

ZONING RESOLUTION

NORTH TOWNSHIP
HARRISON COUNTY
OHIO

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SECTION I

RESOLUTION AND GENERAL PROVISIONS

A. RESOLUTION

Providing for the Zoning of the unincorporated area of North Township, Harrison County, Ohio, by regulation the location and the use of buildings and structures, and the use of lands, all in accordance with a comprehensive plan as authorized and provided by Sections 519.01 to 519.99 of the Revised Code of Ohio, as amended.

1.01 TITLE

The Resolution shall be known and may be cited as the “Zoning Resolution of North Township, Harrison County, Ohio.”

1.02 GENERAL PURPOSE

The Board of Trustees find it necessary, advisable, and of great benefit to the residents of North Township to provide for the division of the unincorporated area of North township into districts or zones for the purpose of promoting and protecting the public health, safety, and general welfare; to regulate the area and dimensions of land and open spaces so as to secure adequate light, air and safety from fire and other dangers; to protect the physical environment of North Township from contamination; to protect the character of existing uses and to assure their orderly development; to provide for the orderly growth and development of lands.

1.03 APPLICABILITY

The regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, and uses of land within North Township, Harrison County, Ohio.

1.04 MINIMUM STANDARDS

The provision of this Resolution shall be held to be minimum requirements in their interpretation and application. The provisions of this Resolution shall govern wherever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions.

1.05 ZONING DISTRICT MAP

All land in the unincorporated area of North Township, Harrison County, Ohio, within the scope of this Zoning Resolution, as is shown on the zoning district map of North Township, is hereby adopted and declared to be a part of this Zoning Resolution. The zoning district map, as

amended from time to time, shall be the final authority for the current zoning district status of land under the jurisdiction of this Zoning Resolution.

1.06 SEVERABILITY

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

SECTION II

DEFINITIONS

2.01 INTERPRETATION

Certain terms and words are defined as found in this Section for the purposes of this Zoning Resolution.

2.02 DEFINITIONS

Accessory: Accessory Use means a use that is subordinate, secondary, incidental to, and customary in connection with the principal building, structure, or use location on the same as the principal building, structure, or use.

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

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

Agriculture means the use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Apartment means a suite of rooms or a room in a multi-family building arranged and intended as a place of residence of a single individual or a group of individuals living together as a single housekeeping unit.

Automobile or Motor Vehicle Sales means an open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

Bar means a business establishment whose primary business is the sale of alcoholic beverages by the glass, with or without food, for consumption on the premises.

Basement means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Building means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Line or Front Setback Line means the line generally parallel with and measured perpendicular from the front lot line. Such lines define the limits of a front yard in which no building or structure may be located.

Business Service 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.

Clinic means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician.

Conditional Use means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards and conditions, and the granting of a conditional use and zoning certificate.

Convalescent Facility or Nursing Home means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing and/or limited medical care.

Dwelling or Residence means any building or portion thereof which is designed or used for residential purposes, but not including motor homes or house trailers defined by Ohio Revised Code 4501.01 and not including a cabin, hotel, motel room or other such accommodations.

Dwelling, Multi-Family means a permanent building consisting of three or more dwelling units including condominiums with varying arrangements or entrances and party walls. Multi-family housing may include public housing.

Dwelling, Single Family means a permanent building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family means apartment building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having separate or combined entrance or entrances.

Erected or Constructed means built, constructed, altered, reconstructed, or moved open. Any physical operations on the premises which are required for construction such as excavation, fill, drainage, and the like, shall be considered a part of erection. Any substantial relocation of deposition of fill or like material shall also be considered erection.

Family means a person living alone or two (2) or more persons living together as a single housekeeping unit in a dwelling unit.

Floor Areas of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of the exterior walls. Floor area shall not include basements,

elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, uncovered steps, or garages.

Frontage or Lot Frontage means that portion of the lot that directly abuts the street or road and has direct access thereto.

Garage, Private means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is necessary.

Home Occupation means any occupation or profession conducted by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use, and does not change the character thereof; provided that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas.

Hospital means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

Hotel, Motel or Inn means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests.

Institution means an organization providing social, cultural, educational or health services to member agencies, organizations and individuals or to the general public.

Junk Yard means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase for storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations. The term junk yard includes all waste facilities, as defined by Ohio Revised Code Chapter 3734, but does not include any hazardous facility as defined by Ohio Revised Code Chapter 3734.

Landowner means the holder of title, the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty years, or any other person having an enforceable proprietary interest in land.

Lot means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory

thereto as are required under the provisions of this Resolution. A lot may or may not be specifically designed as such on public records.

Lot Area means the total horizontal area within the lot lines of the lot.

Lot Lines means the lines bounding a lot as defined herein:

- a. **Front Lot Line**: In the case of an interior lot, is that line separating said lot from the street right-of-way. In the case of a through lot, is that line separating said lot from either street. In the case of a corner lot, is that line separating said lot from that street right-of-way which is designated as the front street in the plat, or if not platted, the street which the owner designates.
- b. **Rear Lot Line**: That lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c. **Side Lot Lines**: Any lot line other than the front lot or rear lot line.

Lot of Record means a parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Manufacturing means any production or industrial process which combines one (1) or more raw materials or components into a product, or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment, smoke, refuse or water-carried wastes. Manufacturing does not include sanitary landfills, or solid waste facilities as defined by Ohio Revised Code Chapter 3734.

Mining means a pit of excavation from which minerals, ores, precious stones, coal, etc. are taken by digging. Mining in this document refers to both surface and underground mines.

Mobile Home means a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated in the components for repeated towing. Mobile units can be designed to be used for residential, commercial, educational or industrial purposes, excluding however, travel trailers, motorized homes, pick up campers and camping trailers.

Motor Vehicle Storage or Salvage Yard means a place where unlicensed and/or inoperable motor vehicles are stored, handled or disassembled, and where component parts from those motor vehicles are sold and exchanged, but not including such places where such operations are conducted entirely within an enclosed building.

Non-conforming Building or Structure means a building or structure or portion thereof, for which all required permits, licenses and approvals have been obtained from all governmental and regulatory agencies and authorities, and which was lawfully existing, prior to the effective date of this Resolution, and that does not conform to the provisions of the Resolution in the district in which it is located.

Non-conforming Use means a use for which all required permits, licenses and approvals had been obtained from all governmental and regulatory agencies and authorities, and which was lawfully and actively being made of a building, structure or land, prior to the effective date of this Resolution, and that does not conform to the use regulations of the district in which it is located.

Nursery or Day Care Center means a facility which temporarily assumes responsibility for children in their parent/guardians absence.

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

Premises means a lot including buildings and structures thereon.

Principal Building means a building in which is conducted the main use of the property on which the building is located.

Professional Office means offices which engage in the provision to the general public or services of a professional nature such as legal, engineering, medical, accounting and architectural services.

Recreational Facilities means public or privately operated uses such as country clubs, golf courses, swimming pools or other areas maintained for the purpose of providing active or passive recreation.

Recreational Vehicles means a vehicular-type structure, primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered, including boats and boat trailers.

- a. A travel trailer is a vehicular portable structure mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use.
- b. A camping trailer is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other pliable materials for folding compactly while being drawn by another vehicle, and when unfolded at the site location, providing temporary living quarters, and whose primary design is for recreation, camping or travel use.
- c. A truck camper is a portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.
- d. A motor home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.

Restaurant means any business establishment where food and/or beverages are prepared and presented for human consumption on the premises.

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

Right-of-way means the strip of land between property lines of a street, highway, road or easement, dedicated or otherwise acquired for use by the public.

Rooming House (Boarding House) means a dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Setback means the distance required to meet minimum front, side, or rear yard open space provisions of this Resolution. Setbacks from a public street shall be measured from the existing or proposed center line.

Structure means anything constructed or erected which requires location on the ground or attachment to something having location of the ground.

Structural Alteration means any change to any supporting member of a structure, such as bearing walls, floors, columns, beams, or girders.

Substantial Improvement means any repair, reconstruction, or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair has commenced.

Township means the Township of North, Harrison County, Ohio.

Use means the specific purpose for which land, building or structure is designated, arranged, intended or for which it is or may be occupied or maintained.

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

Zoning District means a portion of the unincorporated area of the Township within which zoning regulations and requirement of various combinations thereof apply under the provisions of this Resolution.

Zoning Resolution shall mean the Zoning Resolution for North Township dated as amended.

SECTION III

ADMINISTRATIVE BODIES AND THEIR DUTIES

3.01 TOWNSHIP RURAL ZONING COMMISSION

3.01.01 ESTABLISHMENT

The Commission shall be made up of five members who reside in any unincorporated area of North Township, to be appointed by the Board of North Township Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Member of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of North Township Trustees, upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of North Township Trustees and shall be for the unexpired term.

3.01.02 DUTIES OF THE ZONING COMMISSION

The Commission shall adopt rules necessary to carry out its affairs in keeping with the provisions of this Resolution. Meetings shall be called by the Chairman and at such other times as the Commission may determine. All meetings are 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 this fact, and shall be a public record and be filed in the office of the Commission. The concurring vote of three (3) members of the Commission shall be necessary for the purpose of taking official action.

The Commission shall have the following duties for the purpose of this Resolution:

- a. Review and proposed amendments to the Resolution in accordance with Section VI and make recommendations to the Board of North Township Trustees.
- b. Review all proposed new zoning resolutions and make recommendations to the Board of North Township Trustees.

3.02 BOARD OF ZONING APPEALS

3.02.01 FORMATION

There is hereby created a Board of Zoning Appeals, which shall have the powers and duties required thereof by the provisions of Sections 519.13 through 519.15 of the Ohio Revised Code, subject however to such rules of a procedural nature as the said Board may from time to time adopt and promulgate for the purpose of expeditiously disposing of matters properly before it.

The Board shall be made up of five (5) members who reside in the unincorporated area of North Township, to be appointed by the Board of North Township Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. However, each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by resolution of the Board of North Township Trustees for the unexpired term of the member affected.

The Board shall be authorized to hire, retain, or contract for services of any consultant, expert or professional or technical assistant as it deems necessary to carry out its duties as specified in this Resolution, where the Board of Zoning Appeals deems appropriate and as authorized by the North Township Trustees.

3.02.02 PROCEEDINGS

The North Township Board of Zoning Appeals shall organize and rule in accordance with the Resolution. Meetings shall be held at the call of the Chairman, and at such other times as the Board determines. The Board may compel the attendance of witnesses and the Chairman, or in his absence the acting Chairman, may administer oaths. All Board meetings shall be open to the public. Minutes of the Board proceedings shall be kept showing the vote of each member upon each question, or if absent or failing to vote, indicating such act, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the North Township Trustees and be a public record.

3.03.03 DUTIES OF THE BOARD OF ZONING APPEALS

The Board may reverse or affirm partly or wholly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken, as long as such action is in conformity with the terms of this Resolution. The concurring vote of three (3) members of the Board shall be necessary for the purpose of taking official action, except that for the purpose of granting a variance, authorizing a conditional use, or authorizing the substitution of a non-conforming use, the concurring vote of four (4) members of the Board shall be necessary. The Board has the following specific responsibilities.

- a. To grant or deny variances in accordance with the provisions of this Resolution.

- b. To grant or deny conditional use certificates in accordance with the Resolution and, where such certificate is granted, to impose such safeguards as will uphold the intent of this Resolution.
- c. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector.

3.03 ZONING INSPECTOR

3.03.01 OFFICE

The office of Zoning Inspector is hereby created. The North Township Trustees shall appoint the Zoning Inspector for an indefinite term, and may remove him for nonperformance of duty, misconduct in office, or other cause, upon written charges being filed with the North Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the Zoning Inspector so charged at least ten (10) days prior to the hearing either personally, by registered mail, or by leaving such copy at his usual place of residence. The Zoning Inspector shall be given an opportunity to be heard and answer all such charges.

3.03.02 DUTIES

The Zoning Inspector shall have the following duties for the purpose of this Resolution:

- a. Receive and keep adequate records of all applications, plans, permits, complaints, notifications, correspondence and any other information pertinent to the administration and enforcement of this Resolution.
- b. Take action on all zoning certificates in accordance with procedures as established by this Resolution.
- c. Provide copies of such records and information to the North Township Trustees as required.
- d. Upon finding that any of the provisions of the Resolution are being violated, notify in writing the person responsible for such violation, ordering the action necessary to correct such violation.
- e. Order the discontinuance of illegal uses of land, buildings or structures.
- f. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- g. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation of this Resolution.

SECTION IV

ENFORCEMENT

4.01 ZONING CERTIFICATE REQUIRED

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

Any zoning certificate issued or other action taken in conflict with the provisions of this Resolution shall be null and void.

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

- a. Construction, structural alteration, or enlargement, or any non-agricultural building or structure, including accessory buildings.
- b. Change in use of an existing building or structure to a use of a different classification, excepting agricultural use.
- c. Occupancy and/or use of land, excepting agricultural use.
- d. Change in the use of land to a use of different classification, excepting agricultural use.
- e. A conditional use when specified in this Resolution.
- f. Any change in the use of a non-conforming use.

4.02 APPLICATION FOR ZONING CERTIFICATE CONTENTS

Four (4) copies of an application for Zoning Certificate shall be signed by the applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following:

- a. Name, address, and telephone number of the applicant and, if different, the owner.
- b. Legal description of the property.
- c. Existing use and proposed use.
- d. Proposed use.
- e. Zoning district in which the property is located.

- f. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or enlargement(s).
- g. Number of dwelling units.
- h. A certified copy of a permit relative to the disposal of sanitary waste as provided by the Harrison County Health District or the appropriate state body.
- i. Such other material as may be necessary to determine conformance with and provide for the enforcement of this Resolution.

4.03 ZONING CERTIFICATE

The Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution within thirty (30) days after the receipt of an application. Zoning certificates issued on the basis of plans and applications set forth in such approved plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement set forth in such approved plans and applications of approved amendments thereto. All zoning certificates shall be conditional upon the commencement of work within one (1) year and substantial completion within three (3) years. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor. The Zoning Inspector shall post a placard or copy of the approved zoning certificate, in a conspicuous place on the property in question, attesting to the fact that a zoning certificate has been issued.

4.04 COMPLAINTS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a signed complaint with the Zoning Inspector, stating the causes and basis thereof. The Zoning Inspector shall record such complaint, as is provided by this Resolution.

4.05 PENALTIES

Violation of the provisions of this Resolution or the terms of any certificate issued hereunder shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 and, in addition, shall pay all costs and expenses incurred in the case. Each day such violation continues after receipt of violation notice shall be a separate offense. The owner or tenant of any building, structure, premise, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation shall each be found guilty and suffer the penalties herein provided. Nothing contained herein shall

prevent the Township, the County Prosecutor, or any adjacent or neighboring property owner who is, or would be likely to be damaged by such violation from taking such other action authorized by law as is necessary to prevent or remedy any violations.

4.06 SCHEDULE OF CHANGES, FEES, AND EXPENSES

The Board of North Township Trustees shall establish a schedule of charges, fees and expenses and a collection procedure for applications, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the North Township Trustees, and may be altered or amended only by the Board of North Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION V

NON-CONFORMING USES

5.01 INTENT

The intent of this Resolution is to permit non-conforming uses to continue until they are removed, discontinued, or abandoned, but not to encourage their survival.

5.02 SUBSTITUTION

With the approval of the Board of Zoning Appeals, and subject to such terms and conditions as it may impose, a non-conforming use may be changed to another non-conforming use, provided that the use to which it is changed is a permitted use in any zoning district established by the Resolution, and provided further that the use to which it is changed will not have any significant additional adverse impact upon other premises in the zoning district.

5.03 EXTENSION

Any lawful, non-conforming use which has been discontinued or abandoned shall not thereafter be returned to a non-conforming use. A non-conforming use shall be considered discontinued or abandoned whenever any one of the following conditions exists:

- a. When the intent of the owner to discontinue or abandon the use is apparent.
- b. When the use has been discontinued for a period of two (2) years.
- c. When the non-conforming use has been replaced by a conforming use.
- d. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

5.04 REPAIRS

Repairs and maintenance work may be done on a non-conforming building or structure only as are necessary to keep it in sound condition, provided however, that no structural alterations shall be made except as required by law.

SECTION VI

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

6.01 INTENT

This section is to paraphrase and describe the requirements of the Ohio Revised Code for amending the Zoning Resolution. The provisions of the Ohio Revised Code shall govern if and to the extent that the provisions of this Resolution are inconsistent with those prescribed by the Ohio Revised Code.

6.02 INITIATION OF AMENDMENTS OR SUPPLEMENTS

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

6.03 APPLICATION

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

6.04 NAMES AND ADDRESSES OF PROPERTY OWNERS

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to, and directly across the street from the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current Harrison County Auditor's tax list. If the proposed amendments intends to re-zone or re-district ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, this requirement shall be waived.

6.05 PUBLIC HEARING BY ZONING COMMISSION

Upon the adoption of such motion or the certification of such resolution of the filing of such application, the Zoning Commission shall set a date for a public hearing thereon which date shall not be less than twenty (20) days, nor more than forty (40) days from the date of filing of such application or the adoption of the motion or certification of the resolution. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in North Township at least fifteen (15) days before the date of such hearing and shall set forth such information as is required by Section 519.12 of the Ohio Revised Code.

6.06 WRITTEN NOTICE

If the proposed amendment intends to re-zone or re-district ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within, contiguous to, or directly across the street from the area proposed to be reclassified or redistricted by first class mail twenty (20) days before such hearing to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any amendment or supplement. The notice shall contain the information required by Section 519.12 of the Ohio Revised Code.

6.07 TRANSMITTAL TO REGIONAL PLANNING COMMISSION

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

6.08 ACTION BY REGIONAL PLANNING COMMISSION

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

6.09 RECOMMENDATION BY ZONING COMMISSION TO TOWNSHIP TRUSTEES

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

6.10 PUBLIC HEARING BY TOWNSHIP TRUSTEES

The North Township Trustees shall upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Trustees by one (1) publication in one (1) or more newspapers of general circulation in North Township at least fifteen (15) days before the date of such hearing. The published notice shall contain the information required by 519.12 of the Ohio Revised Code.

6.11 VOTE BY TOWNSHIP TRUSTEES

The Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt modification thereof within twenty (20) days after such public hearing. In the event the Trustees deny or modify the recommendations of the Zoning Commission, the unanimous vote of the North Township Trustees shall be required.

6.12 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT RESOLUTION

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

6.13 REFERENDUM RESULT

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

SECTION VII

APPEALS

7.01 APPEALS

Any official action of the Zoning Inspector may be appealed by any person aggrieved or by any officer of the legislative authority of North Township affected by the decision of the Zoning Inspector.

7.02 NOTICE OF APPEAL

A notice of appeal shall be filed with the Fiscal Officer of North Township within thirty (30) days from the date of the action by the Zoning Inspector from which appeal is sought. Such notice of appeal shall be in writing and signed by the appellant, setting forth the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within ten (10) days from the date of receipt of such notice of appeal, the Fiscal Officer of North Township shall transmit said notice to the Board of Zoning Appeals.

7.03 ACTION BY BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a hearing on the said appeal within sixty (60) days from transmittal of the notice of appeal to the Board. Notice of the date and location of the hearing shall be given by the Board of Zoning Appeals to the Appellant and the Zoning Inspector by first class mail at least twenty (20) days before the date of such hearing. The Board may give notice of the hearing by one (1) or more newspapers of general circulation in North Township, and may allow persons interested in the appeal to be heard.

SECTION VIII

VARIANCES

8.01 AUTHORIZATION

Recognizing that on any particular property or premises, extraordinary circumstances may exist under which a strict enforcement of the applicable zoning resolution standards would result in a substantial hardship to the owner or user of land, the following variances procedure is provided to allow the flexibility necessary to adopt to such circumstances. However, no variance shall be granted to allow a use that is not a permitted use in the zoning district in which the premises for which the variance sought is located.

8.02 APPLICATION FOR VARIANCE

Application for any variance shall be written on forms prescribed for that purpose by the Board of Zoning Appeals. The application shall include the following information:

- a. The nature of the variance sought, including the specific provisions of the zoning resolution from which the variance is requested.
- b. An accurate, legal description of the property and appropriate maps and drawings showing said property and its location within the township zoning area.
- c. A clear and concise statement of the special circumstances or conditions applying to the land, building or structure which do not apply generally throughout the zoning district and which would warrant the issuance of a variance from the applicable zoning standards.
- d. An explanation of the special circumstances and conditions, which demonstrates that these special conditions and circumstances are not attributable to the applicant, or the operation of the applicant's facilities.

8.03 ACTION BY THE BOAD OF ZONING APPEALS

The Board of Zoning Appeals shall take action on the application for a variance within sixty (60) days following receipt of application or same. The Board of Zoning Appeals shall hold a public hearing on the application. The notice for such hearing shall be given by the Board of Zoning Appeals by one (1) publication in one (1) or more newspapers of general circulation in North Township at least twenty (20) days before the date of such hearing. In deciding the request for a variance, the Board of Zoning Appeals may seek a recommendation for the Regional Planning Commission. If such a recommendation is received by the Board of Zoning Appeals in sufficient time, such recommendation shall be considered in taking action on the variance.

8.04 STANDARDS FOR VARIANCE

The Board of Zoning Appeals shall approve a variance only if it finds:

- a. That special conditions and circumstances exist which are peculiar to the land, buildings, or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
- b. That a literal interpretation of the provisions of the zoning resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning resolution.
- c. That the special conditions and circumstances applicable to the applicant's property or facility are not attributable to the actions or operations of the applicant or the applicant's agents or assigns.
- d. That granting the variance requested will not adversely affect the health or safety of persons residing or working in or in the vicinity of the property for which the variance is sought, will not be materially detrimental to the public welfare, will not be injurious to private property or public improvements in the vicinity, will not unreasonably hinder or discourage the appropriate development, use and enjoyment of other land, buildings and structures, nor will the granting of the variance pose a threat to the environment, nor the health, safety, welfare, or morals of the residents of North Township.

SECTION IX

CONDITIONAL USES

9.01 AUTHORIZATION

Specifically listed Conditional Uses are provided within the Zoning District regulation that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Principal Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

Conditional Uses shall only be authorized by the Board of Zoning Appeals consistent with the procedures outlined in the Section of this Resolution.

9.02 PROCEDURE

An application for a conditional use certificate shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The Board may require such other and such additional information including, but not limited to, detail, engineering, or construction plans and such other technical information as the Board shall deem necessary to properly review and consider said application.

Prior to the issuance of any conditional use certificate, the Board shall fix a reasonable time for a public hearing on such application. The Board shall give at least ten (10) days notice of such hearing, in writing, to the parties in interest and shall give notice of such public hearing by no less than one (1) publication in one (1) or more newspapers of general circulation in North Township, no less than ten (10) days before the date of such hearing. Within fifteen (15) days after any such hearing, the Board shall grant or deny, in writing, the conditions as it deems appropriate.

9.03 STANDARDS AND CONDITIONS FOR CONDITIONAL USE

The Board of Zoning Appeals, in considering an application for a Conditional Use Certificate, shall consider the nature and condition of all uses, lands, buildings, and structures that may be affected by the proposed conditional use, and may impose such conditions, requirements and terms with respect to location, duration, construction, maintenance, operation and other aspects of the conditional use as the Board may deem necessary for the protection of adjacent properties and the public health, safety, morals, and general welfare.

The Board shall not grant a Conditional Use Certificate unless it finds that:

- a. The proposed Conditional Use will comply with applicable provisions of this Resolution including lot size requirements, development standards, and use limitations.
- b. Adequate utility, drainage, and other necessary facilities have been or will be provided.
- c. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- d. All necessary permits, licenses and approvals for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits, licenses and approvals are obtainable for the proposed Conditional Use on the subject property.
- e. All exterior lights are so shaded as to avoid causing direct light upon any property located in an "R" District.
- f. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets given access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- g. The location, nature, and height of buildings, structures, walls and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
- h. The Conditional Use desired will not adversely affect the public health, safety, and welfare.

9.04 JUNK YARD CONDITIONAL USE

If the proposed Conditional Use is a junk yard, then in addition to such other conditions and restrictions as the Board, under the particular facts may impose, it shall impose the following restrictions:

- a. The Junk Yard may operate only from 7:00 a.m. to 6:00 p.m. during Monday through Saturday.
- b. Mere compliance with a condition or restriction set forth in this subsection shall not alone suffice for the Board to determine that the conditions set forth in subsection 9.03 above has been satisfied. If the Board is to authorize a Junk Yard, it also must ascertain that under the facts and circumstances that subsection 9.03 has been satisfied.

Notwithstanding its strict compliance with state and federal environmental laws, unless a Junk Yard also strictly complies with the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to this section and unless it also strictly complies with county health department rules and regulations, it shall constitute a nuisance.

The Zoning Resolution shall not be construed to prevent a Junk Yard from being declared a nuisance under the Common Law.

SECTION X

ZONING DISTRICTS

10.01 DISTRICTS

In order to classify and regulate the use and location of buildings designated for specified non-agricultural uses and to regulate and limit the bulk of non-agricultural buildings; the unincorporated area within North Township, Harrison County, Ohio, is hereby divided into the following districts:

- “A” - Agricultural District
- “R” - Single and Two-Family Residential District
- “M” - Manufacturing District
- “MI” - Mining District

10.02 ZONING MAP

The boundaries of these districts are hereby established as shown on the Zoning Map of North Township, Harrison County, Ohio. Said Zoning Map along with all notations, dimensions, and references shown hereon, shall be and are hereby incorporated and made a part of this Zoning Resolution. Such Zoning Map shall be and remain on file in the office of the Board of North Township Trustees.

10.03 DISTRICT BOUNDARIES

Except where referenced and noted on the Zoning Map by a designated line and/or dimension, the district boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads as they existed at the time of the passage of this Zoning Resolution, or the extension of such lines.

SECTION XI

"A" – AGRICULTURAL DISTRICT

11.01 INTENT

The intent of the Agricultural District is to provide for and maintain large tracts of land for present agricultural activity and to protect this land from urban encroachment and other uses which may adversely affect or impact existing and future agricultural activity.

11.02 PERMITTED USES

The following uses and no other shall be permitted in all "A" Districts:

- a. Agricultural and the usual agricultural buildings and structures.
- b. Family dwellings and buildings accessory thereto including a mobile home with a floor area between 700 and 1,100 square feet provided the following additional conditions are met:
 1. The mobile home shall be placed on a foundation suitable to support the dwelling unit.
 2. The mobile home shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.
 3. The mobile home shall be skirted entirely enclosing the bottom section within ninety (90) days after its placement.
 4. All requirements for Agricultural Districts shown in the Schedule of Regulations shall be complied with.
 5. The mobile home shall have its system for the disposal of sanitary wastes as approved by the Harrison County Health District.
- c. Customary home occupations, as defined in Section II of this Resolution.
- d. Public and private parks, golf courses and country clubs, cemeteries established prior to this Resolution.

11.03 CONDITIONAL USES

The following Conditional Use shall be allowed in the "A" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Churches and places of public worship
- b. Junk yards

11.04 LOT AREA AND MINIMUM YARD SETBACKS

Lot area shall be as provided in Section XXXII of this Resolution.

SECTION XII

“R” – SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

12.01 INTENT

The Single and Two-Family Residential District is intended to provide for an environment suitable for residential living and to allow for additional uses and facilities compatible with such environment, which serve the residents of the district.

12.02 PERMITTED USES

The following uses and no other shall be permitted in the “R” District.

- a. Single Family dwellings and buildings accessory thereto.
- b. Two-Family dwelling units.
- c. Customary home occupations as defined in Section II of this Resolution.

12.03 CONDITIONAL USES

The following conditional uses shall be allowed in the “R” District subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Churches and places of public worship.
- b. Public parks, golf courses, and country clubs.
- c. Cemeteries.

12.04 LOT AREA AND MINIMUM YARD SETBACKS

Lot area shall be provided in Section XXXII of this Resolution.

SECTION XXX

“M” – MANUFACTURING DISTRICT

30.01 INTENT

The Manufacturing District is to provide suitable areas for a range of industrial activities while protecting the character of nearby agricultural, residential, and business areas.

All industrial, amusement parks, camp grounds, clubs or any small business must be in compliance with all EPA and Ohio Revised codes.

On request for zoning permit, business must be approved by the Zoning Board, Trustees, and Regional Planning Commission.

Trustees reserve the right to put any new business on the ballot for voters’ approval.

All amusement parks, camp grounds, or such entertainment must stop amplifying sound between 11:00 p.m. through 8:00 a.m. Special permission for amplification into the quiet hours must be given by the North Township Trustees.

30.02 PERMITTED USES

The following uses and no other shall be permitted in all “M” Districts:

- a. Manufacturing, compounding, processing, assembling, packaging or treatment of goods, materials and products, consistent with the intent of the “M” District.
- b. Contractor, distribution and related uses, including truck and transfer terminals.
- c. Warehousing, distribution and related uses, including truck and transfer terminals.
- d. Administrative and business offices associated with and incidental to another permitted use.

30.03 CONDITIONAL USES

The following conditional uses shall be allowed in the “M” District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution.

- a. Motor vehicle storage and salvage yards, provided those uses meet applicable state requirements related to fencing and other standards.

30.04 LIGHTING

Any lighting system used to illuminate the area used for parking and/or loading, and adjoining a residential district must be arranged so as to reflect light away from adjoining premises and said residential district.

30.05 LOT AREA AND HEIGHT LIMITS

Lot areas and height limits shall be as provided in Section XXXII of this Resolution.

SECTION XXXI

“MI” – MINING DISTRICT

31.01 INTENT

The Mining District is to provide suitable areas to support surface or underground mining activities while protecting the character of nearby agricultural, residential and business areas. All federal, state and local mining regulations and laws must be met. Mining District zoning shall be for the period of time required to extract the mineral and restore the surface area.

31.02 PERMITTED USE

The following uses and no other shall be permitted in all “MI” Districts:

- a. Surface mining with necessary structures and storage areas.
- b. Underground mine openings, air shafts, necessary mining structures and storage areas.

SECTION XXXII

LOT AREA

32.01 SCHEDULE OF DISTRICT REGULATIONS

The minimum lot area, lot width, and minimum setbacks for buildings and structures in the Zoning District Regulations which is hereby made a part of this Resolution. All lots shall have approved water and sewage systems by the appropriate Board of Health before any person shall occupy a dwelling.

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)		Minimum Setbacks (Feet)		
				Fronts (3)	Side	Rear (4)
A	40,000	150	(2)	60	16	35
R	10,000	90	(1)	60	16	35
	40,000	150	(2)			
M	10,000	90	(1)	60	16	35
	40,000	150	(2)			
MI	40,000	150	(2)	60	16	35

(1) With Central/Public Sewage System

(2) With Private Sewage System

(3) Measured to the Center of Road Pavement

(4) Applies to the Main Building only. Accessory structures may be placed as far back as the rear lot line.

SECTION XXXIII

SPECIAL REGULATIONS

33.01 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increases number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution. The occupancy resulting from such conversion shall comply with the requirements governing new construction in such district with respect to minimum lot width.

33.02 PRIVATE CEMETERIES

A private cemetery shall be fenced if livestock are in the same or adjoining field or lot, have a gate, and be mowed a minimum of two (2) times per year by the property owner. All persons wishing to visit the cemetery shall be permitted to walk to the cemetery. The cemetery property may be transferred to North Township Trustees for fencing and maintenance.

Private cemeteries must be completely constructed before put in use. A private cemetery will not be over five (5) plots each 15 feet by 19 feet; it will be 300 feet from property lines, wells, homes, or other buildings.

The cemetery will have a substantial fence and the road to the cemetery will be 20 feet wide and well maintained. Lots cannot be sold in the private cemetery. It can be used for family members only, with ground level markers. The private cemetery must be registered by applying to the Division of Real Estate in the Department of Commerce, Columbus, Ohio. The private cemetery will also be recorded at the Harrison County Recorder's Office to be put on the deed of the land owner. A fee of \$25,000 for a cemetery permit will be put down before construction of the cemetery begins. Thirty percent (30%) of the permit fee can be used for development of the cemetery. The balance of the permit fee goes into North Township Cemetery Fund, North Township, Harrison County, Ohio.

33.03 POLLUTION BY LANDFILL OR ANY OTHER MEANS

Landfills and/or disposal facilities, transfer stations of any type are not permitted in North Township. The emission of gases, smoke, dust, and dirt, or dumping effluents, purified or non-purified matter, shall in no manner be unclean, destructive, unhealthy, hazardous, or deleterious to the general welfare.

33.04 DRAINAGE

Lots shall be developed with due consideration to storm run-off. Storm water run-off onto adjoining property shall not be diverted or channeled as to cause damage or increase liability to adjoining properties.

33.05 MINING

No long wall mining shall be permitted in the unincorporated areas of North Township.

