted sport hunting, guided recreation, off-road vehicle uses, and other similar uses.

**CONDITIONAL USE** - A desirable use within a zoning district that may more intensely affect the surrounding area than would a permitted use in said district. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

**CONDITIONAL USE PERMIT** - A permit issued by the Zoning Inspector upon the approval by the Board of Zoning Appeals to allow a conditional use to be established within the district.

**CONSTRUCTION/DEMOLITION FACILITY** – Any site, location, tract of land, or building used for the disposal of materials resulting from the alteration, construction, destruction, or repair of any physical structure that is built by humans including, but not limited to houses, buildings, industrial or commercial facilities, or roadways. A construction/demolition facility also includes the particles and dust from the demolition activities but does not include materials identified as solid waste or hazard waste.

**CONTAMINANT**- Any substance which, if introduced into groundwater, would degrade the quality of said water.

**CUL DE SAC** - A short minor street having one (1) end open to traffic, the other end being permanently terminated by a circular vehicular turnaround.

**DETERIORATED** - A building or structure shall be deemed to be deteriorated when the Zoning Inspector determines that at least fifty percent (50%) of the main structural members have collapsed or appear to be in the condition of eminent collapse.

**DENSITY (Residential)**– The number of Dwelling Units developed on an acre of land.

DENSITY (RESIDENTIAL), GROSS – The number of Dwelling Units developed on a gross acre of land.

DENSITY (RESIDENTIAL), NET – The number of Dwelling Units developed on a net acre of land. A net acre of land is the total Acreage minus any wetlands, water bodies, public parks, Open Spaces, and roads.

DEVELOPER – An individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity developing land.

DEVELOPMENT PLAN – A proposal including drawing(s) and map(s) for a planned residential development, planned commercial-office development, or planned Industrial development, prepared in accordance with these regulations, illustrating the proposed design, layout, and other features for the development.

DISTRICT- A section or sections of the unincorporated territory of the Township for which the regulations governing the use of buildings and premises.

DRINKING WATER SOURCE PROTECTION AREA (Zone 2) - At a minimum, the area within or inside the five-year time-of-travel contour, and outside the one (1) year time-of-travel contour. The boundary can be changed to add area outside the five (5) year time-of-travel contour to ease its definition (i.e., use of street or road boundaries or property lines).

DWELLING - A building or portion thereof, conforming to all requirements applicable to the district in which it is located and that it is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, and motels.

DWELLING, SINGLE FAMILY - A building consisting of one (1) single dwelling unit on an individual lot, separated from other dwelling units by open space.

DWELLING, TWO FAMILY - A building consisting of two (2) dwelling units on an individual lot, which shall be either attached side by side or one above the other.

DWELLING. MULTI-FAMILY - A building consisting of three (3) or more dwelling units, including condominiums, townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and party walls.

EASEMENT - Authorization by a property owner for the use by another and for a specified purpose of any designated part of the owner's property.

ESCORT - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to model privately lingerie or to perform privately a striptease for another person.

**ESCORT AGENCY** - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

**FARM MARKET** – A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farm(s) owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21, as amended June 29, 1982.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**: The agency with the overall responsibility for administering the National Flood Insurance Program.

**FEED LOT** - Land used for the confining and commercial feeding of livestock for mass production and marketing, and not necessarily connected with any general farming upon the same lot. All feed lots shall obtain appropriate permits of waste treatment and disposal from the Ohio Environmental Protection Agency prior to the issuance of a Zoning Permit.

**FIVE YEAR TIME OF TRAVEL ZONE** - The area around the public water supply wellfield delineated by the five (5) year time-of-travel contour.

**FLAG LOT** –A Lot that is only accessible by a long narrow strip of land not less than sixty (60) feet in width leading from the Public Street. Such lots sometimes resemble the shape of a flag or the letter T.

**FLOOD HAZARD AREA**: An area defined on the Flood Insurance Rate Map as having a one percent or greater chance of flooding in a given year (also defined as the 100-year flood).

**FLOOD INSURANCE RATE MAP**- An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Hocking Township and/or Fairfield County.

**FLOOR AREA, RESIDENTIAL** - The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, unfinished basements, attic space or rooms used exclusively for utilities or storage shall not be considered as residential floor area. Breezeways, open porches, and uncovered steps shall also not be considered as residential floor area. In no case shall an area less than six (6) feet in height be considered residential floor area.

**FRONTAGE** - That portion of a lot that directly abuts the street or street right of way and provides the principal access to the property. Lot frontage shall be measured only from

the address side (front) for the purpose of determining road frontage on corner and double frontage lots. All sides of a lot abutting a street shall be considered frontage for the purpose of determining yard requirements only. Property lines that abut limited access roads shall not be construed to be included within any calculation of frontage.

**GARAGE, PRIVATE** - A detached accessory building or a portion of a main building, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants of the premises.

**GARAGE, PUBLIC** - A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.

**GARAGE AND YARD SALES**- A sale of personal property to the general public conducted in or on any property, to include, without limitation, garages sales, patio sales, yard sales, porch sales, driveway sales and the like.

**GLARE** - Excessively bright illumination. See Article X, Section 10.35 Outdoor Lighting.

**GRADE, AVERAGE** - The average elevation of the finished surface of the ground at the exterior walls of a building or structure.

**GROUNDWATER** - Any water below the surface of the earth in a zone of saturation.

**GROUNDWATER PROFESSIONAL** - Any person certified by the American Institute of Professional Geologists to conduct hydrogeologic studies.

**HAZARDOUS WASTE** – Any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director of environmental protection (see ORC 3134.01(B)), because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

Hazardous Waste includes any substance identified by regulation as hazardous waste under the “Resource Conservation and Recovery Act of 1976,” 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the “Atomic Energy Act of 1954,” 68 Stat. 919, 42 U.S.C.A. 2011, as amended. (ORC 3134.01(J)).

**HOMES FOR THE AGING** –A home that provides services as a Residential Care Facility and a Nursing Home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment (ORC Section 3721.01(A)(8)).

**HOME OCCUPATION** - An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day-Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and conditional uses as listed in the applicable zoning district.

**HOSPITAL** – An institution providing health and services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term Hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or Nursing Homes.

**HOTEL** - A Building in which temporary lodging for boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. Compensation is usually assessed on a day-to-day basis.

**INDUSTRIALIZED UNIT** – A Building unit or assembly of closed construction fabrication 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, including 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, but does not include a Permanently Sited Manufactured Home or Mobile Home as defined in Article III of the Hocking Township Zoning Resolution (ORC Section 3781.06(C)(3)).

**INFECTIOUS WASTE** – Any of the substances or categories of substances listed in ORC 3734.01(R)(1) – (8).

**INNER MANAGEMENT ZONE (Zone 1)** - At a minimum, the area within the one (1) year time-of-travel contour. The boundary can be changed to add areas outside the one (1) year time-of-travel contour to ease its definition (i.e. use of street or road boundaries or property lines).

**JUNK OR INOPERABLE VEHICLE** - A vehicle shall be deemed junk or an inoperable vehicle whenever any of the following occur for a period of two weeks prior to the filing of a cease-and-desist order:

The vehicle is without a valid, current registration and/or license plate.

The vehicle cannot be started and moved without the assistance of another vehicle.

The vehicle is without fully inflated tires and/or has a type of support under it.

The vehicle has a missing or shattered window or windshield and/or.

The vehicle has an extensively damaged or missing door, motor, transmission, or other similar major part.

**LANDLOCKED** - Any parcel of land which is not abutting to and cannot be accessed from a dedicated public right of way for a minimum continuous dimension of at least sixty (60) feet.

**LOT** - A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including such open spaces as are required under the provisions of this Resolution. Every lot shall have the minimum required frontage upon a public street. Such lot shall be of record in the County Recorder's Office.

**LOT AREA** - The area of a lot computed exclusive of any portion of the right of way of any public or private street. Where this term is used in the tables in Article III of the Resolution, it shall be interpreted to mean the total area for the use irrespective of the number of dwelling units or other structures permitted unless otherwise specifically noted in the tables.

**LOT, CORNER** - A lot abutting upon two (2) or more streets at their intersection, or upon two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the centerline of the road or the interior right of way line as applicable.

**LOT COVERAGE** – A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

**LOT, DOUBLE FRONTAGE** - A lot having frontage on two (2) non-intersecting streets or two approximately perpendicular portions of the same street.

**LOT, INTERIOR** - A lot, other than a corner lot, with only one frontage on a public street.

**LOT LINES** - Lines bounding the lot as shown in the accepted plat or survey record.

**LOT LINE, FRONT -**

1. For an Interior or Through Lot: the line marking the boundary between the Lot and the single abutting Street.
2. For a Corner Lot: the line marking the boundary between the Lot and each of the abutting Streets.
3. For a Flag Lot: the line that is closest to the Street Right-of-way and that is (a) most parallel to the Street Right-of-way and (b) excludes the Lot Frontage. In such cases, this line typically marks the boundary between the Flag Lot and an adjacent Lot.

**LOT LINE, REAR -** The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot opposite the shortest front lot line.

**LOT LINE, SIDE -** A lot line that is neither a front lot line nor a rear lot line.

**LOT WIDTH -** The mean width of the lot measured at right angles to its depth.

**LOT OF RECORD -** A lot, which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Fairfield County; or a parcel of land, the deed or land contract to which was of record as of the effective date of this Resolution or any appropriate amendment thereto.

**MANUFACTURED, MODULAR, MOBILE FACTORY BUILT HOUSING**

1. **FACTORY BUILT HOUSING -** Factory built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, factory-built housing shall include the following:
  - a. **MANUFACTURED HOME -** A Building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards (ORC Section 3781.06(C)(4)).
  - b. **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 (1) or more

sections, and does not qualify as a Permanently Sited Manufactured Home or industrialized unit as defined by Article III of the Hocking Zoning Resolution (ORC Section 4501.01(O)).

- c. MODULAR HOME - Factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes. Modular homes are required to be placed upon a solid masonry foundation.

MANUFACTURED HOME PARK – Per ORC Section 3733.01(A), any tract of land upon which three (3) or more Manufactured or Mobile Homes Used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, Building, Structure, vehicle, or enclosure Used or intended for Use as a part of the facilities of such park. Per ORC Section 3733.01(A), Manufactured Home Park does not include any of the following:

1. A tract of land Used solely for the storage or display for sale of Manufactured or Mobile Homes or solely as a temporary park-camp as defined in section 3729.01 of the Ohio Revised Code.
2. A tract of land that is subdivided and the individual Lots are for sale or sold for the purpose of installation of Manufactured or Mobile Homes Used for habitation and the roadways are dedicated to the local government authority.
3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual Lots are for sale or sold for the purpose of installation of Manufactured or Mobile Homes for habitation.

MANUFACTURED HOME, PERMANENTLY SITED – Per ORC Section 3781.06(C)(6), a Manufactured Home, as defined herein, that meets all the following criteria:

1. The Structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. The Structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
3. The Structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The Structure was manufactured after January 1, 1995.
5. The Structure is not located within a Manufactured Home Park as defined in ORC Section 3733.01(A).

**MINERAL EXTRACTION-** Means all or any part of a process followed in the removal or production of minerals from the earth or from the surface of the land by mechanical surface excavation methods, such as, but not limited to, open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits.

**MONOPOLE –** A support Structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**MOTEL -** A building or a group of buildings in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging home, or a multiple dwelling. A motel shall be distinguished from a hotel in that the building is usually designed to serve tourists traveling by automobile where the entrances and exists to rooms need not be through a lobby or office, and parking is usually adjacent to the unit. The term MOTEL shall include various other terms, such as, Inn, Motor Lodge, Motor Inn, Motor Hotel and similar terms.

**NON-CONFORMING BUILDING OR STRUCTURE -** A building or structure lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated, or to other applicable provisions of this Resolution.

**NON-CONFORMING FACILITY OR USE (Wellhead Protection Overlay District) -** Any facility or land use which, if new, would not be allowed under the provisions of this resolution. It includes structures and land uses which became located within Zone 1 and Zone 2 because of a change in the zone boundaries or by the adoption of this resolution.

**NON-CONFORMING LOT -** A lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.

**NON-CONFORMING USE -** A use of land, buildings, or structures lawfully existing at the time of enactment of the Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.

**NUDE MODEL STUDIO-** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**NUDITY OR A STATE OF NUDITY-** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

NURSING HOME – A home Used for the reception and care of individuals who by reason of illness or physical impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing. A Nursing Home is licensed to provide personal care services and skilled nursing care (ORC Section 3721.01(A)(6)).

NURSERY, RETAIL - Land, buildings structures or a combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.

ONE YEAR TIME OF TRAVEL ZONE - The area around the public water supply wellfields delineated by the one-year time-of-travel contour.

OPEN SPACE - Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote conservation of soils or wetlands; (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

OPEN SPACE, COMMON - An open space within a residential development reserved for the exclusive use of residents of the development and their guests.

OUTDOOR SERVICE FACILITY – An area that is not fully enclosed by solid walls and a roof and where services are rendered, or goods are permanently displayed, sold or stored. For the purposes of this Resolution, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, garden stores, and the conduct of a use in an area not fully enclosed by solid walls and a roof.

PERSON - An individual, proprietorship, partnership, corporation, association, or other legal entity.

POTABLE WATER - Water which is satisfactory for drinking, culinary and domestic purposes.

REGULATED SUBSTANCES (Wellhead Protection Overlay Zone) - Shall include but not be limited to the following:

- (1) Every substance, material or waste found listed in 40CFR Part 261 or 40CFR Part 302;
- (2) All materials which exhibit the characteristics of hazardous waste (Ignitability, corrosivity, reactivity and toxicity) as identified in 40CFR Part 261;
- (3) Petroleum products, including fuels and waste oils; and

- (4) Any solid or semi-solid material which, if left to stand or if exposed to water will leach out or wholly or partially dissolve forming hazardous materials as defined in subsections (1), (2) or (3).

**RESIDENTIAL CARE FACILITY – TYPE A** – Accommodations for three (3) or more unrelated individuals, supervision or personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, skilled nursing care as authorized by Section 3721.011 of the ORC (ORC Section 3721.01(A)(7)(b)).

**RESIDENTIAL CARE FACILITY – TYPE B** – Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment (ORC Section 3721.01(A)(7)(b)).

**RESIDENTIAL FACILITY** – A home or facility in which a developmental disability or developmentally disabled person resides, except the home of a relative or legal guardian in which a developmental disability or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, a county home or District home operating pursuant to Section 5155 of the ORC, or a Dwelling in which the only developmental disability or developmentally disabled residents are in the independent living arrangement or are being provided supported living (ORC Section 5123.19(A)(1)(a)).

**RESIDENTIAL FACILITY – TYPE A** – A licensed Residential Facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) persons with developmental disability or developmental disability.

**RESIDENTIAL FACILITY – TYPE B** – A licensed Residential Facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine (9) but not more than sixteen (16) persons with developmental disability or developmental disability.

**RESOLUTION, ZONING** – This Resolution, which shall be known as and shall be cited and referred to as the “Zoning Resolution of Hocking Township, Fairfield County, Ohio (“Zoning Resolution”).

**SCRAP METAL PROCESSING FACILITY** – An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remodeling or re-melting purposes.

**RIGHT OF WAY (ROW)** – A strip of land purchased 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.

**SATELLITE DISH ANTENNA, LARGE-** Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short-wave listeners.

**SATELLITE DISH ANTENNA, SMALL-** Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

**SEAT -** For purposes 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.

**SEMI-NUDE -** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**SETBACK –** The minimum required distance between a Structure and a Lot Line, Street Right-of-Way, pavement, or other delineated site feature.

**SETBACK, FRONT YARD –** The minimum distance required (measured horizontally and in accordance with Section 10.7) between any part of a Building and the Street Right-of-way line.

**SETBACK, REAR YARD –** The minimum distance required (measured horizontally and in accordance with Section 10.7) between any part of a Building and the Rear Lot Line.

**SETBACK, SIDE YARD –** The minimum distance required (measured horizontally and in accordance with Section 10.7) between any part of a Building and the nearest Side Lot Line.

**SEXUAL ENCOUNTER CENTER -** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

Activities between male and female persons and/or persons, of the same sex when one or more of the persons is in a state of nudity or semi-nude.

**SEXUALLY ORIENTED BUSINESS** - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**SIGN** – Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object, or product.

**SIGN, ANIMATED** - Any Sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

**SIGN, GROUND** – Any Sign which is physically attached to a foundation. These are commonly known as pole, pylon, or Monument Signs.

**SIGN, MONUMENT** – Any Sign which is physically attached to a base constructed specifically for the display of the Sign.

**SIGN, OUTDOOR ADVERTISING (BILLBOARD)** - Any Sign that exceeds sixty (60) square feet in area.

**SIGN, TEMPORARY** – A display, banner, or type of Sign constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable Signs, political Signs, development Signs, community event Signs, garage sale Signs, real estate Signs, sandwich type Signs, sidewalk or curb Signs, and balloon or other air or gas filled figures.

**SIGN, WALL** – Any Sign attached to a Building face, with the exposed face in a plane parallel to the plane of the wall. Wall Signs include painted murals, messages, graphics, and other designs painted along with any letters or numerals mounted directly on Buildings.

**SOLAR ENERGY COMMERCIAL OPERATION** – Solar energy systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.

**SOLAR PANEL** – A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**SOLID WASTE** – Any unwanted residual solid or semi-solid material that results from industrial, commercial, or community operations. Solid Waste includes but is not limited to garbage, scrap tires, combustible and noncombustible materials, Street dirt, and debris. Solid Waste does not include earth material from construction, mining, demolition operations (or other waste material that would normally be included in demolition debris), or material that is an infectious waste or hazardous waste.

**SOLID WASTE FACILITY** – Any site, location, tract of land, installation, or Building Used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes, or if the solid wastes consist of scrap tires, for the collection, storage, or processing of solid wastes; or for the transferring of solid wastes.

**SPECIFIED ANATOMICAL AREAS** - Human genitals in a state of sexual arousal.

**SPECIFIED SEXUAL ACTIVITIES**- Means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- c. Masturbation, actual or simulated, or
- d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

**STABLES** - Facilities designed or used for the commercial boarding of horses including any barns, exercise areas, and field areas to be used in the stable operation.

**STORY** - The part of a building, except a mezzanine, included between the surface of one floor & the surface of the next floor above; or if there is not a floor above, then the ceiling level next above. The floor of a story may have split-levels provided that there not be more than four (4) feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.

**STORY, HALF** - An uppermost story lying under a gambrel, hip, gable, or shed roof that is used, in whole or part, for dwelling or habitable purposes.

**STREET** – A right-of-way which provides a means of access to abutting property. The term Street shall include avenue, drive, circle, road, lane, court, parkway, boulevard, highway, thoroughfare, or any other similar term.

**STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or attachment to the ground. Among other things, structures include buildings, mobile homes, walls, fences, porches, decks, swimming pools, tennis courts, signs, and billboards.

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of a Structure, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a Building.

**SUBSTANTIALLY COMPLETE** – The stage in which the work, as described in the Zoning Permit is finished to a point that the applicant/Owner can occupy or utilize the land or Building for its intended purpose.

**SWIMMING POOL, COMMUNITY** - Any pool, open tank, pond, lake, or other structure containing or capable of containing water to a depth of greater than one and one half (1 ½) feet and more than twelve (12) feet in diameter, owned or operated by an individual, private non-profit organization, governmental body, homeowners' association, or similar organization. It includes walkways, bathhouses, open areas for sunning or picnicking, & associated buildings or structures.

**SWIMMING POOL, PRIVATE** - Any pool, open tank, or other structure not located within a completely enclosed building and containing or capable of containing water to a depth of greater than one and one half (1 ½) feet and more than twelve (12) feet in diameter. Swimming pool does not include a farm pond but includes walkways and associated buildings.

**TELECOMMUNICATION TOWER** – Per ORC Section 519.211(B)(1), any Free Standing Structure, or any Structure to be attached to a Building or Structure, that meets all of the following criteria:

- a. The free-standing or attached Structure is proposed to be constructed on or after October 31, 1996.
- b. The free-standing or attached Structure is proposed to be owned or principally used by a public utility (or equivalent provider) engaged in the provision of telecommunication services.
- c. The free-standing or attached Structure is proposed to be located in the unincorporated area of a township, in an area zoned for residential Use.
- d(i). The free-standing Structure is proposed to top at a height that is greater than either the maximum allowable height of residential Structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing Structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
- d(ii). The attached Structure is proposed to top at a height that is greater than either the height of the building or other Structure to which it is to be attached, or

the maximum allowable height of such an attached Structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

- e. The free-standing or attached Structure is proposed to have attached to it radio frequency transmission or reception equipment.

**TELECOMMUNICATION TOWER, ATTACHED** – Any Structure that will be attached to a Building or other Structure that meets the criteria for a Telecommunication Tower, as defined herein.

**TELECOMMUNICATION TOWER, CO – LOCATION** – The use of a Telecommunication Tower by more than one (1) telecommunications provider.

**TELECOMMUNICATIONS TOWER, FREE STANDING** – Any free-standing Structure that meets the criteria for a Telecommunication Tower, as defined herein.

**TELECOMMUNICATION TOWER, FREESTANDING (HEIGHT OF)** – The distance measured from the base of the tower, at grade, to the highest point of the tower, including the antenna.

**TEMPORARY USE OR STRUCTURE** - A transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.

**TENANT FARM DWELLING** - A dwelling unit constructed or occupied for the purpose of providing housing for a farmer and his family who are engaged in assisting the owner in the practice of agriculture and/or maintenance of his farm. A farm dwelling shall be considered a tenant farm dwelling only if a principal farm dwelling also exists upon a lot, otherwise the dwelling shall be considered a principal farm dwelling.

**TIME-OF-TRAVEL CONTOUR** - A series of points when connected form a boundary from which water takes an equal amount of time to reach a given destination such as a well or wellfield.

**TOWNSHIP TRUSTEES** - The Board of Township Trustees of Hocking Township, Fairfield County, Ohio.

**UNDERGROUND STORAGE TANK (“UST”)** - One or any combination of tanks, including underground pipes connected thereto, that are used to contain an accumulation of regulated substances, the volume of which, including the volume of underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground, as defined in OAC 1301:7-9-02.

USE - The specified purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.

USE, PRINCIPAL - The main use to which the premises are devoted and the main purpose for which the premises exist.

VARIANCE – A departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning resolution or the underlying zoning of the parcel.

VETERINARY ANIMAL HOSPITAL - 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 attention. Such use may include overnight accommodations on the premises for treatment, observation, and/or recuperation.

WELL - Any excavation, regardless of design or method of construction, used for the purpose of removing groundwater from an aquifer, or for the purpose of determining the quality, quantity, or level of groundwater on a continuing basis.

WELLFIELD – The track of land that contains a number of wells for supplying water.

WELLHEAD PROTECTION ZONE - The Inner Management Zone (Zone 1) and Drinking Water Source Protection Area (Zone 2) defined below.

WELLHEAD PROTECTION ZONE MAP - An official map adopted by Hocking Township and delineated to indicate the area(s) of Hocking Township which lie inside the wellhead protection zones.

WIND ENERGY CONVERSION SYSTEM – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL – A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated capacity of not more than 100 kilowatts and is intended to primarily reduce on-site consumption of utility power.

WIND ENERGY CONVERSION SYSTEM, TOWER – The support structure to which the nacelle and the rotor are attached.

WIND ENERGY CONVERSION SYSTEM, TOWER HEIGHT OF – The distance from the rotor blade at its highest point to the top surface of the tower foundation.

WIND FARM, SMALL – A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of 100kW or more, but less than 5 megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Resolution.

WOODLAND - A grouping of twenty (20) or more trees with a dbh of ten (10).

YARD – An open space on the same Lot with a Building, unoccupied and unobstructed by any portion of a Structure from the ground upward, except as otherwise provided herein.

YARD, FRONT – A yard extending across the full width of a Lot and being the perpendicular distance between the Street Right-of-way line and the nearest portion of any Building or Structure existing or proposed for construction on said Lot.

YARD, REAR – A yard extending across the full width of a Lot between the Side Lot Lines and being the perpendicular distance between the Rear Lot Line and the nearest portions of any Building or Structure existing or proposed to be constructed on said Lot. In both Corner Lots and Interior Lots, the rear yard shall be in all cases at the opposite end of the Lot from the front yard.

YARD, SIDE – An open area extending from the nearest portion of a Building or Structure existing or proposed to be constructed on a Lot and side lines of said Lot and extending from the front yard to the rear yard, unoccupied and unobstructed from the ground upward.

ZONING INSPECTOR – The Zoning Inspector or his authorized representative, appointed by the Township Trustees.

ZONING MAP – A map of Hocking Township, Fairfield County, Ohio, included as part of this code and all amendments subsequently adopted that shows the zoning districts for the properties within the township.

ZONING PERMIT – A document issued by the Zoning Inspector authorizing the construction or alteration of a Building, Structure, or Use consistent with the terms of this Zoning Resolution.

## **ARTICLE IV ENFORCEMENT**

### **4.1 ZONING PERMIT 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, that does not conform with the provisions of this code, except agricultural structures or uses as defined in Section 519.01 of the Ohio Revised Code.

### **4.2 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 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.
- 2) Legal description of property.
- 3) Existing use.
- 4) Proposed use.
- 5) Zoning district.
- 6) Plans in triplicate 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 and provide for the enforcement of this Resolution.
- 11) Proof of well and sewage permits from the Fairfield Department of Health;
- 12) A fee as established in Article V

### **4.3 APPROVAL OF ZONING PERMIT.**

Within ten (10) days (not including Saturdays, Sundays, and legal holidays) after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application. One copy of the application shall be returned to the

applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and signed, it. The Zoning Inspector shall maintain a record of all zoning permits and all site reviews, inspections, and the actions associated with the permit including dates, comments, communications with the applicant, photographs, newspaper articles, and such other items that might be used as evidence in a court of law. 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.

#### **4.4 EXPIRATION OF ZONING PERMIT.**

If the work described in any zoning permit has not begun within one 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 of 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. Extensions may be requested by submitting a letter to the Board or Zoning Appeals stating the reasons the extension is needed.

#### **4.5 CERTIFICATE OF ZONING COMPLIANCE.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of the Resolution and the previously issued zoning permit.

#### **4.6 FAILURE TO OBTAIN ZONING PERMIT OR CERTIFICATE OF ZONING COMPLIANCE**

Failure to obtain a zoning permit or certificate of zoning compliance shall be a violation of this Resolution and punishable under Section 4.9 of this Resolution.

#### **4.7 COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person including the Board of Township Trustees, the County Prosecuting Attorney, the Zoning Inspector, or any neighboring property owner who would be damaged by such violation, shall contact the Zoning Inspector. Such complaint stating fully the causes and basis thereof shall be recorded with the Zoning

Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

Whenever a violation of this Resolution occurs, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law and in Section 4.9, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

**4.8 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.**

Zoning permits or certificates of zoning compliance 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 approved by the Zoning Inspector, 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 4.9 of this Resolution.

**4.9 PENALTIES FOR VIOLATIONS.**

Any Person who violates this Zoning Resolution or fails to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Zoning Resolution) upon conviction in the Court of Common Pleas, shall be fined up to the greater of \$500 or the maximum amount permitted under Section 519.99 of the ORC, 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, contractor, agent, or other Person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and shall be subject to the above stated penalties. Nothing within this Zoning Resolution shall prevent the Township Board of Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

## **ARTICLE V**

### **SCHEDULE OF FEES, CHARGES, & EXPENSES**

#### **5.1 ESTABLISHMENT OF FEES, CHARGES AND EXPENSES.**

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this code. 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. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application of appeal.

#### **5.2 AGRICULTURE EXEMPTION FROM FEES.**

Legitimate agricultural activities are exempt from zoning permit fees. In order to be exempt from the collection of a fee for this reason, however, the applicant must prove to the Zoning Inspector that the use of the building or structure for agricultural purposes related to the farm will be the primary use for the building or structure and that the applicant's principal source of income is derived from agriculture as follows:

1. Owner must submit proof that parcel is qualified and registered as Certified Agricultural Use Valuation (CAUV) with the County Auditor for property tax purposes.
2. It is further the intent of this section to provide that any building or structure attached to a residence is not eligible for an exemption from the fee on the basis that the use is an agricultural use.
3. It is further the stated purpose of this section to declare that no residence shall be exempt from a zoning fee because it as an agricultural use.

**ARTICLE VI**  
**ADMINISTRATION 6.1**  
**OFFICE OF ZONING**  
**INSPECTOR ESTABLISHED.**

A Zoning Inspector designated by the Township Trustees shall administer and enforce this Resolution. The Township Zoning Inspector shall give bond as specified in Section 519.161, Ohio Revised Code. The Zoning Inspector shall carry proper identification that shall be shown upon the request of any person.

**6.2 DUTIES OF ZONING INSPECTOR.**

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

- a. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible, ordering the action necessary to correct such violation.
- b. Order discontinuance of illegal uses of land, buildings, or structures.
- c. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- d. Order discontinuance of any illegal work being done.
- e. Take any other action authorized by this Resolution to ensure compliance with or to prevent the violation of this Resolution. This includes the issuance of and action on zoning and certificate of zoning compliance and such similar administrative duties as are permissible under the law. The Zoning Inspector may act only in conformance with the strict provisions of this Resolution and is prohibited to grant any variance from this Resolution or make any exceptions.
- f. To assist residents of the Township to understand the provisions of this Resolution and to assist residents in preparing applications and making appeals.
- g. To collect all fees in accordance with this Resolution. All funds so collected shall be properly recorded, a receipt given, and transmitted to the Township Fiscal Officer.

**6.3 ZONING COMMISSION ESTABLISHED.**

A. Establishment

The Board of Township Trustees of any township proceeding under sections 519.01 to 519.99 of the Revised Code, shall create and establish a township Zoning Commission. The commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board of Trustees. The Board of Trustees may appoint two (2) alternate members to the township Zoning Commission, for terms to be determined by the Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the township Zoning Commission, according to the procedures outlined in the adopted rules and regulations for the Zoning

Commission. An alternate member shall meet the same appointment criteria as a regular member.

Each member shall serve for five (5) years, and terms shall be so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the Board of Trustees may appoint qualified members of such commission to serve on the township Zoning Commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by certified mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

#### B. Organization

The Zoning Commission shall elect a chairman from its membership and shall adopt written rules and regulations for the conduct of its affairs as stated in ORC 519.05. The Zoning Commission shall file such rules with its secretary (who is appointed by the Board of Trustees) and the Zoning Inspector and shall make the rules available to the public.

#### C. Quorum

A majority of the members of the Zoning Commission present at a meeting constitutes a quorum, and a quorum must be present in order for the commission to transact business.

#### D. Meetings

The Zoning Commission shall meet at the call of its chairman or two (2) other members and at such other times as the Zoning Commission may determine by resolution. Notwithstanding anything else contained herein, any meeting of the Zoning Commission may be adjourned on the vote of a majority of the members present. All meetings of the Commission shall be open to the public.

#### E. Records

The Zoning Commission's secretary shall keep minutes of each meeting and a record of all proceedings and other official actions. The minutes of each meeting shall show the vote of each member (including abstentions) upon each question and shall also show any absent members. The minutes shall be approved by the

Zoning Commission at the next available meeting after the minutes have been completed by the secretary. Upon the approval of the minutes of meetings involving matters described in Section 6.3F, the Zoning Commission's secretary shall mail a copy of the record of action to the applicant. Minutes and any other records required by this Section shall be considered public records, and the secretary shall file such records in the office of the Board of Trustees.

#### F. Duties of Zoning Commission

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

1. Initiate amendments to this Zoning Resolution, pursuant to Section 7.1(B)(2) and ORC 519.12.
2. Review all proposed amendments to this Zoning Resolution in accordance with Section 7.1 and ORC 519.12 and make recommendations to the Board of Trustees.
3. Review all Planned Residential Developments, Planned Commercial-Office and Planned Industrial Districts and make related recommendations to the Board of Trustees.

### **6.4 BOARD OF ZONING APPEALS ESTABLISHED.**

#### A. Establishment

A Board of Zoning Appeals is hereby established in accordance with ORC 519.13 and 519.14. Said Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Trustees. Every member shall be a legal resident of the unincorporated territory of Hocking Township included in the area zoned. Members shall be appointed for a term of five (5) years and shall be arranged so that the term of one member will expire each year.

The Board of Trustees may appoint two (2) alternate members to the Board of Zoning Appeals for the terms to be determined by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to the procedures outlined in the adopted by-laws for the Board of Zoning Appeals. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either

personally, by certified mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

#### B. Organization

The Board of Zoning Appeals (BZA) shall elect a chairman from its membership and shall adopt written by laws for the conduct of its affairs. The Board of Zoning Appeals shall file such rules with its secretary (who is appointed by the Board of Trustees) and the Zoning Inspector and shall make the rules available to the public.

#### C. Quorum.

A majority of the members of the BZA present at a meeting constitutes a quorum, and a quorum must be present in order for the BZA to transact business.

#### D. Meetings

The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members and at such other times as the Board of Zoning Appeals may by resolution determine. All meetings of the Board of Zoning Appeals shall be open to the public. During the meetings, the chair, or in his/her absence the acting chair, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. Notwithstanding anything else contained herein, any meeting of the Board of Zoning Appeals may be adjourned on the vote of a majority of the members present.

#### E. Records

The secretary of the Board of Zoning Appeals shall keep minutes of each meeting and a record of all proceedings and other official actions. The minutes of each meeting shall show the vote of each member (including abstentions) upon each question and shall also show any absent members. The minutes shall be approved by the Board of Zoning Appeals at the next available meeting after the minutes have been completed by the secretary. Upon the approval of the minutes of meetings involving matters described in Section 6.4F, the secretary shall mail a copy of the record of action to the applicant. Minutes and other records required by this Section shall be considered public records, and the secretary shall file such records in the office of the Board of Trustees.

#### F. Duties of the Board of Zoning Appeals

As long as such action is in conformity with the terms of this Zoning Resolution, the Board of Zoning Appeals may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made. To that end, it

shall have the powers of the Zoning Inspector from whom the appeal is taken. For the purpose of this Zoning Resolution the Board of Zoning Appeals has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
2. To authorize such Variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Resolution will result in an unnecessary hardship in accordance with the provisions of Section 7.2 of this Zoning Resolution.
3. To grant Conditional Use permits as listed in each District in Article 7.3 and under conditions specified in Article XI as well as additional safeguards specified by the Board of Zoning Appeals in order to uphold the intent of this Zoning Resolution.
4. To authorize the substitution of Nonconforming Uses in accordance with Section 12.6 or the expansion of a Nonconforming Use in accordance with Section 12.7.
5. To determine similar Uses in conformance with the provisions of Section 8.5

**6.5 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, TOWNSHIP TRUSTEES, AND COURTS ON MATTERS OF APPEAL.**

It is the intent of this Resolution that all questions of 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 to 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 Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments, approving or rejecting the recommendation of the Zoning Inspector that a use is substantially similar, or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges. 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's written decision.

## **ARTICLE VII**

### **ADMINISTRATIVE PROCEDURES 7.1 - PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES.**

This Zoning Resolution may be amended by using the procedure specified in Section 7.1A through 7.1O. See Section 7.4 if a map amendment to a Planned Residential (PD-1), Planned Commercial-Office (PD-2) or a Planned Industrial (PD-3) District.

A. Whenever the public necessity, general welfare or good zoning practice requires, the Board of Trustees may by resolution amend, supplement, change or repeal the regulations, restrictions, boundaries, or classifications of property, subject to the procedures required by law. The Board of Trustees must obtain the recommendation from the Zoning Commission before taking any action on a proposed zoning amendment.

#### B. Initiation of Zoning Amendments

Initiation of Zoning Amendments may be done in one of the following ways:

1. By adoption of a resolution by the Board of Trustees and certification of that resolution to the Zoning Commission.
2. By adoption of a motion by the Township Zoning Commission.
3. By a filing with the Zoning Commission of an application by at least one(1) or more Owners or lessees of the property proposed to be changed by such amendment. If a lessee of a property files an application for rezoning, the application shall include the signature of the Owner.

#### C. Number and Contents of Application for Zoning Amendment

The applicant for a district change shall submit twelve (12) hard copies or twelve (12) hard copies along with one (1) Printed Document Format (.pdf) document of an application for a zoning amendment. All applications for zoning amendments shall contain at a minimum the following information:

1. Name, address, and phone number of such Owners for any parcel to be rezoned.
2. The language of any proposed amendment to the text of the Zoning Resolution, if applicable.
3. A statement as to how the proposed amendment relates to the Hocking Township Comprehensive Land Use Plan, when and if adopted, or in the absence

of such plan, to the Fairfield County Comprehensive Plan, when and if adopted, and to the neighborhood properties.

In addition to the items listed above, an application for a proposed map Amendment shall include the following:

1. The legal description of the parcel(s) to be rezoned prepared by a Professional Surveyor in the State of Ohio.
2. Current Use and current zoning classification.
3. Proposed Use and proposed zoning classification.
4. A vicinity map at a scale approved by the Zoning Inspector showing property lines, Streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
5. A list of all Owners within, contiguous to, and directly across the Street from the parcel(s) to be rezoned and their respective addresses as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
6. Any fee established by the Board of Trustees (see Section 5.1) to defray the cost of advertising, mailing, filing with the county recorder, and other expenses.

#### D. Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Trustees, said resolution shall be certified to the Zoning Commission (Reference: ORC 519.12(A)(2)).

#### E. Submission to the Regional Planning Commission

Within five (5) days after action taken in 7.1(B), the Zoning Commission shall transmit a copy of such documents together with the text and map pertaining to the case to the Fairfield County Regional Planning Commission. The Regional Planning Commission shall recommend approval, denial, or approval with some modification of the proposed amendment and shall submit such recommendation to the Zoning Commission. The Zoning Commission shall consider the recommendation of the Regional Planning Commission at a public hearing.

#### F. Submission to the Director of the Department 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 the Department 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 certified mail to the Director of the Department of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. In accordance with ORC Section 5511.01, upon being notified that the Director of the Department of Transportation has purchased or initiated proceedings to appropriate the land, the Board of Township Trustees shall not rezone the land that includes the land which the Director has purchased or has initiated proceedings to appropriate. If the Director of the Department 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 by the Director of the Department of Transportation and the property Owner, the Board of Trustees shall proceed in accordance with law (Reference: ORC 5511.01).

#### G. Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing upon the initiation of a zoning amendment in accordance with Section 7.1(B). Such hearing shall not be less than twenty (20) days nor more than forty (40) days from the date the zoning amendment was initiated in accordance with Section 7.1(B).

#### H. Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 7.1(G), notice of such hearing shall be given by the Zoning Commission 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 by the Hocking Township Zoning Commission, the nature of the proposed amendment, the name of the Person giving notice of the public hearing, the time and place where the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing, and a statement that after the conclusion of such public hearing, the matter will be referred to the township Board of Trustees for further determination. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment as such appear on the County Auditor's then current tax list, as well as the present zoning classification of the subject property.

#### I. Notice of to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, the Zoning Commission secretary shall give written notice of the hearing, 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 Street from such area proposed to be rezoned or redistricted. The address of such Owners as appearing on the county auditor's current tax list shall be used. The failure of delivery of the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.1(H).

#### J. Recommendation by Zoning Commission to the Board of Trustees

Within thirty (30) days after the public hearing required by Section 7.1(G), the Zoning Commission shall recommend to the Board of Trustees that the proposed zoning amendment be approved, approved with some modification, or denied. The Zoning Commission shall submit concurrently to the Board of Trustees the following:

1. The Zoning Commission's recommendation on the proposed amendment.
2. The motion, application, or resolution involved.
3. The text and map pertaining to the proposed amendment.
4. The Regional Planning Commission's recommendation on the proposed amendment; and
5. Any required Development Plan (if a map amendment to the PD-1, PD-2 or PD-3 District is proposed).

#### K. Public Hearing by the Board of Trustees

Upon receipt of the Zoning Commission's recommendation, the Board of Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the date of receipt of the Zoning Commission's recommendation.

#### L. Notice of Public Hearing by Board of Trustees

Notice of the public hearing required in Section 7.1(K) shall be given by the Board of Trustees in one (1) or more newspapers of general circulation in the

township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the date, time and place of the public hearing by the Hocking Township Board of Trustees, the nature of the proposed rezoning, the name of the Board of Township Trustees that will be conducting the hearing, a statement indicating that the motion, application, or resolution is an amendment to the Hocking Township Zoning Resolution, and the time and place where the texts and maps of the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment, as they appear on the County Auditor's then current tax list, as well as the present zoning classification and the proposed zoning classification of the subject property.

#### M. Notice to Owners by Township Board of Trustees

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing may be mailed by the Fiscal Officer of the Township Board of Trustees, by first class mail, at least ten (10) days before the day of the public hearing to all Owners of property within, contiguous to, and directly across the Street from such area proposed to be rezoned or redistricted to the address of such Owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Township Board of Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.1(L).

#### N. Action by Board of Trustees

Within twenty (20) days after the public hearing required in Section 7.1(K), the Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.

#### O. Effective Date and Referendum

Such amendment adopted by the Township Board of 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 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 votes cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected. Such petition shall request the Board of 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.

## **7.2 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.**

Appeals and Variances shall conform to the procedures and requirements of Section A – J inclusive.

### **A. Appeals**

1. Any Person aggrieved by a decision of the Zoning Inspector may appeal such decision to the Board of Zoning Appeals. Such appeal shall be made by filing an application that complies with Section 7.2(C) and (D) within twenty (20) calendar days of the decision that is being appealed. The application for appeal shall be submitted to the Zoning Inspector who shall transmit it, along with all the papers constituting the record upon which the appeal is made, to the Board of Zoning Appeals.

2. An appeal shall stay all proceedings in furtherance of the action being appealed. However, by reason of facts stated within the application, the Zoning Inspector may certify to the Board of Zoning Appeals that a stay would cause imminent peril to life or property in the Zoning Inspector's opinion. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

### **B. Variances**

Upon appeal in specific cases, the Board of Zoning Appeals shall have the power to authorize such Variances from the provisions of this Zoning Resolution. Such Variances shall only be granted in cases of exceptional conditions involving irregular, narrow, shallow, steep, or other exceptional physical conditions of a Lot. Furthermore, a Variance shall only be granted if it will not be detrimental to the public interest and will not impair the intent and purpose of these regulations. The procedure for the filing and review of a Variance application shall follow Section 7.2(C) – (J). The Board of Zoning Appeals shall not grant a Variance from the strict application of any provision of this Zoning Resolution unless the Board of Zoning Appeals finds that all of the following facts and conditions exist:

1. That there are special circumstances or conditions, which are fully described in the Board of Zoning Appeal's decision applying to the land or building for which the Variance is sought. These circumstances or conditions must be unique to the land or Buildings in question and must not apply generally to land or Buildings in the neighborhood.

Furthermore, these circumstances or conditions would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable Use of the land and/or building if the strict application of this Zoning Resolution were to be applied.

2. That the Variance as granted by the Board of Zoning Appeals is the minimum Variance that will accomplish the reasonable Use of the subject land or building.

3. That the granting of the Variance will be in harmony with the general purpose and intent of this Zoning Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and Use of adjoining Buildings and those in the vicinity, the Board of Zoning Appeals, in determining its findings, shall take into account the number of persons residing or working in such Buildings or upon such land and traffic conditions in the vicinity.

4. That the condition or situation of the land or building in question is not so general or recurrent in nature that such condition or situation should be made a part of this Zoning Resolution.

#### C. Number of Copies and Procedure for Variance or Appeals Application

Any Person owning or intending to buy property may file an application to obtain a Variance to the zoning requirements that apply to that Owner's property or purposed owned property. Any Person who is aggrieved by any decision of the Zoning Inspector may file an appeal to such decision, provided the application is made within twenty (20) days of the decision that is being appealed. The application for a Variance or an appeal shall be filed with the Zoning Inspector who shall immediately forward it to the Board of Zoning Appeals. The applicant for a variance or appeal shall submit eight (8) hard copies along with one (1) Printed Document Format (.pdf) document of an application for a variance or appeal.

#### D. Contents of Application

The application for a Variance or an appeal shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of the related property.
3. Reference to the specific provisions of this Zoning Resolution involved.
4. A list of Owners within, contiguous to, and directly across the Street from the parcel being considered and addresses of such Owners as appearing on the County Auditor's then current tax list.
5. Each application for a Variance also shall set forth:
  - a. The Use for which special exception is sought.
  - b. Details of the requested Variance that is applied for and the grounds on which it is claimed that the Variance should be granted.
  - c. A sketch layout that includes property lines, existing Buildings, and other information related to the specific case.
  - d. How the requirements of Section 7.2(B) (1-4) will be satisfied.
6. The required fee as established in Section 5.1.

#### E. Supplementary Conditions and Safeguards

In granting any appeal or Variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution.

Violation of such 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 Zoning Resolution, punishable under Section 4.9. 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 Zoning Resolution in the District involved or any Use expressed or by implication prohibited by the terms of this Zoning Resolution in such District.

#### F. Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the date that the application for an appeal or Variance was submitted to the Zoning Inspector.

#### G. Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 7.2(F), 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 or Variance.

#### H. Notice of Parties of Interest

Before holding the public hearing required in Section 7.2(F), written notice of such hearing shall be mailed by the secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information required of notices published in newspapers as specified in Section 7.2(G). Parties of interest shall include, the Owners of the property being considered, property contiguous to, and the property directly across the Street from the property being considered.

#### I. Adjournment of Hearings

During the public hearing for any Variance or appeal, the Board of Zoning Appeals may adjourn the hearing in order to permit additional information to be secured or to provide notice to other interested parties who were not originally notified, but who the Board of Zoning Appeals decides should be notified. In the case of an adjourned hearing, Persons previously notified, and Persons already heard need not be notified of the time when the hearing will be resumed, unless the Board of Zoning Appeals so decides.

#### J. Decisions of the Board of Zoning Appeals

The Board of Zoning Appeals shall decide all applications and appeals within thirty (30) days after completion of the hearing and such decision shall become effective upon certification of the decision of the Board of Zoning Appeals. A certified copy of the Board of Zoning Appeals' decision shall be binding upon and observed by the Zoning Inspector, and the terms and conditions of the decision shall be incorporated into the permit to the applicant or appellant whenever a permit is authorized by the Board of Zoning Appeals.

After the Board of Zoning Appeals certifies its approval or disapproval on any Variance or appeal there shall be no further hearings upon such case. If the Board of Zoning Appeals denies an appeal or Variance, the applicant has all rights of appeal as set forth in any applicable section of the Ohio Revised Code. When the Board of Zoning Appeals has denied a Variance, a new Variance application may be filed subject to the same procedure as the original application. If a new application is filed with the Board of Zoning Appeals within one (1) year of the

date of the Board of Zoning Appeals' decision, the Zoning Inspector shall not schedule any hearing until the Board of Zoning Appeals has received the application and decided that there is new matter, evidence, or facts to be heard by the Board of Zoning Appeals.

### **7.3 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.**

#### **A. Authorization**

Each District includes Conditional Uses in recognition that such Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted Uses of such District. The Conditional Use procedures set forth development standards and criteria for locating and developing a Conditional Use to ensure such Use will not negatively impact the surrounding area in which it is located.

#### **B. Application for Conditional Use**

Any Person owning or intending to buy property may file an application for one (1) or more Conditional Uses listed within the district in which the property is located. An application for a Conditional Use shall be filed with the Zoning Inspector who shall immediately forward the application to the Board of Zoning Appeals. The applicant for a Conditional Use shall submit eight (8) hard copies to the Zoning Inspector. The applicant will fully understand that the Conditional Use will not go into effect until the property is fully owned as presented by a deed in hand, recorded on the auditor's website, and given to the Zoning Inspector for final approval.

1. Name, address, and phone number of the applicant.
2. The legal description of the property where such Use will be located (as recorded in the Fairfield County Recorder's Office).
3. The proposed Use of the property.
4. A statement of the desirability and compatibility of the proposed Use to the surrounding neighborhood or community.
5. Eleven (11) copies of a site plan for the proposed development showing the location of proposed Buildings, parking, traffic circulation; Open Spaces; Landscaping; refuse and service areas; utilities; signs; architectural renderings; dimensions and Setbacks from the right-of-way and property lines of proposed Structures and such other information required by the Board of Zoning Appeals.

6. Such other information regarding the property, proposed Use, or surrounding area as may be pertinent to the Board of Zoning Appeals.

7. The required fee as established in Section 5.1.

### C. Standards for Conditional Use

1. In order for the Board of Zoning Appeals to grant approval of a Conditional Use, the proposed Use and development must meet the following general standards:

a. The proposed Use will be designed, constructed, and operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the Use will not change the essential character of the area in which it is to be located. Furthermore, the proposed Use is of such design, is located and proposed to be operated so that the public health, safety, and welfare will be protected.

b. The proposed Use will be served adequately by essential public facilities and services such as highways, Streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or the Persons or agencies responsible for the establishment of the proposed Use shall be able to (demonstrate their ability to) adequately provide any such services.

c. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with the proposed Use; the size of the site in relationship to the proposed Use; and the location of the site with respect to Streets giving access to the proposed Use, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

d. The location, nature, and height of Buildings, Structures, walls, fences, and other similar features on the site and the nature and extent of Landscaping and screening on the site shall be such that the Use will not unreasonably hinder or discourage the appropriate development, Use, and enjoyment of adjacent land, Buildings or Structures.

e. The proposed Use will not involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any Persons, property, or the general welfare by reason of production of traffic, noise, smoke, dust, lights, vibration, fumes, or odors.

f. The Use will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

g. The proposed Use is in accordance with the general objectives and purposes of this Zoning Resolution.

h. Copies of all applicable licenses and/or permits required by the State of Ohio for operation of the proposed use shall be provided to the Zoning Inspector prior to a zoning permit being issued.

2. In addition to the general standards listed above in Section 7.3(C)(1), additional conditions that are specific to a particular listed Conditional Use may also apply to ensure such Use is compatible with its surrounding areas. Such conditions are listed in Article XI. The Board of Zoning Appeals shall not grant approval of a Conditional Use unless it finds that the proposed Use complies with both the general standards in Section 7.3(C)(1) and the applicable conditions in Article XI.

#### D. Supplementary Conditions and Safeguards

In granting any Conditional Use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards as it deems necessary to address each of the following factors to ensure that the Use will be conducted in the best interest of the district:

1. Traffic.
2. Parking.
3. Noise.
4. Smoke, fumes, and/or odors.
5. Dust.
6. External lighting not offensive to the neighborhood.
7. Vibration.
8. The preservation of natural, scenic, or historic features of any major importance.
9. Utilities.

Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Zoning Resolution punishable under Section 4.9 of this Zoning Resolution.

#### E. Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the date the application required in Section 7.3(B) was submitted to the Zoning Inspector.

#### F. Notice of Public Hearing in Newspaper.

Before holding the public hearing required in Section 7.3(E), notice of such hearings shall be given in one (1) 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 Conditional Use.

#### G. Notices to Parties of Interest

Before holding the public hearing required in Section 7.3(E), written notice of such hearing shall be mailed by the secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.3(F). Parties of interest shall include Owners of property contiguous to and directly across the Street from the property being considered.

#### H. Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 7.3(E), The Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 7.3(D), or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional

Zoning 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 has all rights of appeal as set forth in any applicable section of the Ohio Revised Code.

#### I. Expiration of Conditional Use Permit

A Conditional Use permit shall be deemed to authorize only one particular Conditional Use and said permit shall automatically expire, if for any reason, the Conditional Use shall cease for more than six (6) months.

### 7.4 PROCEDURES FOR AMENDING TO A PLANNED UNIT DEVELOPMENT DISTRICT.

This Section establishes the procedures for amending to a Planned Residential, Planned Commercial-Office and Planned Industrial Districts. Such districts may be permitted as amendments to the official zoning map upon application and approval of specific and detailed plans. Approval for planned development rezoning will be granted only when the plan for the project is such that public health, safety, comfort, morals, and general welfare will be promoted.

#### A. Objectives of Planned Development

1. It is the policy of the Township to permit the creation of planned development districts to:
  - a. Preserve and extend the charm and beauty existent in and inherent to the rural residential character of Hocking Township.
  - b. Provide the economic and social advantages resulting from an orderly planned use of large parcels of land.
  - c. Provide a more useful pattern of open space and recreation areas.
  - d. Promote development patterns which preserve and utilize natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevent the disruption of natural drainage patterns.
    - e. Promote a more efficient use of land than is generally achieved through conventional development resulting in substantial savings in utility and street extensions.
  - f. Promote development patterns in harmony with land use density, transportation facilities and community facilities.
  
- B. Types of Planned Development
  1. "PD-1" Planned Residential District
  2. "PD-2" Planned Commercial-Office District
  3. "PD-3" Planned Industrial District
  
- C. Project Ownership
 

The planned development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subsection a single entity may include the following: a husband and wife; corporation; partnership; or two (2) or more property owners who have entered into a general development plan for a planned development.
  
- D. Conflict With Other Sections
 

Because of the special characteristics of planned developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of Section 10.40 and those of the other Sections of this Resolution, the provisions of Section 10.40 shall prevail.

Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Resolution.
  
- E. Relationship to the Subdivision Regulations
 

The uniqueness of each proposal for a planned development may require that there be modification from the specifications established in the Subdivision Regulations of Fairfield County, Ohio. Modifications may be incorporated into the plan by the developer only after the review of the Fairfield County Regional Planning

Commission and the County Engineer for consideration by the Zoning Commission and the Board of Trustees.

F. Planning Process Overview

The following sequence of actions herein prescribed should be followed when applying for a change in zoning to the PD-1, PD-2 and PD-3 classifications. These steps should be followed sequentially and may be combined only at the discretion of the Zoning Commission.

1. Pre-application Discussion. A pre-application discussion is suggested between the applicant, and the Zoning Commission. The purpose of this informal meeting is to introduce the applicant and his/her representatives to the Township's Conservation Concept, and to discuss the applicant's objectives in relation to the Township's official policies and other related requirements, it being understood that no statement by officials of the township or county shall be binding on either.
2. Existing Features Plan (Site Analysis). Plans analyzing each site's special features are required for all proposed developments, as they form the basis of the design process for greenway lands, building location, street alignments, and lot lines. Plans shall contain, at a minimum, the basic information contained within the Fairfield County Auditor's Geographic Information System (GIS) including:
  - a. A contour map based upon the most recent U.S. Geological Survey.
  - b. The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplain, and all rights-of-way and easements.
  - c. Soil boundaries as shown on the USDA Natural Resource Conservation Service maps.
  - d. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or from the site, watershed divides and drainage ways, existing fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and sites or buildings of historic importance. Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths and walkways.

This data and the accompanying analysis shall comprise the initial base for negotiating, with the Zoning Commission, the framework for the conceptual Preliminary Plan.
  - e. On Site Walkabout. Following the preparation of the Site Analysis, the Zoning Commission should schedule a mutually convenient date to walk the property

with the applicant and his/her representatives. The purpose of this site visit is to familiarize the township officials with the property's special features and provide the opportunity to discuss with the applicant their plans and the public interests.

- f. Conceptual Preliminary Plan. A Conceptual Preliminary Plan refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a layout for greenway lands, house sites, and street alignments. This stage is undertaken before heavy engineering costs are incurred or commitments made to a final concept.
- g. The Conceptual Preliminary Plan should be submitted by the applicant to the Township Zoning Commission for review for the purpose of securing early agreement on an overall pattern of streets, house lots and conservation lands prior to any significant expenditure on engineering costs in the design of streets, storm water management, or the accurate delineation of site details.
- h. Design Process.
- i. Each Sketch Plan or Conceptual Preliminary Plan should follow a design process described below:
  - 1) Designating Open Space. During the first step, all potential conservation areas shall be identified, using the existing features plan (site analysis). Conservation areas shall consist of wetlands, floodplain, slopes over twenty five percent (25%), and soils susceptible to slumping. The remainder of the open space conservation areas shall include the most sensitive and noteworthy natural, scenic, and cultural resources on the remaining property. Guidance concerning Township values relating to desired open space shall be provided by the Zoning Commission. Mandatory setbacks from major roads may be counted, in whole or part, as open space.
  - 2) Location of Building Sites. During the second step, potential building sites are tentatively located. This includes both residential and nonresidential structures. Structure location represents a significant decision impacting the site therefore applicants shall identify general location of building sites on the Conceptual Plan and proposed house sites on the detailed Final Plan. Building sites shall not be located closer than thirty (30) feet of Conservation Areas. Actual building footprints of proposed structures may be changed with approval of a majority vote of the Zoning Commission.

- 3) Street and Lot Layout. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economic way. When streets and lots are laid out, they shall be located in a way that avoids or minimizes adverse impacts on the Conservation Areas. Wetland crossings and streets traversing existing slopes over fifteen percent (15%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of cul-de-sacs to be maintained by the township and to facilitate ease of access to adjacent properties. Cul-de-sacs serving more than six homes shall generally be designed with a central island containing plantings to be maintained by a homeowner's association. The use of eyebrows for the purpose of increasing the number of lots shall not be permitted. Dedicated streets shall not be considered as land counted as Conservation Area. Fifty percent (50%) of the land area within private street rights-of-way may be considered as a portion of the required Conservation Area.
- 4) Lot Lines. The fourth step is simply to draw the lot lines (where applicable). These generally are drawn midway between house locations and may include innovative design creations.

G. Application Procedure

In addition to any other procedures set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

1. Application - The owner or owners of lots and lands within the township may request that the zoning map be amended to include such tracts in the Planned Development District in accordance with Section 7.1 of this Resolution. Fifteen copies of the application, together with one (1) electronic version on compact disk in Printed Document Formation (.pdf) format, or other such format as is acceptable to Zoning Inspector, for the proposed amendment shall be submitted to the Zoning Inspector and shall contain at a minimum, the following information:
  - a. Name, address, and telephone number of applicant.
  - b. Date.
  - c. Legal description of the property.
  - d. Present use.
  - e. Present zoning district.
  - f. Proposed use.
  - g. Proposed zoning district.

- h. Existing Features Plan (Site Analysis). Plans analyzing each site's special features are required for all proposed developments, as they form the basis of the design process for greenway lands, building location, street alignments, and lot lines. Plans shall contain, at a minimum, the basic information contained within the Fairfield County Auditor's Geographic Information System (GIS) including:
    - 1) A contour map based upon the most recent U.S. Geological Survey.
    - 2) The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplain, and all rights-of-way and easements.
    - 3) Soil boundaries as shown on the USDA Natural Resource Conservation Service maps.
    - 4) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or from the site, watershed divides and drainage ways, existing fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and sites or buildings of historic importance.
    - 5) An aerial photograph of the site and surrounding area.

Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths, and walkways.
2. A development plan for the site.
3. A landscape plan.
4. A plan for any signage.
5. A vicinity map at a scale approved by the Zoning Commission showing property lines, streets, structures within five hundred (500) feet of the property's boundary, existing and proposed zoning, and such other items as the Zoning Commission may require.
6. A site review conducted by Fairfield County Regional Planning and their comments.
7. A traffic study, unless waived by the Zoning Commission.
8. A list of all property owners, as appearing on the county auditor's current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case. For each of the property owners the applicant shall provide two sets of pre-addressed, stamped letter-size envelopes with postage sufficient to send a notice via first class mail.

9. A fee as established by the Township Trustees.
10. Development Plan - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in a Printed Document Format (.pdf) format, or other such format as is acceptable to Zoning Inspector, shall be submitted with the application which plan shall include in the text and map form:
  - a. The proposed size and location of the Planned Residential District (PD-1), Planned Commercial-Office District (PD-2) or the Planned Industrial District (PD-3).
  - b. The general development character of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.
  - c. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - d. The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - e. The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - f. A traffic study examining the impact of the development on the existing infrastructure, modifications required to handle the increased traffic and the mechanism proposed to complete the necessary improvements.
  - g. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - h. Location of schools, parks, and other facility sites, if any.
  - i. The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities.
  - j. If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textural form in a manner calculated to give township officials definitive guidelines for approval of future phases.
  - k. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
11. Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector or designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

H. Action by Zoning Commission

The Zoning Commission shall hold a public hearing on the Final Development Plan. Such public hearing shall consider all aspects of the Final Development Plan including any proposed stages and/or units of development. Within thirty (30) days after the public hearing on such plan the Zoning Commission shall prepare and transmit to the Township Trustees and to the applicant specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards of Section 7.4 of this Article, together with its recommendations to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions. Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.

I. Criteria for Approval

In approving an application for a Planned District, the reviewing authorities shall determine:

1. If the proposed development is consistent in all respects with the purpose, intent, and general standards of this Zoning Resolution.
2. If the proposed development advances the general welfare of the township and the immediate vicinity.

J. Effect of Approval

The development plan as approved by the Hocking Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Fairfield County, Ohio. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Any required plats shall be properly recorded, and work on the development shall be commenced within the approved time limit or the approval shall be voided, and the property shall automatically revert to the Pre-existing District unless an application for time extension is timely submitted and approved.

K. Action by the Township Trustees

The Township Trustees shall hold a public hearing on the Final Development Plan. If the application is granted, the area of land involved shall be re-designated as a planned development district by resolution, and such resolution shall incorporate the Final Development Plan, including any condition or restriction or safeguard that may be imposed by the Township Trustees. Violations of such conditions, restrictions, or safeguards when made a part of the terms under which the Final Development Plan is approved, shall be deemed a violation of this Resolution and subject to the provisions of Article X of this Resolution.

L. Submission of Final Development Plan Without an Approved Preliminary Development Plan

The applicant need not file a Preliminary Development Plan if a Final Development Plan is filed for the entire site incorporating all requirements of both the Preliminary and Final Development Plans as described in this Section. Fifteen (15) copies of the Final Development Plan and one (1) 11" x 17" photocopy of the Final Development Plan shall be submitted and shall include in text and map form information described in subsections

M. Subdivision Plat

In the Planned Districts (PD-1, PD-2, and PD-3), no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Fairfield County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

1. Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and property reserved for non-highway service use with indication of the nature of such use.
2. Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development and maintenance of the property, the improvements thereon, and the activities of occupants.
3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time as the facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the phase in which the building or use is located are completed.
4. A full size and an 11"x 17" copy have been filed with the Zoning Inspector.

No modification of the provisions of the Final Development Plan, or part thereof, as finally approved and recorded shall be made unless the provisions of subsection 7.4 O are followed.

N. Zoning Certificate

After the Final Development Plan is recorded the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each platted lot. The zoning permit for a planned development shall be for a period not to exceed three (3) years or that period approved in the final development plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.

O. Extension or Modification of Final Development Plan

An extension of the time limit or a minor change to the approved development plan may be approved by the Hocking Township Board of Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such change or extension is not in conflict with the general health, welfare, and safety of the public or development standards of the district.

1. No extension of time shall be granted except on application filed with the zoning inspector not later than ninety (90) days before the expiration of the then current time limit.
2. The following shall not be considered a minor change to the approved development plan, unless approved by a unanimous resolution of all the members elected to the Hocking Township Board of Trustees and adopted at a public meeting:
  - a. A change in the use or character of the development.
  - b. An increase in overall lot coverage of structures and off-street parking.
  - c. An increase in the density.
  - d. An increase in the problems of traffic circulation and public utilities.
  - e. A reduction in approved open space.
  - f. A reduction of off-street parking and loading space.
  - g. A reduction in required pavement widths.
  - h. A reduction of the acreage in the planned development.
  - i. Any other departure from the approved development plan which is deemed not to be in substantial compliance with the approved development plan.
3. Major Deviation and Public Hearing: Any major deviation from the approved Development Plan shall not be considered by the Township Trustees until the owner of the property makes a detailed written Application to the Township Trustees. The Application shall specifically detail the changes requested and the reasons for the change. A major deviation shall include, but not be limited to, changes in use and/or character of the development, and/or increase of density.

Upon receipt of an Application for a major deviation from the approved Development Plan the Township Trustees shall forward the Application to the Township Zoning Commission or Board of Zoning Appeals pursuant to their respective authorities under the Zoning Resolution. The applicant can amend his/her application at any time prior to the vote of the Commission or Board. The Commission or Board shall make a written recommendation for the approval, modification, or denial of the Application. Upon receipt of the Commission or Board's recommendation the Township Trustees shall hold a public meeting on the Application. The public meeting shall be held within thirty (30) days of receipt of the Commission or Board's recommendation. Notice of the public meeting shall be published once at least ten (10) days before the date of the meeting. Within twenty (20) days of the meeting the Township Trustees shall either approve or disapprove the landowners Application. Approval of the Application shall require a majority vote of the Trustees except that if the recommendation of the Township Zoning Commission or Board of Zoning Appeals is for modification or denial of the Application, then approval of the Application shall require the unanimous vote of the Trustees. An applicant can submit subsequent Applications for major deviations at any time provided there is a reasonable and material amendment to the preceding Application.

The Township Trustees shall not conduct the meetings in a quasi-judicial manner and there shall not be the opportunity for hearing and the introduction of evidence. The decision of the Township Trustees shall be final and not appealable.

P. Enforcement

1. The Zoning Inspector shall review, at least once every six (6) months, all zoning permits issued and all construction that has taken place within the development area.
2. If the Zoning Inspector shall find that the ratio of construction of residential units, nonresidential structures, open space and/or recreational facilities substantially differs from the approved phasing program, he shall follow the procedures of Article VI in order to suspend further construction until compliance is achieved.
3. If the Zoning Inspector shall find that the developer of a planned development has failed to meet the approved development schedule, he shall forward this information to the Township Trustees.

**ARTICLE VIII**  
**ZONING DISTRICTS AND ZONING MAPS 8.1 DISTRICTS**

For the purposes of this Zoning Resolution, Hocking Township, Fairfield County, Ohio is divided into the following zoning Districts:

RR	Rural Residential District	9.1
MHP	Manufactured Home Park District	9.2
PD-1	Planned Residential District	9.3
NB	Neighborhood Business District	9.4
PD-2	Planned Commercial-Office District	9.5
PD-3	Planned Industrial District	9.6
F-P	Flood Plain Overlay District	9.7
W-P	Wellhead Protection Overlay District	9.8

**8.2 MAP**

The boundaries of these Districts are hereby established as shown on the Zoning Map of Hocking Township, Fairfield County, Ohio. The Zoning Map and all notations and references and other matters shown hereon, shall be and are hereby made a part of this Zoning Resolution. The Zoning Map shall be and remain on file in the township zoning office.

**8.3 DISTRICT BOUNDARIES**

Except where referenced and noted on the Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, Lot Lines, centerlines of Streets, Alleys, streams and/or railroads as they existed at the time of passage of this Zoning Resolution. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. If the Zoning Inspector's interpretation of such boundary line is disputed, final interpretive authority shall rest with the Board of Zoning Appeals.

**8.4 DISTRICT USES**

Regulations pertaining to the Use of land within each District as outlined in Article IX are hereby established, and land Uses are listed as either permitted or Conditional Uses within the Districts. Any unlisted Use shall be prohibited within the applicable District, unless otherwise determined by the Board of Zoning Appeals to be a similar use in accordance with the provisions of Section 6.4 of this Zoning Resolution.

**8.5 SIMILAR USES**

A. Determination as to whether a Use is similar to Uses permitted by right or

Conditional Uses shall be considered as an expansion of Use regulations of the district and not as a Variance applying to a particular situation. Any Use found similar shall thereafter be considered as a permitted or Conditional Use in that District as applicable.

B. Applications for Zoning Permits for Uses not specifically listed in the permitted or Conditional Use classifications of the zoning District, which the applicant feels qualify as a similar Use under the provisions of this section, shall be submitted to the Board of Zoning Appeals.

C. Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested Use is similar to those Uses permitted by right or as a Conditional Use in the specific District. In order to find that a Use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:

1. Such Use is not listed as a permitted or Conditional Use in another District.
2. Such Use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
3. Such Use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from Uses listed in the classification to which it is added.

**SECTION IX  
ZONING  
DISTRICTS**

**9.1 RURAL RESIDENTIAL DISTRICT (RR).**

**A. Intent and Purpose**

The intent of the Rural Residential District is to recognize the existence of and the demand for residential lots of a relatively spacious nature located within Hocking Township. This district is to be applied primarily to areas not currently served or planned to be served by central sewers and/or water or by other services.

**B. Permitted Principal Uses**

1. Single family dwellings on lots of two (2) acres or greater.
2. Residential facilities Type A.
3. Child Day Care Home – Type B; provided no person operates or is employed by the child day care home unless the person is a resident of the dwelling unit in which the child day care is operated.
4. Farm Market subject to the provisions of Section 2.4.
5. Forest and wildlife preserves.
6. Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
7. Garage/yard sales, subject to the restrictions in Section 10.36.
8. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.37.

**C. Permitted Accessory Uses**

1. Accessory structures as regulated by Section 10.13.
2. Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 10.22.
3. Private swimming pools as regulated by Section 10.20 together with game courts for the use of occupants and their guests.
4. Fences as regulated by Section 10.33.
5. Temporary uses specified in and regulated by Section 10.17.
6. Large or small satellite dish antennas and aerial antennas as regulated by Section 10.32.
7. The keeping of animals and/or fowl as pets or for domestic use.
8. Facilities for the storage, sorting, preliminary processing, or sale of agricultural products, if such products are used in the production of other farm products and if said storage, processing, sorting, or sales is carried as incidental to other farming operation by the owner/ proprietor.
9. Home Occupations as regulated by Section 10.34.

10. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.

11. Solar Panels as regulated by Section 10.41

D. Conditional Uses

All listed conditional uses shall comply with Article 11 of this Resolution.

1. Auction Houses.
2. Bed & Breakfast.
3. Two Family Dwellings.
4. Campground.
5. Cemeteries.
6. Churches, fraternal organizations, and other similar places of public assembly.
7. Veterinary Animal Hospital.
8. Driving Range.
9. Type A Family Day-Care Home.
10. Adult Group Homes, Residential Facilities, Type B, and Residential Care Facilities, Types A and B, Nursing homes.
11. Mineral Extractions.
12. Small Wind Farms.
13. Free Standing Telecommunication Towers.
14. Public buildings and/or uses which are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to parks, playgrounds, schools, fire stations, community centers, water treatment, pumping and storage facilities, wastewater treatment and pumping facilities.
15. Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries.
16. Agricultural Implement Businesses.
17. Rural Residential Businesses, subject to the conditions in Section 11.13. Rural Residential Businesses include sawmills (woodworking such as cabinet making, furniture refinishing, repair or construction); commercial recreation uses, small engine maintenance and repair shop; outdoor sales of products built on-site; professional business and office sales; landscaping services; welding shops; retail sales; and commercial vehicle and equipment storage. Any rural residential business that may be proposed, but not listed above, may be permitted as a conditional use provided it is determined to be a similar use pursuant to the procedures of Section 8.5, a conditional use

permit is issued in accordance with the procedures in Section 7.3 and such use complies with the conditions of Section 11.13.

E. Signs shall be permitted in the RR District as regulated in Section 10.38.

F. Dimensional Requirements

Minimum lot area: two (2) acres

Frontage (Width): two hundred (200) feet

Maximum Lot Depth: 5x frontage, on residential lots of less than fifteen (15) acres

Minimum Lot Depth: four hundred thirty-five (435) feet

Floor space requirements: one thousand two hundred (1,200) square feet for 1-3 bedrooms + 150 square feet per each additional bedroom Setback.

Principal Building:

1. Front on County or Township Roads: Fifty (50) feet from the Right of Way.
2. Front on State or Federal Highway: Eighty (80) feet from the Right of Way.
3. Side, Minimum: twenty (20) feet
4. Rear, Minimum: thirty (30) feet Setback.

Accessory Building:

1. Front on County or Township Roads: Fifty (50) feet from the Right of Way.
2. Front on State or Federal Highway: Eighty (80) feet from the Right of Way.
3. Side, Minimum: fifteen (15) feet
4. Rear, Minimum: fifteen (15) feet

Principal Building Height - Thirty-Five (35) feet

## **9.2 MANUFACTURED HOME PARK DISTRICT (MHP).**

A. Intent.

It is the intent of the MHP, Manufactured Home Park District, to provide an area for planned Manufactured Home Parks in accordance with Ohio Administrative Code 3701 and the Ohio Revised Code Section 3733.

B. Principal Permitted Uses.

1. Manufactured Homes
2. Type B Family Day-Care Home.
3. Individual Wind Energy Systems, subject to the standards in Section 10.37.

C. Accessory Uses.

Accessory Uses, Buildings, or other Structures customarily incidental to Manufactured Homes, including Home Occupations as regulated by Section 10.34.

D. Approval Procedures.

Manufactured Home Parks shall be developed according to the standards and regulations stated and referenced in Section 9.2(E). The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Section 7.1.

E. The Zoning Commission and Board of Trustees shall review the particular facts and circumstances of each proposed MHP District in terms of the following standards and shall find adequate evidence that such development meets the following standards:

1. The proposed Manufactured Home Park will be adequately served by essential public facilities and services such as highways, Streets, drainage, water, sewage disposal, refuse disposal, schools, law enforcement and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
2. The vehicular approaches to the proposed Manufactured Home Park will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
3. The proposed Manufactured Home Park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
4. The establishment of the proposed Manufactured Home Park shall not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhoods.
5. All Manufactured Home Parks shall have a twenty (20) foot landscape Buffer along all public rights-of-way and adjacent parcels, which shall be planted and maintained with a six (6) foot evergreen hedge or dense planting of evergreen shrubs not less than two (2) feet in height at the time of the planting. No Landscaping materials shall be planted in such a manner that any portion of growth extends beyond the property line. All Landscaping materials shall be installed in accordance with accepted, good construction and planting procedures. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these Buffer requirements.

6. All Manufactured Home Parks shall comply with all the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

### **9.3 PLANNED RESIDENTIAL DISTRICT (PD-1).**

#### **A. Intent and Purpose**

The Township recognizes that with increased suburbanization and population growth come increased demands for well-organized residential areas that take into account unique natural features, contemporary land use concepts, and a balanced residential environment. The Planned Residential District is intended to promote flexibility of land development for residential purposes while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the Township. Such developments shall be based upon a unified development plan conceived and carried out for the entire site.

#### **B. General Requirements**

1. The provisions of this Section, Sections 7.4 and 10.40 shall apply only to a tract of land containing at least twenty-five (25) acres for which an application is made as provided in Section 7.4.
2. The gross density of land use within a Planned Residential District shall not exceed .5 dwelling units per acre unless Conservation Development Standards are used. If Conservation Development Standards are used, the gross density of the land shall not exceed 1 dwelling units per acre.
3. Single family detached dwelling units shall constitute no less than sixty-five (65) percent of the total dwelling units in a Planned Residential District (PD-1) if Conservation Development Standards are not used.
4. Cluster or common wall Single-family zero lot line, attached twin singles, townhouses, or other innovative forms of residential development shall constitute no more than thirty-five percent (35%) of the total number of dwelling units within a Planned Residential District (PD-1) if Conservation Development Standards are not used.
5. Perimeter requirements shall call for comparable type and value of land use with neighboring districts where feasible.

#### **C. Permitted Principal Uses**

1. Without the use of Conservation Development Standards  
Within a Planned Residential District, without the use of Conservation Development Standards, the following uses are permitted subject to the area, size, density, and other provisions set forth in this Resolution.
  - a. Single family detached dwellings on lots of two (2) acres or greater.
  - b. Cluster housing and Single-family zero lot line units on portions of the property. The overall density for such portion of the property devoted to cluster housing and related open space shall not exceed the density that would result if those portions of the property were developed for single-family detached units in accordance with Section 9.1 (B).

- c. Common Wall Single Family Attached Dwelling Units on portions of the property. The overall density for such portion of the property devoted to common wall single family attached dwelling units, as defined in Article III and related open space shall not exceed the density that would result if those portions of the property were developed for single-family detached units in accordance with Section 9.1 (B).
  - d. Nonresidential uses of a religious, cultural, educational, or recreational nature or character to the extent they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
  - e. Public buildings and/or uses that are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.
  - f. Forest and wildlife preserves.
  - g. Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
  - h. Garage/yard sales, subject to the restrictions in Section 10.36.
2. With the use of Conservation Development Standards
- a. Single family detached dwellings.
  - b. Cluster housing units.
  - c. Common Wall Single Family Attached Dwelling Units.
  - d. Single-family zero lot line, attached twin singles, townhouses, or other innovative forms of residential development.
  - e. Nonresidential uses of a religious, cultural, educational, or recreational nature or character. Said facilities must be located with direct access to a major thoroughfare or arterial street as to permit access without burdening residential streets.
  - f. Public buildings and/or uses which are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.
  - g. Forest and wildlife preserves.
  - h. Projects specifically designed for watershed protection, conservation of soil or water or flood control.
3. Permitted Accessory Uses
- a. Accessory structures as regulated by Section 10.13.

- b. Accessory signs as regulated by Section 10.38.
- c. Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 10.22.
- d. Private swimming pools together with game courts for the use of occupants and their guests as regulated by Section 10.20.
- e. Home occupations conducted by the owner in residence of a permitted dwelling as regulated by Section 10.34.
- f. Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to the residents of the subdivision served.
- g. Temporary uses specified in and regulated by Section 10.17.
- h. Fences as regulated by Section 10.33.
- i. Large and small satellite dish antennas and aerial antennas as regulated by Section 10.32.
- j. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
- k. Solar Panels as regulated by Section 10.41.

#### D. Dimensional Requirements

- 1. Dimensional Requirements without Conservation Development Standards:
  - a. Minimum yard requirements: front, side, and rear yards for single family detached dwellings on lots of ten thousand (10,000) square feet or greater shall be designed so that no residential dwelling is closer than twenty (20) feet to any other residential dwelling. Other permitted uses shall have front, side, and rear yards each of which is at least forty (40) feet. No buildings shall be located closer than fifty (50) feet to any residential district boundary line or thirty (30) feet to any street right of way.
  - b. Floor space requirements: each residential dwelling hereafter erected in this district shall have a minimum floor area per dwelling unit as specified in Section 9.1.F.
  - c. Minimum yard requirements: Front, side and rear yards for Common Wall and Cluster Housing shall be designed so that no residential building is closer than eleven (11) feet to any other residential building. Other permitted uses shall have front, side, and rear yards each of which is at least forty (40) feet. No buildings shall be located closer than twenty-five (25) feet to any street right of way or fifty (50) feet to any residential district boundary line.
  - d. Set-back from Major Thoroughfare and Arterial streets: Buildings within PD1 shall be set-back no less than one hundred fifty (150) feet from the center line of a major thoroughfare or arterial street.

2. Dimensional Requirements with Conservation Development Standards:  
The Planning and Zoning Commission may, as a part of the PD-1 with Conservation Development Standards review process, require specific dimensional requirements if in their opinion such requirements are in the best interests of the health and welfare of the general Township.
- a. Minimum yard requirements: Residential, none. Other permitted uses shall have front, side, and rear yards each of which is at least fifty (50) feet. No building shall be located closer than fifty (50) feet to any residential district boundary line. Buildings within developments adjacent to major thoroughfares and arterial streets shall be set-back no less than one hundred fifty (150) feet from the centerline of said major thoroughfare or arterial street.

#### **9.4 NEIGHBORHOOD BUSINESS DISTRICT (NB).**

##### **A. Intent and Purpose**

It is the intent of the NB Neighborhood Business District to provide areas for business establishments that are pleasant, safe, and convenient to the neighborhood. It is furthermore the intent of this district to create an environment conducive to well-located and designed office building sites to accommodate professional offices, nonprofit organizations, and limited business activities. It is not the intent of this district to include shopping centers or other large scale commercial developments.

##### **B. Permitted Principal Uses**

1. Neighborhood Retail Businesses:
  - a. Florists and gift shops.
  - b. Food sales.
  - c. Convenient stores.
  - d. Drug stores.
  - e. Hardware stores.
  - f. Jewelry stores.
  - g. Clothing stores.

- h. Sporting goods stores.
  - i. Optical stores.
  - j. Furniture, home furnishing, or household goods stores.
  - k. Gas station/truck stop.
  - l. Auction house.
2. Personal Service Businesses:
- a. barber, beauty shop, salon services.
  - b. dry cleaning and laundry services, without drive-through facilities  
(Drive through facilities are considered to be an Auto Oriented Business and may be permitted as a conditional uses (see Section 11))
  - c. shoe repair services.
  - d. garment repair/tailoring services.
3. Banks, building and loan associations, credit unions, and other similar financial institutions, without drive-through facilities (drive through facilities are considered to be an Auto Oriented Business and may be permitted as a conditional use (see Section 11))
4. Business, professional, medical, and dental offices buildings.
5. Veterinary animal offices provided all business is conducted entirely within an enclosed building.
6. Funeral Homes.
7. Restaurants
8. Child Day Care Centers.
9. Telecommunication Towers.

10. Individual Wind Energy Conversion Systems, subject to the standards in Section 10.37 (Individual Wind Energy Conversion Systems)
  11. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use. Solar Panels may be permitted as an accessory use subject to the regulations in Section 10.41
  12. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.17 (Temporary Uses).
  13. Dwelling units provided said units are located in a building whose principal use is first permitted in the NB District.
  14. Large and small satellite dish antennas.
  15. Farm implement sales and services, and storage both new and used.
  16. Automobile sales and auto rentals as defined in Article III.
  17. Fences, subject to the standards in Section 10.33 (Fence Requirements).
- C. Conditional Uses.

The following uses may be permitted as conditional uses and are subject to approval by the Hocking Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article 11 (Conditional Use Regulations).

1. Auto Oriented Businesses as defined in Article III, used independently or in conjunction with a permitted use, and subject to the conditions in Section 11.4.
2. Sexually Oriented Business and subject to the conditions in Section 11.14.
3. Outdoor Service Facilities used in conjunction with a permitted use and subject to the conditions in Section 11.12.
4. Small Wind Farms, subject to the conditions in Section 11.15.

D. Required Standards

No zoning certificate shall be issued for any use in a Neighborhood Business District until the applicant shall have certified to the Zoning Inspector that:

- a) All business shall be of retail or service character.
- b) No manufacturing, processing, packaging, repair, or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- c) All premises shall be furnished with all-weathered hard surface walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- d) Where the property lines separate a business district from a residential district, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height, shall be provided along the common lot line, as regulated by Section 10.19.
- e) No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- f) The emission of smoke or other air pollutants and dust borne by wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- g) There will be no emission of odors or odor causing substances that can be detected without the use of instruments at or beyond the lot lines.
- h) There will be no vibrations that can be detected without the use of instruments at or beyond the lot lines.

Failure to comply with any of the Required Standards by property owners or users shall be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

E. Dimensional Requirements

In addition to any other provisions of this Resolution, all lands and uses within a Neighborhood Business District shall be developed in strict compliance with the standards hereinafter established:

1. Minimum lot area: Two (2) Acres.
2. Minimum lot frontage: except as hereinafter set forth all lots or parcels shall have two hundred (200) feet frontage. Lots or parcels having less than the above listed minimum frontage must have a lot width fifty (50) feet forward of the building line which is equal to the minimum lot frontage requirement. In no case shall the parcel have a lot width less than eighty-five (85) feet at the right of way line and the width of eighty-five (85) feet shall not be

decreased at any point forward of the building line of the principal building located on the premises.

3. Minimum corner lot frontage: One hundred (100) feet on one (1) street.
4. Minimum front yard depth: No building shall be located closer than one hundred (100) feet to any street right-of-way or one hundred and fifty (150) feet to the centerline of a major collector or arterial street.
5. Minimum side yard width, each side: No principal building or structure shall be located closer than twenty (20) feet to any side lot line.
6. Minimum rear yard depth: No principal building or structure shall be located closer than thirty-five (35) feet to the rear lot line.
7. No building shall be located closer than one hundred (100) feet from a residential district boundary line.
8. Building height limits: no building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. No aerial antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less ten (10) feet of said tract.
9. Lot coverage: On no lot or parcel in this zoning district shall buildings be constructed which cover more than thirty-five (35) percent of the lot area.

F. General Development Requirements

1. The maximum square feet of floor area for individual retail and service establishments shall be determined by the ratio of: Building area in square feet = lot size in acres x 10,000.
2. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. Parking areas shall be adequately lighted. (Also see Section 10.25)
3. Provision for storm drainage shall be adequate to protect the public and owners of surrounding lands.
4. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view. (Also see Section 10.23)
5. All service and delivery shall be at the rear of the structures; provided, however, that under hardship conditions provisions may be made for service and delivery at the side of the structures.
6. Outdoor storage and display of merchandise on pedestrian areas is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.
7. Parking areas shall be no closer to main structures than ten (10) feet.

8. Pavement areas adjacent to a residential district shall be screened. Such screening shall have a minimum height of five and one-half (5 ½) feet and a maximum height of eight (8) feet. (Also see Section 10.19)

## **9.5 PLANNED COMMERCIAL-OFFICE DISTRICT (PD-2).**

### **A. Intent and Purpose**

This district is provided in recognition that a mixing of land uses combined with increased densities allows a developer more flexibility in development design and provides more convenience in the location of commercial uses and business services. Provisions of this district are formulated to achieve harmoniously designed structures upon a well-landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which shall be compatible with surrounding land uses.

### **B. General Requirements**

1. The provisions of this Section and Section 7.4 and 10.40 shall apply only to a tract of land containing at least five (5) acres for which an application is made as provided in Sections 7.4 E and 7.4 F.
2. Commercial and/or office buildings and shopping center establishments shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.
  - a. Planned Commercial-Office Districts having less than twenty (20) acres in area shall have direct access to at least one (1) arterial street.
  - b. Planned Commercial-Office Districts of twenty (20) or more acres in area shall have direct access to one (1) arterial street and one (1) collector street and/or two (2) access points on an arterial street.
  - c. There shall be created a minimum green strip of seventy-five (75) feet planted with grass and landscaped with the purpose of providing a year-round combination of shrubs and trees between a residential use area and a Commercial Office development. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these Buffer requirements.
3. All parking and loading areas shall conform to the requirements of Section 10.25.
4. All signs shall conform to the requirements of Section 10.38.
5. Total lot coverage by all buildings in a commercial office planned development shall not exceed sixty (60) percent of the area of the tract provided, however, that underground parking structures, the highest portions

of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of lot coverage by buildings.

C. Required Conditions for Businesses

No business shall be approved in a Planned Commercial-Office District until the applicant shall certify as part of the Final Development Plan that:

1. The business activity shall be conducted wholly within a completely enclosed building.
2. All businesses shall be of retail or service character.
3. No manufacturing, processing, packaging, repair, or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
4. All premises shall be furnished with all-weathered hard surface walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
5. Where the property lines separate a business district from a residential district, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height, shall be provided along the common lot line (see Section 10.33).
6. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
7. The emission of smoke or other air pollutants and dust borne by wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
8. There will be no emission of odors or odor causing substances that can be detected without the use of instruments at or beyond the lot lines.
9. There will be no vibrations that can be detected without the use of instruments at or beyond the lot lines.

D. Permitted Principal Uses

1. Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, architects, engineers, law offices, offices of physicians, surgeons, dentists, chiropractors, or podiatrists or other allied medical, dental, or optical fields.
2. Offices of credit agencies, banks, savings and loan associations, personal credit institutions or loan offices. These businesses may be drive through businesses, provided any speakers are located at least one hundred (100) feet from any residential district boundary

3. Medical research facilities.
4. Research and development laboratories.
5. Bake goods shops, retail only.
6. Drug stores.
7. Grocery and delicatessen stores.
8. Hardware stores.
  
9. Variety stores.
10. Sporting goods stores.
11. Eating establishments. These businesses may have drive thru facilities provided any speakers are located at least two hundred (200) feet from any residential district boundary. Drive through facilities shall be developed in accordance with the standards of Automobile Oriented Businesses found in Article 11 of this Resolution. This distance may be reduced to one hundred (100) feet if the speaker is located on the side of the building opposite the residential boundary.
12. Large and Medium Retail Businesses.
13. Temporary uses specified in and regulated by Section 10.17.

E. Permitted Accessory Uses

1. Accessory structures as regulated by Section 10.13.
2. Off-street parking and loading spaces as regulated by Section 10.25.
3. Signs as regulated by Section 10. 38.
4. Fences as regulated by Section 10.33.
5. Large and small satellite dish antennas and aerial antennas as regulated by Section 10.32.

F. Dimensional Requirements

Minimum yard requirements: front, side, and rear yards shall be designed so that no building is closer than fifty (50) feet to any other building. No buildings shall be located closer than one hundred (100) feet to any district boundary line or one hundred (100) feet from a street right of way.

**9.6 PLANNED INDUSTRIAL DISTRICT (PD-3)**

A. Purpose

In the creation of the Planned Industrial District, it is the intention and desire of the Hocking Township Board of Trustees to provide those reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire township and so that the health, safety and general welfare of all inhabitants of Hocking Township may be preserved.

B. General Requirements

The provisions of this Section and Section 7.4 and 10.40 shall apply to any tracts of land proposed to be rezoned to a PD-3 District.

C. Application

The owner of any parcel within the township, regardless of the size, may submit an application for change in the zoning under the provisions of this Article of the Zoning Resolution.

D. Permitted Uses

Within the Planned Industrial District (PD-3) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

1. Manufacturing, processing, warehousing, storage, and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District regulations.
2. Construction/demolition debris facilities as regulated by Section 10.39.
3. Commercial establishments normally associated with and designed to serve the industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
4. Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Hocking Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Zoning Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.

## **9.7 Flood Plain Overlay District (F-P).**

### **A. Purpose**

This District is hereby established in recognition that certain areas are subject to periodic inundation along natural water courses, which are defined by this Zoning Resolution as Flood Hazard Areas. The purpose of this chapter is to regulate Uses within the Flood Hazard Areas to minimize the risks and damage potential within such areas. It is further the purpose of this overlay District to operate in conjunction with the Fairfield County Special Purpose Flood Damage Prevention Regulations administered by the Fairfield County Regional Planning Commission.

### **B. Establishment of District Boundaries and Applicability**

The boundaries of this overlay District shall include those areas identified as Flood Hazard Areas having a one percent or greater chance of flooding in any given year. Such areas will include those designated by FEMA, as supplemented by any other appropriate and technically qualified information, including the U.S. Army Corps of Engineers, Soil Conservation District, and the Ohio Department of Natural Resources. The boundaries of the Flood Hazard Areas are approximately shown on the Hocking Township Zoning Map, which is a part of this Zoning Resolution. Any Use permitted within this overlay District shall comply with the development standards for the underlying District and the Fairfield County Special Purpose Flood Damage Prevention Regulations.

### **C. Permitted Uses**

The following Uses shall be permitted within the Flood Plain Overlay District provided such Use is allowed as a permitted or Conditional Use in the underlying District.

1. Agricultural Uses.
2. Accessory industrial and commercial Uses such as loading areas, parking areas, airport landing strips.
3. Areas associated with residential Uses such as lawns, gardens, Parking Areas, play areas.
4. Parks, picnic areas, golf courses, tennis clubs, swimming facilities, country clubs, riding academies, and other similar recreational facilities.
5. Strip mining, including sand and gravel extraction, soil and peat moss removal.
6. Accessory Structures to a principally permitted or Conditional Use.

### **D. Prohibited Uses**

The following Uses shall be prohibited within the Flood Plain Overlay District regardless of whether such Use is considered to be a permitted or Conditional Use of the underlying District.

1. Structures designed for human habitation.
2. On-site septic systems.

E. Permit Required

Prior to issuance of a Zoning Permit for a Use within a Flood Hazard Area, evidence of a Flood Building Permit issued by the Fairfield County Regional Planning Commission must be submitted to the Zoning Inspector.

## **9.8 Wellhead Protection Overlay District**

A. Application

The regulations set forth in this section, duly made and adopted in accordance with the provisions set forth by the Ohio Environmental Protection Agency, by their accordance with the Amendment to the Safe Drinking Water Act of 1986, shall apply to any present and/or future wells and wellfields which comprise the source of the public water supply in Hocking Township.

B. Purpose

The purpose of this district is to safeguard the health and safety, and general welfare of the residents, and all those who receive, or will receive, the benefits of the water system by establishing a Wellhead Protection District which includes standards for land use within designated wellhead protection zones.

C. Enforcement of the Wellhead Protection District

Any business or facility who wishes to operate within a Wellhead Protection Zone must first contact the Zoning Inspector and follow the proper zoning procedures. A Zoning Permit shall not be issued until the applicable water provider has indicated that such use complies with the Wellhead Protection District. The applicable water provider is hereby appointed as the Zoning Inspector's designee to administer the regulations set forth in the Wellhead Protection District described in this Chapter.

D. Creation of Inner Management Zoning (Zone 1) and Drinking Water Source Protection Area (Zone 2)

- (A) Zone 1 is the area within the one (1) year time-of-travel contour as depicted on the Wellhead Protection Zone Map.
- (B) Zone 2 is the area within the five (5) year time-of-travel contour, and outside the one (1) year time-of-travel contour as depicted on the Wellhead Protection Zone Map.
  - (1) Changes may occur with the increase or decrease of pumping at the water plant. The Wellhead Protection Zone Map may be updated when the wellhead protection areas have changed as determined by scientifically derived models as accepted for use by the Ohio Environmental Protection Agency.

E. Land Use Within the Inner Management Zone (ZONE 1).

Zone 1 contains the applicable water provider's wellfield, and in order to protect the wellfield, contains the most restrictive land use practices.

- (A) Prohibited Uses. The following uses are prohibited in the Inner Management Zone (Zone 1).
  - (1) Disposal of solid waste.
  - (2) Disposal of hazardous waste.
  - (3) Storage of road salt or other deicing chemicals and the dumping of snow containing deicing chemicals.
  - (4) Animal feed lots.
  - (5) The outside storage of herbicides, pesticides, fertilizers or fungicides.
  - (6) Dry cleaning and commercial laundry establishments.
  - (7) Industrial uses which discharge processed waters onsite.
  - (8) Chemical and bacteriological laboratories.
  - (9) Metal polishing, finishing and plating establishments which includes auto body repair establishments.
  - (10) Commercial wood finishing, preserving, painting and furniture stripping establishments.

- (11) Commercial printing establishments.
  - (12) Motor vehicle service and repair shops, junkyards, motor vehicle junkyards, motor vehicle salvage operations, car washes as well as any similar use which might potentially affect groundwater quality. Motor vehicle service and repair establishments include auto body repair and painting, quick lube stations, any establishment which performs mechanical repairs such as transmission, drive train, engine, brakes, or mufflers. These restrictions also apply to commercial/industrial equipment, earth moving equipment, tractors, motorcycles, and airplanes.
  - (13) Trucking and bus terminals.
  - (14) Machine shops or foundries.
  - (15) Leather tanning and finishing.
  - (16) Electrical component manufacturing or assembly.
  - (17) New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind.
  - (18) Storage of liquid petroleum products of any kind in excess of fifteen gallons except for storage in a free-standing container within a building, or fuel for heating of that building. (Fuel tanks of parked vehicles are not included in this section.)
  - (19) Storage of petroleum, and/or any other regulated substances in underground storage tanks.
  - (20) Any other use which involves, as principal activity, the manufacture, storage, use, transportation, or disposal of toxic or hazardous material.
- (B) Exceptions and Guidelines for Zone 1. Any business, facility, or structure within Zone 1 which is established prior to the date in which effective date of this Resolution shall be identified in this chapter as a nonconforming facility. Nonconforming facilities are allowed to conduct business but are to be regulated by the Hocking Township Zoning Resolution and follow these guidelines.
- (1) All nonconforming facilities must register with the applicable water provider.

(2) The registration shall be submitted by the owner or operator of the facility

on forms provided by the applicable water provider on a bi-annual (every two (2) years) basis, or when the ownership of the facility changes or designated individual change occurs within the two (2) year reporting period, and shall contain at a minimum, the following:

- A. Name of the facility.
- B. Street and mailing address of facility.
- C. The designated individual to contact at the facility.
- D. A complete list of all chemicals, pesticides, fuels, and other regulated substances as defined in Article III of this Resolution to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect such materials from vandalism, corrosion and leakage, and to provide for control of spills. If any chemical, pesticide, fuel, or other regulated substance is added or discontinued during the reporting period, this change is to be made to the registration; and
- E. A complete list of potential toxic or hazardous wastes to be generated, indicating storage and disposal methods; and
- F. For underground storage of regulated substances, the BUSTR Identification number will be provided.

(3) Monitoring wells shall be established for all industrial and commercial facilities utilizing or storing hazardous or toxic materials, the number,

construction and location of the wells shall be determined by the applicable water provider. Once constructed, the wells shall be analyzed for volatile organic compounds (VOC's) semi-volatile organic compounds (SVOC's) and metals to determine background levels for the location. After initial testing, wells will be analyzed for VOC's and any other compounds detected in the background analysis which may pose a threat to the wellfield. The applicable water provider shall determine the sampling schedule for each site on an individual basis.

(4) When a nonconforming facility closes for a period of time greater than two years, it will lose its nonconforming zoning exception. The

same, new, or similar nonconforming facility may not open at the site without approval of the board of zoning appeals.

(5) If a nonconforming facility or business wishes to upgrade and/or expand its operation, it may be granted a variance by the board of zoning appeals if said facility or business can demonstrate an overall reduction of risk to the aquifer and/or wellfield, through a pollution prevention program instituted by the facility. A variance request shall follow the procedures outlined in Section 9.8 (K) below

(6) All facilities with USTs:

A. Shall have upgraded USTs by (one year from effective date of resolution) in accordance with the Bureau of Underground Storage

Tank Regulations, OAC 1301:7-9-06;

B. Shall have monitoring systems installed by (one year from effective date of resolution) in accordance with the Bureau of

Underground Storage Tank Regulations, OAC 1301:7-9-07; and C.

Are still governed by Hocking Township Zoning Resolution.

(7) All facilities which through the generation, transportation, disposal, or storage of hazardous substances file reports to the EPA under the guidelines of the Resources Conservation and Recovery Act must also present the applicable water provider with a copy of the report.

(C) Land Uses Allowed in Inner Management Zone (Zone 1).

(1) All ordinary and customary uses associated with maintenance and upkeep of buildings and grounds.

(2) Necessary public utilities and/or facilities designed so as to prevent contamination of groundwater.

(3) Agricultural uses: pasture, light grazing, hay making, gardening, nursery and any activities designed for conservation of soil, water, plants, and wildlife.

(4) Industrial or commercial uses which do not handle hazardous or toxic wastes or substances; and

- (5) Residential uses.

F. Land Use Within the Drinking Water Source Protection Area (ZONE 2).

The Drinking Water Source Protection Area (Zone 2) surrounds the Inner Management Zone (Zone 1) and is needed as added protection to the Hocking Township's Wellfields.

- (A) The following uses are prohibited in the Drinking Water Source Protection Area (Zone 2):

- (1) Disposal of solid waste.
- (2) Disposal of hazardous waste.
- (3) The outside storage of herbicide, pesticide fertilizer and fungicide; and
- (4) Any other use which involves, as principal activity, the manufacturing, storage, use, transportation, or disposal of toxic or hazardous material.

- (B) Regulated Land Uses in Zone 2:

- (1) All practices, and facilities prohibited in Zone 1 but not prohibited in Zone 2 will follow the guidelines of nonconforming facilities located in Zone 1 and Zone 2 described in those sections to include registration with the applicable water provider, and if required by the applicable water provider's installation of monitoring wells.
- (2) Any petition to install new underground storage tanks for liquid petroleum and/or chemical products of any kind must first be reviewed by applicable water provider to determine its relative position to the wellfield and its potential impact on the aquifer. The length of the review period shall be determined by the applicable water provider.
- (3) Any facility which closes for more than two years must be reviewed and approved by the board of zoning appeals before it may reopen. If approval is not granted, only practices listed in subsection (d) hereof will be permitted at the location.
- (4) Any facility or establishment wishing to open a regulated land use must have the approval of the applicable water provider.

- (C) Exemptions and Guidelines for Zone 2. Any business facility or structure within Zone 2, which is established prior to the effective date of this resolution, shall be

identified as nonconforming facilities, and are allowed to continue to conduct business under the following guidelines:

- (1) All nonconforming facilities in Zone 2 shall follow the same guidelines given for nonconforming facilities in Zone 1.
- (D) Allowed Land Uses in Zone 2.
- (1) All practices allowed in Zone 1 are also allowed within Zone 2.

#### G. Record Keeping

A copy of the records pertaining to registration under this chapter shall be retained for not less than seven (7) years and shall be made available for public review by the applicable water provider office upon written request. All such copies of the records shall be transferred to any owner or operator of an establishment that is sold, leased, transferred to, or received by a new owner or operator. The transfer of copies of the records shall in no way eliminate or prevent the necessity of the new owner or operator to register with the applicable water provider office as required by this chapter.

#### H. Notice of Violation

- (A) Any person found in violation of any provision of this chapter, any order, requirement, rule or regulation issued under the authority of such sections will be served with a written notice stating the nature of the violation and providing reasonable time for compliance. If the applicable water provider has previously issued a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the applicable water provider may dispense with establishing another time period for compliance.
- (B) The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the mailing address of the owner as shown on the County tax record.

#### I. Inspections

Subject to applicable provisions of law, the applicable water provider, or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause, or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this chapter to ensure that activities are in accordance with the provisions of this chapter. Upon written request of the entity which is the subject of the

inspection and if permitted by the Ohio Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the applicable water provider for the above stated purposes, the applicable water provider may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

#### J. Penalty

Any person, firm, corporation, or business entity who violates any provision of this chapter beyond the first-time limit for compliance set forth in writing by the applicable water provider shall result in penalties as described in Section 4.9. Each day a violation continues, after notification, shall constitute a separate offense.

#### K. Variances and Appeals

(A) Any person aggrieved by any order issued by the applicable water provider under the provisions of the Wellhead Protection Plan may appeal such decision to the board of zoning appeals in accordance with the procedures established in the township zoning resolution in addition to (a) and (b) below:

- (1) Wellhead Protection Appeals Advisory Board Established. The member communities of the Fairfield County consortium Drinking Water Source Protection Team (hereinafter “Protection Team”) will establish a Wellhead Protection Appeals Advisory Board (WHPAAB) for the technical review of any variance or appeals request submitted under the Wellhead Protection Plan. The WHPAAB shall consist of representatives from communities in the Protection Team. The WHPAAB shall operate in accordance with the bylaws developed by and for the group.
- (2) WHPAAB Review. Before action on any variance or appeal under this Resolution by the board of zoning appeals, the WHPAAB shall review any variance or appeal request to ensure that the request, if granted, will not present a contamination threat to groundwater. The WHPAAB shall provide a recommendation on the variance or appeal request to the board of zoning appeals. In doing so, they may include with the recommendation of any such alternatives or modifications to the request as necessary to minimize the potential for groundwater contamination. The WHPAAB shall have thirty (30) days from receiving the variance or appeals request to make a recommendation to the board of zoning appeals. This thirty (30) day period shall be inclusive within, not in addition to the allowed time frame for review by the board of zoning appeals.

**ARTICLE X  
GENERAL DEVELOPMENT STANDARDS**

**10.1 GENERAL REGULATIONS**

The Following general regulations are applicable to all Zoning Districts within Hocking Township unless otherwise modified by the requirements of a specific Zoning District.

**10.2 PRINCIPAL BUILDINGS PER LOT**

This resolution will allow two residential dwellings on a minimum of four (4) acres with prior approval from the Fairfield County Health Department for well and septic must be obtained for each dwelling. After the initial two residential dwellings, all decisions for other multiple dwellings, will be made on a case-by-case basis by the Hocking Township Board of Zoning Appeals through the application process. As with all decisions by the Hocking Township Board of Appeals, stipulations can be listed for each individual application.

**10.3 REDUCTION OF AREA OR SPACE**

No lot, yard, parking area, or other space shall be reduced in area of dimension, thus making said area or dimension less than the minimum required by this Resolution and, if said area or dimension is already less than the minimum required by this Resolution, it shall not be further reduced.

**10.4 CONSTRUCTION IN EASEMENTS AND LOCATION OF EASEMENTS IN PLATTED SUBDIVISIONS**

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded. Within these easements, no structure, plantings, or other material shall be placed or permitted to remain, which may damage, or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels in the easements. The easements area of each lot and improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. In newly platted subdivisions, all utility easements shall be located adjacent to rear lot lines.

**10.5 CONVERSION OF DWELLINGS TO MORE UNITS**

A structure may not be converted to accommodate an increased number of dwelling units unless the following requirements are met:

- A. The district is properly zoned for an increase in dwelling units.
- B. The yard dimensions shall meet the yard dimensions required by the Resolution for new comparable structures in such district.
- C. The lot area shall be adequate to accommodate the required off street parking for the converted unit.
- D. The lot area per dwelling unit equals the lot area requirements for new structures in such district.
- E. The floor area per dwelling unit is not reduced to less than that which is required for new construction in such district.
- F. The conversion is in compliance with all other applicable Federal, State, and local codes.

## **10.6 REGULATIONS PERTAINING TO DIMENSIONAL REQUIREMENTS**

In addition to the dimensional requirements specified in the Articles, the following provisions and modifications apply as specified. In addition to these regulations and the provisions of the Articles, Article VIII contains certain regulations that have to be met.

## **10.7 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS**

Multi-family dwellings shall be considered as one (1) building for the purposes of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

## **10.8 INCREASED FRONT YARD REQUIREMENTS FOR CERTAIN DWELLINGS**

Where at least thirty percent (30%) of the frontage of lots between any two (2) streets is developed with existing or proposed dwellings and is a part of a platted subdivision that has been approved by the county, and recorded by the County Recorder, the front yard shall not be less than the average established front yard setback as determined by the Zoning Inspector even though that required may be less than existing actual front yard setback. In areas that are not platted subdivisions, the Zoning Inspector may require larger front yard setbacks than are required, if the setbacks of adjoining property owners are greater than is

required by this Resolution. Any such requirements for a larger setback under the provisions of this section may be appealed to the Board of Zoning Appeals.

#### **10.9 YARD REQUIREMENTS FOR CORNER LOTS OR THROUGH LOTS**

On a corner lot or double frontage lot the principal building and all accessory buildings shall be required to meet the front yard requirement of the district from all street right-of way lines.

#### **10.10 ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS**

All architectural projections shall be in accordance with the following provisions:

Chimneys, flues, sills, pilasters, cornices, eaves, gutters, bay windows, balconies, awnings, and other similar architectural features may project into any required yard a maximum of three (3) feet.

No structure may project into a required side yard except in the case of a single nonconforming lot of records in single ownership prior to the effective date of this amendment to the Resolution, which is insufficient width to meet the side yard requirements of this Resolution. The Board of Zoning Appeals may grant a minimum specified variance to permit the construction of a one family residence in such a case, provided that the Fairfield Department of Health first certifies that the area is sufficient to properly install it on lot treatment device.

#### **10.11 VISIBILITY AT INTERSECTIONS**

No structure or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting centerlines of any two or more streets. In addition, no parking shall be allowed within this area. In determining if any sight impediment exists, the Zoning Inspector shall measure the sight distance between the centerlines of such streets at a height of two and one half (2 ½) feet above the actual grades of the streets, unless unique topographical conditions of the site in question require a greater distance.

#### **10.12 SPECIAL SETBACK REQUIREMENTS IN BUSINESS DISTRICTS**

Notwithstanding the provisions of this Article, the following regulations shall apply in all business districts:

- A. Flood lights are permitted on poles not less than fifteen (15) feet above grade and provided that the illumination is directed so that glare does not reflect upon the road and provided they are located at least fifteen (15) feet from the road right-of way.
- B. Driveways and sidewalks may be permitted up to the road right-of-way line provided that no parking shall be permitted closer than fifteen (15) feet from the road right-of-way.
- C. Open canopies and their structural supports, intended to provide protection of customers from the weather may be erected provided they shall be at least fifteen (15) feet from the road right-of-way.
- D. Signs of not over four (4) square feet in area for the direction of traffic only shall be located at least ten (10) feet from the road right-of-way.

Nothing in this section shall be interpreted to modify the requirements of Sections 10.3, 10.10 or 10.11 of this Resolution.

### **10.13 ACCESSORY STRUCTURES**

Accessory structures shall be subject to the following requirements.

- A. Accessory structures shall not be located directly in front of the principal structure. All accessory structure will be regulated by Hocking Townships Zoning Resolution guidelines regarding side lot, rear lot, and front lot setback requirements. The accessory structure can be located in front of the principal structure as to create an L-Shape from the principal structure, but not directly in front of the principal structure.
- B. Accessory structures greater than five hundred eighty (580) square feet in floor area shall not be erected in any required yard, other than a rear yard. Such structures shall be no closer than five (5) feet from the rear lot line.
- C. Accessory structures less than five hundred eighty (580) square feet in floor area may encroach a side or rear yard but shall be located no closer than five (5) feet from a side or rear lot line.
- D. The cumulative area of accessory structures shall not exceed the following square footage requirements. However, each residential lot shall be permitted to have a five hundred eighty (580) square foot private garage either attached or detached from the principal structure that shall not count toward the maximum cumulative area of accessory structures. Any non-permanent accessory structure shall count towards the maximum cumulative area of accessory structures:

Area Requirements for Accessory Structures:

LOT SIZE (ACRES)	MAX SQUARE FEET
2	2,500
3	3,800
4	5,100
5	6,400
6	7,700
7	9,000
8	10,300
9	11,600
10	12,900
11	14,200
12	15,500
13	16,800
14	18,100
15	19,400
16	20,700
17	22,000
18	23,300
19	24,600
20	25,900
21	27,200
22	28,500
23	29,800
24	31,100
25+	32,400

- E. No accessory structure shall exceed the height of the principal structure nor be located closer than ten (10) feet to the principal structure or other accessory structure on the same lot.
- F. Accessory structures shall not be located in an area designated by the Fairfield Department of Health for the placement of leach fields.
- G. Non-permanent accessory structures less than one hundred (100) square feet in area shall not be required to have a zoning permit.

#### **10.14 SPECIAL SETBACK REQUIREMENTS FOR BUSINESS DISTRICTS**

Where a business district or use, is adjacent to a Rural Residential or other residential district or use, there shall be a minimum setback of seventy-five (75) feet of all principal and accessory uses from any lot line or district boundary.

#### **10.15 DIRT FLOORS**

No part of any dwelling unit, excepting attached garages, shall be constructed with a dirt or gravel floor. This provision also does not apply to crawl spaces and structures attached to dwelling for storage purposes, but it does apply to basements.

#### **10.16 HEIGHT LIMITS EXCEPTIONS**

The height limitations of this Resolution shall not apply to churches, schools, hospitals, and such public buildings as a library, museum, art gallery, fire station, or a public building of a cultural, recreational or administrative nature; provided that for each two (2) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, it's side and rear yards shall be increased by one half (1/2) foot over the side and rear yards otherwise required in the district. Church spires, belfries, cupolas, and domes, monuments, fire and hose towers, observation towers, chimneys, smokestacks, and flag poles may exceed the height limitations, except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

#### **10.17 TEMPORARY USES**

The following regulations are necessary to govern the operation of certain uses that are non-permanent in nature. Application for a Temporary Zoning Permit, where applicable, shall be made to the Zoning Inspector, containing a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setback, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits that follow and to the regulations of any district in which such use is located:

- A. A real estate sales office including a mobile office may be permitted within any district for any new subdivision that has been approved by the Fairfield County Regional Planning Commission under subdivision regulations for Fairfield County. Such office shall contain no living accommodations. The permit shall be valid for six (6) months but may be granted six-month extensions if conditions warrant such renewal. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Zoning Permit, whichever occurs sooner.

- B. Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for six (6)-month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit whichever occurs sooner.
- C. The seasonal sale of agricultural produce grown on the premises may be permitted within any district when in compliance with Section 529.21 of the Ohio Revised Code. Such sales shall not extend for more than five (5) months in any calendar year and all structures or roadside stands shall be removed at the conclusion of the seasonal sale. All such structures must be set back from the roadway pavement a minimum of thirty-five (35) feet and the site shall contain adequate off-street parking area so as not to create a traffic hazard and to provide for safe ingress and egress.

### **10.18 MOUND DWELLINGS**

Mound dwellings or other energy efficient dwellings shall be permitted provided that they shall not later be increased in height. An applicant shall submit plans to the Zoning Inspector, who may require setbacks greater than those required in the articles. A basement house shall not be considered a mound dwelling. Mound dwellings shall have adequate drainage and shall be located on suitable terrain.

### **10.19 SCREENING**

No buildings or structures shall be erected, altered, or enlarged nor shall land for any nonresidential use on a lot that adjoins or faces any Residential District be used, nor shall any multiple family use be established adjoining any single-family development, until a plan for screening has been submitted, approved by the Zoning Inspector, or the Board of Zoning Appeals in case of Conditional Uses, except in accordance with the following provisions:

- A. Screening shall be provided for one or more of the following purposes:
  - 1. A visual barrier to partially or completely obstruct the view of structures or activities.
  - 2. As an acoustic screen to aid in absorbing or deflecting noise.
  - 3. For the containment of debris and litter.
- B. Screening may be one of the following or a combination of two or more, as determined by the Zoning Inspector.
  - 1. A solid masonry wall.
  - 2. A solidly constructed decorative fence.
  - 3. Louvered fence.
  - 4. Dense evergreen plantings.

5. Landscaped mounding.

- C. Whenever any non-residential use abuts a residential district, a visual screening wall, fence, planting and/or a landscaped mound shall be erected or placed beside such mutual boundary lines, except where the Zoning Inspector has determined that a traffic hazard will be created.
- D. Height of screening shall be in accordance with the following:
  - 1. Visual screening walls, fences, plantings, or mounds shall be a minimum of four (4) feet high, in order to accomplish the desired screening effect, except in required front yards when maximum height shall be not greater than two and one half (2 ½) feet. The Board of Zoning Appeals may provide for exception to the height of screening in the front yard.
  - 2. Dense evergreen planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5 ½) feet or greater or solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.
- E. Screening for purposes of absorbing or deflecting noise which is detectable off of the property shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings.
- F. Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, post or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs.

**10.20 ACCESSORY SWIMMING POOLS FOR SINGLE FAMILY DWELLINGS**

Private accessory swimming pools for single-family dwellings may be permitted in any district, provided the following provisions are met:

- A. The pool is intended solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.
- B. It may not be located closer than ten (10) feet to any property line and may not encroach upon any required front yard, side yard, or any required on- site wastewater leaching areas.
- C. Protection and safeguards of the pool is strictly between the property owner and their insurance company.

**10.21 JUNK**

The accumulation of trash, junk vehicles, vehicle parts, rags, or any other debris defined as junk in the Ohio Revised Code in any district shall be a nuisance per se and shall be prohibited outside of an approved junk yard. The purpose of this section is to promote the health, safety, and welfare of Hocking Township by elimination of environments for breeding of vermin, rodents, insects, and infestations.

A. Tires

Storage of used and/or discarded tires shall be limited to a total of not to exceed four (4).

**10.22 PARKING AND STORAGE OF MOBILE HOMES AND VEHICLES OTHER THAN PASSENGER CARS.**

The parking and/or storage of mobile homes, recreational vehicles, or other vehicles other than passenger cars upon any lot shall be in accordance with the following provisions:

- A. Mobile homes shall not be stored or parked outside of any mobile home park. No living quarters shall be maintained, or any business conducted within any mobile home.
- B. The storage of tools, landscaping instruments, household effects, machinery, or machinery parts, empty or filled containers, boxes or bags, trash and similar items in a platted subdivision shall be placed and stored as to be concealed from view.
- C. These provisions do not apply to items placed at the road right-of-way line on regular trash collection days for a period of twenty-four (24) hours prior to pick up.
- D. No more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family of two-family dwelling. For this purpose, a boat on a trailer is considered one piece of recreational equipment.
- E. Recreational equipment shall not be occupied or used for living, sleeping and/or housekeeping for a period of time exceeding two (2) weeks per calendar year.

**10.23 REQUIRED TRASH AREAS**

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall have such areas enclosed on at least three sides by a solid wall or fence one foot above the height of the structure in order to screen the containers if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required. All trash shall be stored in completely enclosed containers as to prevent the dispersal of trash by wind and other conditions.

**10.24 OUTDOOR STORAGE AND WASTE DISPOSAL**

All outdoor storage and waste disposal shall be in accordance with the following provisions:

- A. Highly flammable or explosive gases shall not be stored in bulk above ground. Fuel products stored for use on farms are excluded from this provision.
- B. The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.
- C. All outdoor storage areas shall be adequately screened from view from any Residential District by an appropriate wall, fence, or vegetative planting approved by the Zoning Inspector.
- D. Materials or wastes which might cause fumes, dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.
- E. No materials or wastes shall be deposited upon a lot in such form or manner that they may be dispersed off the lot by wind, flood, or other conditions.

**10.25 OFF STREET PARKING REGULATIONS**

Off street parking facilities shall be provided for the use of occupants, employees, and patrons of all uses in compliance with the provisions of this section. Off street loading and vehicle storage areas shall be provided for all commercial and industrial uses. All parking and loading areas for commercial and industrial uses shall be adequately drained and surfaced with a sealed surface pavement or compacted gravel and maintained so that no dust will be produced by continuous use.

**A. DIMENSIONAL REQUIREMENTS.**

The following dimensional requirements apply to parking areas, access ways, and similar features:

- 1. Single family residences shall be served by a driveway not less than ten (10) feet in width. There shall be a culvert not less than twenty (20) feet in length under the driveway.
- 2. Two family residences shall be served by a driveway not less than sixteen (16) feet in width. There shall be a culvert not less than thirty (30) feet in length under the driveway.
- 3. Multifamily residential structures shall be served by a driveway of not less than thirty (30) feet in width. In the case of a multifamily development of more than twenty (20) units, the driveway shall include separate portions for entrance and exit. In all cases the culvert shall extend a minimum of five (5) feet each side of the driveway.

**B. REQUIRED PARKING SPACES.**

The number of parking spaces required shall comply with the numbers specified in this section. In addition, the following guidelines apply to these requirements:

- 1. When the number of off-street parking spaces required is determined by the floor area of the use it shall mean the gross floor area of the use.

2. Fractional numbers of spaces shall be increased to the next whole number.
3. If a specific use is not provided for in the following list, the substantially similar use provisions of this Resolution shall apply.
4. If a parking ratio is not listed for a similar use, the Board of Zoning Appeals determines the number of required parking spaces.
5. No parking shall be permitted within any road right-of-way in relation to any of the requirements of this section. In the event that more parking is needed, the Township may require an enlargement of the required parking area where history or experience requires.

<b>USE</b>	<b>REQUIRED PARKING SPACE</b>
a. Automobile service station	1 for each 2 pumps plus 2 for each service bay
b. Automobile repairs	1 for each 200 sq. ft. of gross floor area
c. Assembly Hall, club room, place of amusement or similar place of assembly without fixed seating	1 for each 1,000 sq. ft. of gross floor area
d. Banks, savings and loans, business, and administrative offices	1 for each 400 sq. ft. of gross floor area
e. Bed and breakfast inns	1 for each guest room
f. Business and Professional Offices elsewhere specified	not 1 for each 200 square feet of office space
g. Day care centers, children's nurseries, and pre-schools	2 for each classroom but not less than 6 per center
h. Drive-up window service or fast-food restaurants, with seating,	1 for each 100 sq. ft. of gross floor space
i. Drive-up window service or fast-food restaurants, without seating	1 for each 200 sq. ft. of gross floor area
j. Driving range	1 for each 2 playing locations
k. Dwellings other than multi-family	2 for each dwelling unit
l. Eating and drinking establishments with no drive-up window service	1 for each 100 sq. ft. of gross floor space
m. Electronic products store – retail	1 for each 500 sq. ft.
n. Elementary and middle schools	1 for each teacher and staff member, plus 1 for each student up to five (5) percent of the student body
o. Funeral homes, mortuaries	1 for each 150 sq. ft. of gross floor area
p. Furniture and appliance stores, household equipment or furniture repair shop	1 for each 400 sq. ft. of gross floor area

q. Golf course	7 4 for each hole plus 1 space for each 2 employees on combined work shifts
r. Health care maintenance and emergency services	1.5 for each treatment room plus one for every employee on the largest shift
s. High school	1 for each 2 students
t. Hospitals	1 for each bed
u. Indoor sales exclusively of motor vehicles, aircraft, watercraft, lumber, plants, and furniture	1 for each 1,000 sq. ft. of sales area
v. Libraries, museums, or art galleries	1 for each 500 sq. ft. of gross floor area
w. Manufacturing, warehousing, wholesaling, or similar establishments	1 per 1,000 sq. ft. of gross building area
x. Medical and dental offices and clinics	1 for each 200 sq. ft. of gross floor area
y. Miniature golf course	2 spaces for each hole plus 1 for each 2 employees on combined work shifts
z. Motels and hotels (not including restaurant facilities)	1 for each living or sleeping unit plus space for supplementary uses
aa. Multi-family residential	2.0 for each dwelling unit
bb. Outdoor display and sales	1 for each 1,000 sq. ft. of display area
cc. Outdoor swimming pool	1 for each 5-person capacity (1 person/500 gallons) plus space for supplementary uses
dd. Personal services such as barber shop or beauty shop	1 space for every chair
ee. Personal and Consumer Services not elsewhere specified	1 for each employee plus one for each 400 square feet of office space
ff. Recreational uses not elsewhere specified	1 for each 3 patrons
gg. Restaurants and bars	1 for each 100 sq. ft. of gross floor area
hh. Retail sales or services not elsewhere specified	3 for first 1,000 sq. ft. plus 1 for each additional 500 sq. ft. of gross floor area
ii. Sanitariums, convalescent homes, children's homes	1 for each 2 beds
jj. Service-related uses such as printing or plumbing shops	1 for each 2 employees plus 1 for every 2 vehicles used for service or delivery
kk. Shopping centers including supermarkets	3 for each 1,000 sq. ft. of gross floor area
ll. Video rental store	1 for each 300 square feet of gross floor area

C. ACCESS LIMITATIONS FOR COMMERCIAL USES

For all commercial uses, the number of access points onto the adjoining road should be limited to protect the motoring public. Access points shall be limited in relation to the amount of frontage on a public road as follows:

FRONTAGE	MAXIMUM NUMBER OF ACCESS POINTS
Less than 500 ft.	1
500-1000 ft.	2
Over 1000 ft	3

**SECTIONS 10.26-10.31 RESERVED FOR FUTURE USE**

**10.32 LARGE SATELLITE DISH ANTENNAS**

The purpose of this section is to minimize the adverse visual effects of telecommunications devices through design and landscaping standards. It protects properties that are adjacent and within the general vicinity from the potential damage of tower failure, falling ice and debris, and interference caused by tower emissions or the structure itself.

- A. Large satellite dish antennas shall be permitted as an accessory use in those zoning districts where they are so specified.
- B. All large satellite dish antennas shall be constructed or erected to the rear of the premises.
- C. No large satellite dish antenna shall be erected within twenty (20) feet from any lot lines.
- D. No large satellite dish antenna shall be linked to receivers which are not located on the same lot or premises.
- E. Landscaping should be provided, or the large satellite dish antenna shall be located so as to effectively screen it from view of adjacent parcels.
- F. The maximum diameter of any large satellite dish antenna shall not exceed twelve (12) feet. The maximum installed height of any large satellite dish antenna shall not exceed fifteen (15) feet above natural grade level or the base of its support structure.

- G. Only metal supports of galvanized construction, or equal thereto, shall be permitted.
- H. Only a concrete base or caissons, depending on soil conditions, shall be permitted, unless roof mounted.
- I. The installed satellite dish structure shall be capable of withstanding a wind force of up to eighty-five (85) miles per hour.
- J. Any large satellite dish antenna must be grounded to an eight (8) foot grounding rod.

### **10.33 FENCES, WALLS, AND VEGETATION**

The location and height of all fences, walls, and vegetation shall be in accordance with the following provisions.

- A. No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting center lines of any two or more streets. In determining if any sight impediment exists, the Zoning Inspector shall measure the sight distance between the center lines of such streets at a height of three feet, nine inches (3'9") above the actual grades of the streets.
- B. Fences and walls shall not be permitted within any right of way.
- C. No fence on residential lots shall exceed eight (8) feet unless approved by the Board of Zoning Appeals and no fence shall exceed thirty (30) inches in height between the street right-of-way line and the building setback line. Supporting members for walls and fences shall be installed on the interior of the lot being fenced. This regulation shall not apply to fences or walls which are designed so that the supporting members are identical in appearance from both sides of the fence or wall. Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, and safety of the public.
- D. On lots of less than one (1) acre, electrified fences that follow the property line or parcel boundary shall be prohibited. Electrical fences shall only be permitted on lots of less than one (1) acre if they are located within the required lot setback.
- E. No accessory structure, wall, fence, or vegetation of any kind may be constructed, placed, planted, or allowed to grow which would visibly obscure, hide, or screen fire hydrants, street address numbering, and other security or emergency service equipment, controls, or components.

### **10.34 HOME OCCUPATIONS**

- A. The following standards shall govern home occupations as a permitted use within Hocking Township.
1. The owner of the premises must reside in the dwelling unit used for the home occupation.
  2. No person or persons, other than the owners of the premises shall operate a home occupation.
  3. Not more than one worker exclusive of the owners shall be employed in a home occupation at any one time.
  4. All home occupations shall be conducted entirely within the dwelling unit, and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
  5. Not more than twenty (20) percent or four hundred (400) square feet of the gross floor area, whichever is less, of any dwelling unit shall be used for a home occupation.
  - 6 Home occupations shall not be permitted in any accessory building within any district.
  7. 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 two (2) square feet in area, non- illuminated, and mounted flat against the wall of the building in which the home occupation is located.
  8. There shall be no sale on the premises of commodities other than those produced as the result of the home occupation.
  9. Equipment or processes shall not be used in such home occupation which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
  10. There shall be no increased burden placed upon existing public services provided to the residence as a result of a home occupation.
- B. A person may apply for a conditional use permit for a home occupation that does not comply with the requirement of Section 10.34 A. The criteria for the issuance of such a permit for a home occupation are as follows:
1. There shall be no more than two (2) non- residential employees or volunteers to be engaged in the proposed use.
  2. Sales of commodities not produced on the premises may be permitted provided that the commodities are specified in the application and are reasonably related to the home occupation.
  3. Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots, provided the application so specifies.

4. Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation.
5. The external appearance of the structure in which the use is to be conducted shall not be altered and not more than one sign no larger than two (2) square feet shall be mounted flush to the wall of the structure.
6. Minor or moderate alterations in accordance with (specify code) may be permitted to accommodate the proposed use but there shall be no substantial construction or reconstruction.
7. No equipment process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x- rays, radiation, or electrical disturbances.
8. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

### **10.35 OUTDOOR LIGHTING.**

The regulation of outdoor lighting in Hocking Township has been found necessary to prevent misdirected or excessive artificial light caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light), and/or unnecessary sky glow. The degree to which outdoor night lighting affects property owners or neighborhoods will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on adjacent property owners and the neighborhood.

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

Design Standards:

1. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only cut-off light fixtures shall be used.
2. Where used for commercial and industrial 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.
  - b. Other upward directed architectural, landscape or decorative direct light emissions shall have at least 90 percent (90%) of their total distribution pattern within the profile of the illuminated structure.

- c. Proposed recreational and sports facility lighting shall be submitted to the Township Zoning Inspector for approval prior to installation. Such lighting shall have directional and glare control devices, when necessary to minimize light trespass.
- d. External 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 spill lighting to a minimum.
  - iii. Lighting glare shall not be seen by oncoming motorists.
- e. All other outdoor light shall use shielded light fixtures.
- f. The term “shielded light fixture” as used herein shall be defined as complying with one of the following definitions:
  - i. A fixture for which the entire light source (Lamp-Light Bulb) is not visible when viewed at ninety (90) degrees to the vertical, along a line parallel with the ground at the height of the fixture.
  - ii. A light fixture that complies with the IESNA definition of Cut-off.
  - iii. A light fixture for which the illumination from the light source is controlled by a prismatic refractor in such a way that the bare lamp (light bulb) cannot be viewed directly by an observer from any angle.

In the case of a complaint, it is the responsibility of the installer to provide proof, including published test data, to the Township Zoning Inspector that the proposed luminaire(s) (light fixtures) comply with one of the above definitions.

- 3) No flickering or flashing lights shall be permitted, except for temporary holiday decorations, which may be in use only during a period from Thanksgiving Day until January 6.
- 4) All pole and canopy lights shall have flat lenses. Drop lenses will not be acceptable.

Lighting Levels: The following chart contains minimum, average and maximum horizontal or vertical illumination levels, as indicated, for the outdoor facilities shown. The minimum and maximum values shall be at any point on the lighted surface and all values shall be maintained.

Area/Activity	Illumination in Foot-candles		
	Minimum	Average	Maximum

Building surrounds (non-residential)	(Horizontal)	0.20	1.00	2.00
	(Vertical)	0.45	2.25	4.50
Bikeways & Walkways along roadside:				
Commercial Areas:	(Horizontal)	0.20	1.00	2.00
	(Vertical)*	0.45	2.25	4.50
Intermediate Areas:	(Horizontal)	0.12	0.60	1.20
	(Vertical)*	0.25	1.10	2.50
Residential Areas:	(Horizontal)	0.02	0.20	0.40
	(Vertical)*	0.10	0.50	1.00
Bikeways & Walkways distant from roadside:				
And stairways	(Horizontal)	0.10	0.50	1.00
	(Vertical)*	0.10	0.50	1.00
Loading and unloading platforms:	(Horizontal)	5.00	10.00	20.00
Parking Areas	(Horizontal)	1.25	4.00	8.00

\*For pedestrian identification at a distance. Values at six (6) feet above the pavement or walkway.

Reference Source: Illuminating Engineering Society of North America (IESNA), Lighting Handbook (2000, and as revised)

Light Trespass (Nuisance Light): All light fixtures, except street lighting, shall be designed, installed, and maintained to prevent light trespass, as specified below: 1. The amount of illumination at the eye of a viewer on contiguous residential

Property, when viewing an offending light source, shall not exceed 0.1-foot candles from that source.

Height Standards of Lighting:

Light fixtures in residential uses shall be mounted no higher than thirty (30) feet.

Light fixtures in non-residential uses shall be mounted no higher than thirty (30) feet.

### **10.36 GARAGE/YARD SALES**

Garage sales and other temporary sales shall be permitted, provided the sales are conducted during daytime hours only and all signs are removed immediately upon cessation of the sale. Such sale activated on any single premises shall not be conducted for a total of more than four (4) times in any calendar year. All items displayed for sale on a lot shall be located outside the public or private road right of way. Within twenty-four (24) hours from said sale, all items that were on sale must be removed from outside display.

### **10.37 INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS**

Hocking Township recognizes the importance of clean, sustainable, and renewable energy sources. To that end, Hocking Township permits the Use of Individual Wind Energy Conversion Systems under the following regulations to ensure the safety and welfare of all township residents is met. Individual Wind Energy Conversion Systems shall comply with the following standards:

#### **A. Maximum Height**

The tower height of an Individual Wind Energy Conversion System shall not exceed one hundred (100) feet.

#### **B. Setback Requirements**

An Individual Wind Energy Conversion System shall be located in such a manner where its tower will have a “clear fall zone” from all neighboring property lines, Structures, as well as any inhabited Structures. An Individual Wind Energy Conversion System will need to be erected and placed in such a manner that if its tower were to fall, whatever direction the fall occurs would be contained solely on the property where the system is located and would not strike any Structures, including a Principal Building or any inhabited Structures.

#### **C. Maintenance**

Individual Wind Energy Conversion Systems must be maintained in good working order. Individual Wind Energy Conversion Systems that become inoperable for more than twenty-four (24) months must be removed by the Owner within thirty (30) days of the issuance of a zoning violation. Removal includes the removal of all apparatuses, supports, and other hardware associated with the existing Individual Wind Energy Conversion System.

#### D. Decibel Levels

Individual Wind Energy Conversion Systems shall operate within a decibel range of fifty (50) to seventy (70) decibels. This information shall be obtained from the manufacturer of the residential wind turbine and all decibel readings, if necessary, shall be taken from the nearest neighboring property line.

#### E. Wiring and electrical apparatuses

All wires and electrical apparatuses associated with the operation of an Individual Wind Energy Conversion System shall be located underground.

#### F. Anti-Climb Devices

All towers within an Individual Wind Energy Conversion System must be designed to be unclimbable or protected by anti-climbing devices.

#### G. Permit Required

No Person shall construct or install an Individual Wind Energy Conversion System without having received an approved Zoning Permit from the Zoning Inspector (unless otherwise exempted by state or federal laws). In addition to the general submittal requirements for a Zoning Permit listed in Section 4.3, an engineering report that shows the following must be submitted:

1. The number and height of each tower within the Individual Wind Energy Conversion System.
2. The total size and depth of the concrete mounting pad for each tower, as well as soil and bedrock data.
3. A list or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightening protection.
4. Data specifying the kilowatt size and generating capacity of each tower.
5. The maximum decibel level of the Individual Wind Energy Conversion System. This information must be obtained from the manufacturer of the tower(s).
6. A site drawing showing the location of the tower(s) to existing Structures on the property, roads, and other public rights-of-way and neighboring property.

7. Evidence of a “clear fall zone” with manufacturer’s recommendation must be attached to the engineering report.
8. A maintenance schedule as well as a dismantling plan that outlines how the Individual wind energy system will be dismantled.

## **10.38 SIGNS**

### **A. General Sign Regulations**

All Signs shall comply with the following general regulations and the size, height, and Setback standards for the applicable District.

1. Sign lighting shall comply with the requirements of Section 10.35.
2. Signs shall not be erected within nor project into any public right of way unless otherwise specified.
3. Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.
4. Signs shall not obstruct free and clear visibility at any intersection.
5. Signs shall not be located or designed so as to interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device.
6. Signs shall not make use of rotating, fluctuating, blinking, flashing, or intermittent lights.
7. Signs shall not be erected or located upon any property or building without the consent of the owner(s) or an authorized representative.
8. All lighting, indirect or internal, shall consist of constant illumination, which is uniform in intensity. All lighting shall be properly directed so as to not create a nuisance to surrounding properties because of glare.
9. Wall signs shall not extend above the junction of any roof and wall.
10. The date each temporary sign is first displayed and the time period for which the temporary sign will be displayed shall be legibly marked on the sign.
11. Temporary Signs are permitted in all Districts provided such Signs are less than thirty-two (32) square feet in area and four (4) feet in height, provided such Signs are not displayed for more than sixty (60) calendar days within any one hundred eighty (180)-day period. Such Signs must also be located at least six (6) feet from the right-of-way line. Temporary Signs that are seven (7) square feet in area or less and three (3) feet in height or less shall not be subject to the sixty (60) day time limit.
12. Permanent Signs identifying a residential development shall be limited to Wall Signs only, with placement on walls entrance columns or similar landscape features used to denote the entrance to the development. There shall be no more than one residential development identification Sign per development entrance. Each Sign shall not exceed

six (6) feet in height and twenty (20) square feet in area. Each Sign shall be Setback a minimum of fifteen (15) feet from the right-of-way.

13. Construction - All Signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.

**B. Prohibited Signs**

1. Message centers, flashing signs, moving signs, and the animation of signs are prohibited.
2. Outdoor advertising displays and/or billboards are prohibited except for those advertising devices regulated by Section 519.20 of the Ohio Revised Code.
3. Signs mounted upon the roof of any building or structure are prohibited.
4. The use of building walls for display of advertising is prohibited.
5. "A" frame signs are prohibited.
6. Air activated attraction devices are prohibited.
7. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features are prohibited.
8. Signs painted directly upon the roof of any building or structure is prohibited.
9. Projecting signs are prohibited.

**C. Size, Height, and Setback Requirements.**

All Signs shall comply with the size, height and Setback requirements for the district in which the Sign is located. These requirements are listed in the following table:

District	Permitted Types	Max. # of Signs Per Lot	Max. Sign Height* (Ft.)	Max. Sign Area (Sq. Ft.) for each permitted Sign	Min. Setback from R.O.W (Monument Signs)
RR	Wall	1	8	2	N/A
MHP	Wall	1	8	2	N/A
NB	Wall or Ground	No more than 1 Ground Sign and 1 Wall Sign per business	35 feet (Wall) 8 feet (Ground)	1 square foot per 1 lineal foot of width of the building face or part thereof, not to exceed 80 square feet.	20

PD-1	Per Approved Development Plan
PD-2	Per Approved Development Plan
PD-3	Per Approved Development Plan

D. Outdoor Advertising Signs (Billboards)

Outdoor advertising signs (Billboards) shall be permitted only in the NB Districts and land used for agricultural purposes in addition to any signs permitted in Section 9.5. All outdoor advertising signs (Billboards) shall comply with the following requirements:

1. The maximum height of an outdoor advertising sign shall be thirty (35) feet.
2. All outdoor advertising signs shall be Setback a minimum one hundred (100) feet from any right-of-way and shall otherwise comply with the Setback requirements for the district in which such sign is located.
3. The maximum sign area for each face of an outdoor advertising sign shall be three hundred sixty (360) square feet.
4. No outdoor advertising sign shall be located within five hundred (500) feet of any residentially zoned district and must have one thousand (1,000) feet between billboards.

E. Measurement of Signs

For purposes of this Zoning Resolution, the measurement of Sign area shall comply with the following standards:

1. Sign area shall include the face of all the display area of the Sign not including bracing, framing and structural supports of the Sign, unless such support members are made part of the message or face of the design.
2. Where a Sign has two or more display faces, the area of all faces of the Sign shall be included in determining the area of the Sign, unless otherwise noted. For spherical Signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the Sign face. For cubical Signs, the area of all display faces shall be included in determining the area of the Sign.
3. The area of the letters, numbers or emblems mounted on a Building wall or wall extension shall be computed by enclosing such Sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number, or emblems, and determining the area.

4. The height of a Wall Sign is measured from the established grade line to the top of the sign. The height of a Ground Sign is measured from the established grade line to the highest point of the sign or its frame/support and cannot be artificially increased by the use of mounding.

#### F. Sign Lighting Standards

1. Sign Lighting shall be consistent, understated, and properly disguised. One of the following methods of lighting may be employed:
  - a. A white, steady, stationary light of reasonable intensity directed from above solely at the sign and/or otherwise prevented from beaming directly onto adjacent properties or rights-of-way.
  - b. A white interior light of reasonable intensity with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
2. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of way or parking lot from which the sign can be viewed.

### **10.39 CONSTRUCTION/DEMOLITION DEBRIS FACILITIES**

1. Such facilities shall be located on a minimum of twenty (20) acres and shall be setback a minimum of five hundred (500) feet from an occupied dwelling as defined in ORC 3714.03, unless written permission is given by the owner of the dwelling and is presented to the zoning inspector. The setback requirements of the applicable zoning district shall otherwise apply.
2. The area of use shall be completely enclosed by a chain link fence (minimum of six (6) feet in height). An earthen mound at least six (6) feet in height with a maximum side slope of 3:1 shall be provided on the inside of the fence. Landscaping shall be provided on the earthen mound and shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.
3. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
4. Copies of all applicable licenses and/or permits required by the State of Ohio shall be provided to the Zoning Inspector.

5. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
6. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
7. There shall be no burning of refuse, garbage, or other waste material.

## **10.40 PLANNED UNIT DEVELOPMENTS**

### **A. General Regulations**

All planned unit developments shall comply with the following general regulations and the standards for the applicable planned unit district.

#### **1. Utilities**

Planned developments shall have an adequate source of potable water. All water lines constructed within a planned development shall be at the financial responsibility of the owner or developer.

The owner or developer of a planned development shall be financially responsible for the extension of the existing network of sanitary sewage lines to serve the planned development area. No commencement of work shall be permitted on buildings within any segment of a planned unit development until after the extension of sanitary sewer lines has been completed.

The following utility equipment shall be provided, constructed, and installed underground within a planned development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines. All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land such as streams, rock outcropping, topsoil, trees, and shrubs and the same shall be incorporated into and with the landscaping of said lands. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.

#### **2. Storm Water Management**

Due to the size and nature of Planned Developments and the fact that several types of developments may be exempt from platting requirements, all site plans must have a storm water management plan, approved by the zoning commission or designee, with the

improvements constructed before a zoning certificate will be issued for construction of buildings.

### 3. Height Requirements

No principal building in the PD-1 or PD-2 district shall exceed thirty-five (35) feet in height and no principal building in the PD-3 district shall exceed fifty (50) feet in height.

### 4. Signs

All signs within a planned development shall be in accordance with Section 10.38.

### 5. Open Spaces

- a. At least fifteen percent (15%) of the gross acreage within a "PD-1" planned development, as set forth in Section 7.4 A, shall be reserved as open space, as defined in Article III. In computing the amount of open space, road rights-of-way of all types, paved vehicular areas including parking areas and driveways shall be excluded. The open area may be, but is not required to be, open to all residents or users of the planned development.
- b. Within a PD-3 development, the ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of the total area of the lot or tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the lot or tract.

The following items are a part of the computation of the open space:

Scenic easements, utility easements, front yards-driveways excluded, side yards, rear yards, lakes or ponds, golf course and/or private and public open space and including up to twenty-five percent (25%) of land area included within bounded stanchions but located between guy-wiring and stanchions attached to a communications tower if said guywires and stanchions are located so as to leave said percent open to the sky. All land area located between guy-wiring and stanchions and included in an open space computation shall be landscaped so as to screen the base of the tower and all related structures and shall not be used for active or passive recreation facilities of any kind.

### 6. Common Open Spaces

- a. Common Open Space Requirements if Conservation Development Standards Are Not Used:
  - 1) A minimum of fifteen percent (15%) of the gross acreage within a residential planned development shall be required to be common open space, as defined in Article III, available to all residents or users of the planned development.
  - 2) The location, shape, size, and character of common open space shall be suitable for the planned development in relation to the location, number and types of

buildings it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development. Entry features, detention and retention basins shall not be included in the area required for common open space.

- 3) The common open space shall be used for amenity or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings.
- 4) The common open space may be suitably improved for its intended use, but common open space containing natural features worthy of preservation such as slopes over twelve percent (12%), and wooded areas may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

b. Common Open Space Requirements if Conservation Development Standards Are Used:

- 1) Conservation Developments requires that no less than fifty percent (50%) of the total gross area of the area being developed be set-a-side as common open space. Open space land may, at the discretion of the Township Trustees, be dedicated as public park land or public institutional use; or placed within other protected land classification systems which will assure that such land will remain in a natural state prohibiting further development, and the establishment of appropriate standards safeguarding the sites special assets as identified by the Zoning Commission.
- 2) The location, shape, size, and character of common open space shall be suitable for the planned development in relation to the location, number and

types of buildings it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development. Entry features, detention and retention basins shall not be included in the area required for common open space.

- 3) The common open space shall be used for amenity or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings.
- 4) The common open space may be suitably improved for its intended use, but common open space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The buildings, structures, and improvements that are permitted in the common open space must be appropriate to the uses which are authorized for the

common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

#### 7. Ownership of Common Open Space

Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain undivided and may be owned and managed by a homeowner's association, the township, or a recognized land trust or conservation district (conservancy). A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

a. Ownership Standards. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the township.

- 1) Offer of Dedication. The township shall have the first offer of dedication of undivided common open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The township may, but not be required to accept undivided common open space provided: 1) such land is accessible to all the residents of the township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the township agrees to maintain such lands. Where the township accepts dedication of common open space that contains improvements, the township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
- 2) Homeowners Association. The undivided common open space and associated facilities may be held in common ownership by a homeowner's association. The association shall be formed and operated under the following provisions:
  - a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
  - b. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
  - c. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
  - d. The association shall be responsible for maintenance of insurance and taxes on the undivided common open space, enforceable by liens placed by the township on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites

- of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
- e. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
  - f. In the event of transfer, within the methods here permitted, of undivided common open space land by the homeowner's association, or the assumption of maintenance of undivided common open space land by the township, notice of such pending action shall be given to all property owners within the development.
  - g. The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
  - h. The homeowner's association may lease common open space lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such a lease agreement shall provide:
    - i) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);
    - ii) That the undivided common open space shall be maintained for purposes set forth in this Section; and,
    - iii) That the operation of common open space facilities may be for the benefit of the residents only or may be open to all residents of the township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the township, all residents of the township shall have access to such identified paths/walkways.
  - i. The lease shall be subject to the approval of the homeowners' association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Fairfield County Recorder's office and notification shall be provided to the township trustees within thirty (30) days of action by the board.
- 3) Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township Trustees. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a "common element".
  - 4) Dedication of Easements. The township may, but shall not be required to, accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners' association, provided:
    - a. Such land is accessible to township residents.
    - b. There is no cost of acquisition other than incidental transfer of ownership costs.

- c. A satisfactory maintenance agreement is reached between the developer, association, and the township.
- 5) Transfer of Easements to a Private Conservation Organization. With the permission of the township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
- a. The organization is acceptable to the township and is a bona fide conservation organization with perpetual existence.
  - b. The conveyance contains appropriate provisions for the proper reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and,
  - c. A maintenance agreement acceptable to the township trustees is entered into by the developer and the organization.

8. Off-Site Common Open Spaces

- a. In Lieu of the common open spaces required in Section 10.40 (A)(6), above, the Zoning Commission or Township Trustees, as the case may be, may accept, as part of an approved final development plan, common open space consisting of an offsite unified tract of land which is suitably located and of adequate type and size to accommodate recreational facility sites, parks, and other similar types of public uses.
- b. The proposed off-site common open space shall be conveyed to a public authority that will agree to maintain the off-site common open space and any building structures or improvements that have been placed on it. All land conveyed to a public authority must meet the requirements of the appropriate public authority as to size, shape, location, character and the method, conditions, and timing of the transfer. Public utility or other similar easements and right of way for watercourses or other similar channels are not acceptable for off-site common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the public authority to which land is to be transferred.
- c. The off-site common open space shall be used for recreational purposes, open space, park, school site, or other similar type of public use. Any uses and/or buildings authorized for the off- site common open space must be appropriate in relation to the location, size, shape, and topography of the tract.  
The off-site common open space may be suitably improved for its intended use, but off-site common open space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The buildings, structures, and improvements which are permitted in the off-site common open space must be appropriate to the uses which are authorized for the off-site common open space and must conserve and enhance the amenities of the off-site common open space with regard to its topography and unimproved condition.

- d. The minimum size of the proposed off-site common open space shall be the greater of fifteen percent (15%) of the gross acreage of the planned development or five (5) acres.
- e. Off-site common open space shall only be considered upon request of the applicant and upon a determination that common open space within the development is insufficient, inappropriate, and impractical for the proposed uses and purposes and that the off-site common open space is reasonably accessible to all residents and users of the planned development. In all cases, the benefits of a proposed off-site common open space shall outweigh the benefits of providing common open space within the planned development. Factors used in evaluating the adequacy and appropriateness of the proposed off-site common open space include:
  - 1) The location, size, shape, and topography of the tract.
  - 2) The intended use of the tract and the existing and proposed amenities, improvements, and facilities.
  - 3) The access to and location of the tract in relation to the planned development.
  - 4) The method and degree of integration of the tract with the planned development.
  - 5) The character of the Zoning District in which the tract is located, the uses permissible within the district and the compatibility of the proposed uses with adjoining development and uses.
  - 6) The availability and adequacy of essential public facilities and services.

#### 9. Maintenance of Open Space

The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township Trustees, in order to preserve the taxable values of the

properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the Township Trustees shall, upon its initiative or upon the request of the organization thereto-fore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned development, to be held by the Township Trustees, at which hearing such organization or the residents of the planned development shall show cause why such maintenance by the Township Trustees shall not, at the election of the Township Trustees, continue for a succeeding year. If the Township Trustees shall determine such organization is ready and able to maintain said common open space in reasonable condition, the Township Trustees shall cease to maintain said common open space at the end of said year. If the Township Trustees shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township Trustees may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the Township Trustees in any such case shall constitute a final administrative decision subject to review as provided by law.

The cost of such maintenance by the Township Trustees shall be assessed against the properties within the planned development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. The Township Trustees, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the Fairfield County Recorder, upon the properties affected by such lien within the planned development.

#### 10. Contiguity of Land

All land within a proposed planned development shall be contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad right of way.

#### 11. Parking and Loading Areas

- a. The overnight parking of automobiles and other vehicles on private or public streets within a planned development is prohibited.
- b. All automobile parking lots shall be screened from adjoining streets by the planting of shrubbery or the construction of a decorative fence or a combination of the two. The owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.

- c. No parking lot shall be closer than seventy-five (75) feet from the street right of way in a Planned Residential District. No parking lot shall be closer than twenty-five (25) feet from the street right of way in a Planned Commercial-Office District or a Planned Industrial District, unless the parking lot is contiguous to a residential district, in which case seventy-five (75) feet from the street right of way shall be the closest distance of the parking lot to the right of way.
- d. Parking spaces and loading areas shall be provided in accordance with Section 10.25.

## 12. Streets

All streets including private streets shall conform to specifications as set forth in the Fairfield County Subdivision Regulations.

## 13. Walkways

All residential developments where the average lot frontage is less than ninety (90) feet shall be provided with concrete sidewalks on both sides of the street throughout the development. All other walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for walking trails in areas the Zoning Commission feels are appropriate.

## 14. Trees

- a. The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.
- b. No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed building. An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. The foregoing shall be considered as a guideline for preservation of the natural environment.
- c. No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.

## 15. Landscaping

All yards, front, side, and rear shall be landscaped, and all nonresidential use areas shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. A detailed landscaping plan for each platted lot shall be submitted to the zoning inspector to be reviewed for conformance with the approved conceptual plan before a zoning permit is issued.

## 16. Fire and Explosion Hazards

All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or

explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

17. Air Pollution

No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

18. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

19. Dust and Erosion

Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

20. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

21. Vibrations and Noise

No uses shall be located, and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

22. Odors

No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

23. Setbacks

The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan.

24. Building Dimensions

Buildings may contain such area of floor space as is approved in the development plan.

## 25. Site Development

To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

The Zoning Commission and/or the Hocking Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

### 10.41 SOLAR PANELS

A. Solar panels, as defined in Article III, are a permitted accessory use, subject to the following requirements:

1. Ground-mounted solar panels shall be located in the side or rear yard only in accordance with the setbacks established for all accessory uses and shall not exceed twelve (12) feet in height.
2. Roof-mounted solar panels on the principal building shall be installed on the plane of the roof material (flush mounted) or made part of the roof design (e.g., utilizing capping or framing compatible with the color of the roof or structure), but shall not extend more than eight inches from the roof surface. Accessory buildings shall not exceed the height requirements established for all accessory buildings.
3. All solar panel installations shall comply with all applicable building, plumbing, and electrical codes.
4. There is no limit on the number of solar modules or arrays installed on each property, except for the following:
  - a) Solar energy commercial operations are prohibited.

**ARTICLE XI  
CONDITIONAL USE REQUIREMENTS**

**11.1 ADULT GROUP HOMES, RESIDENTIAL FACILITIES – TYPE B, NURSING HOMES, RESIDENTIAL CARE FACILITIES – TYPES A AND B, AND HOMES FOR THE AGING (RR DISTRICT)**

- A. The proposed use must be located on a minimum of two (2) acres.
- B. The proposed facility is located no closer than twenty (20) feet from a side lot line and no closer than forty (40) feet from a rear lot line.
- C. A front setback equal to the distance of the adjacent right-of-way is provided and is measured from the centerline of the right-of-way.
- D. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the district in which the use is proposed.
- E. The proposed architecture is compatible with the surrounding neighborhood.
- F. The proposed signage complies with the sign regulations for the applicable district.

**11.2 AGRICULTURAL IMPLEMENT BUSINESSES (RR DISTRICT)**

- A. All buildings and structures shall have a minimum setback of one hundred (100) feet from any residential district boundary. Any outdoor activities shall be located a minimum of two hundred (200) feet from any residential property line.
- B. A site plan shall be submitted as part of the conditional use application to demonstrate that adequate ingress/egress will be provided and that the sufficient on-site circulation patterns are proposed.
- C. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. The Board of Zoning Appeals shall ensure no lighting will create a nuisance to adjoining residential uses and/or impair safe movement of traffic on any street or highway.

**11.3 AUCTION HOUSES (RR DISTRICT)**

- A. No auction house shall be located closer than five hundred (500) feet from any existing residential structure owned by anyone other than the owner of the auction house.

- B. The use shall be located so that access to the road is not impeded in such a way to create a safety problem because of hills, curves, or other physical characteristics.
- C. All storage of sale items except for farm equipment and motor vehicles shall be enclosed
- D. No noise shall create a nuisance.
- E. No out of door auctioneering shall be conducted after dark.
- F. The Board of Zoning Appeals may require appropriate screening of storage of farm equipment and motor vehicles areas from adjacent property and from the roadway.
- G. Proposed signs shall be reviewed and approved by the Board of Zoning Appeals, and their size may be more restrictive than the district regulations to preserve the agricultural character of the area. Flashing signs are prohibited.
- H. The grounds shall be kept neat and clean with all discarded merchandise kept screened from view and be removed from the premises weekly.
- I. Adequate parking shall be required and shall, at a minimum, be calculated by providing four parking spaces for every one hundred (100) sq. ft. of area where patrons may sit or stand while an auction is in progress. Parking shall be outside of the road right of way. If experience shows that additional parking is needed the Board of Zoning Appeal may require such additional parking.

#### **11.4 AUTOMOBILE ORIENTED BUSINESSES (NB DISTRICT)**

- A. The proposed Use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed Use. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed Use.
- B. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of Use proposed and shall be located in accordance with appropriate access management principles. The Board of Zoning Appeals may require the proposed site plan to be reviewed by Hocking Township's designee to ensure adequate access is proposed.
- C. The proposed Use shall include proper on-site circulation within the site, including appropriate stacking areas.

D. Stacking spaces for fuel pumps, service bays, and drive-through facilities shall be provided to prevent encroachment of vehicles into Parking Areas and/or adjacent road networks. Each stacking space shall be nine (9) feet wide and twenty-two (22) feet deep. The Board of Zoning Appeals may require additional stacking areas when needed to ensure proper onsite circulation.

1. There shall be at least one (1) stacking space for each fuel pump.
2. There shall be at least one (1) stacking space for each automotive maintenance facility and/or automotive repair facility service bay.
3. Each drive-through facility shall have a minimum of three (3) stacking spaces between any ordering area and pick-up window(s), in addition to at least three (3) stacking spaces behind the ordering area.

E. Sufficient landscaping around the entire perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with automobile-oriented Uses. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.

F. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, access points and buffering from adjacent Uses.

G. Fuel pump islands shall be located at least eighty (80) feet from the centerline of the road in any district where gasoline service stations are permitted, provided that all service areas shall not be permitted closer than one hundred (100) feet from the centerline of the road. All service areas and fuel pump islands must be at least one hundred (100) feet away from all adjacent properties.

#### **11.5 BED AND BREAKFAST (RR DISTRICT)**

- A. Are operated totally within the principal dwelling and not within a garage or accessory building
- B. Shall contain no additional, separate kitchen facilities for guests.
- C. Shall provide one (1) off-street parking space for every guest room in addition to the off-street parking otherwise required for the principal structure as provided in each district.
- D. Shall permit access to the guest room only through the principal structure.

## **11.6 CAMPGROUNDS (RR DISTRICT)**

- A. The minimum total area of the campground shall be twenty (20) acres. The maximum density of the park or campground shall be established by the Board of Zoning Appeals, but in no case shall the overall density exceed ten (10) campsites per acre.
- B. The thoroughfare upon which the Park or campground is located shall be of adequate width and base to accommodate the type of traffic generated by such park or campground. No entrance or exit from the campground shall require movement of traffic through a residential district.
- C. Each campsite shall be provided with a minimum of one adequately sized parking space for the type of vehicle intended to use the site. In order to guarantee stability, the parking pad shall be composed of concrete, gravel, or other material approved by the Board of Zoning Appeals.
- D. All sites and all off street parking spaces shall be located a minimum of twenty feet from any side or rear property line, and the minimum front yard setback from any public street. The minimum side or rear setbacks shall be three hundred feet when adjacent to any residential district.
- E. The Board of Zoning Appeals may require fencing, walls, landscaping, earth mounds, or other suitable efforts where it is determined that buffering or screening is necessary.
- F. The campground shall provide water supply and wastewater disposal facilities that meet the needs of the intended clientele, either independent recreational vehicles or dependent campers and primitive campsites. At a minimum, a service building with showers and toilets shall be required where not provided separately. All water supply, wastewater disposal, and refuse disposal facilities shall be located and designed subject to the approval of all state and local health departments.
- G. No recreational vehicle shall be used as a permanent place of residence or business. Continuous occupancy for longer than any ninety (90) day period within any twelve (12) month period shall be deemed permanent occupancy.
- H. All recreational vehicles shall be stored on approved campsites.

## **11.7 CEMETERIES (RR DISTRICT)**

- A. The site shall have direct access to a road that the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.
- B. Any new cemetery shall be located on a site containing not less than forty (40) acres.

- C. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within three hundred (300) feet of any property line.
- D. All graves or burial lots shall be set back not less than one hundred (100) feet from any property line.
- E. All required yards should be landscaped and maintained in good order in accordance with state and local regulations.
- F. A plan for perpetual care of the grounds shall be required.

**11.8 CHURCHES, SCHOOLS, PARKS, COMMERCIAL RECREATIONAL USES INCLUDING COMMUNITY SWIMMING POOLS, LIBRARIES, MUSEUMS, AND ART GALLERIES, AND OTHER SIMILAR PUBLIC BUILDINGS (RR DISTRICT)**

- A. Sufficient lot area shall be provided to accommodate the proposed use, associated buildings, and parking.
- B. The proposed ingress/egress shall be designed to have sufficient width and turning radii to accommodate the proposed use and shall be located in accordance with appropriate access management principals. The Board of Zoning Appeals shall require the proposed site plan to be reviewed by Hocking Township's designee to ensure adequate access is proposed.
- C. All buildings and structures shall be setback a minimum of fifty (50) feet from the front and rear lot lines and twenty-five (25) feet from the side lot lines. Except, however, that all buildings and structures shall be setback a minimum one hundred (100) feet from any lot line abutting a RR district.
- D. Any outdoor activities, including music, loudspeakers, or other sound-emitting devices that are not located within a fully enclosed building shall be located a minimum of two hundred (200) feet from any lot line abutting a RR district.
- E. Sufficient evidence shall be provided that all off-street parking spaces have been provided in accordance with Section 10.25 (Off-Street Parking Requirements) and that any on-street parking will be prohibited.
- F. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Up lighting may

be used to illuminate architectural features, but such lighting shall be screened with landscaping. The Board of Zoning Appeals shall ensure no lighting will create a nuisance to adjoining residential uses and/or impair safe movement of traffic on any street or highway.

- G. Any proposed commercial swimming pool, its associated accessory structures and the entire area used by swimmers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and shall be maintained in good condition.
- H. All facilities shall meet any applicable Local, County, and/or State of Ohio health, building, electrical, or any other applicable codes.
- I. Copies of all applicable licenses and/or permits required by the applicable governing agency for any necessary on-site water and septic system shall be provided to the Zoning Inspector.
- J. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, and access points that will reduce any traffic impacts such uses may have on the adjacent residential road network.

#### **11.9 DRIVING RANGE (RR DISTRICT)**

- A. Outdoor music shall be prohibited.
- B. Lighting shall be arranged so that it does not affect adjoining property.
- C. No part of the facility shall be located closer than one hundred (100) feet to any residential district or existing residential structure.
- D. The facility shall conform to all parking, landscaping & buffering and sign requirements outlined in the applicable sections of this code. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.

## **11.10 FREE STANDING TELECOMMUNICATION TOWERS (RR DISTRICT)**

- A. The minimum lot area shall comply with the minimum lot area for the applicable zoning district.
- B. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line). No new residential structures shall be permitted within this setback area.
- C. The maximum height of the telecommunication tower shall be two hundred (200) feet from the existing grade to the highest point of the tower.
- D. All towers shall be of a non-corrosive monopole design, as opposed to a lattice design, and shall be non-contrasting gray or similar color. A galvanized steel finish will also be permitted. Alternative tower designs that camouflage the tower and/or antenna, such as manmade trees, may also be permitted as approved by the Board of Zoning Appeals.
- E. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Guy wires and lattice designs shall not be permitted. Towers shall be a non-contrasting gray or similar color or a galvanized steel finish unless these color requirements conflict with any FAA or FCC regulation. In such cases, the tower shall comply with those color requirements. Alternative tower designs that camouflage the tower and/or antenna, such as man-made trees, may also be permitted as approved by the Board of Zoning Appeals.
- F. A six (6)-foot fence shall fully enclose the tower. Gates shall be locked at all times When unattended by an agent of the telecommunication provider.
- G. A landscaped buffer of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent properties. The fifteen (15)-foot buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional landscaping upon review of an individual application. All required landscaping shall be continuously maintained and promptly restored, if necessary.
- H. No lighting shall be permitted, except as required by federal regulations.

- I. One (1) point of access from a public road to the free-standing telecommunications tower shall be provided. The Board of Zoning Appeals may require review by the township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
- J. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
- K. The tower shall be removed within one hundred eighty (180) days after the use of the tower is discontinued. Abandonment of the tower after use is discontinued shall constitute a zoning violation.
- L. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna to the extent possible. M. Any other conditions as warranted by the Board of Zoning Appeals.
- N. Exemptions

In the event, a Telecommunication Tower is proposed within a residential District, the Telecommunication Tower may be exempt from all Telecommunication Tower regulations and may be considered to be a permitted Use, if criteria listed in 1 and 2 below have been met:

- 1. The telecommunication provider provides each of the following by certified mail:
  - a. Written notice to each Owner of property, as shown on the County Auditor's then current tax list, whose land is contiguous to or directly across a Street or roadway from the property on which the Telecommunication Tower is proposed to be constructed, stating all the following in clear and concise language:
    - i. The Person's intent to construct the tower.
    - ii. A description of the property sufficient to identify the proposed location.
    - iii. That, no later than fifteen days after the date of mailing of the notice, any such property Owner may give written notice to the Board of Trustees requesting that the telecommunication regulations of the Zoning Resolution apply to the proposed location of the tower.
  - b. Written notice to the Board of Trustees of the information specified in 11.10(N)(1)(a) (i) and (ii). The notice to the Board of Trustees shall also include verification that the person has complied with the Section 11.10(N)(1)(a) of the Hocking

Township Zoning Resolution. Within fifteen (15) days of a telecommunications provider mailing the notices, a Township Trustee may object to the proposed location of the telecommunications tower.

2. If the Board of Trustees does not receive any notice from a notified property Owner nor any objection from a Township Trustee is provided within fifteen (15) days of a provider mailing the notices, then the proposed Telecommunication Tower is exempt from all telecommunication regulations within the Zoning Resolution.

#### **11.11 MINERAL EXTRACTION (RR DISTRICT)**

- A. The Board of Zoning Appeals may permit a Mineral Extraction in any District where it is listed as a Conditional Use, upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties provided the following conditions and the general conditions of Section 7.3(C) are guaranteed by the applicant.
- B. Per ORC 519.141(B)(1), prior to submitting a Conditional Use application for a proposed Surface Mining application, the applicant shall send written notice to the county engineer of the applicant's intent to apply for a Conditional Use Zoning Permit.
- C. Submission of Additional Information.

Two (2) copies of the following information shall be submitted with the application required in Section 7.3(B).

1. Name of the Owner or Owners of the land from which removal is to be made.
2. Name of the applicant making request for such permit.
3. Name of the Person or corporation to be conducting the actual operations.
4. Location, description, and size of area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, in so far as reasonably possible.

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. General description of the equipment to be used.
9. Method of rehabilitation and reclamation of the area to be excavated, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with the contour lines at intervals of five (5) feet or less.
10. The identification of specific roads to be used as the primary means of ingress to and egress from the proposed activity. For proposed Surface Mining activities, the roads utilized for such purposes shall be identified in accordance with ORC 519.141(B).

D. Development Standards

1. All equipment used in these operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practicable noise, vibration, or dust, which would injure or annoy Persons living in the vicinity. Access ways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be specified by the Board of Zoning Appeals.
2. No Mineral Extraction shall be carried on, nor any stockpile or equipment shall be placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Zoning Appeals, where such is deemed necessary for the protection of adjacent property, especially when such Use is located adjacent to a residential District. However, the above specified fifty (50) foot Setback may be reduced by the written consent of the Owner or Owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
3. In the event that the site of the Mineral Extraction 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, except as may otherwise be provided for by the Ohio Revised Code.

4. Any excavated area adjacent to a right-of-way of any Public Street or road shall be back filled for a distance of one hundred fifty (150) feet from the right-of-way.

5. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board of Zoning Appeals.

6. Mineral Extractions shall not be carried out closer than fifty (50) feet to any adjoining property line unless the written consent of such adjoining property(s) has first been obtained.

E. Rehabilitation Requirements.

All depleted areas shall, within a reasonable length of time as determined by the Board of Zoning Appeals, be reclaimed and rehabilitated. A rehabilitation plan, that complies with the requirements of the following subsections, shall be submitted:

1. All Mineral Extractions shall be made either to a water producing depth plus five (5) feet below the water mark, or shall be graded and backfilled with non-toxious, non-combustible, and non-flammable solids to assure:

a. That the excavated area shall not collect and permit to remain therein, stagnant water; or

b. That the graded or back-filled surface will create a gently rolling topography to minimize Erosion by wind and rain and substantially conform with the contours of the surrounding area.

2. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line on the pit bottom, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in subsection (E)(3) below.

3. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.

4. Proper drainage shall be provided for the excavated area.

5. All equipment and Structures shall be removed from the depleted area within six (6) months of the completion of operations therefrom.
  6. The Board of Zoning Appeals may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public.
- F. Due to the inherent difficulties in reclaiming and rehabilitation areas where stone has been quarried, the Board of Zoning Appeals is hereby empowered, in the issuance of a Conditional Use Permit for the quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest without restricting the operations of the Owner.

### **11.12 OUTDOOR SERVICE FACILITY (NB DISTRICT)**

- A. All outdoor service facilities shall be located a minimum of fifty (50) feet from any residential district boundary.
- B Sufficient landscaping around the perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with Outdoor Service Facilities. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.
- C. Any other conditions that the Zoning Appeals Board considers to be appropriate to ensure the intent of this section is met.

### **11.13 RURAL RESIDENTIAL BUSINESSES (RR DISTRICT)**

- A. Intent. The intent of this section is to provide for limited business activity in conjunction with a permitted use within the R-R District. Such activities are typically commercial in nature and are more intense than those uses permitted as home occupations. Such uses are listed in Section 9.1D17 and are hereby referred to as Rural Residential Business(es). The intent of the conditional use process is to ensure this limited business activity will be compatible with the surrounding residential area and to ensure the future enjoyment of nearby residential properties is considered during the development of a Rural Residential Business.
- B. Applicability. These standards shall apply when a Rural Residential Business (as listed in Section 9.1D17 and do not meet the definition and standards for a home occupation) is proposed within the R-R District.

- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a proposed Rural Residential Business, if such use is listed as a Rural Residential Business in Section 9.1D17 and complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3.
1. The proposed Rural Residential Business Use shall be operated by a resident of the property and such use shall be clearly subordinate and incidental to the use of the premise for residential purposes.
  2. The proposed Rural Residential Business is conducted in conjunction with and to the rear or side of the principally permitted use.
  3. The number of employees will be determined by the Board of Zoning Appeals based on the usage and needs for the business.
  4. All parking for the proposed Rural Residential Business shall be to the rear of the lot or principally permitted use.
  5. The proposed Rural Residential Business may be conducted within an accessory structure on the same lot as the principally permitted use.
  6. Any outdoor activities shall be located a minimum of two hundred (200) feet from a property line.
  7. No proposed Rural Residential Business shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious, otherwise objectionable impact on any adjacent land. Such impacts shall include those related to noise, vibration, odor, dust, heat, exterior light and glare, or storm water runoff.
  8. Outdoor storage and display of material and equipment incidental to the Rural Residential Business shall be permitted provided effective screening from all adjoining properties within a residential district. A wall or fence that is a minimum of six (6) feet in height, earthen mounds, or a ten (10)-foot wide strip of land planted and well maintained by the property owner with an evergreen hedge or dense plantings of hardy evergreen shrubs not less than four (4) feet in height at the time of planting may be utilized for screening purposes. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.
  9. Signs shall be limited to a four (4) square foot wall or freestanding sign that is a minimum of ten (10) feet from the right-of-way line. A wall sign shall be limited to

twenty (20) feet in height and a free-standing sign shall be limited to six (6) feet in height.

10. Evidence shall be provided to the Board of Zoning Appeals that any traffic generated from the proposed Rural Residential Business will not be greater in volume than normal for a residential neighborhood.
11. The Board of Zoning Appeals may place limits on the hours of operation to ensure the residential character of the neighborhood is not impaired by the proposed Rural Residential Business.

#### **11.14 SEXUALLY ORIENTED BUSINESS (NB DISTRICT)**

The Board of Zoning Appeals shall issue a conditional use permit only if it finds in each particular instant that:

- A. The proposed sexually oriented business is located more than one thousand (1,000) feet from:
  1. A church
  2. A public or private elementary or secondary school
  3. Boundary of a residential district as established by the Board of Township Trustees
  4. Public Park adjacent to a residential district as established by the Board of Township Trustees
  5. The lot line of a lot devoted to residential use
  6. From an already existing sexually oriented business or one that has received a conditional use permit.
  7. From any structure that contains a residence
- B. The proposed use meets all other requirements of this zoning ordinance

#### **11.15 SMALL WIND FARMS (NB & RR DISTRICT)**

- A. In no case shall any tower within a Small Wind Farm be located closer than 1.1 times the tower height to any residential Structure, public road/right-of-way, third party transmission lines, or adjacent property lines. New residential Structures shall not be permitted within this Setback area.
- B. Small Wind Farms shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Vertas (DNV), Germanischer Lloyd

Wind Energie (GL), or an equivalent third party. Once a Conditional Use permit is granted per the requirements of this Section, a Licensed Ohio Professional Engineer shall certify, as part of the Zoning Permit application, that the foundation and tower design of the Small Wind Farm, including substation, transformer, underground cabling, or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.

- C. All Small Wind Farm shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for over speed protection. The applicant shall provide sufficient information to ensure the Board of Zoning Appeals that this requirement will be met.
- D. All electrical components of the Small Wind Farm shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).
- E. Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
- F. All towers within a Small Wind Farm be un-climbable by design or protected by anticleimbing devices.
- G. No signage shall be permitted within any portion of a Small Wind Farm except for a Sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language.
- H. One point of access from a public road to the Small Wind Farm shall be provided.
- I. The Board of Zoning Appeals may require review by the Township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
- J. The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Small Wind Farm.
- K. The applicant shall demonstrate that the noise levels associated with the Small Wind Farm will not be disruptive to any adjacent residential areas.
- L. No lighting shall be permitted, except as required by Federal regulations.

- M. The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Small Wind Farm, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Small Wind Farm, the Owner or operator receives a written complaint related to the above-mentioned interference, the Owner shall take reasonable steps to respond to the complaint or shall be in violation of said Conditional Use permit, which shall be punishable per Section 4.9.
- N. The Owner or operator of the Small Wind Farm shall be required to submit an annual notice of operation on or before January 31<sup>st</sup> of each year. In the event that the Small Wind Farm is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the township), the Small Wind Farm shall be removed within one hundred and eighty (180) days after the Use has been discontinued. In addition to removing all towers within the system, the Owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with a Small Wind Farm shall be removed from the site to a depth which is at least forty-eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover crops. All transmission equipment, Buildings and fences shall also be removed.
- O. Submittal Requirements  
The following information must be submitted with the Conditional Use application (in addition to the items required in Section 7.3(B)).
1. A Small Wind Farm project summary including to the extent available the following items:
    - a. A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of the Small Wind Farm, the number of towers within the proposed Small Wind Farm, and the name plate generating capacity of each tower, and the maximum height proposed for each tower.
    - b. A description of the applicant, owner, and operator, including their respective business Structures.
  2. The name(s), address(es), and phone number(s) of the applicant(s), Owner and operator, and all property Owner(s), if known.

3. The site plan required in Section 7.3(B)(5) shall also include: guy lines and anchor bases (if any), primary Structure(s), property lines (including identification of adjoining properties), set back lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all Structures within the geographical boundaries of any Setback.

4. All required studies, reports, certifications, and approval demonstrating compliance with the provisions of this Zoning Resolution.

#### **11.16 TWO FAMILY DWELLING (RR DISTRICT)**

A. Each unit of a two-family dwelling shall comply with the minimum living area requirement for single-family units in the R-R district.

B. No accessory building shall be used as a separate dwelling site.

#### **11.17 TYPE A FAMILY DAY-CARE HOMES AND CHILD DAY CARE CENTERS (RR DISTRICT)**

A. Parking and circulation shall be designed to reduce congestion, promote safety, and reduce the impact on the residential character of the area. The site layout shall provide for the separation of ingress and egress vehicles during high volume periods and shall provide safe drop-off point(s) for children that will not impede other traffic.

B. All outdoor play areas shall be fully enclosed by a minimum four (4) foot tall fence, shall be located to the rear of the Principal Building, and shall be screened from adjacent parcels by the use of hardy evergreen shrubs. The fence shall not exceed six (6) feet in height. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these buffer requirements.

C. Lighting shall comply with the Outdoor Lighting Regulations in Section 10.35.

#### **11.18 VETERINARY ANIMAL HOSPITALS (RR DISTRICT)**

A. All buildings shall be on solid permanent foundations.

B. Outdoor pens are prohibited.

- A. Outdoor exercise runs shall be enclosed by a solid wall or fence unless it adjoins an industrial district.
- B. The incineration of refuse or offal shall be prohibited.
- C. Sanitation practices shall be adequate to assure that odors shall not be noticeable off the lot considering various land conditions. In no case shall odors or noise create a nuisance for adjacent land uses.

## **ARTICLE XII NON- CONFORMING USES**

### **12.1 INTENT**

The purpose of this Article is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Zoning Resolution or amendments thereto.

### **12.2 GRACE PERIOD**

Any property purchased or acquired prior to the adoption of this Zoning Resolution, (a) upon which existed a Nonconforming Use at the time the property was purchased or acquired and (b) upon which the work of the changing or remodeling or construction of such Nonconforming Use(s) has been legally commenced prior to at the time of adoption of this Zoning Resolution, may in accordance with the provisions of this Zoning Resolution be used for the Nonconforming Use for which such changing, remodeling, or construction was undertaken provided that the work of changing, remodeling, or construction that was in process prior to or at the time of adoption of this Zoning Resolution is completed within two (2) years of the date of adoption of this Zoning Resolution or amendment thereto making said Nonconforming Use.

### **12.3 SINGLE NON-CONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

### **12.4 EXPANSION, SUBSTITUTION, AND MODIFICATIONS OF NON- CONFORMING USES.**

Except as specifically provided in Sections 12.6 and 12.10, no non-conforming use, except when required to do so by law, shall be enlarged, extended, reconstructed, or structurally altered.

## **12.5 SUBSTITUTION OF NON-CONFORMING USES**

If no structural alterations are made, any non-conforming use may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board 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 may require appropriate conditions and safeguards in accord with other provisions of this Resolution, which if violated are punishable under Section 10.9 of this Resolution.

## **12.6 EXPANSION OF NON-CONFORMING BUILDINGS**

The Board of Zoning Appeals may permit a building containing a non-conforming use to be enlarged to an extent not exceeding twenty five percent (25%) of the ground floor area of the existing building or buildings devoted to a non-conforming use at the time of enactment of this Resolution or at a time of its amendment making a use non-conforming. The Board shall not authorize any enlargement which would result in a violation of the provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space-required for meeting the yard or other requirements of this Resolution.

## **12.7 EXPANSION OF NON-CONFORMING USES OF LAND**

The Board may authorize the expansion of non-conforming uses of open space upon the land in ownership at the effective date of this Resolution or the date of any amendments making such use non-conforming, provided that such extension is necessary and incidental to the existing properties, involves no structure or buildings, and meets all dimensional requirements.

## **12.8 MOVEMENT OF NON-CONFORMING BUILDINGS**

No non-conforming buildings or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.

## **12.9 EXPANSION OF RESIDENTIAL STRUCTURES IN NON –RESIDENTIAL DISTRICTS**

Any residential structure which is non-conforming due to the fact of its being in a district that prohibits residences may be enlarged, extended, reconstructed, or structurally altered

provided it meets with the requirements of an appropriate residential district determined by the Board of Zoning Appeals.

#### **12.10 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 any 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.

#### **12.11 DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES**

Any non-conforming structure that is damaged or deteriorated more than fifty percent (50%) of its current fair market value at the time of damage may not be reconstructed and used as before the damage occurred. For the purpose of this section a structure shall be considered as deteriorated when the Zoning Inspector determines that at least fifty percent (50%) of the main structural members have collapsed. In such instances new construction shall conform to all dimensional requirements as required by this Resolution. If the damage is fifty percent (50%) or less of its current fair market value, it may be reconstructed to conform with previous dimensional characteristics and the previous use may be permitted if such reconstruction begins within thirty (30) days and is completed within one year. The ninety (90) day provision may be extended by the Board of Zoning Appeals only where evidence is submitted that the applicant is awaiting an insurance settlement, or that construction cannot begin because of a severe weather condition or that the damage was the result of a natural disaster experienced in the Township that makes it difficult for the owner to obtain contractor assistance. In the case of a damaged structure, the owner shall also have debris removed within thirty (30) days except as provided above.

#### **12.12 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES**

Any use that is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

### **12.13 DISCONTINUANCE OF NON-CONFORMING USES**

When any non-conforming use is voluntarily discontinued or abandoned for more than six (6) months any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located. Any non-conforming use that is superseded by a permitted use shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed.

### **12.14 BURNED, DAMAGED OR DETERIORATED CONFORMING STRUCTURES**

Any conforming structure that is damaged or deteriorated by fire, tornado, windstorm or in any other manner may be reconstructed to its original character provided it is not reconstructed to make it in any way a non-conforming use. For the purpose of this section a structure shall be considered as deteriorated when the Zoning Inspector determines that at least fifty percent (50%) of the main structural members have collapsed. The reconstruction shall begin within thirty (30) days and shall be completed within one year. The thirty (30) day provision may be extended by the Board of Zoning Appeals only where evidence is submitted that the owner is awaiting an insurance settlement or that construction cannot begin because of a severe weather condition or that the damage was the result of a natural disaster experienced in the Township that makes it difficult for the owner to obtain contractor assistance. In such a case the owner shall also have debris removed within thirty (90) days, except as provided above.