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ZONING RESOLUTION

MADISON TOWNSHIP

LICKING COUNTY, OHIO

DRAFT DATE 08.12.2025

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PART ONE - AUTHORIZATION AND GENERAL PROVISIONS

ARTICLE 1 AUTHORIZATION AND PURPOSE

Section 1.01 Title

This Resolution shall be known and may be cited as the ***Zoning Resolution of Madison Township, Licking County, Ohio***. Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Resolution as those governing the interpretation of the Ohio Revised Code.

Section 1.02 History

Madison Township adopted zoning in 1962 for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of Madison Township, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described – all as authorized by the Ohio Revised Code.

Section 1.03 Purpose

The Board of Township Trustees hereby find it necessary, advisable, and beneficial to the residents of Madison Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general morals by the following:

- A. Regulating the use of land areas and the construction, restoration and/or alteration of buildings or other structures and uses therein,
- B. Restricting the area dimensions of land, yards and open spaces to secure adequate light, air and safety from fire and other dangers,
- C. Controlling the bulk, height, density, and location of buildings or other structures,
- D. Protecting and preserving existing natural resources.
- E. Assuring the orderly growth and development of lands, as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

Section 1.04 Applicability and Limitations

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Madison Township, Licking County, Ohio.

Section 1.05 Interpretation and Consistency

The provisions of this Resolution shall be held to be as the minimum requirements and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Upon adoption of this zoning resolution, it will supersede any previously adopted resolutions.

Section 1.06 Separability

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.

ARTICLE 2 DEFINITIONS

Section 2.01 Interpretation

For this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural, and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”.

Terms directly related to topics may be defined within the specific sections of the Resolution where those general requirements are found.

Section 2.02 Definitions

Accessory use: means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use. In residential districts, accessory uses include swimming pools, lakes and/or ponds, courts for private recreation.

Accessory building or accessory structure: means a building or structure occupied by an accessory use.

Administrative and business offices: means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

Adult family home: means a residence or facility that provides accommodations for three to five unrelated adults and supervision and personal care services to at least three of those adults.

Adult group home: means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Agricultural structure: Any Structure which is constructed and used predominantly for one or more activities satisfying the definition of Agriculture.

Agricultural use: means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include 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, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or

production. Except as otherwise provided in ORC 519.21 divisions B and D, Sections 519.02 to 519.25 of the Revised Code confer no power to prohibit the agricultural use of any land for agricultural purposes or the construction or use of structures incident to the use for agricultural purposes.

Agritourism: See Section 32

Bed and breakfast (boarding house, a lodging house, dormitory): An owner occupied dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Building: means a structure with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

Height of building: means the vertical distance from the average grade surrounding the building to the highest point of the roof.

Front building line: means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

Rear building Line: means a line touching the rear most part of the building, not to include accessory structures, which is parallel with the building line.

Business services: means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

Cemetery: means land used or intended to be used for the burial of human and or animal dead.

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

Club: A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily on as a commercial enterprise. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.

Columbarium: A structure designed for the purpose of storing the ashes of human remains that have been cremated.

Conditional use: means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article 9 of this Resolution.

Congregate or group home: means a residential care facility in which not less than six (6) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

Continuing care retirement community: Provides a comprehensive living arrangement for the elderly which offers at a minimum: independent-living units, board, and a range of health care and social services including access to prescriptions, physician services, rehabilitation services, assisted living and nursing care. The community is owned by a single entity and has obtained necessary licenses and/or certification for specialized services, including, as appropriate, assisted living and nursing care. Lodging, services and a specified amount of nursing care are provided pursuant to an agreement effective for the lifetime of an individual in consideration of the payment of an entrance fee and additional periodic charges.

Day care center: means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four-hour day for a period of two (2) consecutive days.

Development: means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

District: means a part, portion, zone or geographic area within Madison Township within which certain development standards, as delineated by this Resolution, apply.

Dwelling or residence: means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

- A. **Single family dwelling or single family residence:** means a building designed for or occupied exclusively by one family.
- B. **Two-family dwelling or two-family residence:** means a building designed for or occupied exclusively by two families living independently.
- C. **Multiple-family dwelling or multiple-family residence:** means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

Earth disturbing activity: Any activity which involves any grading, excavating, filling, or other alteration of the earth's surface (excluding agricultural activities) which is likely to result in or contribute to more than an insignificant amount of erosion and/or sediment pollution; "Filling" means any activity which involves depositing or dumping any fill onto or into the ground, excluding agricultural activities and common household gardening and ground care activities; and "fill" means soil, rock, earth, sand, gravel, or any other material which is deposited or placed onto or into the ground.

Easements: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Essential services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: Two or more individuals related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; up to five unrelated individuals residing as one housekeeping unit.

Federal Emergency Management Agency (FEMA): means the agency with the overall responsibility for administering the National Flood Insurance Program.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth. An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fence height: The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used, provided that when installed the material is directly adjacent to the ground level.

Flood or flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Madison Township and/or Licking County.

Floodway: means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area: means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

Food processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Frontage or lot frontage: means the distance along a single street of a contiguous portion of the lot that directly abuts the street and has direct access thereto.

Garages, private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

Garage, public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no other service shall be provided for remuneration.

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

Home school: The educational care of a child by a parent.

Hospital: An institution which is managed, staffed and equipped for providing healthcare services, including inpatient care, surgery, emergent and urgent care, and has facilities for the diagnosis and treatment of disease.

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

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

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

Kennel, commercial: Any building or structure, including the surrounding fenced land, used for the care and board of five or more domesticated dogs or cats more than four months of age that is open to the public for let, hire, board, training, housing, grooming, or other use on a commercial basis and for compensation. The function of the business is not the breeding of dogs or cats.

Lawful non-conforming structure/use: A lawful non-conforming use for the purpose of this resolution shall mean any structure or use that existed prior to zoning being enacted by the Board of Trustees, Madison Township, Licking County, Ohio. Additionally, a lawful non-conforming structure or use shall mean any structure or use that complied with the Madison Township Zoning Resolution at the time it was constructed or the use began, but due to the subsequent amendments and changes to the regulations, said structure or use no longer conforms (complies) with any or all standards of the current effective Madison Township Zoning Resolution.

Livestock: Farm animals kept for use and profit.

Living area: Area measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.

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

“Lot”: means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

“Corner lot”: means any lot at the junction of and abutting on two (2) or more intersecting streets.

“Front lot line”: means a line running down the center of a road or roads or along the right of way of a road or roads along which a parcel is located;

For private, township or county roads: a front lot line runs down the center of the road on which the parcel is located.

For federal or state highways: a front lot line runs along the right of way line.

A parcel with frontage on more than one road will have more than one front lot line

“Lot coverage”: means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

“Rear lot line”: means that lot line which is opposite and furthest removed from the front lot line. In the case of a curved roadway or a corner lot of equal dimensions, the parcel will have more than one rear lot line.

“Side lot line”: means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

“Lot of record”: means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Licking County, Ohio, as of the effective date of this Resolution.

“Minimum area of lot”: means the area of a lot computed exclusive of any portion of the right-of- way or any public thoroughfare.

“Lot width”: is the width of a lot as measured along the frontage of the parcel.

Maintenance and storage facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Mausoleum: A building containing above ground tombs.

Medical clinic: A building or structure where two or more members of the medical profession, dentists, chiropractors, osteopaths and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation, and shall include such uses as reception areas, offices, coffee shops, consultation rooms, x-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building or structure.

Mine: The act of removing minerals and ores.

Mining: All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits; open pit mining or minerals naturally exposed; mining by auger method; dredging and quarrying; underground mining and surface work incidental to an underground mine

Mineral: Gravel, sand, and metallic and nonmetallic substances of commercial value

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 and Safety Standards Act of 1974, 88 Stat. 700, 42 W.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Modular home: means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for modular housing. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

Mobile home: shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

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

Net lot area: the area of a lot within the frontage lines, excluding any portions of a street rights-of-away or other required dedications.

Nonconforming use: means the use of land, building, other structure, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

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

Nursing home: A home licensed by the state for the aged or chronically or incurably ill persons, in which five or more such persons not of the immediate family are provided with food

and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Open space: An area substantially open to the sky, which may be on the same lot with a structure. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included in the open space calculation

Parcel: Land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder.

Parking space, off street: means any parking space located totally outside of any street or alley right-of-way. either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

Paved: Use of blacktop, asphalt, concrete or other similar substance to create a smooth surface, including bituminous penetration, but not the use of asphalt millings, dirt, clay, slag or stone.

Performance bond or surety bond: An agreement by a sub divider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub divider's agreement.

Permit: A document issued by the proper authority authorizing the applicant to undertake certain activities.

Permitted use: A use by right, which is specifically authorized in a particular zoning district by this Resolution.

Person: means any individual, corporation, company, business, partnership, association or legal entity.

Personal services: means any enterprise, conducted for gain, which primarily offers services to the general public such as personal electronics repair, shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

Plat: A map or plan representing a tract of land that is planned and developed as a single project; showing the location and boundaries of the development and of individual properties, streets, and easements within the development. This document is prepared by a registered surveyor or engineer in compliance with the local land development regulations which, when approved by the county, is recorded.

Pole barn: A typically metal/wood clad structure, most often utilizing wooden poles and trusses for support with unfinished interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and not allowed for human habitation.

Professional offices: means the offices which engage in the providing to the general public services of a professional nature such as legal, insurance, accounting, and architectural services.

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

Public utility: means every corporation, company, co -partnership, person, or association, the lessees, trustees, or receivers of the foregoing, defined in section 4905.03 of the Revised Code, including any public utility that operates its utility not for profit except companies as further described in ORC 4905.02. Except as otherwise provided in ORC 519.211 C, B and 519.213 Public Utilities are exempt from Zoning.

Public uses: Public parks, schools, governmental, administrative and cultural buildings and structures, including public land or buildings devoted solely to the storage and maintenance of equipment and materials and any other public service facilities.

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

Recreational facilities: means public or privately-operated uses such as country clubs, golf courses, parks, bike/hiking trails, skate parks, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

Regional Planning Commission: The Licking County Regional Planning Commission.

Residential care: Long term care given to an adult or child who stays in a residential setting rather than in their own home or family home.

Restaurant: means a licensed business establishment where food and/or beverages are prepared and presented for human consumption.

Retail store: means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

Right-of-way line: means a line defining the public right-of-way for a particular roadway.

Right-of-way (ROW): Land intended to be occupied by a road, sidewalk, trail, railway, waterline, sanitary sewer, and/or other public utilities or facilities.

Roadside stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Sanitary landfill: A method of disposing of refuse on land without creating nuisances to the public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary. This facility must be licensed by the Ohio Environmental Protection Agency or any applicable agencies.

School: Any building or group of buildings which meets the State requirements for primary, secondary, or post-secondary education.

Setback line: A line established by the zoning resolution generally parallel with and measured from the edge of the pavement, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said code.

Sewers, central or group: An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region and in permitted by the Ohio Environmental Protection Agency.

Sewers, on-site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval by the Licking County Health Department.

Shelter house: A roofed open sided structure or a roofed structure with no more than 1/3 of this total side are enclosed or covered.

Shooting range – indoor: The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

Shooting range – outdoor: The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

Short-term rental: means any room or dwelling that is rented wholly or partly for a fee for less than thirty consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. "Short-term rental" does not include a room in any hotel or motel, or a bed and breakfast, both of which are defined elsewhere in this Code.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign: See Article 29

Similar use: means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Resolution.

Site plan: A drawing of the parcel, drawn to scale, showing and defining all property lines and building outlines, access drives, parking areas, and other notable physical features. Such a drawing must contain an accurate location survey with all relevant distances and dimensions.

Solar: See section 31

Stable: A building in which equines are sheltered; may be accessory to a residential or other use or a freestanding principal use.

Start of construction: For other than new construction or substantial improvements, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for basement, footings, piers or foundations; erection of temporary forms; or installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural Element.

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

Street, road or thoroughfare: means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

Structure: Anything constructed, other than fences, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, excludes any structure less than 64 square feet or less.

Structural alteration: Any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, foundations, piles, retaining walls or similar components.

Subdivision: The dividing of a parcel of property into more than one parcel.

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

Substitution: For the purpose of this resolution, substitution shall mean the act and/or process of replacing a conforming or lawful non-conforming structure or use with another conforming structure or use, or nonconforming structure or use to the extent that it does not create a non-

conforming structure or use (if replacing a conforming structure or use), or increase the non-conforming structure or use (if replacing a lawful nonconforming structure or use).

Telecommunication tower: See Article 27.06

Township: means Madison Township, Licking County, Ohio.

Unlawful non-conforming structure/use: An unlawful non-conforming use for the purpose of this resolution shall mean any structure or use that did not exist prior to the zoning being enacted by the Board of Trustees, Madison Township, Licking County, Ohio and said structure or use did not comply with the Madison Township Zoning Resolution at the time it was constructed or the use began.

Unnecessary hardship: Hardship which is substantial and serious and one or more of the following is true:

1. Application of the zoning ordinance to the parcel of land causes such a diminution of its value as to amount to a confiscation.
2. The affected property cannot be used for any productive use if devoted to a permitted use. Economic loss alone is not sufficient to meet this criteria; the landowner's property must be rendered practically valueless without the variance.
3. None of the permitted uses in the zoning ordinance for the particular district may reasonably be applied to the property.
4. The hardship is unique to the applicant's property and is not a hardship common to the area. In any of the foregoing situations, the hardship cannot have been self-created. An applicant who had knowledge of the zoning restrictions and/or the problems bringing about the hardship, or who should have known them at the time the property was purchased, may not claim unnecessary hardship.

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

Variance: means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

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

Front yard: The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building.

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

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

Zoning: The division of Madison Township by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas. Also, a program that implements policies of the Resolution and/or Madison Township Comprehensive Plan.

Zoning amendment: A change in the wording, context, or substance of this Resolution, or a change in the zoning or district boundaries of the official zoning map, to be made a part of this Resolution.

Zoning certificate: means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

Zoning commission: A board appointed by the Township Board of Trustees. The Township Zoning Commission is the legislative division of the township and is responsible for developing the Township Zoning Resolution, considering any amendments to the Zoning Resolution or Zoning Map, and making recommendations to the Township Board of Trustees on said amendments to the resolution or map. Additionally, the Township Zoning Commission may develop land use plans for the township and make a recommendation to the Township Board of Trustees on said plans.

Zoning district: means a portion of the Township within which certain regulations and requirements, or various combinations thereof apply under the provisions of this Zoning Resolution.

Zoning district map or zoning map: means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees and established pursuant to Section 12.02 of this Resolution.

Zoning Inspector: Appointed by the Township Board of Trustees. The Zoning Inspector or an authorized representative is the enforcement officer for the township, and is charged with enforcing the Township Zoning Resolution.

Zoning resolution: A resolution enacted by the Madison Township Board of Trustees pursuant to state law that sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the Madison Township Comprehensive Plan, includes a zoning map, and complies with the provisions of state law, i.e. the Resolution.

PART TWO - ADMINISTRATION AND ENFORCEMENT

ARTICLE 3 ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Zoning Inspector

A. Office of Zoning Inspector Established

The Zoning Inspector, appointed by the Board of Township Trustees, shall enforce the Zoning Resolution. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Resolution.

B. Relief From Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit, or proceeding that may be instituted against him/her as a result of the enforcement of this Resolution. In any of these actions, the Zoning Inspector shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

C. Duties of Zoning Inspector

- i. For the purposes of this Resolution, the Zoning Inspector shall have the following duties:
- i. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the appropriate entity for action.
- ii. Issue zoning permits the owner of a parcel or his/her agent, when the provisions of the Zoning Resolution have been met or refuse to issue the same in the event of noncompliance.
- iii. Collect designated fees as established by separate resolution, for zoning permits, appeals, variances and conditional uses.
- iv. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning permits and receipt of complaints of violation of the Zoning Resolution and action taken on the same.
- v. Inspect any buildings or land to determine whether any violations of the Zoning Resolution have been committed or exist.

- vi. Advise the Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.

- D. The zoning inspector will submit copies of the application for issued permits to the Licking County Auditor at least semi-annually or as requested by the County Auditor.

Section 3.02 Zoning Commission

A. Establishment

Pursuant to Ohio Revised Code Chapter 519, there is hereby established a Zoning Commission in and for Madison Township. Such Commission shall consist of five (5) residents plus up to two alternatives of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed.

B. Removal of Members

Members of the Zoning Commission shall be removable, at the discretion of the Trustees, for non-performance of duty, misconduct in office, or other just cause by the Board of Township Trustees, after public hearing and notification. Members of the Zoning Commission may resign by written notice to the Board of the Madison Township Trustees. The Board of Township Trustees shall fill such vacancies for the remaining un-expired term.

C. Proceedings

The Zoning Commission shall elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission, as determined by majority vote. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public records and shall be immediately filed in the office of the Commission. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required.

D. Powers and Duties

- i. For the purposes of this Resolution, the Zoning Commission shall have the following powers and duties:
 - i. Initiate amendments to this Resolution, pursuant to Article 6.
 - ii. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

Section 3.03 Board of Zoning Appeals

B. Establishment

- i. There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.
- i. The Board of Zoning Appeals shall consist of five (5) members plus up to two alternatives appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Madison Township, Licking County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the non-expired term of the member affected.

C. Removal of Members

Members of the Board of Zoning Appeals shall be removable at the discretion of the Trustees, for non-performance of duty, misconduct in office, or other just cause by the Board of Township Trustees, after public hearing and notification. Members of the Board of Zoning Appeals may resign by written notice to the Board of the Madison Township Trustees. The Board of Township Trustees shall fill such vacancies for the remaining un-expired term.

D. Proceedings

- i. The Board shall organize annually and elect a Chairman, and Secretary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public. For the purpose of taking action, the concurring vote of three (3) members of the commission shall be required.
- ii. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record and be open for public inspection.
- iii. The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

E. Powers and Duties

- i. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination

appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

- ii. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article 7 of this Resolution.
- iii. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article 8 of the Resolution.
- iv. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- v. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- vi. Authorize the substitution or extension of nonconforming uses, as specified in Article 5 of this Resolution.
- vii. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.08 of this Resolution
- viii. Declare zoning certificates void, pursuant to Section 4.09 of this Resolution.

Section 3.04 Board of Township Trustees

The powers and duties of the Board of Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a unanimous vote of all members of the Board.

Section 3.05 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Zoning Inspector on matters of appeal or variance. Nonetheless, 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 pursuant to Chapters 2505 and 2506 of the Ohio Revised Code. Such an appeal shall be made within ten (10) days of the Board's written decision.

ARTICLE 4 ENFORCEMENT AND PENALTY

Section 4.01 Zoning Certificate Required

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. The Zoning Inspector shall issue no such certificate until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings, except portable storage buildings 144 square feet or less which are located in a residential district and are not located in the flood plain overlay district.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article V.

Section 4.02 Application for Zoning Certificate

The owner or applicant shall sign three (3) copies of an application for a zoning certificate, attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Licking County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is presently located.
- F. Plans in triplicate drawn to approximate scale, showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Height of proposed buildings.

- H. Number of proposed dwelling units.
- I. Number of off-street parking spaces and loading berths.
- J. An approval by the Licking County Water & Wastewater of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- K. Such other material and information as may be requested by the Zoning Inspector to determine conformance with and provide for the enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

Section 4.03 Approval of Zoning Certificates

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Resolution, unless the provisions of Section 4.04 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. The Zoning Inspector shall retain two copies of plans, similarly marked. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application.

Section 4.04 Submission to the Director of the Department of Transportation

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if the Zoning Inspector does not receive notification of action, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning certificate.

Section 4.05 Record of Zoning Certificates

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and copies shall be furnished upon request to any resident and/or person.

Section 4.06 Expiration of Zoning Certificates

If the work described in any zoning certificate has not begun within one hundred eighty (180) days from the date of issuance thereof, or has not been substantially completed within two (2) years from the date of issuance thereof, said certificate shall expire; it shall 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 expired certificate shall not proceed unless and until a new zoning certificate has been obtained or extension granted by the Board of Zoning Appeals.

Section 4.07 Certificate of Zoning Compliance

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises 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, as completed, conforms to the requirements of this Resolution. Such certificate of zoning compliance may be processed as an indication of final approval on the zoning certificate

Section 4.08 Schedule of Fees, Charges and Expenses

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the Township Offices 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.

Section 4.09 Void Zoning Certificate

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

Section 4.10 Violation and Penalty

A. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates or certificates of 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. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03.

B. Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any resident or owner of property within the Township may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and within thirty (30) days take such appropriate action thereon as may be necessary and provided for by this Resolution.

C. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall be fined up to the greater of \$500 or as permitted under Ohio Revised Code Section 519.99. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

ARTICLE 5 NONCONFORMITIES

Section 5.01 Intent

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

Section 5.02 Incompatibilities of Nonconformities

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

Section 5.03 Avoidance of Undue Hardship

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

Section 5.04 Single Nonconforming Lots of Record

In any district in which family dwellings are permitted, one single family dwelling and customary accessory building may be erected on a single lot of record so long as it meets the required lot area and width at the time the deed was dated and recorded. (Refer to Article 5, Section 5.11) for Non-Conforming Lot of Record Yard Requirements).

Section 5.05 Nonconforming Use of Land

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

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this resolution.

- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution.
- C. If any such nonconforming uses of land are discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of land shall conform to the regulations specified by this resolution of the district in which such land is located.
- D. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

Section 5.06 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise unlawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved

Section 5.07 Nonconforming Uses of Structures or of Structures of Land in Combination

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

- A. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building.

- C. If no structural alterations are made, any nonconforming use of a structure or structure of land, may upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 5.08 Damage and/or Destruction of a Nonconforming Building

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by storm, fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within one year(12)months of the time of damage, that construction is completed within two years (24)months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Article 5.

Section 5.09 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming 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 nonconforming shall not be increased. Nothing in this section shall not be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 5.10 Uses Under Conditional Use

Provisions Not Nonconforming Uses Any use, which 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.

Section 5.11 Non-Conforming Lot of Record Yard Requirements

The yard requirements of lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible. When not possible to meet the existing yard requirements and when the lot of record is located in an area where lots

are developed or improved with having yards with a variation of not more than ten (10) feet in depth, the average of such developed/improved yards shall establish the yards for the lot of record, except as provided elsewhere in these regulations. The yard requirements for lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible, but it is the intent of this resolution to provide for a lot of record to be developed and/or improved with structures or uses to be compatible with the existing neighborhood and existing structures. If the applicant and zoning inspector cannot reach an agreement on the yards, then the applicant can appeal the zoning inspector's decision to the Board of Zoning Appeals.

Section 5.12 Expansion of Nonconforming Use or Building

No non-conforming building or use may be completed, restored, reconstructed, extended or substituted except upon the granting of a conditional use permit issued by the Board of Zoning Appeals pursuant to Article 28 and this section.

The Board of Zoning Appeals shall have the power to permit changes and extensions of non-conforming uses as follows:

- A. A non-conforming use of less objectionable nature may be substituted for an existing non-conforming use.
- B. An existing, legal non-conforming use which occupies only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- C. The alteration or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-conforming use substantially more in character with its surroundings.
- D. The extension of a non-conforming use when such extension will substantially make the non-conforming use more in character with its surroundings.
- E. Any extension shall not be more than fifty (50%) percent greater in size than the non-conforming use that existed at the time of passage of this Zoning Resolution.

The Board of Zoning Appeals may impose such requirements and conditions as it may deem necessary for the protection of adjacent properties and the public interest.

ARTICLE 6 DISTRICT CHANGES AND AMENDMENTS

Section 6.01 Intent

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

Section 6.02 Initiation of Zoning Amendments

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

- A. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

Section 6.03 Contents of Application

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text.
- C. Legal description of the property affected.
- D. Present use and district.
- E. Proposed use and district.
- F. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- G. A list of all property owners contiguous to, directly across the street from, or within two hundred (200) feet of the subject parcel(s) proposed to be rezoned and their address as appearing on the Licking County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- H. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- I. A statement as to how the proposed amendment will comply with the intent and substance of the Madison Township Comprehensive Plan.
- J. Any other information may be requested by the Zoning Inspector to determine conformance with and provide for enforcement of this Zoning Resolution.
- K. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant with a listing of deficiencies.

Section 6.04 Submission to Licking County Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Licking County Planning Commission. The Licking County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such a recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

Section 6.05 Public Hearing by Zoning Commission

A. Date of Public Hearing

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

B. Notice of Public Hearing

Before holding the public hearing as required, notice of such hearing shall be given by the Township Zoning Commission at least ten (10) days before the date of the hearing by either:

- i. Publishing in at least one (1) newspaper of general circulation in Madison Township (print or digital); or
- ii. Posting on the official public notice website maintained under section 7.16 of the Ohio Revised Code; or
- iii. Posting in a conspicuous location on one or more of the township's official social media accounts.

C. The notice shall set forth the following information:

- i. The time and place of the public hearing.
- ii. A statement that the Madison Township Zoning Commission is conducting the hearing.
- iii. A statement indicating that the proposed action is an amendment to the zoning resolution.

- iv. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- v. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- vi. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,
- vii. The name of the person responsible for giving notice of the public hearing.
- viii. Any other information requested by the zoning commission.
- ix. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

D. Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the hearing, to all owners of property within, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Licking County Auditor's current tax list, as provided by the applicant in Section 6.03 above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.C above.

Section 6.06 Recommendation by Zoning Commission

Within thirty (30) days after the hearing required in Section 6.05 above, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 6.07 Public Hearing by the Board of Township Trustees

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice by newspaper publication of such hearing shall be as specified in Section 6.05 above.

Section 6.08 Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required in Section 6.07 above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of all three (3) members of the Board of Township Trustees is required.

Section 6.09 Criteria

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

Section 6.10 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed 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 voters have approved the amendment, it shall take effect immediately.

ARTICLE 7 APPEALS

Section 7.01 Appeals

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

Section 7.02 Notice of Appeal

A notice of appeal shall be filed with the Fiscal Officer of the Township by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be filed with the Fiscal Officer within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Fiscal Officer of the Township shall transmit said notice to the Board of Zoning Appeals.

Section 7.03 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within a reasonable time after receipt by the township Fiscal Officer of the notice of appeal. Notice of such hearing shall be given at least ten (10) days before the date of the hearing by one or more of the following methods:

- A. Publication in one (1) or more newspapers of general circulation in Madison Township, in print or digital form;
- B. Posting on the official public notice website maintained under section 7.16 of the Ohio Revised Code;
- C. Posting in a conspicuous location on one or more of the township's official social media accounts.

In addition, written notification shall be provided to the appellant(s) and all property owners contiguous to, directly across the street from, or within two hundred (200) feet of the subject parcel(s) at least ten (10) days prior to the date of the hearing. The notice shall set forth the time and place of the hearing and the nature of the appeal.

Section 7.04 Action by the Board of Zoning Appeals

The Board of Zoning Appeals shall decide the appeal within a reasonable time after the hearing.

ARTICLE 8 VARIANCES

Section 8.01 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the provisions of this Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. The Board shall grant no variance from strict application of any provision of this Resolution unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such hardship has not been created by the applicant or any person having present or prior interest in the property.
- D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

Section 8.02 Application for Variance

Any owner, or his/her agent, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance shall be filed in triplicate with the Zoning Inspector. The Zoning Inspector shall forward such an application to the Secretary of the Board of Zoning Appeals, within five (5) days from receipt of the completed application.

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

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Licking County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building, including the lots or tracts referenced in Section 8.02 D below.

- D. A list of all property owners contiguous to, directly across the street from, or within two hundred (200) feet of the subject parcel(s), as appearing on the Licking County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries, if available.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution, which apply.
- F. A narrative statement explaining the following:
 - i. The use for which variance or appeal is sought.
 - ii. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - iii. The specific reasons why the variance is justified, according to Section 8.01 A-D above.

Section 8.03 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within a reasonable time after receipt by the Fiscal Officer of an application for a variance. Notice of such hearing shall be given at least ten (10) days before the date of the hearing by **one or more** of the following methods:

- A. Publication in one (1) or more newspapers of general circulation in the Township, in print or digital form;
- B. Posting on the official public notice website maintained under section 7.16 of the Ohio Revised Code;
- C. Posting in a conspicuous location on one or more of the township's official social media accounts.

The notice shall set forth the time and place of the public hearing and the nature of the proposed variance.

Section 8.04 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 8.03, the Board of Zoning Appeals shall approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such a copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

Section 8.05 Expiration and Revocation of Zoning Certificate Issued Under a Variance

The approval of the zoning certificate issued on a lot subject to variance procedures above, shall become null and void if such use is not carried out within one (1) year after date of approval.

The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

ARTICLE 9 CONDITIONAL USES

Section 9.01 Authority and Purpose

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as “conditional uses” within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

Section 9.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward within five (5) days a copy to the Fiscal Officer.

At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Licking County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, the lots or tracts referenced in Section 9.02 G below, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Licking County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries, if available.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

Section 9.03 General Standards for Conditional Uses

The Board of Zoning Appeals shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet the following requirements A through E, or F:

- A. Will be consistent with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area
- C. 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.
- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. Will have vehicular approaches to the property that shall be so designated as not to create interference with traffic on surrounding public streets or roads.
- F. The applicant has a disability as defined by the Americans with Disabilities Act (ADA) and:
 - i. The modification requested is reasonably necessary to accommodate the disability under the Federal Fair Housing Act (FFHA).
 - ii. The modification would not fundamentally and unreasonably alter the nature or purposes of the zoning ordinance.
 - iii. Accommodations as defined in “F” above are not transferrable to a new owner and must be removed if no longer necessary.

Section 9.04 Supplementary Conditions

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution.

Section 9.05 Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within a reasonable time from the receipt of the application specified in Section 9.02. The requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution.

Section 9.06 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 9.05, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the

Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

Section 9.07 Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

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 two years.

ARTICLE 10 RESERVED FOR FUTURE USE

PART THREE - ZONING DISTRICTS

ARTICLE 11 STANDARD ZONING DISTRICT REGULATIONS

Section 11.01 Regulations for the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article 12, are hereby established and adopted.

Section 11.02 Rules of Application

A. Identification of Uses

- i. Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

A. Permitted Uses

- i. Only a use designated as permitted shall be allowed as a matter of right in any zoning district and any use not so designated shall be prohibited unless:
 - a. A permitted use may be added to a zoning district by formal amendment, in conformance with Article 3 of this Resolution.
 - b. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 11.2.5 of this Article.

A. Accessory Uses

- i. An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use and located on the same lot with such principal building or use.

B. Conditional Uses

- i. A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with or adversely impact the use of adjacent lots.
- ii. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article 9 of this Resolution.

C. Development Standards

- i. Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

D. Development Plan

- i. In such cases, unless otherwise indicated, the applicant shall submit the Development Plan at the time of the application for a zoning certificate. The Development Plan shall contain a site plan for the property show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent property
- ii. The Zoning Commission must approve the Development Plan as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission shall find that the following criteria have been met:
- iii. The proposed building or use shall have sufficient yard space to provide for adequate parking and buffering of adjacent residential areas in accordance with this Article.
- iv. The Development Plan for the proposed use has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- v. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

ARTICLE 12 ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 12.01 Zoning Districts Established

The following zoning districts are hereby established for Madison Township:

- (R-1) Single Family Residence District
- (R-2) General Residence District
- (R-3) Residential District
- (AG) Agricultural District
- (C-1) Conservation District
- (GB) General Business District
- (M-1) Manufacturing District
- (FP) Flood Plain Overlay District

Section 12.02 Official Zoning Map

The districts established in Section 12.01 of this Resolution are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning Map shall be identified by the signatures of the Board of Township Trustees and the Fiscal Officer of the Township and shall be on file in the Township offices.

Section 12.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official 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 Resolution. The Zoning Inspector shall interpret the boundary lines from the Zoning Map.

When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

ARTICLE 13 RESERVED FOR FUTURE USE

ARTICLE 14 RESERVED FOR FUTURE USE

ARTICLE 15 (R-1) SINGLE FAMILY RESIDENCE DISTRICT

Section 15.01 Purpose

This district is established to provide single family housing in the subdivision commonly known as Shallimar.

Section 15.02 Permitted Uses

- A. Single Family Residential
- B. Accessory Buildings, Structures
- C. Public Utility
- D. Home Occupation
- E. Public Parks/Playgrounds
- F. Private Swimming Pools, Single Family Home

Section 15.03 Conditional Uses

- A. None

Section 15.04 Accessory Uses

Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts, and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article 27 of this Resolution.

Section 15.05 Required Lot Area and Lot Width

Each residential dwelling shall be located on a lot having an area of not less than .4 acre (17,424 square feet) and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

Section 15.06 Required Yard Requirements

All single family residential dwelling units shall have the following minimum yard spaces:

- A. Front Yard – 40 feet from road right-of-way or 70 feet from center of road if no right-of-way has been established.
- B. Side Yard – 15 feet each side
- C. Rear Yard – 50 feet
- D. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Section 15.07 Required Floor Area

- A. Any building or structure intended in whole or part for residential purposes shall provide a minimum floor area as hereinafter specified:
- B. Shall have a minimum area of 1,200 square feet of living space for a one-family dwelling, shall not be less than 24 feet in width and shall not be less than 24 feet in depth. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.
- C. All dwellings must be on a permanent foundation.
- D. Finished or unfinished basements shall not be included in square footage.

Section 15.08 Height Regulations

No residential dwellings and structures shall exceed 35 feet.

ARTICLE 16 (R-2) GENERAL RESIDENCE DISTRICT

Section 16.01 Purpose

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

Section 16.02 Permitted Uses

- A. Single Family Residential
- B. Accessory Buildings, Structures
- C. Public Utility
- D. Home Occupation
- E. Public Parks/Playgrounds
- F. Private Swimming Pools, Single Family Home

Section 16.03 Conditional Uses

- A. None

Section 16.04 Accessory Uses

Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts, and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article 27 of this Resolution.

Section 16.05 Required Lot Area and Lot Width

Each residential dwelling shall be located on a lot having an area of not less than .4 acre (17,424 square feet) and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

Section 16.06 Required Yard Requirements

All single family residential dwelling units shall have the following minimum yard spaces:

- A. Front Yard – 40 feet from road right-of-way or 70 feet from center of road if no right-of-way has been established.
- B. Side Yard – 15 feet each side
- C. Rear Yard – 50 feet
- D. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Section 16.07 Required Floor Area

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

- A. Shall have a minimum area of 1,200 square feet of living space for a one-family dwelling, shall not be less than 24 feet in width and shall not be less than 24 feet in depth. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.
- B. All dwellings must be on a permanent foundation.
- C. Finished or unfinished basements shall not be included in square footage.

Section 16.08 Height Regulations

No residential dwellings and structures shall exceed 35 feet.

ARTICLE 17 (R3) RESIDENTIAL DISTRICT

Section 17.01 Purpose

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

Section 17.02 Permitted Uses

- A. Single Family Residential
- B. Accessory Buildings, Structures
- C. Public Utility
- D. Home Occupation
- E. Public Parks/Playgrounds
- F. Private Swimming Pools, single family house
- G. Bed and Breakfast

Section 17.03 Conditional Uses

- A. Multi-Family Residential
- B. Churches/Religious
- C. Public/Private Schools
- D. Cemetery
- E. Fire and Police Station
- F. Professional and Business Offices
- G. Daycare Center
- H. Produce Stands
- I. Lawn Care and Landscaping
- J. Small Engine Repair
- K. Retirement Community
- L. Beauty Salon/Barbershop

Section 17.04 Accessory Uses

Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts, and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article 27 of this Resolution.

Section 17.05 Required Lot Area and Lot Width

- A. Each residential dwelling shall be located on a lot having an area of not less than .75 acres (32,670 square feet) with at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.
- B. Multi-Family Housing, 2 to 5 units
 - i. A lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

	Lot Area (Sq. Ft)	Lot Width (feet)
Two – Family	43,560	150
Three – Family	50,000	150
Four – Family	60,000	150
Five – Family	70,000	150

Section 17.06 Required Yard Requirements

All single family and multi-family residential dwellings shall have the following minimum yard spaces:

- A. Front Yard – 60 feet from center of road
- B. Side Yard – 15 feet each side
- C. Rear Yard – 50 feet
- D. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Section 17.07 Required Floor Area

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

- A. Shall have a minimum area of 1,200 square feet of living space for a one-family dwelling, shall not be less than 24 feet in width and shall not be less than 24 feet in depth.
- B. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.

Multi-Family Housing, 2 to 5 units

- A. Shall have a minimum area of 650 square feet of living space per unit, shall not be less than 24 feet in width and shall not be less than 24 feet in depth. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.

B. All dwellings must be on a permanent foundation.

C. Finished or unfinished basements shall not be included in square footage.

Section 17.08 Height Regulations

No residential dwellings and structures shall exceed 35 feet.

Section 17.09 Parking Requirements

See Article 28.

Section 17.10 Sign Requirements

See Article 29.

ARTICLE 18 (AG) AGRICULTURAL DISTRICT

Section 18.01 Purpose

It is recognized that rural based business activity is unique, and may possess characteristics typically associated with both agricultural and agricultural-type land uses. The purpose of the “AG” Agricultural District is to protect land best suited for agricultural uses from the encroachment of other land uses and to preserve valuable agricultural land for agricultural uses and related activities. The AG District protects the long-range physical, social and economic needs of the agricultural community within Madison Township.

Section 18.02 Permitted Uses

- A. Single Family Residential
- B. Accessory Buildings, Structures
- C. Public Utility
- D. Home Occupation
- E. Public Parks/Playgrounds
- F. Private Swimming Pool, single family home
- G. Bed and Breakfast
- H. Produce Stands
- I. Feed and Seed Sales
- J. Fertilizer and Agricultural Chemical Sales
- K. Commercial Sawmills

Section 18.03 Conditional Uses

- A. Churches/Religious
- B. Public/Private Schools
- C. Cemetery/Mausoleum
- D. Fire and Police Station
- E. Golf Course
- F. Commercial Grain Storage
- G. Nursery/Plant Material and Sales
- H. Clinic, Veterinary
- I. Outdoor Recreation Club
- J. Automotive Repair
- K. Surface Mining Activities/Gravel Pits

- L. Natural Resource Extraction
- M. Lawn Care and Landscaping
- N. Small Engine Repair
- O. Cell Tower/Telecommunication Tower
- P. Retirement Community

Section 18.04 Accessory Uses

Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts, and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article 27 of this Resolution.

Section 18.05 Required Lot Area and Lot Width

Each single family residential dwelling unit shall be located on a lot having an area of not less than two acres with a lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

Section 18.06 Required Yard Requirements

All single family residential dwellings shall have the following minimum yard spaces:

- A. Front Yard –70 feet from center of road
- B. Side Yard – 15 feet each side
- C. Rear Yard – 50 feet
- D. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Section 18.07 Required Floor Area

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

- A. Shall have a minimum area of 1,200 square feet of living space for a one-family dwelling, shall not be less than 24 feet in width and shall not be less than 24 feet in width. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.
- B. All dwellings must be on a permanent foundation.
- C. Finished or unfinished basements shall not be included in square footage.

Section 18.08 Height Regulations

No residential dwellings and structures shall exceed 35 feet.

Section 18.09 Parking Requirements

See Article 28.

Section 18.10 Sign Requirements

See Article 29.

Section 18.11 Agricultural Structures

A. Lots Greater than 5 acres

- i. When an agricultural structure is constructed for use in the production of agriculture products or animal husbandry as per ORC 519.01 on lots 5.01 acres or greater a zoning permit is not required. The agricultural structure location or site must comply with road right-of-way requirements as per the record or requirements of the Licking County Engineer.

B. Lots 1.01-5 acres

- i. In accordance with ORC 519.21, Buildings and structures for agricultural use on parcels greater than 1.01 acre but not greater than 5.00 acres are regulated by the following:
 - a. Setback:
 - 1. Front yard - 50 feet or 80 feet from center of road if no right-of- way has been established.
 - 2. Side yard - 10 feet both sides
 - 3. Rear yard - 10 feet
 - b. Height: No agricultural building or structure shall exceed 35 feet
 - c. Size: The maximum square footage of all agriculture structure shall not exceed 15% of the lot size.
 - d. Location: All agriculture buildings and structures are to be located to the side or to the rear of the dwelling. If no dwelling exists at the time an agriculture structure is added to the parcel this requirement shall not apply.
 - e. If in the future a dwelling is added, the dwelling shall be placed so that its placement complies with this requirement.
- ii. Spacing: At least 10 feet of spacing shall exist between structures.
- iii. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed,

dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

Section 18.12 Trash and Garbage Control

See Section 26.10.

Section 18.13 Lighting

Lighting shall be arranged so as not to shine directly on adjacent properties.

Section 18.14 Buffering

Please see Section 26.9.

ARTICLE 19 (C-1) CONSERVATION DISTRICT

Section 19.01 Purpose

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

Section 19.02 Permitted Uses

- A. Any customary agricultural use, forestry.
- B. Recreational facilities such as fishing lakes, golf courses, golf driving ranges, and parks.
- C. Water conservation works; including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydroelectric power installation, etc.
- D. Accessory use and buildings.
- E. Essential services.

Section 19.03 Conditional Uses

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

Section 19.04 Other Requirements

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

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

the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District. When deemed necessary the plan will be reviewed by the technical staff of the Soil and Water Conservation District.

Section 19.05 Required Lot Area and Lot Width

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

Section 19.07 Height Regulations

No structure shall exceed 35 feet in height.

ARTICLE 20 (B-1) GENERAL BUSINESS

Section 20.01 Purpose

The purpose of the B-1 General Business District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy in a centralized business district.

Section 20.02 Permitted Use

- A. Single Family Residential
- B. Accessory Buildings, Structures
- C. Public Utility
- D. Home Occupation
- E. Public Parks/Recreation
- F. Private Swimming Pool, Single Family Home
- G. Township Maintenance and Administrative Facility
- H. Fire and Police Station
- I. Nursery/Plant Material and Sales
- J. Building Materials Sales/Lumberyards
- K. Bed and Breakfast
- L. Professional and Business Offices
- M. Beauty Salon/Barbershop
- N. Banks and Finance Institutions
- O. Restaurants
- P. Daycare Center
- Q. Clinic, Veterinary
- R. Nursing Home
- S. Hospital/Urgent Care
- T. Assisted Living
- U. Automotive Fuel Station
- V. Motels/Hotels
- W. Mini-Storage/Self Storage
- X. Lawn Care and Landscaping
- Y. Small Engine Repair

Z. Feed and Seed Sales

AA.Fertilizer and Agricultural Chemical Sales

Section 20.03 Conditional Use

- A. Muti-Family Residential
- B. Churches/Religious
- C. Public/Private Schools
- D. Laboratory Research
- E. Outdoor Recreation Club
- F. Automotive Repair
- G. Automotive Sales
- H. Produce Stands
- I. Cell Tower/Communication Tower
- J. Congregate or Group Home
- K. Billboards – (See Article 29)

Section 20.04 Accessory Uses

Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts, and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article 27 of this Resolution.

Section 20.05 Required Lot Area and Lot Width

All single family residential dwelling units shall be located on a lot having an area of not less than .75 acres (32,670 square feet) with a lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

All Multi-Family housing (2 to 5 units) shall be located on a lot with the required area and lot width as show below:

- A. A lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

	Lot Area (Sq. Ft.)	Lot Width (Ft.)
Two – Family	43,560	150'

Three – Family	50,000	150'
Four – Family	60,000	150'
Five – Family	70,000	150'

Non Residential Buildings: Each commercial building shall be located on a lot having an area of not less than 40,000 square feet and a lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

Section 20.06 Required Yard Requirements

All single family residential dwellings shall have the following minimum yard spaces:

- A. Front Yard – 60 feet from center of road
- B. Side Yard – 15 feet each side
- C. Rear Yard – 50 feet
- D. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Section 20.07 Required Floor Area

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

- A. Shall have a minimum area of 1,200 square feet of living space for a one-family dwelling, shall not be less than 24 feet in width and shall not be less than 24 feet in depth.
- B. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.

Any building or structure intended in whole or part for multi-family residential (2 to 5 units) purposes shall provide a minimum floor area as hereinafter specified:

- A. Shall have a minimum area of 650 square feet of living space per unit, shall not be less than 24 feet in width and shall not be less than 24 feet in depth. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements
- B. All dwellings must be on a permanent foundation.
- C. Finished or unfinished basements shall not be included in square footage.

Any building or structure intended in whole or part for commercial or manufacturing purposes shall provide a minimum floor area as hereinafter specified: Shall have a minimum of 1,200 square feet

Section 20.08 Height Regulations

No residential dwellings and structures shall exceed 35 feet.

Section 20.09 Landscaping and Screening Provisions

Where deemed necessary, a buffer consisting of earthen mounds and/or evergreen trees and shrubs shall provide adequate visual separation from adjacent residential properties. Such buffers shall be shown on each application for a zoning certificate in the General Business District.

Section 20.10 Signs

See Article 29.

Section 20.11 Parking and Loading

See Article 28.

Section 20.12 Trash and Garbage Control

See Section 26.10.

Section 20.13 Lighting

Lighting shall be arranged so as not to shine directly on adjacent properties.

Section 20.14 Buffering

Please see Section 26.9.

ARTICLE 21 (M-1) MANUFACTURING DISTRICT

Section 21.01 Purpose

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

Section 21.02 Permitted Use

- A. Single Family Residential
- B. Private Swimming Pool, Single Family Home
- C. Accessory Buildings, Structures
- D. Public Utility
- E. Home Occupation
- F. Township Maintenance and Administrative Facility
- G. Fire and Police Station
- H. Mini Storage/Self Storage
- I. Lawn Care and Landscaping
- J. Small Engine Repair
- K. Commercial Sawmills
- L. Building Materials Sales/Lumberyards
- M. Construction and Material Storage

Section 21.03 Conditional Use

- A. Multi-Family Residential
- B. Churches/Religious
- C. Public/Private Schools
- D. Public Parks/Playgrounds
- E. Commercial Grain Storage
- F. Laboratory Research
- G. Automotive Fuel Station
- H. Surface Mining Activities/Gravel Pits
- I. Natural Resource Extraction
- J. Produce Stands
- K. Cell Tower/Telecommunication Tower
- L. Feed and Seed Sales

M. Fertilizer and Agricultural Chemical Sales

N. Concrete or Asphalt Plants

Section 21.04 Accessory Uses

Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts, and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, is permitted, subject to the requirements of Article 27 of this Resolution.

Section 21.05 Required Lot Area and Lot Width

Each single family dwelling unit shall be located on a lot having an area of not less than .75 acres (32,670 square feet) with a lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

Non Residential Buildings: Each non-residential building shall be located on a lot having an area of not less than 40,000 square feet and a lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

Section 21.06 Required Yard Requirements

All single family residential dwellings shall have the following minimum yard spaces:

- A. Front Yard –60 feet from center of road
- B. Side Yard – 15 feet each side
- C. Rear Yard – 50 feet
- D. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

All Multi-Family Housing - 2 to 5 units

A lot width of not less than 150 feet at the building line and 40 feet of public road frontage or such size as determined by the Licking County Health Department, whichever is larger.

	Lot Area (Sq. Ft)	Lot Width (Feet)
Two – Family	43,560	150
Three – Family	50,000	150
Four – Family	60,000	150
Five – Family	70,000	150

Section 21.07 Required Floor Area

- A. Any building or structure intended in whole or part for single family residential purposes shall provide a minimum floor area as hereinafter specified:
 - i. Shall have a minimum area of 1,200 square feet of living space for a one-family dwelling, shall not be less than 24 feet in width and shall not be less than 24 feet in depth.
 - ii. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements.
- A. Any building or structure intended in whole or part for multi-family residential (2 to 5 units) purposes shall provide a minimum floor area as hereinafter specified:
 - i. Shall have a minimum area of 650 square feet of living space per unit, shall not be less than 24 feet in width and shall not be less than 24 feet in depth. Living space or bulk will be measured from outside dimensions, exclusive of porches, garages, breezeways, decks and unfinished basements
 - ii. All dwellings must be on a permanent foundation.
 - iii. Finished or unfinished basements shall not be included in square footage.
- A. Any building or structure intended in whole or part for commercial or manufacturing purposes shall provide a minimum floor area as hereinafter specified: Shall have a minimum of 1,200 square feet

Section 21.08 Height Regulations

No residential dwellings and structures shall exceed 35 feet.

Section 21.09 Landscaping and Screening Provisions

Where deemed necessary, a buffer consisting of earthen mounds and/or evergreen trees and shrubs shall provide adequate visual separation from nearby residential properties. Such buffers shall be shown on each application for a zoning certificate in the Manufacturing District.

Section 21.10 Signs

Please see Article 29.

Section 21.11 Parking and Loading

Please see Article 28.

Section 21.12 Trash and Garbage Control

Please see Section 26.10.

Section 21.13 Lighting

Lighting shall be arranged so as not to shine directly on adjacent properties.

Section 21.14 Buffering

Please see Section 26.9.

ARTICLE 22 (FP) FLOOD OVERLAY DISTRICT

Section 22.01 Purpose

It is the intent of the Flood Plain Overlay District (FP) to control the use of floodplains, to limit purposes that could be detrimental to health and welfare for citizens of Madison Township and Licking County. The FP District is an overlay-zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements.

Section 22.02 Lands Subject to Flooding

For the purpose of this Resolution, “flood plains” are defined as those lands subject to inundation by the 100-year flood. Such areas shall be as identified by the Federal Emergency Management Agency (FEMA) pursuant to flood insurance rate maps including any subsequent amendments or revisions thereto.

Section 22.03 Development Standards

The standards, requirements and administrative procedures for development of land within the FP District shall be as stated in the Licking County Flood Damage Prevention Regulations originally adopted by the Licking County Commissioners as may be subsequently amended.

ARTICLE 23 RESERVED FOR FUTURE USE

ARTICLE 24 RESERVED FOR FUTURE USE

ARTICLE 25 RESERVED FOR FUTURE USE

PART FOUR - SPECIAL ZONING REQUIREMENTS

ARTICLE 26 GENERAL

Section 26.01 Purpose

The purpose of Special Zoning Requirements is to set specific conditions for various uses, classifications of uses, or areas where problems and questions are frequently encountered.

Section 26.02 Lot Width

A. Frontage Required

- i. No new structure or use shall commence unless the lot fronts on a public road or other legally recorded right-of-way. If development is to occur on other than a public road, it must meet the following requirements:
- ii. Submission to and approval of a site plan by the Madison Township Zoning Commission and the following: The Zoning Commission may require standards relating to such private roadway, including, but not limited to, roadway width, construction standards, and maintenance agreements. The potential traffic burden on such roadway shall be a factor in such determination.

B. Lot Width

- iii. Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 26.01A above. If the lot abuts a roadway that curves at the point of tangency, lot width shall be measured at the front yard setback line.

Section 26.03 Yards and Setbacks

A. Front Yard Measurements

Front yard depth shall be measured from the centerline of the road adjacent to the building line, unless otherwise indicated in this Resolution.

B. Corner Lots

Structures built on a lot fronting on two (2) or more different roads shall require the front yard setback from both roads.

C. Side Yard Measurements

Side yard width shall be measured from the nearest side lot line to the building.

D. Rear Yard Measurements

Rear yard depth shall be measured from the rear lot line to the rear building line. Where the lot abuts a service street or alley, the rear yard depth shall be measured from the right-of-way line of the service, street or alley.

Section 26.04 Open Porches and Architectural Features

All portions of a structure, including open, uncovered porches or terraces, cornices, canopies, eaves, pilasters, sills and other similar architectural features shall be located behind the yard setback lines for the district involved.

Section 26.05 Erosion Control

The use or development of a lot shall not create significant erosion onto other properties or onto the surface of a public or private road. Where such erosion is likely, the person or board approving a zoning certificate, variance, conditional use, development plan, or site plan may require preventative measures.

Section 26.06 Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure.

Section 26.07 Storm Runoff

Structures and physical changes to a site shall be designed and constructed so as to not cause a significant increase in storm water runoff onto adjacent properties.

Section 26.08 Performance Standards

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

- A. Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- B. Radioactivity or Electrical Disturbances: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- D. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- E. Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
- F. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

- G. Air Pollution: No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
- H. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- I. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- J. Water Pollution: pollution of water shall be subject to the requirements and regulations established by the Licking County Soil and Water Conservation District
- K. Noxious weeds-No person, whether as owner, occupant, agent, tenant or any other person having charge or care of land in Madison Township, shall permit noxious weeds, other undesirable vegetation or grass to grow thereon to a height in excess of twelve inches, or to mature their seeds thereon, or fail to cut and destroy such noxious weeds, other undesirable vegetation or grass when notified by the Zoning Inspector to do so. A noxious weed means any type or species that has been included on the official list of noxious plants for the State.

Section 26.09 Buffer Requirements

- A. Purpose: Buffer areas shall be established between zoning districts of differing intensity to minimize conflicts between incompatible land uses, provide transitional areas, preserve aesthetic character, and protect the public health, safety, and welfare.
- B. Applicability: Buffer requirements shall apply where any of the following zoning districts abut each other:
 - i. Between R-1, R-2, or R-3 and GB or M-1 districts.
 - ii. Between GB and M-1 districts.
 - iii. Between M-1 and AG districts.
 - iv. Between differing residential densities (e.g., R-1 adjacent to R-3).
- C. Buffer Yard Standards: The following table defines the elements required between adjoining zoning districts.

Adjoining Districts	Min Buffer Width	Required Elements
R-1 to M-1	50 feet	Landscape buffer with evergreen screen, fencing, or earthen mound
R-2 to M-1	40 feet	Landscape buffer with mixed deciduous/evergreen trees or mound
R-3 to M-1	30 feet	Landscape buffer or fencing with optional berm/mound
R-1 to R-3 or GB	20 feet	Vegetative screen, tree line, or mound

GB to M-1	15 feet	Shrubbery or landscaped edge with optional mound
M-1 to AG	40 feet	Landscape buffer with evergreen screen, fencing, or earthen mound

D. Permitted Uses Within Buffer Areas: Buffer areas may be used for:

- i. Landscaping and screening (trees, shrubs, fencing, mounding).
- ii. Passive stormwater management (bio-swales, rain gardens).
- iii. Walkways and trails, if setback at least 10 feet from the adjoining property line.

E. Prohibited Uses: No structures, accessory buildings, or vehicular parking areas shall be permitted in the buffer zone.

F. Screening Requirements

i. Vegetative Screening:

- a. Evergreen trees must be a minimum of 6 feet in height at the time of planting.
- b. Deciduous trees must be a minimum of 2.5-inch caliper (measured 6 inches above the root flare).
- c. Trees shall be spaced and staggered to form an effective visual screen within 3 years of planting.

ii. Fencing (Optional or Required):

- a. A 6-foot opaque fence may be substituted or required where vegetative screening is insufficient or inappropriate due to space or soil constraints.

iii. Earthen Mounding:

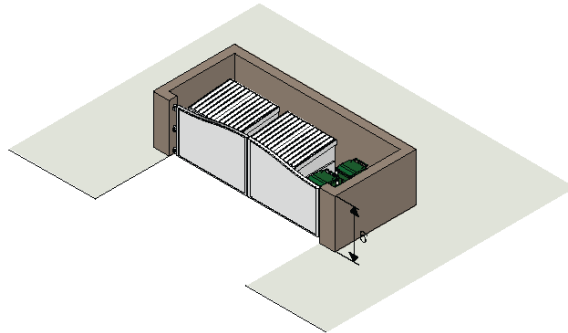
- a. Earthen berms or mounds shall:
 - 1. Be a minimum of 3 feet in height and not exceed 4:1 side slopes unless structurally reinforced.
 - 2. Be planted with grasses or ground cover to prevent erosion.
 - 3. Be used in combination with trees or shrubs to enhance visual screening effectiveness.

iv. Maintenance:

- a. All buffer elements shall be maintained in good condition. Any dead or diseased vegetation must be replaced during the next appropriate planting season.

Section 26.10 Trash and Garbage Control

- A. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings. Trash and recycling collection areas must be located as far away from residential structures on neighboring properties as practical.
- B. Service areas must be screened on 3 sides by a screening wall a minimum 6 feet in height and on the 4th side by a solid gate at a minimum of 6 feet in height as shown in the diagram below:



- C. The screening wall must be opaque and be constructed of high quality materials including one or a combination of the following: decorative blocks: brick: stone; cast-stone; split-faced block: stucco over standard concrete masonry blocks: or other material approved by the Board of Zoning Appeals.
- D. The gate and screening wall must be maintained in good working order and must remain closed except when trash pick-ups occur.

Section 26.11 Prohibited Uses

The following uses shall not be allowed or permitted in any District at any time.

- A. Storage and Shipping Containers Larger than 80 square feet.
- B. Mobile Home Parks
- C. Junk Yard
- D. Commercial Sanitary Landfills
- E. Racetracks - Automobile and Animal
- F. Bulk Petroleum Stations with Above Ground Storage Tanks
- G. Commercial Slaughterhouse
- H. Penal and Correctional Institutions

ARTICLE 27 ACCESSORY USES AND STRUCTURES

Section 27.01 Purpose

To provide for secondary structures or uses of the lot or parcel. Accessory structures include but are not limited to; garages, sheds, outbuildings, decks, signs, canopies, awnings, parking spaces, porches, gazebo, shipping containers, trellis, seasonal room, swimming pool, structures used with a swimming pool and the like. Structures may be attached or detached from the principal structure. Structures less than 18 square feet do not apply.

Accessory Structure shall be consistent with the general objectives of the zoning district and be harmonious in design, construction, character, and appearance with neighboring properties in the general vicinity.

Section 27.02 Definition

A use or structure, customarily, incidental and subordinate to the principal use or building and located on the same lot with such principle use or building.

Section 27.03 Home Occupations

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

Home occupations shall be regulated as an accessory use in the various districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty percent (20%) of the floor area of the principal dwelling unit structure is devoted to the home occupation.
- B. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- C. External indication of such home occupation shall be limited to one non-illuminated sign not more than four (4) square feet.
- D. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

Section 27.04 Accessory Structures

A. Location

A detached accessory use or structure shall not be located in the front yard and not closer to any side or rear lot line than the following:

- i. Fifteen (15) feet in all Districts.

B. Permitted Area and Height

The total area of all residential (R-1, R-2, & R-3) accessory uses or structures shall not exceed 10 percent (10%) of the area of the lot on which the structure or use is located but not to exceed 2,400 square feet. These area requirements shall not apply to lakes, ponds, swimming pools and athletic courts. (See Article 31 for solar facility exceptions.)

C. An accessory structure shall not exceed 35 feet in height.

Section 27.05 Lakes and Ponds

Lakes and ponds shall be considered as an accessory use where so indicated in the district regulations. Lakes and/or ponds over 1,000 square feet in surface area or exceeding three (3) feet in depth at any point shall meet the following requirements:

- A. The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or primary or secondary leach field site(s).
- B. The lake and/or pond shall be located not less than sixty (60) feet from any property line, leach field, and/or subsurface tile drainage passing through the property.
- C. The applicant shall demonstrate that the lake or pond meets the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Licking County Soil and Water Conservation District.

Section 27.06 Private Swimming Pools

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

- A. The pool is intended and is to be used solely for the enjoyment of occupants and guests of the property on which it is located.
- ~~B.~~ It may not be located closer than ten (10) feet to any property line or be located in required front yard.
- C. The swimming pool, or the area on which the swimming pool is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than 48 inches in height and maintained in good condition with a self closing, self latching, locking gate. Openings in the fence or barrier shall not permit the passage of a four inch-diameter sphere. If the structure of an above ground pool meets the requirements of this section, no additional fencing or wall shall be required. Gates shall be constructed to ensure a human being cannot crawl under the gate when it is closed.
- D. A permit from the zoning inspector is required before construction of the pool begins

Section 27.08 Telecommunications Towers

Telecommunications towers, as defined in Article 2 of this Resolution, may be allowed as a conditional use in AG, B-1, and M-1 Districts. The process to be used in processing an application for such a tower shall be as specified in Section 519.211 of the Ohio Revised Code and Article 9 of this Resolution. Telecommunications towers shall be subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
- D. The minimum lot size for the site of the tower shall be two (2) acres.
- E. Security fencing at least six (6) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- F. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G. The tower shall not be lighted except to assure safety or as required by the FAA.
- H. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- I. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
- J. No telecommunications tower, equipment building, or appurtenant facility shall be located within a designated 100 year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Licking County.
- K. A telecommunications tower shall be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- L. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment building, and appurtenances or on the site.
- M. Warning signs shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the township police or county sheriff's department, and the county emergency management agency with information on who to contact, an address, and telephone number in the event of an emergency.

ARTICLE 28 OFF-STREET PARKING REQUIREMENTS

Section 28.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Madison Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 28.02 Provision for Parking Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking spaces in accordance with the provisions of this Article.

Section 28.03 General Requirements

A. Surfacing

All off-street parking areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

B. Lighting

Any lighting used to illuminate any off-street parking area shall be fully shielded and arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

C. Parking of Inoperable or Disabled Equipment or Vehicles.

The exterior parking or storage of inoperable or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.

The Township reserves the right to remove junk cars from private property consistent with the standards and procedures cited in ORC Section 4513.65.

D. Parking of Recreational Equipment

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment in residential zoning districts shall be subject to the following requirements:

- a. Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.

- b. 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.

E. Parking Space Dimensions

A parking space shall have a minimum rectangular dimensions of not less than nine (9) feet in width and 19 feet in length for 90 degree parking, nine (9) feet in width and 23 feet in length for parallel parking, ten (10) feet in width and 19 feet in length for 60 degree parking, and 12 feet in width and 19 feet in length for 45 degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

F. Screening and/or Landscaping

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides, which adjoin or face any property used for residential purposes, by a designed wall, fence, or planting screen acceptable to the zoning inspector. Such fence, wall, or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition.

G. Minimum Setback

All parking lots shall be set back at least 25 feet from front, rear, and side lot boundaries. In no case shall a parking lot be closer than 25 feet to any established street, alley, or right-of-way.

H. Access

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

I. Width of Access Driveway

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: for one way traffic the minimum width of 14 feet except for 45 degree parking in which case the minimum width of the access road shall be 17 feet. Access roads for two-way traffic shall have a minimum width of 24 feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

Section 28.04 Recommended Number of Off-Street Parking Spaces

Parking spaces shall be provided according to the following Schedule that is hereby made a part of this Resolution. For uses not listed in the Schedule, the Board of Zoning Appeals shall make the determination of the number of recommended spaces.

Schedule of Recommended Parking Space Use

Residential	Single or multiple- family residences	Two (2) per dwelling unit
	Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
Commercial	Professional, administrative and business	One (1) for each 400 square feet of gross floor area
	Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 200 square feet of gross floor area
	Eating or drinking establishments without drive-through facilities	One (1) for each 100 square feet of gross floor area
	Eating or drinking establishments with drive-through facilities	One (1) for each 75 square feet of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces
	Personal services, including banks, savings and loans, and repair services without drive-through facilities	One (1) for each 200 square feet of gross floor area
	Personal services, including banks, savings and loans, and similar services with drive-through facilities	One (1) for each 200 square feet of gross floor area plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces
	Barber and beauty shops	Two (2) for each workstation
	Gasoline and service stations, automobile	Two (2) for each service bay plus one (1) for each service pump, plus one (1) for each employee during the main shift
	Self-serve laundries	One (1) for each three (3) washers
	Medical and dental offices, human clinics	Four (4) for each doctor or dentist
	Veterinary clinics, animal hospitals	Three (3) for each doctor
	Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
	Funeral homes	Four (4) for each 400 square feet of gross floor area
Industrial	Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises

Institutional	Churches and places of public worship	One (1) for each four (4) seats in main sanctuary
	Public or private elementary or secondary	Four (4) for each classroom, or one (1) for each school seat in the main auditorium, whichever is greater
	Business, trade, or technical school, college or university	One (1) for each two (2) students and one (1) for each faculty member
	Nursery School/Day Care	One (1) for each fifteen (15) students
	Libraries, museums, community centers and similar facilities	One for each 400 square feet of gross floor area
	Civic, social and fraternal organizations	One (1) for each three (3) persons allowed in the main meeting room at full capacity
	Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on the main shift
Recreational	Baseball, softball, football, soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one for each six (6) seats in the stands
	Tennis, handball or racquetball courts	Three (3) for each court
	Bowling alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants
	Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools	One (1) for each four (4) seats

Section 28.05 Prohibited Parking of a vehicle or trailer

The parking of a vehicle or trailer on a parcel with a dwelling containing any of the following is prohibited:

- A. Refuse, trash or waste materials of any kind.
- B. Salvage or scrap materials of any kind.
- C. Propane or fuel oil of any kind.
- D. Gasoline, diesel fuel. (more than 200 gallons)
- E. Oils, grease including crude oil.
- F. Explosives or fireworks.
- G. Chemicals or hazardous materials including hazardous waste.
- H. Animal bodies, in whole or part.

Section 28.06 Over-night Parking:

The over-night parking of one (1) business vehicle on a parcel with a dwelling on a prepared driveway without a trailer and less than 40' in total length is allowed.

ARTICLE 29 SIGNS

Section 29.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems. The intent of these regulations is as follows:

- A. to control the size, location and design of signs so that the overall appearance of such signs will be aesthetically harmonious with their surroundings,
- B. to reduce sign clutter,
- C. to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic,
- D. to prevent signs from becoming a nuisance to adjacent properties or uses,
- E. to encourage the development of signage that promotes a healthful economic and business environment and thereby protect the general health, safety, and welfare of the citizens of Madison Township.

Section 29.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means 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.
- B. "Billboard" means an off-premises sign that is more than three hundred fifty-nine (359) square feet in area.
- C. "Changeable copy sign" means a sign that, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.
- D. "Digital signs" are signs that display static or dynamic images controlled by electronic communications.
- E. "Directional sign" means any off-premises sign that indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered
- F. "Flashing sign" means a sign or graphic that in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
- G. "Freestanding sign" means a sign that is wholly independent of any building for support.
- H. "Moving sign" means any sign, all or any part of which physically moves or is animated so as to give the appearance of movement.

- I. "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
- A. "Measurement of Sign" means 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. 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.
- J. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for time period in excess of ninety (90) days in a six (6) month period.
- K. "Pole and Pylon Signs" means a sign attached to one or two poles, independent of any other structure and are also known as highway or road signs.
- L. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.
- M. "Projecting sign" means a sign that extends outward perpendicular to the building face.
- N. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of thirty 30 days or less.
- O. "Wall sign" means a 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.
- P. "Window sign" means a sign, graphic, poster, symbol or other identification that is physically affixed to or painted on the glass or other structural component of the window.

Section 29.03 Signs Excluded from Regulations

The following signs are excluded from the regulations and requirements of this Article:

- A. Signs not exceeding one (1) square foot in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.
- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.

- C. Temporary signs not exceeding fifty (50) square feet in area erected on a a site owned or controlled by a non-profit organization or group, including but not limited to sites used for sporting or similar community events.
- D. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- E. Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine (9) square feet in size and not illuminated.
- F. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday.
- G. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion, and provided that not more than four (4) such flags or banners are displayed at any one time.
- H. Signs identifying agricultural commodities or products used on the premises provided they are twenty (20) square feet or less.
- I. Sandwich boards are permitted in front of businesses but shall be located ten (10) feet in front of the business and shall be no closer to the pavement than thirty feet. They shall have the following specifications:
 - i. A maximum of four-foot height and two-foot width
 - ii. One per building
 - iii. Be made of permanent durable weatherproof material such as painted wood or metal

Section 29.04 Prohibited Signs

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Signs on motor vehicles or trailers that are parked in a manner and location so as to serve as a sign.
- B. Banners, streamers, pennants and similar air-activated moving signs.
- C. Flashing or high intensity lights mounted on a sign.
- D. Any sign that obstructs any part of a doorway, exit or fire escape.
- E. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
- F. Any sign that extends into the right-of-way of any public street or highway.
- G. Off-premises signs.

H. Pole or pylon sign (see item L in definitions which Vince added 6/26)

Section 29.05 Sign Permits and Administration

A. Permit Required

No permanent or temporary sign, except as exempted in Sections 29.03 or 29.06 of this Ordinance shall hereafter be erected, constructed or maintained within Madison Township unless a permit for the same has been issued by the Zoning Inspector.

B. Contents of Application

The owner of the property upon which the sign is proposed, or his agent shall make application for a permit to construct or erect a sign. The fee shall be established by separate Resolution. Each application for a sign permit shall be made on forms provided by the Zoning Inspector, and shall include the following information:

- i. Name, address, and telephone number of the applicant.
- ii. Drawings to an appropriate scale, showing at a minimum:
 - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols. If more than one sign face is proposed, separate information on each face shall be provided
 - b. The exact location of the sign in relation to the building and property.
 - c. The method of illumination, if any.
- iii. Details and specifications for the construction, type of material, erection and attachment of the sign.
- iv. Name, address and telephone number of the sign contractor or company.
- v. Other information as may be required by the Zoning Inspector to ensure compliance with the provisions of this Ordinance.

C. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

D. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Board of Zoning Appeals in the manner set forth in Article 7 of this Resolution.

Section 29.06 Signs Which Do Not Require a Permit

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article:

- A. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election are to be removed no later than one (1) week after such election, subject to penalty. Such signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition such sign shall not be located in any manner so as to create a safety or visibility hazard. Signs that exceed the standards of this Section shall require a sign permit.
- B. Signs that are located on and that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One such sign shall be allowed per street front. Such signs shall not be located in a public right-of-way. Exception: Such signs that relate to property currently zoned General Business or to property designated for Commercial Use in an existing Township or County Land Use Plan, shall not exceed thirty-two (32) square feet in area.
- C. Temporary window signs which promote special business sales, promotions or occasions. No business shall display such signs for more than thirty (30) days per calendar year. The date when each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign.
- D. Signs, which are less than twenty (20) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- E. A sign of no more than six square feet which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- F. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction signs shall be limited to one (1) per construction site, shall not exceed sixteen (16) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- G. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable entities. Such signs shall be removed not later than three (3) days after the scheduled activity

- H. Signs determined by the Board of Zoning Appeals to be similar to those specified in A-G above.

Section 29.07 General Requirements

Temporary and/or permanent signs erected after the date of this resolution shall comply with the following standards and requirements:

A. Digital Standard - Purpose and Intent.

More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g., utilizing an LED type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this section is to establish operating standards and regulations for signs which utilize these newer technologies in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

- B. Definitions. For purposes of this section, the words "wall sign", "digital sign", and "freestanding sign" and "sign" shall have the same definitions as contained in the Township's adopted Zoning Resolution, as amended from time to time.

C. Display

- i. A digital sign, other than a digital billboard, may not allow the display or message; to change more frequently than once every thirty (30) seconds, with a transition period of one second or less
- ii. A digital sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.
- iii. The maximum brightness levels for digital signs, shall not exceed 0.2 (two tenths) foot- candles over ambient light levels measured within 150 feet of the source, consistent with the terms of this section. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.
- iv. Brightness of digital signs shall be measured as follows:
 - a. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading

shall be made with the meter aimed directly at the sign area at the pre- set location.

- b. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
- c. If the difference between the readings is 0.2 foot candles or less. The brightness is properly adjusted.
- v. Setback from residential areas-all digital signs shall a minimum setback of 2000 feet or more from any residential structure.
- vi. Other Requirements. The use, size and location of digital signs, other than digital billboards, must comply with all other relevant regulations and ordinances of the Township.

D. Outdoor Advertising

Outdoor advertising including off-premises signs shall be considered a business use and shall be permitted in and subject to the development standards of the B-1 and M-1 Districts, and the following:

- i. All off-premises signs other than directional signs specified in Section 29.07 B (2) below, shall conform to all yard and setback requirements for the zoning district in which it is located.
- ii. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located elsewhere. Each such directional sign shall not exceed four (4) square feet in area.
- iii. The height of an outdoor advertising sign shall not exceed fifteen (15) feet above natural grade and shall not exceed three hundred fifty-nine (359) square feet in area.
- iv. All permitted outdoor advertising signs shall be licensed or permitted as may be required by other local, federal or state agencies.
- v. Outdoor advertising signs shall be located not less than 100 feet from any adjacent residence.
- vi. No outdoor advertising shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.

E. Billboards

- i. Billboards as defined in Section 29.02 B 1, intended to be viewed from any public right of way shall be considered as a conditional use in the B-1 and M-1 Districts. The intent of this section is to allow placement of billboards on parcels where other business development has already occurred.

- ii. Billboards are exempt from any limitation contained in this resolution which provides that no more than one permitted use shall exist on any one zoning lot.
- iii. A billboard together with one other permitted use may co-exist on any one zoning lot, whether or not the owner of such billboard is also the owner of all or some of such zoning lot, provided that neither such billboard nor such other permitted use shall be constructed on such zoning lot until an application for the billboard structure itself has been submitted and approved by the Zoning Inspector in accordance with the provisions of Section 29.05 hereof. Changes in advertisements posted on approved billboard structures are not considered as changes in signs requiring the submission of approval of sign applications under Section 29.05 hereof.
- iv. The application for billboards shall include a site plan showing the exact location of the sign, and the location of any other signage within 1000 feet from the location of the proposed sign. This site plan shall be reviewed by the Board of Zoning Appeals following the procedures and standards cited in Article 9. In addition, the billboard shall comply with Section 29.07 B above and the following:
- v. The maximum height of any billboard shall not exceed thirty-five (35) feet as measured from the ground level at the nearest point of the road right of way.
- vi. Billboards shall be set back from the roadway the minimum distance required for signage in the district involved.
- vii. The maximum area of any billboard shall not exceed 360 square feet.
- viii. No billboard shall be located within 500 feet of a residence.
- ix. No billboard shall be located within one thousand (1000) feet of any other billboard.
- x. Billboards may be back to back or 'V' type with only one face per side, except tri-vision, which are allowed.

F. On-Premises Signs

- i. Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the B-1 and M-1 Districts.
- ii. No single sign shall have an area of area of more than fifty (50) square feet.
- iii. No single use or property shall maintain a total sign area for all signs of more than three hundred fifty-nine (359) square feet.

- iv. No on-premises sign shall be erected closer than ten (10) feet to the road right-of-way.
- v. No sign shall exceed fifteen (15) feet in height, as measured from ground level.

G. Permanent Subdivision Identification Signs

Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision each being no more than 35 square feet in area.

H. General Requirements for all Signs

- i. When a sign is proposed to be illuminated, it shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
- ii. Moving signs and the animation of signs are prohibited.
- iii. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard.
- iv. No sign nor part of any sign shall be placed in, over, or extend onto any public right-of-way, nor shall any part of a sign be placed over, or extend above the roof of any structure.
- v. No sign shall be located so as to hinder clear sight within fifty (50) feet in both directions at the intersection of any roadway with a federal or state highway.

Section 29.08 Measurement of Sign

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

- A. 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. 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.
- B. 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.

Section 29.09 Nonconforming Signs

A. Abandonment

The continuance of an existing sign that does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign, which shall terminate by abandonment when any of the following conditions exist:

- i. When the sign is associated with an abandoned use.
- ii. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
- iii. When the sign is not maintained or does not conform to the following:
- iv. All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
- v. Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.
- vi. Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately. The removal of an abandoned sign shall be the responsibility of the owner of the property.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this section.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

- i. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
- ii. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

ARTICLE 30 ADULT ENTERTAINMENT ESTABLISHMENTS

Section 30.01 Definitions

- A. **Adult Arcade:** A commercial establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or photographic reproductions characterized by the depiction or description of specified “sexual activities” or “specified anatomical areas”.
- B. **Adult Bookstore, Adult Novelty Store, or Adult Video Store:** A commercial establishment which has twenty-five percent or more of its stock-in-trade, or derives a twenty-five percent or more of its revenues, or devotes twenty-five percent or more of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:
- i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, characterized by the depiction of specified “sexual activities” or “specified anatomical areas”;
 - ii. Instruments, devices or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.
- C. **Adult Cabaret:** A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
- i. “Private Club” shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.
 - ii. Persons who appear nude or in a state of nudity or semi-nude state;
 - iii. Live performances which are characterized by the exposure of “specified anatomical areas” or by specified “sexual activities”;
 - iv. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified “sexual activities” or “specified anatomical areas”; or
 - v. Physical contact (whether simulated or actual) of live males or females which is characterized by salacious conduct appealing to prurient interest for the observation by patrons provided that one or more of the parties

appears in a state of nudity or seminude state. Prurient shall have the meaning given to it by the United States Supreme Court in *Brockett v. Spokane*, 472 U.S.

D. **Adult Motel:** A motel, hotel, or similar commercial establishment which:

- i. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, which depict specified “sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of way, or by means of any off-premise advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- ii. Offers a sleeping room for rent for a period of time less than 10 hours; or
- iii. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.

E. **Adult Motion Picture Theater:** A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which depict or describe specified “sexual activities” or “specified anatomical areas” and which are regularly shown for any form of consideration.

F. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or performances which expose “specified anatomical areas” or specified “sexual activities”.

G. **Escort Agency:** A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s) or date(s) for another person. For purposes of this resolution “Escort” is a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or to privately perform a striptease for another.

H. **Massage Parlor** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of, or in connection with specified “sexual activities”, or where any person providing such treatment, manipulation or service related thereto, exposes his or her “specified anatomical areas”. This definition shall not include the practice of therapeutic massage by a licensed physician, surgeon, technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, a licensed podiatrist, a licensed nurse or any other licensed health professional nor by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program. “Licensed” means licensed, certified or registered to practice in the State of Ohio.

- I. **Nude Model Studio:** Any place where a person, who regularly appears in a state of nudity, or displays “specified anatomical areas”, is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.
- J. **Sexual Encounter Establishment:** A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort, for the purpose of specified “sexual activities”, or the exposure of “specified anatomical areas”, or activities when one or more of the persons is in a state of nudity or semi-nude. This definition shall not include any establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.
- K. **Sexual Paraphernalia Center:** Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing sexual.

Section 30.02 Prohibition

Adult entertainment establishments as defined in Section 30.01 are prohibited in Madison Township. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of Madison Township.

ARTICLE 31 SOLAR

Section 31.01 Small Solar Facilities

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulation.

Section 31.02 Definitions

- A. “Ground Mounted Solar Energy Systems” means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- B. “Integrated Solar Energy Systems” means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- C. “Rooftop Solar Energy Systems” means a solar energy system that is mounted to a structure or building’s roof on racks.
- D. “Small Solar Facility” means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- E. “Solar Energy” means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- F. “Solar Energy System” means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

Section 31.03 Permitted Uses

- A. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use in the following zoning districts: R1, R2, R3, AG, C1, M1, GB, FP.
- B. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in the following zoning districts: R1, R2, R3, AG, C1, M1, GB, FP.
- C. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use in the following zoning districts: AG, M1, GB.

Section 31.04 Conditional Uses

- A. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine,

any construction, erection, or siting of an Integrated Solar Energy System shall be a conditional use in the following zoning districts: None.

- B. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Rooftop Solar Energy System shall be a conditional use in the following zoning districts: None.
- C. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Ground Mounted Solar Energy System and all other Small Solar Facilities shall be a conditional use in the following zoning districts: None.

Section 31.05 General Requirements

- A. Integrated or Rooftop Solar Energy Systems:
 - i. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
 - ii. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 100% of a structure's walls and/or roof, as applicable.
- A. Ground Mounted Solar Energy Systems:
 - i. Ground Mounted Solar Energy Systems shall be considered an accessory use and at no time may be considered a principal use of a property.
 - ii. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed fifteen (15) feet.
 - iii. Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed 4,000 square feet of the lot or tract.
- B. Lighting: Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle as measured at the property line. Small Solar Facilities shall be placed or

arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

- C. Noise: Any Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the zoning district where located. In the event there are no applicable provisions regarding noise, no Small Solar Facility shall emit sound to an adjacent lot at a level exceeding sixty-five (65) decibels.
- D. Setbacks: Any Small Solar Facility must comply with the accessory structure setback requirements applicable to the zoning district where located.
- E. Maintenance: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.
- F. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdictions.
- G. Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- H. Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

Section 31.06 Certificate of Zoning Compliance

- A. A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility.
- B. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
 - i. A report that shows:
 - a. The total size and height of the proposed Small Solar Facility.

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- b. Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
- c. Hazardous materials containment and disposal plan.
- ii. A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of- way, and neighboring property lines.
- iii. Evidence of compliance with applicable setback and all other applicable zoning restrictions.
- iv. A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
- v. Any other information or materials reasonably requested by the Zoning Inspector.

ARTICLE 32 AGRITOURISM

Section 32.01 Definitions

“Agritourism” means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in or enjoy the activity. Ohio Revised Code 901.80(A)(2).

“Farm” means land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production. Ohio Revised Code Section 901.80(A)(4).

Section 32.02 General Requirements

Pursuant to ORC Section 519.21(C)(4), Agritourism is permitted in any zoning district but is subject to the following regulations. Agritourism regulations do not apply to farm markets where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Though no zoning permit is required for such use or any associated improvements, certain standards are necessary to protect the public health, safety, and general welfare. As such, the following shall apply:

- A. All buildings and structures utilized primarily for agritourism shall adhere to the minimum front, side, and rear yard requirements established for the zoning district in which it is located.
- B. All buildings and structures utilized primarily for agritourism shall not exceed thirty-five (35) feet in height.
- C. All buildings and structures utilized primarily for agritourism shall not exceed the maximum lot coverage requirements established for the zoning district in which it is located. Should no maximum lot coverage requirement be established, the maximum size permitted for said building or structure shall be one thousand four hundred (1,400) square feet.
- D. All buildings and structures utilized primarily for agritourism shall conform to all applicable regulations established by the Licking County Building Code Department.
- E. All parking demands created by this use shall be met off the Street.
- F. Parking areas shall adhere to the following Setback requirements:
 - i. Fifty (50) feet from any Lot zoned for residential Use.
 - ii. Fifteen (15) feet from any Lot zoned for non-residential Use.
- G. Safe and adequate ingress and egress must always be provided and maintained.

- H. Waste materials, solid or liquid, shall not be created on or imported onto the premises at a level that creates a burden on adjoining property. Permanent or temporary sanitary waste disposal shall be provided as regulated by the Licking County Health Department.

Section 32.03 Non-Exemptions

Agritourism which is not exempted by the Ohio Revised Code shall still comply with all applicable provisions within Article 32 as well as any other standards or prohibitions within this Resolution.

ARTICLE 33 ADULT USE CANNABIS CONTROL

Section 33.01 Definitions

- A. "Adult use cannabis " or "cannabis " or "marijuana" means marihuana as defined in section [3719.01](#) of the Revised Code.
- B. "Adult use cannabis operator" means a level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use dispensary.
- C. "Adult use consumer" means and individual who is at least twenty-one years of age.
- D. "Adult use cultivator" means a level I adult use cultivator or a level II adult use cultivator.
- E. "Adult use dispensary" means a person licensed pursuant section [3780.15](#) of the Revised Code, this chapter and any rules promulgated thereunder to sell adult use cannabis as authorized.
- F. "Adult use extract" or "extract" means a substance obtained by separating or concentrating cannabinoids and other compounds from any part of the adult use cannabis plant by physical or chemical means, intended to be refined for use as an ingredient in an adult use cannabis product or as a standalone adult use cannabis product.
- G. "Adult use processor" means a person licensed pursuant section [3780.14](#) of the Revised Code, this chapter and any rules promulgated thereunder to manufacture adult use cannabis as authorized.
- H. "Adult use testing laboratory" means an independent laboratory located that has been issued a license by the division of cannabis control to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis.
- I. "Advertising" means any written or verbal statement, illustration, or depiction created to induce sales through the use of or a combination of letters, pictures, objects, lighting effects, illustrations, videos, sounds, or other similar means. "Advertisement" includes brochures, promotional and other marketing materials consistent with section [3780.21](#) of the Revised Code.
- J. "Applicant" means an individual or person who files an application for a license pursuant to this chapter.
- K. "Certificate of operation" means a certification of operation or license issued by either the department of commerce or the state board of pharmacy to a person pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- L. "Confidential information" means information that is not a public record for purposes of section [149.43](#) of the Revised Code.
- M. "Cultivate" means to grow, harvest, package, and transports adult use cannabis pursuant to this chapter.

- N. "Cultivation area" means the boundaries of the enclosed areas in which adult use cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.
- O. "Cultivation facility" means a facility where an adult use cultivator or a level III adult use cultivator is authorized to operate.
- P. "Dispensary" means a person who has a certificate of operation to operate a dispensary under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- Q. "Disqualifying offense" means:
- i. A conviction or plea of guilty, including conspiracy to commit, attempt to commit, or aiding and abetting another in committing, the following:
 - a. Any offense set forth in Chapters 2925, 3719, or 4729 of the Revised Code, the violation of which constitutes a felony or a misdemeanor of the first degree;
 - b. Any theft offense set forth under division (K) in section [2913.01](#) of the Revised Code, the violation of which constitutes a felony;
 - c. Any violation for which a penalty was imposed under section [3715.99](#) of the Revised Code;
 - d. A crime of moral turpitude as defined in section [4776.10](#) of the Revised Code; or
 - e. A violation of any former law of this state, any existing or former law of another state, any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any of the offenses listed in paragraphs (a)(iv) to (a)(iv) of this definition.
 - ii. Any first degree misdemeanor offense listed in paragraphs (a)(i) to (a)(v) of this definition will not automatically disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed.
 - iii. Notwithstanding paragraph (a) or (b) of this definition, no misdemeanor offense, including misdemeanors of the first degree, related to cannabis possession, cannabis trafficking, illegal cultivation of cannabis, illegal use or possession of drug paraphernalia or cannabis drug paraphernalia, or other cannabis related crimes shall be considered a disqualifying offense.
- R. "Director" means the director of the department of commerce.
- S. "Level I adult use cultivator" mean either a person who has a certificate of operation as a level I cultivator and who is licensed pursuant to section [3780.12](#) of the Revised Code,

this chapter and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level I adult use cultivator pursuant to section [3780.12](#) of the Revised Code, this chapter and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to one hundred thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.

- T. "Level II adult use cultivator" mean either a person who has a certificate of operation as a level II cultivator and who is licensed pursuant to section [3780.12](#) of the Revised Code, this chapter and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level II adult use cultivator pursuant to section [3780.12](#) of the Revised Code, this chapter and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to fifteen thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.
- U. "Level III adult use cultivator" means a person licensed pursuant section [3780.13](#) of the Revised Code, this chapter and any rules promulgated thereunder to cultivate adult use cannabis as authorized.
- V. "Level I cultivator" means a person who has a certificate of operation to operate as a level I cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- W. "Level II cultivator" means a person who has a certificate of operation to operate as a level II cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- X. "License" means a license by the division of cannabis control to a license applicant pursuant to chapter 3780 of the Revised Code and the rules adopted thereunder.
- Y. "License applicant" means an individual or person who applies for a license under this chapter.
- Z. "License holder" or "Licensee" means an adult use cannabis operator, adult use testing laboratory or an individual who is licensed under the provisions of chapter 3780 of the Revised Code.
- AA. "Manufacture" means the process of converting harvested plant material into adult use extract by physical or chemical means for use as an ingredient in an adult use cannabis product.
- BB. "Medical provisional license" means a provisional license issued by either the department of commerce or the state board of pharmacy to a person pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- CC. "Minor cannabinoid" means any cannabinoid other than CBD, CBDA, Delta-9 THC or Delta 9 THCa, including any isomer, analogue, or derivative thereof, and any

other cannabinoid that naturally occurs in cannabis, regardless of whether that cannabinoid may be naturally or synthetically derived, which may be used as an ingredient in adult use products.

- DD. "Mother plant" means an adult use cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to an adult use processor or an adult use dispensary unless the plant is transferred into the cultivation area of the facility.
- EE. "Paraphernalia" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.
- FF. "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.
- GG. "Primary residence" means the residence of an individual in which the individual's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.
- HH. "Processor" means a person who has been issued a processing certificate of operation pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- II. "Prohibited facility" means any church, public library, public playground, public park, or school, as defined in section [3796.30](#) of the Revised Code.
- JJ. "Provisional license" means a temporary license issued to an applicant for an individual license that establishes the conditions that must be met by the licensee before the individual is issued a license in accordance with the requirements and conditions set forth in chapter 3780 of the Revised Code and the rules adopted thereunder.
- KK. "Tetrahydrocannabinol" or "THC" means the sum of the amount of delta-9 tetrahydrocannabinol (THC) and 87.7 per cent of the amount of delta-9-tetrahydrocannabinolic acid (THCA) present in the product or plant material. THC does not include minor cannabinoids.

Section 33.02 Prohibition

Madison Township prohibits adult use operators, cultivators, processors and retail dispensaries as defined in Section 33.01. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of Madison Township.

PART 5 – TOWNSHIP CENTER

ARTICLE 34 GENERAL PROVISIONS

Section 34.01 Authority

- A. This article applies to land identified in the 2024 Comprehensive Plan Regional Transect Map (See Image 1) and labeled as G2 Controlled Growth, G3 Intended Growth or G4 Infill Growth.
- B. This article is adopted as one of the instruments of implementation of the public purposes and objectives of the Comprehensive Plan. This article is declared to be in accordance with the 2024 Madison Township Comprehensive Plan.

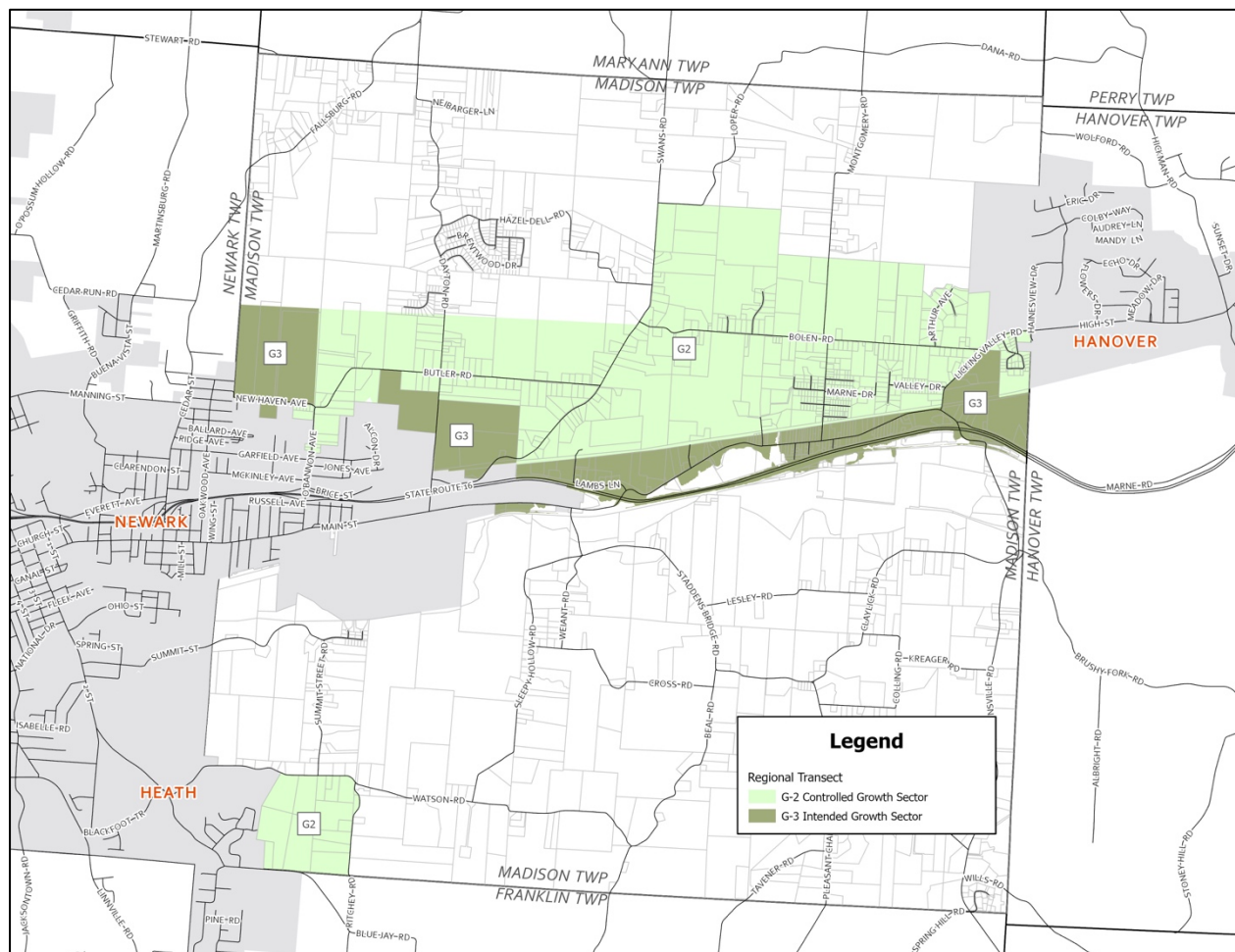


IMAGE 1 - REGIONAL TRANSECT

Section 34.02 Applicability

- A. Conflicting resolutions. All resolutions or parts of resolutions in conflict with this article or inconsistent with its provisions are hereby superseded to the full extent necessary to give this article full force and effect.
- B. Rules of construction. The following general rules apply to regulations governing this article:
 - i. Numerical metrics take precedence over graphic metrics;
 - ii. The diagrams and illustrations within this article, unless specifically noted as advisory, are considered regulatory in nature and are legally binding; and
 - iii. The definition of a term in this article takes precedence over the definition of the same term elsewhere in the Madison Township Zoning Resolution.
 - a. Terms used throughout this article may be defined in Article 41 Definitions. Those terms not defined in Article 41 Definitions are accorded their commonly accepted meanings.

Section 34.03 Intent

- A. The intent and purpose of this article is to enable, encourage and qualify the implementation of the following policies:
- B. The environment
 - i. That areas of current and future hazard should remain or become undeveloped to avoid unnecessary loss of life and community wealth.
 - ii. That prime agricultural land should be preserved to protect future food supplies.
 - iii. That regional watersheds should be protected to preserve the future water supply.
 - iv. That communities, blocks, and buildings should reinforce social fabric to support local decision- making and collective response to natural disasters.
- C. The region
 - i. That the region should retain its natural infrastructure and visual character.
 - ii. That growth strategies should encourage infill and redevelopment in parity with new communities.
 - iii. That development within or contiguous to urban areas should be structured in the pattern of Urban Center (UCT), Town Center (TCT), or Village (VIL), and be integrated with the existing urban pattern.

- iv. That development non-contiguous to urban areas should be organized in the pattern of Hamlet (HAM) or Village (VIL).
- v. That transportation corridors should be planned and reserved in coordination with land use.
- vi. That green corridors should be used to define and connect the urbanized areas.
- vii. That the region should include a framework of transit, pedestrian, and bicycle systems that provide

D. The community

- i. That neighborhoods, corridors, town centers, and urban centers should be compact, pedestrian- oriented and mixed use.
- ii. That neighborhoods, town centers, and urban centers should be the preferred pattern of development and that districts specializing in a single use should be the exception.
- iii. That ordinary activities of daily living should occur within walking distance of most dwellings, as much as is feasible, allowing independence to those who do not drive.
- iv. That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- v. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- vi. That civic, institutional, and commercial activity should be embedded in the town center and neighborhoods, not isolated in remote single-use complexes.
- vii. That schools should be sized and located to enable children to walk or bicycle to them.
- viii. That a range of open space should be distributed within neighborhoods and the town center.

E. The block and the building

- i. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
- ii. That development should adequately accommodate automobiles while prioritizing the pedestrian, the bicyclist, and the spatial form of public areas.
- iii. That architecture and landscape design should grow from local climate, topography, history, and building practice.

- iv. That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- v. That civic buildings and public gathering places should be provided as locations that reinforce community identity.
- vi. That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- vii. That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.

F. The transect

- i. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- ii. That the transect district descriptions in [1.4 Transect Districts Established](#) constitute the intent of this [article](#) with regard to the general character of each of these environments.

Section 34.04 Transect Districts Established

A. Zoning under this article is limited to the following transect district designations.

- i. T1 Natural (T1): This district consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. Public parks may occur, but general development is prohibited.
- ii. T2 Rural (T2): This district consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, rangeland, and pasture. Typical buildings are farmhouses and agricultural buildings. Roads are rural in character and have no pedestrian facilities. Landscaping is naturally occurring.
- iii. T3 Sub-Urban (T3): This district consists of low density residential areas, with some mix of use, home occupations and accessory buildings. Street and yard planting are naturalistic and building setbacks are relatively deep. Blocks may be large and thoroughfare networks irregular.
- iv. T4 General Urban (T4): This district includes a mix of uses but is primarily mixed density residential. It may have a wide range of building types: houses, townhouses, duplexes, small apartment buildings, and live-work units. Setbacks and landscaping are variable. Streets and sidewalks define medium-sized blocks.

B. All or a portion of the property within a designated Transect zone may be further subject to the following overlay districts:

- i. Historic Preservation District: an area designated as historically significant, whether designated locally, at the state, or federal levels. The

Historic Preservation District modifies transect zones by reflecting the heights and setbacks of the existing historic patterns.

Section 34.05 Form-Based Applicability

Standards apply based on the type of activity proposed, as shown in the table below. For all Form-Based zoning districts, the standards shall be applied as shown in the table below:

	New Construction	Addition	Site Modification	Façade Modification	Change of Use	Renovation	Maintenance & Repair
Site Width	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dwelling Units per Site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walls & Fence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Streetscape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Setbacks	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Build-Out	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking Location	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Massing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Story Height	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 34.06 Form-Based Code Activator

When determining when to apply the standards and regulations of Article 14, the following definitions of activators and examples shall be used.

A. New Construction

- i. Definition: The development of a new structure or building on a vacant or previously undeveloped parcel of land.
- ii. Examples: Construction of a new residential subdivision, a commercial shopping center, or an industrial warehouse.

B. Addition

- i. Definition: An expansion or extension of an existing building or structure, including horizontal or vertical increases in size.

- ii. Examples: Adding a new wing to an office building, expanding a residential garage, or building a second story on a single-family home.

C. Site Modification

- i. Definition: Changes or improvements made to the layout, features, or infrastructure of a site without adding new structures or significantly modifying existing ones.
- ii. Examples: Reconfiguring parking lots, updating pedestrian pathways, or installing new landscaping features.

D. Façade Modification

- i. Definition: Changes to the exterior appearance or materials of a building, often for aesthetic or branding purposes.
- ii. Examples: Repainting a storefront, replacing exterior materials, or updating windows and doors on a commercial building.

E. Change of Use

- i. Definition: A shift in the designated use of a property or building, as defined by the Zoning Resolution (e.g., from retail to office or industrial to residential).
- ii. Examples: Converting a warehouse into a fitness center, changing a single-family home into a daycare facility, or turning a retail store into a restaurant.

F. Renovation

- i. Definition: Alterations or improvements made to an existing structure that do not involve significant additions or changes to its use.
- ii. Examples: Upgrading interior finishes, replacing an HVAC system, or modernizing an outdated building façade.

G. Maintenance & Repair

- i. Definition: Routine upkeep or restoration of a structure or site to maintain its current condition or functionality without altering its design, materials, or use.
- ii. Examples: Roof repairs, repainting in the same color, replacing broken windows, or repaving a parking lot.

Section 34.07 Nonconformities

- A. The provisions of this article are subject to Article 5 Non-Conforming Use

ARTICLE 35 COMPREHENSIVE PLAN

Section 35.01 Sector Plan

- A. Madison Township Board of Trustees has adopted the sector plan as a part of the comprehensive plan.
- B. The sector plan prescribes which community types are permitted as specified in Table 2A. Community Unit Types by Sector.

Section 35.02 Sectors

- A. Each sector guides whether a specific area is intended for growth or preservation.
- B. Sector are intended to serve the following purposes:
 - i. O1: consists of lands protected from future development;
 - ii. G1: consists of lands of primarily rural character where future development is limited to not overburden resources or natural systems;
 - iii. G2: consists of lands that can support substantial growth by virtue of proximity to existing infrastructure and safety from hazards; and
 - iv. G3: consists of land already developed that can support further and more intensified development.

Section 35.03 Community Unit Types

- A. Community units are a regulatory category that defines the physical form, density, character, and extent of a new community.
- B. Community units are used to structure the development of new communities on parcels 20 acres or greater.
- C. Community unit types are as follows:
 - i. Hamlet, a small rural community oriented toward a common destination that consists of civic space;
 - ii. Village, a rural community oriented toward a common destination that consists of civic space with small scale services and near a transportation route;
 - iii. Minor center, a mixed use neighborhood with significant office, retail, and services, oriented towards a common destination or main street, and supported by adjacent neighborhoods; and
 - iv. Major center, a very intense mixed use area focused on office, retail, and services, oriented toward a large mixed-use center or corridor and in a form of a commercial core on major transportation routes.
- D. Community unit types are further limited by the prerequisite standards specified in Table 2B. Community Unit Type Prerequisites.

- E. New community units must have the characteristics specified in [Table 2C. Community Unit Type Requirements](#).

MADISON TOWNSHIP 2A. COMMUNITY UNIT TYPES BY SECTOR					
	Major Center	Minor Center	Town	Village	Hamlet
O1					
G1					■
G2					■
G3		■	■		

MADISON TOWNSHIP 2B. COMMUNITY UNIT TYPE PREREQUISITES				
	Water Service	Wastewater Service	Transportation Adjacency	Community Adjacency
Minor Center	Required	Required	Within ¼ mile of an arterial	Within ¼ mile of existing development
Town	Required	Required	Adjacent to a rural route or highway	Not applicable
Village	Required	Required	Within 1 mile of a rural route or highway	Not applicable
Hamlet	Required	Recommended	Not applicable	Not applicable

MADISON TOWNSHIP 2C. COMMUNITY UNIT TYPE REQUIREMENTS					
	Size	Main Civic Space Type	T2	T3	T4
Minor Center	80 – 640 acres	Plaza, square or green			20 - 40%
Town	80 - 320 acres	Plaza, square or green	0 - 20%	30 - 50%	20 - 40%
Village	60 - 160 acres	Square or green	0 - 20%	40 - 60%	10 - 30%
Hamlet	20 - 60 acres	Green	0 - 20%	40 - 80%	0 - 40%

ARTICLE 36 LAND SUBDIVISION

Section 36.01 Community Unit Standards

- A. Land subject to the requirements of this section must be configured in accordance with a single community unit or multiple adjacent community units.
- B. Community unit size and composition requirements are specified in Article 35 Comprehensive Plan.
- C. Community unit proportions must be no greater than 3:1, measured by a circumscribed rectangle.
- D. Community unit types are described in Section 35.03.
- E. Community unit types are further regulated in location as specified in Table 2A. Community Unit Types by Sector and Table 2B. Community Unit Type Prerequisites.
- F. Each community type must have the characteristics required by Table 2C. Community Unit Type Requirements for new community development. This table does not apply to existing communities.

Section 36.02 Transportation Standards

- A. Right-of-way network
 - i. Rights-of-way are intended for use by pedestrians, bicyclists, public transportation vehicles, trucks and delivery vehicles, and personal vehicles to provide access to lots and civic space.
 - ii. All rights-of-way must terminate at other rights-of-way, forming a network.
 - iii. The spacing of rights-of-way is limited by the maximum block perimeter in accordance with Section 36.03.
 - iv. The Board of Zoning Appeals may recommend cul-de-sacs where natural constraints limit the ability to terminate on other rights-of-way.
 - v. The right-of-way network should connect to properties outside of the application area and provide right-of-way stubs for connections to future development on adjacent undeveloped land.
- B. Roadway assemblies must be designed in context with the urban form and mode share of the transect districts through which they pass. The specific design of rights-of-way is regulated by Article 39 Right-of-way Regulations.
- C. Pedestrian network
 - i. Within T3 and T4, a continuous pedestrian network must provide access to all lots and civic space.
- D. Bicycle network

- i. A bicycle network must be provided, connecting to existing bicycle networks, regional open space, existing trail networks, schools, and the main civic space of each community unit.
- ii. The bicycle network may consist of dedicated and shared bicycle facilities specified in the transportation element as well as roadway assemblies with a design speed of 30 mph or less.

Section 36.03 Block Standards

- A. All developable land within the application area must be divided into blocks, except land in T1, T2, infrastructure or recreational corridors, and land directly abutting an interstate highway.
- B. Block perimeters are defined by rights-of-way or pedestrian ways.
- C. Block perimeters are limited to 3000 feet in length, except as follows:
 - i. Special districts may be exempt in accordance with special district standards;
 - ii. Blocks containing more than 50% civic space are exempt;
 - iii. Blocks at the perimeter of the planning area may be exempt if connections cannot be made to adjacent properties;
 - iv. Blocks abutting County or State roadways where access is limited are exempt; and
 - v. Blocks abutting natural waterways and slopes greater than 10% are exempt.
- D. Blocks with a perimeter exceeding 2400 feet must include a pedestrian way traversing the block from the frontage of greatest length.

Section 36.04 Zoning Standards

- A. All developable land not assigned a special district must be assigned a transect district.
- B. District boundaries are mapped to the centerline of rights-of-way.
- C. Transitions between districts should occur at rear lot lines and side lot lines, they should not occur across rights-of-way.
- D. Transect districts must be assigned and mapped within planning areas according to the percentages specified in Article 38 Zoning Regulations. Percentages are calculated independently for each community unit.

Section 36.05 Platting Standards

- A. All developable land must be subdivided into lots.
- B. A minimum of 80% of lots must have at least one property line along a right-of-way.

- C. Where applications include lots with property lines along more than one right-of-way, a primary frontage and secondary frontage must be specified.
- D. Lot widths must meet the following width requirements:
 - i. T2 – 200 ft. min., no maximum
 - ii. T3 – 50 ft. min., no maximum
 - iii. T4 – 18 ft. min., 84 ft. max.
- E. Lots containing civic uses, and no other uses, may exceed maximum lot size requirements.

Section 36.06 Civic Space Standards

- A. Civic spaces permanently dedicated as public open space are required for each community unit.
- B. A minimum of 5% of the developable land within each community unit must be assigned to civic space. No more than 20% of the developable land within each community unit may be assigned to civic space.
- C. Civic spaces are permitted within transect districts according to Table 5D. Use Matrix.
- D. Each community unit must contain a main civic space located within 800 feet of the geographic center of the community unit unless topographic conditions, pre-existing right-of-way alignments or other circumstances prevent this location.
- E. The main civic space type is limited as specified in Table 2C. Community Unit Type Requirements.
- F. One playground must be provided for every 125 acres of land within the community unit. Special districts may be exempt from this requirement.
 - i. Playgrounds must be distributed throughout the planning area and may be located within other civic spaces.
- G. The design, programming, and landscaping of all civic space must comply with Table 3A. Civic Space Types.
- H. Multiple community units
 - i. Applications including two or more community units must include one park for every two community units.

Section 36.07 Special Requirements

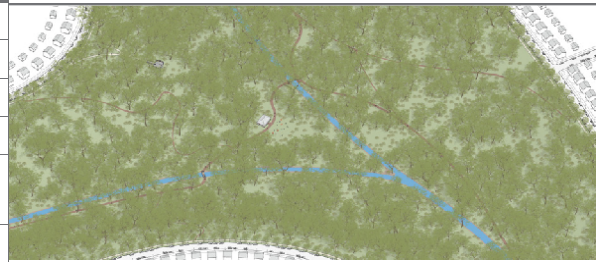
- A. Applications may also include a Special Requirements map, assigning any of the following special requirements:
 - i. A differentiation of the rights-of-way into an a-grid and b-grid.
 - a. Buildings along the a-grid are held to the highest standard of this article in support of pedestrian activity.

- b. Buildings along the b-grid may be more readily considered for waivers allowing automobile- oriented standards.
 - c. The frontages assigned to the b-grid may not exceed 50% of the total length of frontages within a community unit.
- ii. Mandatory or recommended retail frontage, requiring or advising that a building provide a shopfront at sidewalk level along the entire length of its private frontage.
- iii. Mandatory or recommended gallery frontage, requiring or advising that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns.
 - a. The gallery frontage designation may be combined with a retail frontage designation.
- iv. Mandatory or recommended arcade frontage, requiring or advising that a building overlap the sidewalk such that the first floor facade is a colonnade.
- v. Mandatory or recommended porchfront, requiring or advising that a porch be included in the private frontage.
- vi. Build-to line, requiring the placement of the building facade along the line.
- vii. Mandatory or recommended terminated vista locations, requiring or advising a building be provided that responds visually to the location, as approved by the Board of Zoning Appeals.
- viii. Cross block passages, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.

TABLE 3A. CIVIC SPACE TYPES

Conservation Park

Transect district	T1
Size in acres	8 min.
Proportion	N/A
Edge condition	N/A
Surface	Planted, pervious paths and maintenance roads
Buildings	Pavilions and picnic areas



Park

Transect district	T2, T3, T4
Size in acres	5 min.
Proportion	1:5 max. in T5 and T6
Edge condition	Rights-of-way required on all sides in T5 and T6
Surface	Planted, pervious and non-pervious paths, paved gathering spaces, sports facilities
Buildings	Pavilions, picnic areas, storage, rest rooms, food service



Green

Transect district	T3, T4
Size in acres	1/2 min., 5 max.
Proportion	N/A
Edge condition	Right-of-way required on at least one side
Surface	Planted, paved 15% max., pervious paving recommended
Landscape	40% mature canopy required



Square

Transect district	T4
Size in acres	1/4 min., 4 max.
Proportion	1:5 max.
Edge condition	Rights-of-way required on two sides, min.
Surface	Paved 50% max., pervious paving recommended
Landscape	30% mature canopy required



TABLE 3A. CIVIC SPACE TYPES**Plaza**

Transect district	T4
Size in acres	1/8 min., 3 max.
Proportion	1:4 max.
Edge condition	Rights-of-way required on two sides, min.
Surface	Paved 50% min., pervious paving recommended
Landscape	20% mature canopy required
Buildings	Pavilions, storage, rest rooms, food service, vending

**Neighborhood Multipurpose Field**

Transect district	T3, T4
Size in acres	3 min., 10 max.
Proportion	1:5 max.
Edge condition	Rights-of-way required on two sides, min.
Surface	Planted, sports fields and courts, paved 20% max.
Landscape	20 foot landscape zone at perimeter, canopy trees required. Fields may serve secondary purpose as stormwater management.

**Greenway**

Transect district	T3, T4
Size in feet	50 min. in width, 1,000 min. in length
Proportion	N/A
Edge condition	Rights-of-way or pedestrian way required on one side, min.
Surface	Lawn, paved 20% max.
Landscape	20% mature canopy required



TABLE 3A. CIVIC SPACE TYPES**Pocket Park**

Transect district	T3, T4
Size in square feet	2,000 min., 8,000 max.
Proportion	1:5 max.
Edge condition	Rights-of-way or pedestrian way required on one side, min.
Surface	Planted, play equipment, paved 30% max.
Landscape	40% mature canopy required

**Community Garden**

Transect district	T3, T4
Size in acres	N/A
Proportion	N/A
Edge condition	N/A
Special requirement	Water supply required
Landscape	75% noon-time solar exposure

**Pedestrian Passage**

Transect district	T3, T4
Size in acres	N/A
Width	8 ft. min. in T3 and T4
Surface	Continuous paved walkway required, seating and gathering places encouraged, planted opportunistically



ARTICLE 38 ZONING REGULATIONS

Section 38.01 Buildings and Yards

A. Building Placement

- i. Structures must be set back from lot boundaries as specified in Table 5M - Table 5O, and as follows:
 - a. Front specifies the setback from the lot line associated with the address;
 - b. Side street specifies the setback from any lot line abutting a street other than the front lot line;
 - c. In T4, where there are multiple structures on one lot, the side street maximum setback applies to only the nearest structure;
 - d. Side specifies the setback from side lot lines other than those qualifying for a side street setback;
 - e. Rear specifies the setback from the rear lot line, except where abutting an alley; and
 - f. Rear Alley specifies the setback from the rear lot line in instances that it abuts an alley.
- ii. Elements that project from facades are permitted to encroach into setbacks as specified in Section 38.02 G.
- iii. Utility easements may cause buildings to exceed maximum setbacks and may require additional setbacks.
- iv. Buildings and covered structures are limited in the total area they may occupy as a percentage of the net lot area as specified in Table 5M - Table 5O.

B. Building Height

- i. Building height is limited according to Table 5M - Table 5O, measured as follows:
 - a. Building height is measured in stories above sidewalk grade adjacent to the principal building entrance;
 - b. Stories are measured from finished floor to finished ceiling;
 - c. Stories are limited to 14 feet high;
 - d. Stories exceeding 14 feet are counted as one story for every 14 feet;
 - e. For non-residential and mixed-uses:
 1. Ground floor stories must be 11 feet in height or greater;

- 2. Ground floor stories may be up to 25 feet;
- 3. Ground floors exceeding 25 feet in height are counted as one story for every 14 feet; and
- 4. Mezzanines extending beyond 30% of the ground floor area are counted as an additional story;
- f. Below ground stories do not count toward building height provided they do not extend more than 4 feet above sidewalk grade; and
- g. Height limits do not apply to attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
- ii. Parking structure height is limited according to Table 5M - Table 5O, measured as follows:
 - a. Parking structure height is measured in feet above average adjacent grade; and
 - b. Parking structures lined along 80% or more of street facing elevations are limited in height to the eave or parapet of lining buildings.

Section 38.02 Frontage Requirements

- A. Frontage requirements regulate the following:
 - i. Building facades nearest the front and side street lot lines.
 - ii. Elements that project from building facade into front and side street setbacks such as porches, terraces, stoops, awnings, canopies, and bay windows.
 - iii. Landscape elements between front and side street lot lines and building facades nearest those lot lines.
- B. A frontage type must be specified for each building facade facing a street as follows:
 - i. Frontage types are specified as a combination between a frontage yard and frontage elements along the facade;
 - ii. Frontage yards must be configured according to Table 5A. Frontage Yards;
 - iii. Frontage elements must be configured according to Table 5B. Frontage Elements;
 - iv. Multiple frontage types may be used sequentially along a facade; and
 - v. A shopfront frontage is required for all ground floor retail uses.
- C. Buildings located within 30 feet of streets and civic spaces must comply with the following:

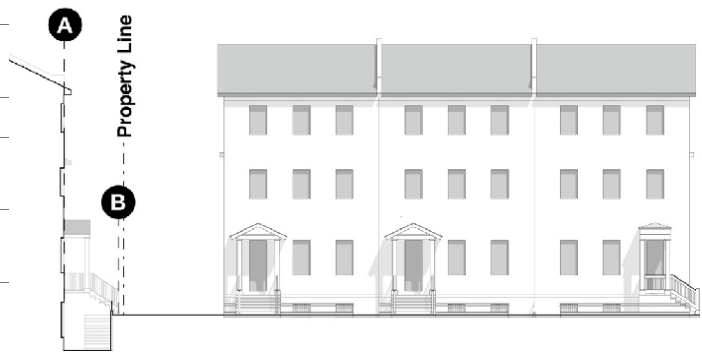
- i. Building entries must be provided from streets and civic spaces at the minimum frequency specified in Table 5M - Table 5O;
 - ii. Buildings on corner lots are exempt from entry frequency requirements along the shorter facade if it is less than 75 feet in length; and
 - iii. Entries may be recessed from the facade up to 8 feet in depth.
- D. Facades must meet the minimum clear glass requirements of Table 5M - Table 5O and as follows:
 - i. Glass percentage is calculated individually for each facade and is measured between two and ten feet in height above grade along the length of the facade;
 - ii. The entire frame and structure of doors, windows, and storefront systems are considered glass for this calculation;
 - iii. Shopfronts must have a minimum of 70% clear glass; and
 - iv. Tinted, mirrored and reflective glass, and glass covered by screening sheets, white, or UV protection film are prohibited.
- E. Blank walls visible from the public sidewalk must not exceed 50 linear feet. Walls along interior side lot lines with a zero setback are exempt from this requirement.
- F. Where building facades do not occupy the entire frontage length in T5, a streetscreen is required to occupy the remaining frontage as follows:
 - i. Streetscreens must be between 4 and 8 feet in height;
 - ii. Openings in the streetscreen for vehicular access may be no wider than 30 feet; and
 - iii. Streetscreens must be opaque or include planting towards the lot interior to increase opacity.
- G. Encroachments.
 - i. Minor facade elements may encroach into setbacks as follows:
 - a. Roof overhangs, cornices, window and door surrounds, and other facade decorations may encroach into setbacks up to 2 feet beyond the structure they are attached to; and
 - b. Minor facade elements must not encroach into rights-of-way.
 - ii. Major facade elements may encroach into setbacks as follows:
 - a. Major facade elements may encroach according to frontage type as specified in Table 5A. Frontage Yards and Table 5B. Frontage Elements; and

- b. Major facade elements include bay windows, bow windows, display windows, balconies, stoops, porches, awnings, galleries, and arcades.
 - iii. Ground floor retail uses may utilize the public sidewalk for seating, serving, displays of merchandise, and other business related activities provided a 5 foot clear pedestrian path is maintained.
 - H. All outdoor electrical, plumbing, and mechanical equipment must be located behind the front facade or concealed from street view with a screen or wall. These facilities may not encroach into any setback.
 - I. Drive-through facilities and lanes must be located behind the building relative to sidewalks.
 - i. Queuing lanes must not interfere with pedestrian circulation.
 - ii. Queuing lanes may not be located in front of the building.
 - iii. Drive-through canopies and other structures, where present, must be constructed from the same materials as the building, and with the same level of architectural quality and detailing.
 - J. Shopfront frontages not combined with other frontage types may include awnings as follows:
 - i. Awnings may be movable;
 - ii. Awnings must extend a minimum of 6 feet from the building facade;
 - iii. Awnings must be set back from the curb a minimum of 2 feet;
 - iv. A minimum of 10 foot clearance must be maintained above the sidewalk; and
 - v. Awnings must span the shopfront area up to 80% of its width without gaps, except between tenants.

TABLE 5A. FRONTAGE YARDS

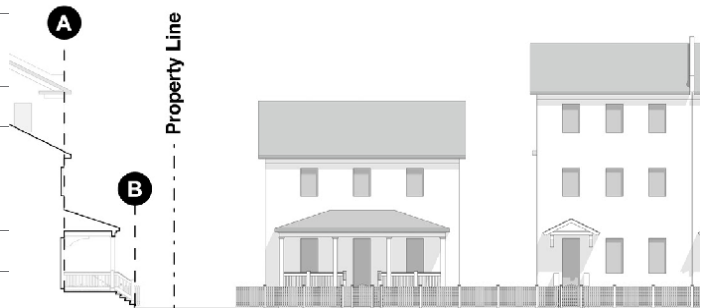
Urban Yard

Transect District	T4
Elements	Stoop, porch, urban terrace, light well
A Max. Setback	8 ft.
B Encroachment	Elements up to 100% of setback
Surface	Paved, raised planter, landscaped optional in T4
Fencing	Permitted where landscaped in T4



Shallow Yard

Transect District	T4, T3
Elements	Stoop, porch, terrace, light well
A Max. Setback	18 ft.
B Encroachment	Elements up to the greater of 8 ft. or 60% of the setback
Surface	Landscaped
Fencing	Optional



Common Yard

Transect District	T4, T3
Elements	Stoop, porch, terrace
A Min. Setback	18 ft.
B Encroachment	Elements up to the greater of 8 ft. or 40% of the setback
Surface	Landscaped
Fencing	None

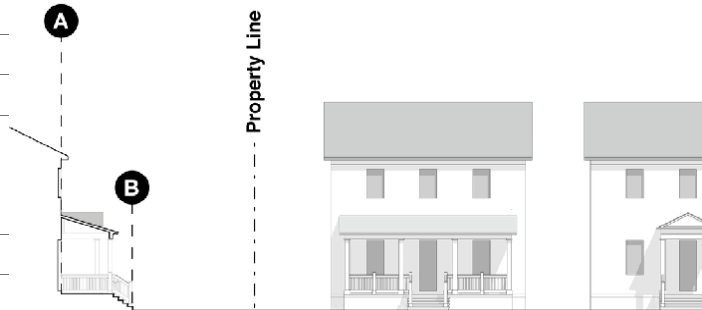
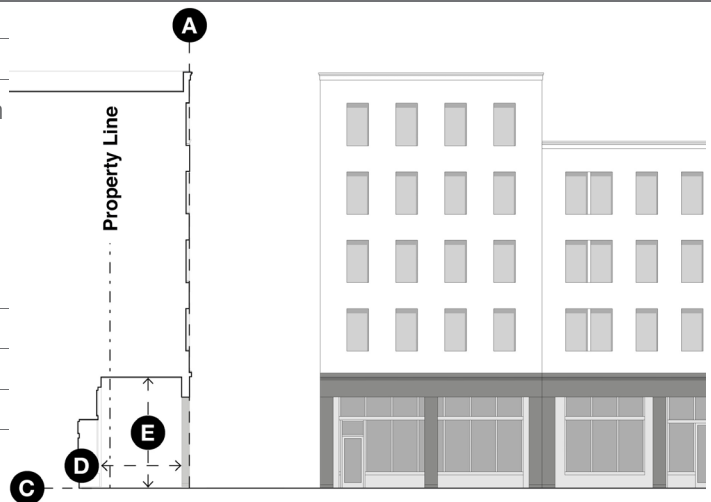


TABLE 5B. FRONTAGE ELEMENTS

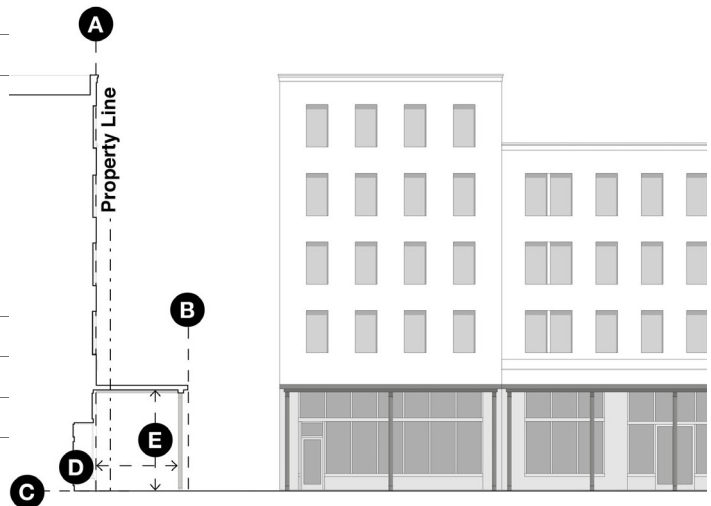
Arcade

Combinations	Shopfront, common entry
A Max. setback	N/A
B Encroachment	Building and arcade to within 2 feet of the curb; outdoor display, bay and display windows 100% of the setback; seating by permit
C Entry condition	By combination
D Horizontal clear	8 ft. min.
E Vertical clear	10 ft. min.
Special Conditions	Utility coordination required



Gallery

Combinations	Shopfront, common entry
A Max. Setback	6 ft.
B Encroachment	Gallery to within 2 feet of the curb; outdoor display, bay and display windows 100% of the setback; seating by permit
C Entry Condition	By combination
D Horizontal Clear.	8 ft. min.
E Vertical Clear.	10 ft. min.
Special Conditions	Utility coordination required



Urban Terrace

Combinations	Shopfront, awning, canopy
A Min. Setback	10 ft.
B Encroachment	Terrace and seating 100% of setback; outdoor display, bay and display windows up to 4 ft.
C Entry Condition	At grade entry
D Horizontal Clear.	N/A
E Vertical Clear.	N/A
Special Conditions	Wall permitted along frontage to 42 in. high



TABLE 5B. FRONTAGE ELEMENTS**Forecourt**

Combinations	Arcade, gallery, urban terrace, shopfront, common entry	
A Max. Setback	60 ft.	
B Encroachment	By combination	
C Entry Condition	By combination	
Special Conditions	Courtyard 400 - 1,600 sq.ft., maximum 40% of frontage buildout width	

Shopfront

Combinations	Arcade, gallery, urban terrace, forecourt	
A Max. Setback	By district	
B Encroachment	Seating by permit; bay and display windows to lot line; awning and canopy by element	
C Entry Condition	At grade entry	
D Horizontal Clear.	N/A	
E Vertical Clear.	N/A	
Special Conditions	Band, window, or blade sign required	

Awning or Canopy

Combinations	Shopfront, urban terrace, forecourt, common entry	
A Max. Setback	N/A	
B Encroachment	Awning or canopy to within 2 ft. of curbs	
C Entry Condition	N/A	
D Horizontal Clear.	8 ft. min.	
E Vertical Clear.	10 ft. min.	

TABLE 5B. FRONTAGE ELEMENTS

Terrace

Combinations	None
A Min. Setback	10 ft.
B Encroachment	Terrace the greater of 8 ft. or 40% of setback
C Entry Condition	Raised entry
D Horizontal Clear.	N/A
E Vertical Clear.	N/A
Special Conditions	Wall or fence permitted along the terrace edge; 400 sq.ft. maximum area



Stoop

Combinations	Light well, terrace
A Min. Setback	3 ft.
B Encroachment	Landing, cover, and stairs up to 100% of setback in T4, T5, and T6, and up to 10ft. in T3 and T2
C Entry Condition	Raised entry
D Horizontal Clear.	Landing 5 ft. min.
E Vertical Clear.	Covered stoop 8 ft. min.
Special Conditions	Stoop may be engaged into the building volume.



Porch

Combinations	None
A Min. Setback	10 ft.
B Encroachment	Porch up to the greater of 8 ft. or 60% of the setback
C Entry Condition	Raised entry
D Horizontal Clear.	Porch 8 ft. min.
E Vertical Clear.	Porch 8 ft. min.
Special Conditions	None



Section 38.03 Use

A. Uses are limited according to Table 5D. Use Matrix.

B. Additional restrictions in Table 5E. Use Restrictions apply to commercial uses.

TABLE 5D. USE MATRIX			
	T2	T3	T4
Agriculture			
Agricultural processing, packaging, and warehousing	■		
Auction yard	■		
Commercial dairy, poultry, and swine production	■		
Feed lot	■		
Farming and ranching	■		
Grain storage	■		
Greenhouse	■		
Stables	■	■	
Stockyard	■		
Wine tasting	■		
Civic Space			
Community garden		■	■
Green		■	■
Neighborhood multipurpose field		■	■
Park	■	■	■
Playground		■	■
Plaza			
Square			■
Commercial			
Automobile sales (no vehicles outdoors)			
Automobile service			
Commercial laundry			
Day care		■	■
Dry cleaners			
Food and beverage			■
Funeral home			
Gas station			
Hospital			
Market, permanent			
Market, temporary	■		
Office			■
Package liquor store			
Retail			■
Service, professional			
Service, personal			■

TABLE 5D. USE MATRIX (CONTINUED)

	T2	T3	T4
Entertainment			
Indoor sports facility			
Outdoor sports facility			
Theater, excluding drive-in			■
Industrial and Manufacturing			
Manufacturing, light	■		
Institutional			
Convention or exhibition facilities			
Cultural (library, museum, gallery)			■
Performing Arts			
Meeting Hall	■		■
Religious assembly	■	■	■
School: elementary or middle		■	■
School: high			■
School: college or university			
Lodging			
6 rooms or less	■		■
12 rooms or less			
More than 12 rooms			
Residential			
Home occupation	■	■	■
1 dwelling unit per lot	■	■	■
1 dwelling unit per lot (zero lot line)			■
2 dwelling units per lot		■	■
4 dwelling units per lot			■
8 dwelling units per lot			
More than 8 dwelling units per lot			

■ Permitted

Section 38.04 Specific Use Restrictions

A. General Restrictions

- i. Uses are further restricted as specified in Table 5E. Use Restrictions.

TABLE 5E. USE RESTRICTIONS			
	T2	T3	T4
Commercial Uses	N/A	2,000 sq. ft. max.	2,000 sq. ft. max.

A. Home Occupations

- i. Home occupations are divided into two categories, as follows:
 - a. Type A home occupations involve only the residents of the household; and
 - b. Type B home occupations involve employees who do not reside on the premises and customers who visit the site.
- ii. Type A home occupations are limited as follows:
 - a. Must not exceed 25% of the dwelling unit or 800 square feet, whichever is less;
 - b. Customers and employees visiting the home are not allowed; and
 - c. Business signage is prohibited.
- iii. Type B home occupations are limited as follows:
 - a. Prohibited in T3;
 - b. Hours of operation are limited to 7:00 AM through 7:00 PM;
 - c. Must not exceed 40% of the dwelling unit or 1,000 square feet, whichever is less;
 - d. A maximum of 3 individuals not residing in the household, customers or employees, may visit the site at one time, except adult or child day care homes; and
 - e. Business signage is limited to one non- illuminated sign, no greater than 3 feet in area.
- iv. Prohibited uses in home occupations:
 - a. Repair or assembly of vehicles, equipment, and large appliances;
 - b. Dispatch facilities;
 - c. Labor pools;
 - d. Employment agencies;

- e. Warehousing;
- f. Animal sales or kennels;
- g. Merchandise warehousing, packing, and shipping is prohibited in Type A home occupations; and
- h. Retail sales are restricted to drop-shipment only.
- v. Nuisances
 - a. The dwelling and site must remain residential in appearance.
 - b. No equipment, material, or process may be used that creates noise, vibration, glare, smoke, fumes, particulate matter, excessive heat or humidity, electrical interference, odors, or hazards.
 - c. Explosives, highly flammable materials, and toxic or hazardous waste is prohibited.
 - d. Outdoor equipment not typically found or used for domestic household use is prohibited.
 - e. Residential trash and recycling volumes and facilities may not be materially exceeded.
 - f. Commercial vehicles are prohibited unless stored within a garage.

B. Accessory dwelling units.

- i. One accessory dwelling unit per principal dwelling unit is permitted in all districts.
- ii. Accessory dwelling units in T3 and T4 may not exceed 720 square feet per story.
- iii. Accessory dwelling units may be attached or detached.
- iv. Accessory dwelling units are limited to one bedroom.

Section 38.05 Parking Standards

A. Bicycle Parking

- i. Bicycle parking is required as specified in Table 5F. Bicycle Parking Requirements and as follows:
- ii. A minimum percentage of spaces may be required to be enclosed by a structure or lockable fence for parking that may exceed 4 hours; and
- iii. Enclosed spaces for multi-family residential must be located at ground level.

B. Automobile Parking

- i. Automobile parking is required in the amount specified in Table 5H. Automobile Parking Requirements and as follows:

- a. All uses within the application are added to determine the minimum required parking;
 - b. When requirements result in a fractional number, fractions are rounded down;
 - c. Uses within liner buildings less than 30 feet in depth and no more than two stories are exempt from required parking; and
 - d. An applicant may elect to commission a parking study, providing evidence of parking requirements below the standards of this article.
 - ii. Required parking may be adjusted downward by shared parking according to Table 5I. Parking Occupancy Rate Table and as follows:
 - a. The applicant must submit a parking demand summary sheet showing the process for calculating the reduction as follows:
 - 1. The gross minimum number of parking spaces is multiplied by the “occupancy rate” in Table 5I. Parking Occupancy Rate Table, for each use for the time periods respectively;
 - 2. The gross minimum numbers of parking spaces for each of the purposes referred to for each time period will be added to produce the aggregate gross minimum numbers of parking spaces for each time period; and
 - 3. The greatest of the aggregate gross minimum numbers of parking spaces for each period is determined.
 - iii. Required parking may be adjusted downwards where the following provisions for cyclists are provided:
 - a. 1 automobile parking space may be reduced for every 4 bicycle parking spaces provided in excess of that required; and
 - b. 1 automobile parking space may be reduced for every shower provided for non-residential uses, not to exceed a reduction of 10 spaces.
 - iv. Required parking for residential uses may be adjusted downwards by 50% where spaces serve state licensed assisted living and senior independent living facilities.
- C. Required automobile parking may be fulfilled in the following locations:
- i. Within the same lot;
 - ii. On-street parking spaces located along lot lines; and
 - iii. Within an adjacent shared parking lot;
- D. Maximum Automobile Parking Provided

- i. Off-street automobile parking spaces may not exceed the following maximums, calculated as a percentage of the minimum required automobile parking spaces:
 - a. T3: n/a;
 - b. T4: 140%; and

TABLE 5F. BICYCLE PARKING REQUIREMENTS

	Minimum Spaces	Enclosed Spaces	On-street Spaces
Commercial			
Food and beverage	0.5 spaces / 1,000 sq.ft.	n/a	100% max.
Office	0.2 spaces / 1,000 sq.ft.	50% min. where more than 12 spaces are required	100% max.
Other Commercial	0.25 spaces / 1,000 sq.ft.	n/a	100% max.
Institutional			
All Assembly	0.2 spaces / 1,000 sq.ft.	0% min.	100% max.
Lodging			
All Lodging	1 space / 10 rooms	n/a	n/a
Residential			
8-20 units per lot	0.75 spaces / unit	25% min.	0% max.
Over 20 units per lot	0.5 spaces / unit	50% min.	0% max.
Other Uses			
All Other		No minimum requirement	

TABLE 5H. AUTOMOBILE PARKING REQUIREMENTS

	T2	T3	T4
Agricultural	No minimum		
Civic Space	No minimum		
Commercial	4 / 1,000 sq.ft.		4 / 1,000 sq.ft.
Entertainment	Not applicable		Not applicable
Industrial & Manufacturing	Not applicable		Not applicable
Institutional	1 / 4 fixed seats or patrons		
Lodging	1 / room		1 / room
Residential			
Home occupations	2 / 1,000 sq.ft.		
Accessory dwellings	1 / ADU		No minimum
1 & 2 dwelling units per lot	2 / unit		1.5 / unit
over 2 dwelling units per lot	Not applicable		1.5 / unit

TABLE 5I. PARKING OCCUPANCY RATE TABLE

	Weekdays			Weekends		
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Commercial	90%	80%	5%	100%	70%	5%
Food & Beverage	70%	100%	10%	70%	100%	20%
Entertainment	40%	80%	10%	80%	100%	10%
Industrial & Manufacturing	100%	20%	5%	5%	5%	5%
Institutional	100%	20%	5%	10%	10%	5%
Convention	100%	100%	5%	100%	100%	5%
Performing Arts	40%	80%	10%	80%	100%	10%
Religious	10%	5%	5%	100%	50%	5%
Lodging	70%	100%	100%	70%	100%	100%
Residential	60%	100%	100%	80%	100%	100%

A. Off-street Automobile Parking Design

- i. All off-street parking spaces and aisles must meet AASHTO size and configuration standards.
- ii. Automobile parking must be located according to Table 5M - Table 5O.
- iii. Off-street parking must be accessed by rear alleys or rear lanes where available.
- iv. Where rear alleys or rear lanes are not available, off-street parking may be accessed from the following locations:
 - a. From secondary frontages driveways should be located near the rear lot line; and
 - b. Where secondary frontages are not available, parking may be accessed from the primary frontage.
- v. Driveways providing access to off-street parking are limited to 10 feet in width in T3 and T4.
- vi. Pedestrian access to off-street parking must be provided from sidewalks along front or side street lot line.
- vii. Off-street parking facilities must have a minimum vertical clearance of 7 feet. Where such a facility is to be used by trucks or for loading, the minimum ground floor clearance is 15 feet.
- viii. Parking lots and structures must be screened along front and side street lot lines by one or more of the following methods:
 - a. Liner buildings, optional at parking lots and required at parking structures. A minimum of 70% of parking structure width must have a screened ground floor frontage;

- b. A masonry wall no less than 4 feet in height; and
- c. A metal fence with a hedge or other landscape element to screen the view of parking.

Section 38.06 Landscaping Standards

- A. The spacing and placement of plants must be adequate for the typical size, shape, and habit of the plant species at maturity.
- B. Trees must meet the following clearances:
 - i. 2 feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
 - ii. 3 feet from walkways, curbing, and other impervious pavements when planted in a continuous swale;
 - iii. 5 feet from street lights, underground utilities, utility meters and service lines, fences, walls, and other ground level obstructions;
 - iv. 6 feet from porch eaves, awnings, and similar overhead obstructions associated with the ground level of buildings;
 - v. 8 feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings;
 - vi. 8 feet of vertical clearance above sidewalks; and
 - vii. 13 feet of vertical clearance above roads and parking lots.
- C. In T3 and T4, trees must be planted within the front setback as follows:
 - i. In T3, 2 understory trees must be planted, min;
 - ii. In T4 1 understory tree must be planted, min.; and
 - iii. 10 shrubs may be substituted for 1 understory tree.
- D. Preservation of existing trees and vegetation is encouraged and may be used to fulfill the landscape requirements.
- E. Planting with spines, thorns, or needles that may present hazards are prohibited within 2 feet of front and sidestreet lot lines.
- F. Artificial plants or artificial turf are prohibited, excluding active recreation sports fields that are typically subject to intense use and soil compaction which prohibits the establishment of turfgrass.
- G. Noxious or invasive plants species must be removed.
- H. Porous paving materials should be used in order to increase storm water infiltration on site.

Section 38.07 Fencing

- A. When erected on a lot line, all of the fence and any of its supporting structures must be contained within the lot.
- B. Barbed wire, razor wire, and electrically charged fences are not permitted.
- C. Fences may not exceed 6 feet in height.

Section 38.08 Signage Standards

- A. This section establishes the standards for the number, size, placement, and physical characteristics of on- premise signs visible from a public sidewalk or adjacent property.
- B. These regulations do not restrict the content of signs.
- C. Permits required.
 - i. All signs with the exception of the following require a sign permit:
 - ii. A-frame ground sign;
 - iii. Small signs. Any sign that does not exceed four square feet in area;
 - iv. Official sign. Notices required by law, signs erected by a governmental agency or public utility; and
 - v. Temporary signs. Not more than one temporary sign is permitted per frontage and may not exceed 32 square feet in area. Temporary signs must be removed within 48 hours after the event. Temporary signs may not be displayed longer than the event or 30 days.
- D. Nonconforming signs.
 - i. If a sign display is not current, is in a state of disrepair or is left blank for a continuous period of 30 days, it is considered abandoned, and within 30 days after abandonment the owner of the property must remove or replace the sign or the message.
 - ii. Illumination may not be added to a nonconforming sign.
 - iii. A nonconforming sign may not be replaced except to bring it into complete conformance with this section.
 - iv. If a sign is removed or damaged to the extent that the cost of restoration exceeds 50 percent of the original value of the sign it must be removed or brought into complete conformance with this section.
- E. Prohibited signs.
 - i. Signs with the following features are prohibited:
 - a. Off-premise signs;
 - b. Signs utilizing animation or which contain the optical illusion of sign movement;

- c. Signs incorporating noisy mechanical devices or emitting smoke or steam.
- d. Inflatable signs, such as but not limited to balloons, gas inflated signs or similar signs;
- e. Portable signs, except a-frame ground signs; and
- f. Any unsafe sign.

F. Permitted signs and restrictions.

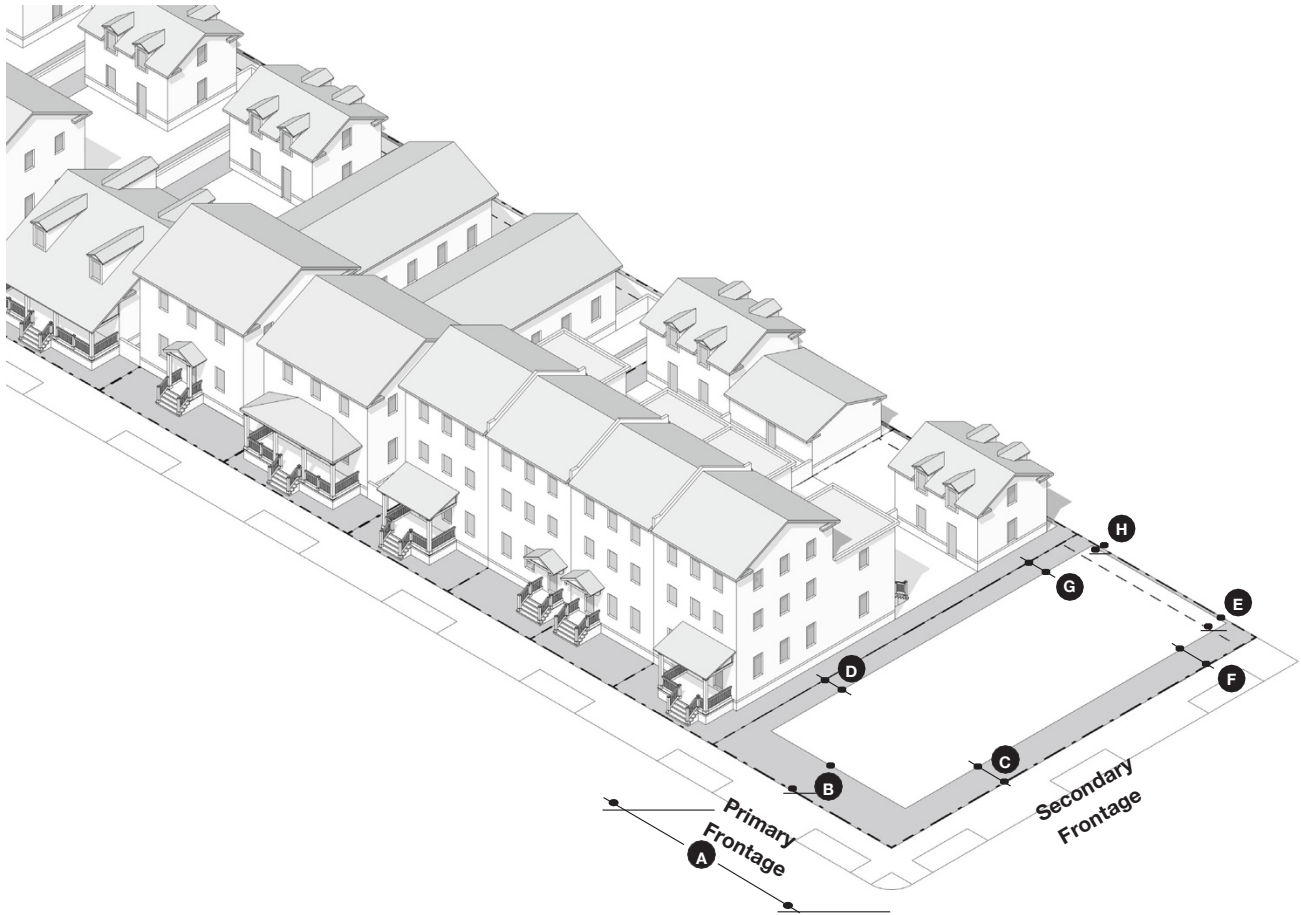
- i. Permitted sign types are limited by district and the following restrictions according to Table 5K. Sign Standards:
 - a. The number of signs per type;
 - b. The area of signs; and
 - c. The height of sign copy.
- ii. All signs must meet the following clearance:
 - a. Minimum eight feet clear over sidewalks; and
 - b. Minimum 10 feet clear over vehicular areas.
- iii. All signs may be double-sided by right, if the configuration of the sign permits. Only the larger side contributes to the calculation of sign area.
- iv. Illuminated signs are permitted as follows:
 - a. All signs may be illuminated by an external light source or internally illuminated if neon.

TABLE 5J. SIGN STANDARDS							
Sign	Signs (max)	Area (max)	Copy Height (max)	T1	T2	T3	T4
A-Frame	1 per tenant	9 sq.ft.	n/a		■		■
Awning	1 sloping plane & 1 valence per awning	75% awning area	16 in. on sloping plane, 8 in. on valence				■
Banner	1 per event	32 sq.ft.	n/a		■		■
Canopy	1 per canopy	2 sq.ft. per linear ft.	30 in.				■
Corner	1 per building	40 sq.ft.	n/a		■		■
Ground	1 per frontage	36 sq.ft.	n/a				
Hanging	1 per tenant	6 sq.ft.	n/a				■
Marquee	1 per entry	4 sq.ft. per linear ft.	30 in.				■
Mural	1 per frontage	no max.	n/a				■
Projecting	1 per tenant	6 sq.ft.	8 in.				■
Wall	1 per tenant	3 sq.ft. per linear ft.	18 in.				■
Window	1 per window	25% of glazed area	12 in.				■

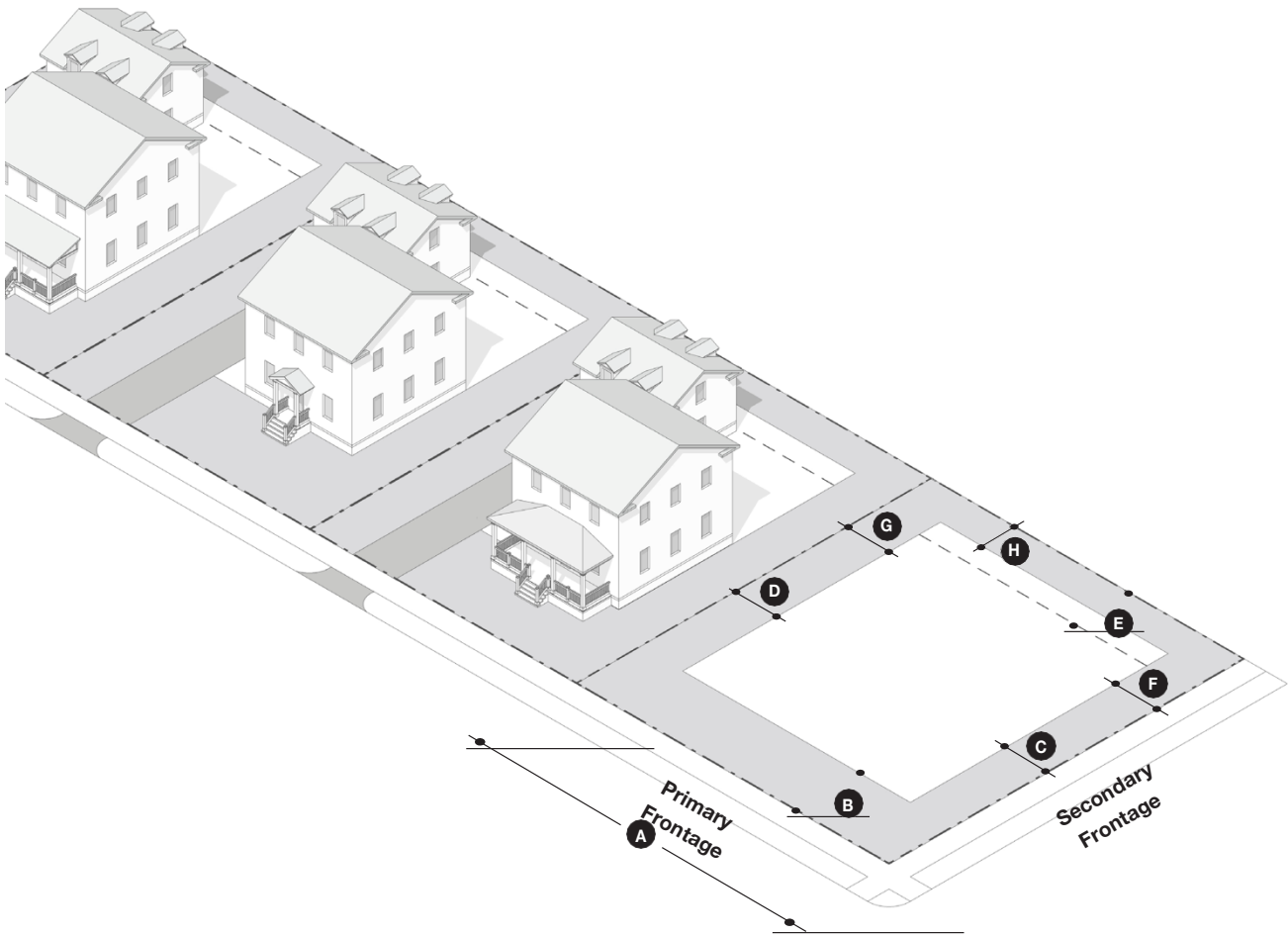
Section 38.09 Special Conditions

- A. The requirements of this section apply as indicated on the subdivision plat.
- B. Frontage Type Requirement:
 - i. A mandatory or recommended frontage type designation requires or advises that buildings provide a specific frontage type along front or side street lot lines.
- C. Terminated Vistas:
 - i. A mandatory or recommended terminated vista designation requires or advises that the building be provided with articulation of a type and character that responds visually to its axial location.
- D. Cross-block Passages:
 - i. A 10 foot or wider publicly accessible path must be provided through the lot.
- E. Build-to Lines:
 - i. A build-to line modifies the front or side street setback, requiring the facade of a building align with an indicated line.
- F. B-Street Exemptions:
 - i. Along designated B-Street, the following exemptions apply:
 - a. Parking is not required to be screened.
 - b. Parking may be located between buildings and lot lines.

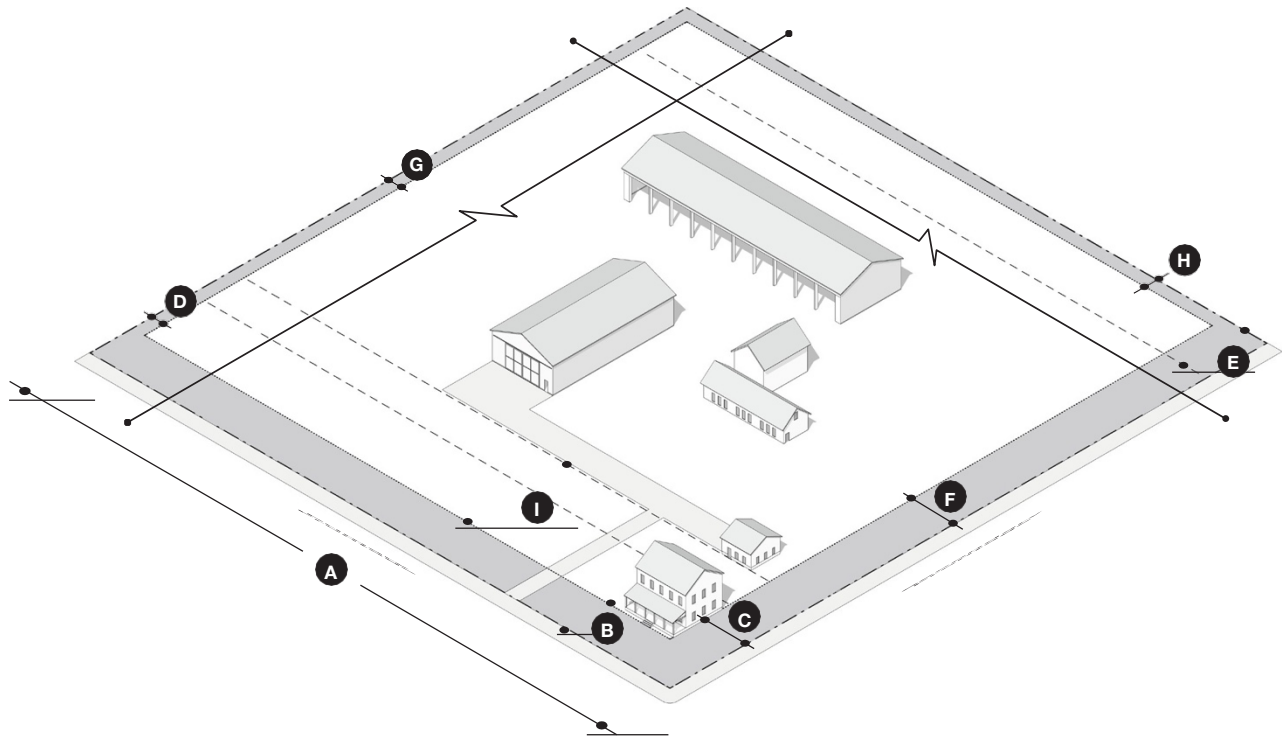
TABLE 5M. T4 STANDARDS



Lot Occupation		Accessory Structures	
A Lot Width	See Sect. 36.05 D	Front Setback	B + 20 ft. min.
Lot Coverage	70% max.	F Sidestreet Setback	2 ft. min.
Buildings		G Side Setback	0 ft. or 5 ft. min.
B Front Setback	6 ft. - 18 ft.	H Rear Setback	5 ft. min.
C Sidestreet Setback	6 ft. - 18 ft.	H Rear Alley Setback	15 ft. min. from centerline
D Side Setback	0 ft. or 5 ft. min.	Height	2 stories max.
E Rear Setback	12 ft. min.	Parking	
E Rear Alley Setback	15 ft. min. from centerline	Front Setback	B + 20 ft. min., or B within liner buildings and avg. lot slope > 5%
Height	3 stories max.	Sidestreet Setback	6 ft. min.
Ground Floor Glazing	15% min.	Structure Height	n/a
Upper Floor Glazing	15% min.		
Entry Frequency	n/a		

TABLE 5N. T3 STANDARDS


Lot Occupation		Accessory Structures	
A	Lot Width	See Sect. 36.05 D	
	Lot Coverage	60% max.	
Buildings			
B	Front Setback	20 ft. min.	
C	Sidestreet Setback	12 ft. min.	
D	Side Setback	8 ft. min.	
E	Rear Setback	12 ft. min.	
E	Rear Alley Setback	15 ft. min. from centerline	
	Height	2 stories max.	
	Ground Floor Glazing	n/a	
	Upper Floor Glazing	n/a	
	Entry Frequency	n/a	
		Parking	
		Front Setback	B
		Sidestreet Setback	6 ft. min.
		Structure Height	n/a

TABLE 50. T2 STANDARDS


Lot Occupation		Accessory Structures	
A Lot Width	See Sect. 36.05 D	I Front Setback	B + 50 ft. min.
Lot Coverage	10% max.	F Sidestreet Setback	24 ft. min.
Buildings		G Side Setback	20 ft. min.
B Front Setback	30 ft. min.	H Rear Setback	10 ft. min.
C Sidestreet Setback	30 ft. min.	Rear Alley Setback	n/a
D Side Setback	50 ft. min.	Height	n/a
E Rear Setback	50 ft. min.	Parking	
Rear Alley Setback	n/a	Front Setback	B + 20 ft. min.
Height – residential	2 stories max.	Sidestreet Setback	n/a
Ground Floor Glazing	n/a	Structure Height	n/a
Upper Floor Glazing	n/a		
Entry Frequency	n/a		

ARTICLE 39 RIGHT-OF-WAY REGULATIONS

Section 39.01 General

- A. Right-of-way designs submitted for approval must demonstrate compliance with this [Element](#) and the following:
 - i. The Manual on Uniform Traffic Control Devices (MUTCD); and
 - ii. [Licking County](#) road construction specifications.
- B. Rights-of-way must be available for public use at all times; gates and other means of restricting access are not permitted, except by temporary street closure permit.
- C. Additional licenses, agreements, and permits may be required as maintained and administered in the office of the respective [township](#) department.
- D. Right-of-way that intersect with state owned roadways require coordination with the [Ohio](#) Department of Transportation.

Section 39.02 Context

- A. The design standards for transportation facilities differ by area type.
- B. Area type is determined by the transect district a Right- of-way passes through, as specified in [Table 6A. Area Types](#).
- C. Roads are applicable within rural contexts.
- D. Streets are applicable within walkable urban contexts.
- E. Suburban contexts may utilize road standards in low density areas and street standards in moderate, high density, and commercial areas.
- F. Right-of-way users, uses, and related geometries are prioritized by context as specified in [Table 6B. Use prioritization](#).

TABLE 6A. AREA TYPES				
	T1	T2	T3	T4
Rural	■	■		
Suburban			■	■
Walkable Urban			■	■

· ■ Permitted

TABLE 6b. USE PRIORITIZATION				
	T1	T2	T3	T4
Pedestrian	4	4	2	1
Cyclist	3	3	3	2
Transit	6	6	5	4
Automobile	2	2	4	5
Truck	1	1	6	6
Green Infrastructure	5	5	1	3

Section 39.03 Right-of-way Assemblies

- A. Rights-of-way are configured as an assembly of elements consisting of:
 - i. A roadway, and
 - ii. Public frontages to either side of the roadway.
- B. Assemblies are limited by type, according to Table 6C. Assembly Types.
- C. Design of the assembly must change along with the underlying transect district.
- D. Where transect districts to either side of the assembly differ:
 - i. The design of the public frontage must match the standards of the district it is within or adjacent to; and
 - ii. The design of the roadway must match the standards of the most intense it is within or adjacent to.
- E. Rights-of-way must be provided of sufficient width to accommodate all elements of the roadway and public frontages.
- F. Where redesign of existing facilities results in excess right-of-way, the additional width should be given to the public frontages.

TABLE 6C. ASSEMBLY TYPES					
		T1	T2	T3	T4
Roads	Highway	■	■		
	Rural Road	■	■	■	
Streets	Neighborhood Street			■	■
	Commercial Street				
	Drive			■	■
	Avenue			■	■
	Boulevard			■	■

■ Permitted

Section 39.04 Roadway Requirements

A. Design Speed

- i. Roadways must be designed in accordance with the design speeds specified in Table 6D. Design Speed.
- ii. Posted speed should match design speed.

B. Automobile Movement

- i. Automobile movement is limited according to Table 6E. Design Movement.
- ii. 1-way movement is limited to:
 - a. Paired assemblies to either side of civic space or natural area; and
 - b. Modifications of existing facilities where the right-of-way is constrained.

C. Automobile Travel Lanes

- i. The number of automobile travel lanes is limited according to Table 6F. Travel Lane Count.
- ii. The width of automobile travel lanes is limited according to Table 6G. Travel Lane Size except as follows:
 - a. Along bus routes, outside curb or parking adjacent lanes must be a minimum of 11 feet;
 - b. Travel lanes adjacent to 45-degree on-street parking must be a minimum of 12 feet in width; and

- c. Travel lanes adjacent to 60-degree on-street parking must be a minimum of 14 feet in width.
- iii. Continuous left turn lanes are limited to the redesign of existing facilities.
- iv. Automobile travel lanes are measured to the edge of pavement.

D. On-street Parking Lanes

- i. On-street parking lane type is limited according to Table 6H. On-street Parking Type.
- ii. Angled parking lanes must be 18 feet or less in width.
- iii. Parallel parking lane width is limited according to Table 6I. Parallel Parking Lanes.
- iv. On-street parking lanes are measured to the face of curb, or edge of pavement where no curb exists.

E. Medians

- i. Medians are required within avenues.
- ii. Medians are optional within highways.
- iii. Medians must be a minimum of 16 feet in width.

F. Bicycle Facilities

- i. Continuity must be provided for bicycle facilities that terminate at site boundaries.
- ii. Bicycle facilities must be configured by facility type, according to Table 6J. Bicycle Facilities.
- i.

TABLE 6D. DESIGN SPEED				
	T1	T2	T3	T4
Highway	55 mph max.	55 mph max.		
Rural Road	45 mph max.	35 - 45 mph	30 mph max.	
Neighborhood Street			15 - 25 mph	15 - 25 mph
Commercial Street			20 - 35 mph	20 - 35 mph
Drive			20 - 35 mph	20 - 35 mph
Avenue			20 - 35 mph	20 - 35 mph
Boulevard			30 - 45 mph	30 - 45 mph

TABLE 6E. DESIGN MOVEMENT

	T1	T2	T3	T4
2-way Yield			■	■
2-way Slow			■	■
1-way Slow			■	■
2-way Low	■	■		
1-way Low	■			
2-way High	■			

■ Permitted

TABLE 6F. TRAVEL LANE COUNT

	T1	T2	T3	T4
Highway	2 - 4	2 - 4		
Rural Road	1 - 2	2	1 - 2	
Neighborhood Street			1 - 2	1 - 2
Drive			1 - 2	1 - 2
Avenue			2	2

TABLE 6G. TRAVEL LANE SIZE

	T1	T2	T3	T4
Yield Movement			14 - 18 ft.	14 - 18 ft.
Slow Movement			8 - 10 ft.	8 - 10 ft.
Low Movement	11 - 13 ft.	10 - 12 ft.		
High Movement	12 - 14 ft.			

TABLE 6H. ON-STREET PARKING TYPE

	T1	T2	T3	T4
Highway	n/a	n/a		
Rural Road	n/a	shoulder	shoulder	
Neighborhood Street			parallel	parallel
Drive			parallel	parallel
Avenue			parallel	parallel or angled

TABLE 6I. PARALLEL PARKING LANES

	Lane Width
Yield Movement	7 ft.
Slow Movement	7 - 8 ft.
Low Movement	8 ft.
High Movement	n/a

TABLE 6J. BICYCLE FACILITIES

	Facility Width	Buffer
Shared Lane	n/a	n/a
Dedicated Lane	5 ft. min.	n/a
buffered Lane	5 ft. min.	3 ft. min.
Protected Lane	6 ft. min.	3 ft. min.
Shared-use Trail	10 ft. min. 2-way	n/a

Section 39.05 Public Frontage Requirements

- A. Public frontages consist of sidewalks, planting and furnishing areas, and the roadway edge.
- B. Sidewalks
 - i. Sidewalks width must meet the standards specified in Table 6K. Minimum Sidewalk Width.
 - ii. At intersections, sidewalks must connect to 2 separate ramps per intersection quadrant.
- C. Planting and Furnishing Area
 - i. Planting and furnishing areas are required by type as specified in Table 6L. Planting and Furnishing Area Types.
 - ii. Planting and furnishing areas must meet the minimum width standards of Table 6M. Minimum Planting and Furnishing Area Width and the following:
 - a. A verge is required, providing allowable locations for infrastructure and furniture outside of pedestrian, bicycle, public transportation, and vehicular access ways;
 - b. The verge may overlap into the sidewalk, provided a minimum 5 foot wide pedestrian path is maintained;

- c. Lighting must be located within the verge;
 - d. Along commercial streets, the spacing of trees may be irregular to avoid visually obscuring shopfronts;
 - e. Tree spacing may be adjusted up to 20% by administrative waiver to accommodate specific site conditions;
- iii. Bicycle racks must meet the following requirements:
- a. Bicycle racks must be configured to provide two points of contact for locking bicycles.
 - b. Bicycle racks may not be located within the following areas:
 - 1. Within 5 feet of fire hydrants;
 - 2. Within 4 feet of loading zones and bus stop markers;
 - 3. Within 3 feet of driveways and manholes; and
 - 4. Within 2 feet of utility meters and tree boxes.
 - c. Bicycle rack placement may not reduce the pedestrian sidewalk path to less than 5 feet accounting for a 56cm bicycle properly locked to the rack.
 - d. Bicycle racks installed parallel to the curb must be set back from the curb a minimum of 3 feet.
 - e. Bicycle racks installed perpendicular to the curb must allow for a minimum setback of 2 feet between the curb and a 56cm bicycle properly locked to the rack.

D. Curbs

- i. Vertical curbing is required in T3, T4, and SD.
- ii. Roll-over curbing is optional in T3 and SD.
- iii. Where automobile travel lanes are directly adjacent to curbs or where curb extensions are used, the minimum curb return radius is as specified in Table 6N. Curb Return Radius(a).
- iv. Where automobile travel lanes are not directly adjacent to curbs, the minimum curb return radius is determined as follows:
 - a. The minimum curb return radius specified in (a) is reduced by accounting for the actual path of vehicle tracking;
 - b. The minimum curb return radius must not be reduced below the radii specified in Table 6N. Curb Return Radius(b) and (c);
 - c. Where on-street parking or bike lanes are on only one leg of an intersection quadrant, the minimum curb return radius is reduced according to the formula in Table 6N. Curb Return Radius(d);

- d. Where on-street parking or bike lanes are on both legs of an intersection quadrant in a symmetric configuration, the minimum curb return radius is reduced according to the formula in Table 6N. Curb Return Radius(e); and
- e. Where on-street parking or bike lanes are on both legs of an intersection quadrant in an asymmetric configuration, the minimum curb return radius is reduced according to the formula in Table 6N. Curb Return Radius(f).

TABLE 6K. MINIMUM SIDEWALK WIDTH

	T1	T2	T3	T4
Highway	n/a	n/a		
Rural Road	n/a	n/a	5 ft.	
Neighborhood Street			5 ft.	6 ft.
Drive			6 ft.	8 ft.
Avenue			6 ft.	8 ft.
Boulevard			6 ft.	8 ft.

TABLE 6L. PLANTING AND FURNISHING AREA TYPES

	T1	T2	T3	T4
Highway	Swale	Swale		
Rural Road	Swale	Swale	Swale or Continuous	
Neighborhood Street			Swale or Continuous	Continuous or Long Planter
Drive Avenue Boulevard			Continuous or Long Planter	Continuous or Long Planter

TABLE 6M. MINIMUM PLANTING AND FURNISHING AREA WIDTH

	T1	T2	T3	T4
Swale	15 ft.	15 ft.	10 ft.	
Planter			8 ft.	8 ft.
Long Planter			8 ft.	6 ft.

TABLE 6N. CURB RETURN RADIUS

	(a) Min. Effective Radius	Min. Radius Limit		Radius Reduction Formulae		
		(b) Curbed	(c) No <u>Curb</u>	(d) 1 Leg	(e) 2 Legs, Symmetric	(f) 2 Legs, Asymmetric
Highway	50 ft.	15 ft.	20 ft.	reduced radius = minimum effective radius - (parking lane width + bike lane width)	reduced radius = minimum effective radius - 3 x (parking lane width + bike lane width)	reduced radius = minimum effective radius - 3 x (average width of combined parking and bike lanes on both legs)
Rural Road	50 ft.	15 ft.	20 ft.			
Neighborhood Street	25 ft.	5 ft.	15 ft.			
Commercial Street	35 ft.	5 ft.	15 ft.			
Drive	35 ft.	5 ft.	15 ft.			
Avenue	25 ft.	5 ft.	15 ft.			

Section 39.06 Alleys

- A. Alleys are easements that provide access to properties from within a block.
- B. Alleys are required to provide access to properties in T4 except where a single property occupies a full block.
- C. Alleys are required to provide access to properties less than 45 feet wide.
- D. Alleys are optional in T3 and SD.
- E. In T3 and T4, alleys must be configured as follows:
 - i. Alley aprons should be curved;
 - ii. Alley easements must be a minimum of 24ft. clear;
 - iii. Alleys must be paved a width of 12 to 16 feet; and
 - iv. Drainage should be provided through swales, inverted crown, or sheet flow.

TABLE 6O. NS-50-26 T3


Assembly		Roadway	
Assembly Type	Neighborhood Street	Design Speed	15-20 mph
Right-of-way	50 ft. min.	Movement	Yield
Transect Zones	T3	Travel Lanes	1, 12 ft. Shared
Public Frontage		Parking Lanes	2, 7 ft. Parallel
Sidewalk	5 ft. min.	Median	None
Planting & Furnishing	7 ft. min., Continuous	Bicycle Facilities	Shared Lane
Curb	Vertical	Class	Local

TABLE 6P. NS-50-26 T4


Assembly		Roadway	
Assembly Type	Neighborhood Street	Design Speed	15-20 mph
Right-of-way	50 ft. min.	Movement	Yield
Transect Zones	T4	Travel Lanes	1, 12 ft. Shared
Public Frontage		Parking Lanes	2, 7 ft. Parallel
Sidewalk	6 ft. min.	Median	None
Planting & Furnishing	6 ft. min., Long Planter	Bicycle Facilities	Shared Lane
Curb	Vertical	Class	Local

TABLE 6Q. NS-70-34 T3

Assembly		Roadway	
Assembly Type	Neighborhood Street	Design Speed	15-25 mph
Right-of-way	70 ft. min.	Movement	2-way Slow
Transect Zones	T3	Travel Lanes	2, 10ft. each
Public Frontage		Parking Lanes	2, 7 ft. Parallel
Sidewalk	5 ft. min.	Median	None
Planting & Furnishing	13 ft. min. Continuous	Bicycle Facilities	Shared Lane
Curb	Vertical	Class	Sub-collector or Local

TABLE 6R. NS-70-34 T4

Assembly		Roadway	
Assembly Type	Neighborhood Street	Design Speed	15-25 mph
Right-of-way	70 ft. min.	Movement	2-way Slow
Transect Zones	T4	Travel Lanes	2, 10 ft. each
Public Frontage		Parking Lanes	2, 7 ft. Parallel
Sidewalk	6 ft. min.	Median	None
Planting & Furnishing	12 ft. min., Cont. or Long	Bicycle Facilities	Shared Lane
Curb	Vertical	Class	Sub-collector or Local

TABLE 6S. NS-70-42 T4

Assembly		Roadway	
Assembly Type	Neighborhood Street	Design Speed	15-20 mph
Right-of-way	70 ft. min.	Movement	2-way Slow
Transect Zones	T4	Travel Lanes	2, 9 ft. each
Public Frontage		Parking Lanes	2, 7 ft. Parallel
Sidewalk	6 ft. min.	Median	20 ft. min.
Planting & Furnishing	8 ft. min., Cont. or Long	Bicycle Facilities	2, 5ft. min. Dedicated
Curb	Vertical	Class	Sub-collector or Local

TABLE 6T. CS-70-42 T3/T4

Assembly		Roadway	
Assembly Type	Commercial Street	Design Speed	15-20 mph
Right-of-way	70 ft. min.	Movement	2-way Slow
Transect Zones	T3, T4	Travel Lanes	2, 9 ft. each
Public Frontage		Parking Lanes	2, 7 ft. Parallel
Sidewalk	7 ft. min.	Median	None
Planting & Furnishing	7 ft. min., Urban	Bicycle Facilities	2, 5 ft. min. Dedicated
Curb	Vertical	Class	Sub-collector or Local

TABLE 6U. AV-80-40 T3

Assembly		Roadway	
Assembly Type	Avenue	Design Speed	25-30 mph
Right-of-way	80 ft. min.	Movement	2-way Slow
Transect Zones	T3	Travel Lanes	2, 12 ft. each
Public Frontage		Parking Lanes	2, 8 ft. Parallel
Sidewalk	5 ft. min.	Median	16 ft. min.
Planting & Furnishing	7 ft. min., Continuous	Bicycle Facilities	Shared Lane
Curb	Optional	Class	Collector or lower

TABLE 6V. AV-80-40 T4

Assembly		Roadway	
Assembly Type	Avenue	Design Speed	25-30 mph
Right-of-way	80 ft. min.	Movement	2-way Slow
Transect Zones	T4	Travel Lanes	2, 12 ft. each
Public Frontage		Parking Lanes	2, 8 ft. Parallel
Sidewalk	6 ft. min.	Median	16 ft. min.
Planting & Furnishing	6 ft. min., Cont. or Long	Bicycle Facilities	Shared Lane
Curb	Vertical	Class	Collector or lower

TABLE 6W. CT-80-44 T3/T4



Assembly	
Assembly Type	Commercial Street
Right-of-way	80 ft. min.
Transect Zones	T3, T4
Public Frontage	
Sidewalk	12 ft. min.
Planting & Furnishing	6 ft. min., Urban
Curb	Vertical

Roadway	
Design Speed	15-25 mph
Movement	2-way Slow
Travel Lanes	2, 12 ft. each
Parking Lanes	2, 7 ft. Parallel
Median	None
Bicycle Facilities	Shared Lane
Class	Collector or lower

ARTICLE 41 DEFINITIONS

Section 41.01 Definitions

This Section provides definitions for terms in Part 5 Township Center that are technical in nature or that may not reflect a common usage of the term.

A-grid: cumulatively, those streets that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Code. See *B-grid*.

Accessory Building: a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example a residential structure may have a detached garage, storage shed, or guest house.

Accessory Dwelling Unit (ADU): a rental dwelling unit not greater than 600 square feet, sharing ownership and utility connections with a principal building; it may be within an outbuilding or within the principal building. (Syn: ancillary unit)

Allee: a regularly spaced and aligned row of trees usually planted along a street or path.

Alley: an access easement, designated to be a secondary means of vehicular access to the rear or side of properties; an *Alley* may connect to a vehicular driveway located to the rear of lots providing access to outbuildings, service areas and parking, and containing utility easements.

Arcade: a frontage encroachment wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line.

Attic: the interior part of a building contained within a pitched roof structure.

Avenue (AV): A limited distance, free-movement street connecting civic locations within an urbanized area. Unlike a boulevard, its length is finite and its axis is terminated. An avenue may be conceived as an elongated square.

Awning: a fixed or movable shading structure, cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions. Awnings are typically used to cover outdoor seating for restaurants and cafes.

B-Grid: cumulatively, those streets that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the *A-grid*. See *A-Grid*.

Bicycle Lane (BL): a dedicated lane for cycling within a street, demarcated by striping.

Bicycle Route (BR): a street suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail (BT): a bicycle way independent of a vehicular way.

Blade Sign: a sign made from rigid material mounted perpendicular to a building wall with one side attached or supported by a device extending from a building wall.

Block: the aggregate of private lots, civic zones, passages, alleys and rear lanes, circumscribed by streets.

Block Face: the aggregate of all the principal frontages on one side of a block.

Boulevard (BV): A long-distance street traversing an urbanized area. A boulevard often includes a wide median and a wide public frontage. Access lanes are often provided to separate public frontages from the higher speed lanes.

Building Height: the vertical extent of a building measured in stories.

Bus Rapid Transit (BRT): a rubber tire vehicular transportation system with its own right-of-way or dedicated lane along its route, providing service that is faster than a regular bus.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, township government, and transit.

Civic Building: a building operated by one or more civic organizations.

Civic Space: an outdoor area permanently dedicated for public use, operated by a civic organization.

Commercial: the term collectively defining workplace, office, retail, and lodging functions.

Commercial Street (CS): a local, slow-movement street suitable for high-intensity urban areas. Commercial streets are urban in character, supporting parallel or angled parking on both sides and narrow lanes appropriate for a commercial environment.

Common Destination: an area of focused community activity, usually defining the approximate center of a pedestrian shed. It may include without limitation one or more of the following: a civic space, a civic building, a commercial center, a main street, or a transit station, and may act as the social center of a neighborhood.

Common Yard: a planted private frontage, visually continuous with adjacent yards, wherein the facade is set back from the frontage line.

Community Unit: a regulatory boundary mapped on a structure plan.

Consolidated review committee (CRC): Part of the Community Development Department, a CRC is comprised of a representative from each of the various regulatory agencies that have jurisdiction over the permitting of a project. See [§7.1.5](#).

Corner Lot: a lot or parcel of land abutting two (2) or more streets at their intersection, or two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

CRC: Consolidated Review Committee. See [§7.1.5](#).

Curb: the edge of the vehicular pavement that may be raised usually incorporates the drainage system.

Curb Return Radius: the curved edge of a street at an intersection, measured at the inside edge of the vehicular tracking along the curb.

Density: the number of housing units within a standard measure of land area.

Design Speed: the velocity at which a street tends to be driven without the constraints of signage or enforcement.

Drive (DR): a street along the boundary between an urbanized and a natural condition or civic zone, usually along a waterfront, park, or promontory. One side has the urban character of a street or boulevard, while the other has the qualities of a road, with naturalistic planting and rural details.

Driveway: a vehicular lane within a lot, often leading to a garage.

Elevation: an exterior wall of a building not along a frontage line. See facade.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

Encroachment: any structural element that encroaches.

Exception: a ruling that would permit a practice that is not consistent with a specific provision of this Section but is justified by its Intent.

Facade: the exterior wall of a building that is set along a frontage line.

Fence: a permeable metal or wooden wall, independent of a building.

Forecourt: a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

Front Setback: the distance from the frontage line to the point where a building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments.

Frontage: the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

Frontage, Primary: corner lots have two frontages. The primary frontage private frontage and public frontage. The primary frontage faces the street of the property address.

Frontage, Secondary: the frontage facing the non-addressed street.

Frontage Line: a lot line bordering a public frontage.

Gallery: a private frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

Green: a civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages.

Hamlet (HAM): a community unit type structured by a short or standard pedestrian shed oriented toward a common destination such as a general store, meeting hall, schoolhouse, and / or church. A hamlet takes the form of a small settlement standing free in the countryside. (Syn: conservation land development, cluster)

Height: See building height.

Highway (HW): a rural and suburban road of long distance and high vehicular speed and capacity. A highway should be relatively free of intersections, driveways, and adjacent buildings. This type is allocated to the more rural transect zones (T-1, T-2, and T-3).

Home Occupation: non-retail commercial enterprises permitted under the Restricted office category.

House: an edgeyard building type, usually a single-family dwelling on a large lot, often shared with an *accessory building* in the back yard. (Syn: single.)

Industrial: the function associated with a business or activity involving manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, and other business serving primarily industrial needs.

Lightwell: A private frontage type that is a below-grade entrance or recess designed to allow light into basements. (Syn: light court.)

Liner Building: a building specifically designed to mask a parking lot or a parking structure from a frontage.

Live-Work: a mixed-use unit consisting of a commercial and residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry.

Lodging: a building function available for daily and weekly renting of bedrooms.

Lot: a parcel of land accommodating a building or buildings under single ownership.

Lot Coverage: the percentage of a lot that is covered by buildings and other roofed structures.

Lot Line: the boundary that legally and geometrically demarcates a lot.

Lot Occupation: category for the area of a lot that may contain buildings, regulated in terms of width and coverage metrics.

Lot Width: the length of the principal frontage line of a lot.

Main Civic Space: the primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

Manufacturing: premises available for the creation, assemblage, and repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their retail sale.

Meeting Hall: a building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of 10 square feet per projected dwelling unit within the pedestrian shed in which it is located.

Mixed Use: multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by warrant.

Neighborhood Multipurpose Field: a civic space type for structured recreation and stormwater management. It may be spatially defined by landscaping rather than building frontages.

Net Lot Area: the area of a lot within the frontage lines, excluding any portions of street rights-of-way or other required dedications.

Office: premises available for the transaction of general business but excluding retail, artisanal, and manufacturing uses.

Open Space: land intended to remain undeveloped; it may be for civic space.

Outbuilding: an *accessory building*, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding.

Overlay District: a zone mapped onto one or more zones that modifies metrics and regulations of the underlying zones.

Park: a civic space type that is a natural preserve available for unstructured recreation.

Parking Lane: A vehicular lane designated and used for parking motor vehicles.

Parking Structure: a building containing one or more stories of vehicular parking above or below grade.

Passage (PS): a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

Path (PT): a pedestrian way traversing a park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

Pedestrian Crossing: an area designated for pedestrians when traversing a street. Pedestrian crossings should be striped and indicated by signage.

Pedestrian Shed: An area that is centered on a common destination. It is an average 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. Pedestrian sheds are applied to structure Communities. (Syn: walkshed, walkable catchment.)

Planter: the element of the public frontage which accommodates street trees, whether continuous or individual.

Playground: an open space designed and equipped for the recreation of children.

Plaza: a civic space type designed for civic purposes and commercial activities in the more urban transect zones, generally paved and spatially defined by building frontages.

Porch: An open air room appended to a building, with floor and roof but no walls on the sides facing frontages.

Principal Building: the main building on a lot, usually located toward the frontage.

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. See frontage.

Private Frontage: the privately held area between the frontage line and the principal building facade.

Public Frontage: the area between the curb of the vehicular lanes and the frontage line.

Rear Alley (RA): a vehicular way located to the rear of lots providing access to service areas, parking, and Outbuildings and containing utility easements. rear alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges. (Disambiguation See *Alley*.)

Rear Lane (RL): a vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. The streetscape consists of gravel or landscaped edges, no raised curb, and is drained by percolation.

Rear Setback: the distance from the rear lot line to the point where a building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments.

Regulating Plan: a zoning map or set of maps that show the transect zones, civic zones, special districts, special requirements, and street assignments of areas subject to, or potentially subject to, regulation by this Section.

Residential: characterizing premises available for long-term human dwelling.

Retail: characterizing premises available for the sale of merchandise and food service.

Retail Frontage: a frontage designated on a regulating plan that requires or recommends the provision of a shopfront, encouraging the ground level to be available for retail use. See special requirements.

Road (RD): a local, rural, and suburban street of low-to-moderate vehicular speed and capacity. Roads tend to be rural in character without curbs or striping. (ALT) a local street of low-to-moderate vehicular speed and capacity and of rural character, without curbs or striping.

Secondary Frontage: on corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first layer is regulated.

Setback: the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of encroachments. (Var: build-to-line.)

Shopfront: a private frontage conventional for retail use with substantial glazing wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

Sidewalk: the paved section of the public frontage dedicated exclusively to pedestrian activity. (Syn. walkway)

Sign Band: a wall area of a non-residential building built along the entire width of a principal or secondary frontage allocated for the placement of a sign above a shopfront or at the cornice.

Slip Lane: an outer vehicular lane or lanes of a street, designed for slow speeds and separated from inner lanes that carry higher speed traffic. (Syn: access lane, slip road.)

Special District (SD): an area that, by its intrinsic function, disposition, or configuration, cannot or should not conform to one or more of the normative community unit types or transect zones.

Special Requirements: provisions of this Section that modify or extend requirements as designated on a regulating plan or other map for those provisions.

Square: a civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally disposed.

Stoop: a private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

Story: a habitable level within a building by which height is measured, excluding an attic or raised basement.

Street (ST): a way for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and the public frontage.

Street Assembly: the result of the public frontage elements assembled with the elements within a right-of-way.

Street Network: an interconnected network of vehicular, pedestrian and bicycle mobility.

Streetscreen: a freestanding wall built along the frontage line, or coplanar with a facade. (Syn: streetwall)

Substantial Modification: alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new.

Swale: a low or slightly depressed natural area for drainage.

Target Speed: the desirable velocity at which vehicles should travel on a street, according to each T-Zone. (adapted from the ITE)

Terrace: A frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. (Syn: lightwell)

Terminated Vista: a location at the axial conclusion of a street.

Transect: a cross-section of the environment showing a range of different habitats. The rural-urban transect of the human environment used in this Section is divided into six transect zones. These zones describe the physical form and character of a place, according to the density and intensity of its land use.

Transect District: One of several areas on a zoning map regulated by this code. Transect districts are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot, building, and public frontage.

Transit Overlay District: TOD is created by an overlay on all or part of one or more community units, modifying regulations of this Section to support rail or bus rapid transit (BRT).

Turning Radius: the curved edge of a street at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Urbanized: generally, developed. Specific to the SmartCode, developed at T-3 (Sub-Urban) density or higher.

Vehicular Lane: the portion of a thoroughfare which is occupied by vehicles, usually the moving lanes and parking lanes. The vehicular lane together with the walkway fill the right-of-way.

Village (VIL): a community unit type structured by a standard pedestrian shed oriented toward a common destination consisting of a mixed use center or corridor, and in the form of a medium-sized settlement near a transportation route. (Syn: traditional neighborhood development. neighborhood.)

Walkway: the portion of the street dedicated exclusively to pedestrian activity. The walkway includes sidewalks and the planting areas of the streetscape.(Syn. Sidewalk)

Yield: characterizing a street that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a thoroughfare.

Zoning Map: the official map or maps that are part of the zoning resolution and delineate the boundaries of individual zones and districts. See regulating plan.