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# ***CLINTON TOWNSHIP ZONING CODE***

**As Amended by Resolution 2014-9-28  
Adopted September 28-2014  
Effective October 28,2014**

**CLINTON TOWNSHIP  
KNOX COUNTY, OHIO**

# Clinton Township, Knox County

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Robert Daley

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Amy McCann

## **Zoning Inspector**

Donna Hochstetler

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## How to Use This Document <sup>1</sup>

The Zoning Code is composed of 21 articles: The preceding Table of Contents to the Zoning Resolution is a useful tool for understanding the organization of the Zoning Code and identifying page numbers for each article and section within the Code. The electronic version of the Zoning Code provides hyperlinks to referenced provisions in the Code.

Articles 1 through 11 contain general provisions regarding: the Zoning Code’s legal framework and applicability, the establishment of administrative bodies with zoning oversight duties, and administrative procedures to be followed in obtaining permits, certificates, and other legal or administrative reviews and approvals (such as for variances, conditional uses, and PND subdivisions). In addition, this area of the Code contains provisions for the amendment of the Zoning Code text and Official Zoning Map, as well as enforcement tools that the Township may use against violators.

Articles 12 through 20 establish each zoning district and provide standards for land use developments. Articles within this area include: how nonconforming “grandfathered” uses of land or buildings are to be treated within the Code; the establishment and purpose for each zoning district and interpretation of district boundaries on the Official Zoning Map; a list of permitted and conditional land uses allowed in each district; and standards regarding the development intensity and dimensional standards within each district and for specific land uses, including landscaping, off-street parking, and signage.

Article 21 provides definitions for important terms and words of significance used in the Code.

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<sup>1</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

# **ARTICLE 1**

## **TITLE, INTERPRETATION, AND ENACTMENT**

### **100 TITLE**

This Resolution shall be known and may be cited to as the "Zoning Resolution of Clinton Township of Knox County, Ohio."

### **101 PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS <sup>2</sup>**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity, and the general welfare pursuant to the Zoning enabling provisions of ORC Chapter 519. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or Resolutions, the most restrictive, or that imposing the higher standards, shall govern.

### **102 SEPARABILITY CLAUSE**

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

### **103 REPEAL OF CONFLICTING RESOLUTION, EFFECTIVE DATE**

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

### **104 RELATIONSHIP TO LAND USE PLANS <sup>3</sup>**

All uses and associated premises, structures, activities, roads, parking areas, utilities, and construction, established after the effective date of this Resolution shall comply with Clinton Township Land Use Plans, the County Comprehensive Plan, and all other applicable land use regulations.

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<sup>2</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
<sup>3</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 3 – Zoning Permit**

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# ARTICLE 2 ADMINISTRATION

## 200 GENERAL<sup>4, 5</sup>

This Article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Resolution. The complete demolition and removal of a structure does not require a certificate or a permit under this resolution, although this action may be subject to other rules, regulations, or controls by others.

## 201 ZONING INSPECTOR

- A. Appointment of Zoning Inspector. A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons at the Board of Township Trustees may direct. The Zoning Inspector, before entering upon his or her duties, shall give bond as specified in ORC 519.161.
- B. Duties of Zoning Inspector. For the purpose of this Resolution, the Zoning Inspector shall have the following duties:
- (1) Enforce the provisions of this Resolution and interpret the meaning and the application of its provisions.
  - (2) Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
  - (3) Issue Zoning Permits and Certificates of Zoning Compliance as provided by this Resolution, and keep a record of same with a notation of any special conditions involved.<sup>6</sup>
  - (4) Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the applicant<sup>7</sup> in writing of his or her refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his or her request to the Board of Zoning Appeals.
  - (5) Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
  - (6) Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township Offices.

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<sup>4</sup> Amended by Resolution 2005-12-33 adopted December 19, 2005 (effective January 18, 2006)

<sup>5</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>6</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>7</sup> Amended by Resolution 2011-12-37 adopted December 19, 2011 (effective January 19, 2012)

**Article 2 – Administration** (cont'd)

- (7) Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments, and special uses.
- (8) Review and approve site plans pursuant to this Resolution. Forward to the Zoning Commission for review and recommendation at a public meeting/hearing.<sup>8</sup>
- (9) Order discontinuance of illegal uses of land, buildings, or structures.
- (10) Order removal of illegal buildings or structures or illegal additions or structural alterations.
- (11) Order discontinuance of any illegal work being done.
- (12) Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

**202 ZONING COMMISSION**

A. Zoning Commission Established

- (1) A Zoning Commission shall be established in accordance with ORC 519.04.
- (2) The Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution.
- (3) Meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public.
- (4) 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, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

B. Duties of Zoning Commission.<sup>9</sup> For the purpose of this Resolution, the Zoning Commission shall have the following duties:

- (1) Initiate proposed amendments to this Resolution.
- (2) Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in **Article 10** (Amendments).

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<sup>8</sup> Amended by Resolution 2011-12-37 adopted December 19, 2011 (effective January 19,2010)

<sup>9</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 2 – Administration** (cont'd)

- (3) Review all Planned Neighborhood District developments and make recommendations to the Board of Township Trustees as provided in **Article 9** (PND Development Plan Review Procedures), inclusive.
- (4) Review Site Plans in accordance with **Article 6** (Site Plan Review Procedures).
- (5) Review proposed landscaping plans prepared pursuant to **Article 8** (Landscaping Plan Review Procedures).
- (6) Review proposed architectural plans for large scale structures pursuant to **Article 7** (Architectural Design Review Procedures).

**203 BOARD OF ZONING APPEALS**<sup>10</sup>

- A. Board of Zoning Appeals Established. A Board of Zoning Appeals is hereby created which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four, and five year terms. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.
- B. Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.
- C. Duties of the Board of Zoning Appeals. 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, 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. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution, or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

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<sup>10</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 2 – Administration** (cont'd)

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
- (2) To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- (3) To grant Conditional Use Certificates as specified in the Official Schedule of District Regulations and under the conditions specified in [Article 5](#) (Conditional Use Review) and such additional safeguards as will uphold the intent of this Resolution.



# ARTICLE 3 ZONING PERMIT AND CERTIFICATE OF ZONING COMPLIANCE

## 300 ZONING PERMITS AND CERTIFICATE OF ZONING COMPLIANCE REQUIRED <sup>11</sup>

- A. Zoning Permit Required. No building or other structure shall be located, erected, constructed, reconstructed, enlarged, changed, moved, added to, structurally altered, nor shall any building, structure, or land be established, used, or changed in use without a Zoning Permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Resolution or as approved by a variance.
- B. Certificate Of Zoning Compliance Required. It shall be unlawful to use or occupy any building or premises or part thereof that has been created, erected, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance has been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.
- C. Construction And Use As Provided In Applications, Plans, Permits, And Certificates. Zoning Permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans.
- D. Enforcement Upon Violation. Failure to obtain a Zoning Permit or Certificate of Zoning Compliance or any other use, arrangement, or construction contrary to that authorized shall be a violation of this Resolution and punishable under [Section 1104](#) (Penalties and Remedies for Violation).

## 301 CONTENTS OF APPLICATION FOR ZONING PERMIT

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

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Existing use of all structures on site.
- D. Proposed use.
- E. Zoning district.

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<sup>11</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 3 – Zoning Permit and Certificate of Zoning Compliance (cont'd)**

- F. Plans in duplicate 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 buildings or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths. Include evidence of satisfaction of conformance to Ohio Department of Transportation or County Access Management requirements.<sup>12</sup>
- I. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this Resolution.
- J. A fee as established by the Board of Township Trustees according to [Section 302](#) (Schedule of Fees, Charges, and Expenses).

**302 SCHEDULE OF FEES, CHARGES, AND EXPENSES**<sup>13</sup>

The Board of Township Trustees shall, by separate Resolution, establish a schedule of fees, charges, and expenses pertaining to the administration and enforcement of this Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no application is “complete” and no action shall be taken on any application or appeal. Unless specified in the schedule of fees, charges, and expenses, all fees shall be non-refundable to the applicant.

**303 DETERMINATION OF COMPLETENESS**<sup>14</sup>

Within fifteen (15) business days after the receipt of an application, the Zoning Inspector shall make a determination of application completeness and confer with the applicant to ensure understanding of the Zoning Inspector’s interpretation of the applicable requirements of this chapter, that the applicant has submitted all of the information intended to be submitted, and that the application represents precisely and completely what the applicant proposes to do.

- A. If a finding is made the application is complete, the Zoning Inspector shall certify the determination of completeness on the application and the application shall then be processed.
- B. If the application is incomplete, the Zoning Inspector shall, within such fifteen (15) business-day period, send the applicant a notice the application is incomplete or denied, together with a brief written statement of the specific ways in which the application is deficient, including appropriate references to the applicable sections of this Resolution.

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<sup>12</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>13</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>14</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**304 PROCEDURE FOR DETERMINATION OF ZONING PERMIT**<sup>15</sup>

- A. If an application determined to be complete seeks to undertake a land use or development in violation of this Resolution, the Zoning Inspector shall immediately notify the applicant of the violation. The Zoning Inspector may offer the applicant the opportunity to correct such deficiency and resubmit the application, or shall issue a Final Order of denial, including appropriate references to the applicable sections of this Resolution. For the convenience of the applicant and Township administrative bodies, all applications for a Variance or Zoning Amendment shall proceed before any required Conditional Use or Site Plan Review.
- B. Where additional review by the Board of Zoning Appeals or the Zoning Commission is required by this Resolution, the Zoning Inspector shall prepare a staff report and send it along with the application to the Board or Commission.
- C. Within thirty (30) calendar days after the receipt of an application where no review by the Zoning Commission or the Board of Zoning Appeals is required, or within ten (10) calendar days after a decision by the Board of Zoning Appeals or the Zoning Commission, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution.
- D. One (1) copy of the plans shall be returned to the applicant copy as either approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Inspector.
- E. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

**305 ASSURANCE REQUIREMENTS AND PLANS**

Prior to the issuance of a zoning permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

**306 EXPIRATION OF ZONING PERMIT**

- A. If the work described in any zoning permit has not substantially started within one (1) year from the date of issuance thereof, the zoning permit shall expire and written notice thereof shall be given to the persons affected.<sup>16</sup>
- B. No further work as described in the expired permit shall proceed until a new zoning permit has been obtained or extension granted.<sup>17</sup>

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<sup>15</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>16</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>17</sup> Amended by Resolution 2014-9-28 adopted September 28, 2014 ( effective October 28, 2014)

**Article 3 – Zoning Permit and Certificate of Zoning Compliance (cont'd)**

**307 TEMPORARY ZONING PERMIT**<sup>18</sup>

A Temporary Zoning Permit may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or for partial occupancy of a building pending its completion.

**308 RECORD OF ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE**<sup>19</sup>

The Zoning Inspector shall maintain a record of all Zoning Permits and Certificates of Zoning Compliance and copies shall be furnished upon request to any person.

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<sup>18</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>19</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

## **ARTICLE 4 APPEALS AND VARIANCES**

### **400 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in ORC Chapters 2505 and 2506. Any such appeal shall be made within thirty (30) days of the Board's written decision.

### **401 TIME LIMITATIONS FOR APPEALS AND VARIANCES**

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

### **402 STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record.

### **403 VARIANCES<sup>20</sup>**

The Board of Zoning Appeals may authorize area variances from the development standards of this Resolution, such as yard, lot, and height standards, which shall not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in practical difficulties depriving the landowner of all reasonable use of the property.

A. Application for Variances. A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals. The application at a minimum shall include:

- (1) Name, address, and phone number of applicants.

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<sup>20</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 4 – Appeals and Variances (cont'd)**

- (2) Legal description of property.
  - (3) Description of nature of variance requested.
  - (4) A list of all property owners and their addresses that are within, contiguous to, or directly across the street, and may have interest in the variance.
  - (5) A narrative statement how the requested variance conforms to the standards for a variance enumerated in [Section 403.B](#). (Standards for an Area Variance).
- B. Standards for an Area Variance. The individual applying for an area variance has the burden of showing that the Zoning Resolution, as its standards are applied to the property, is “inequitable.” The Board of Zoning Appeals is required to evaluate each of the following factors which represent the competing interests of the property owner and neighboring property owners and the community as a whole. The Board shall make findings on each of the standards and then weigh each of the findings as a basis for its decision whether the practical difficulties involved justify an area variance. The Board of Zoning Appeals shall further make a finding whether the granting of the variance that will make possible a reasonable use of the land, building, or structure. The following factors must be evaluated:
- (1) Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - (2) Whether a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
  - (3) Whether granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
  - (4) Whether the special conditions and circumstances do not result from the actions of the applicant.
  - (5) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
  - (6) Whether the variance is substantial.
  - (7) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
  - (8) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewers, garbage).

**Article 4 – Appeals and Variances (cont'd)**

- (9) Whether the property owner purchased the property with the knowledge of the zoning restriction.
  - (10) Whether the property owner's problem can be solved by some manner other than a variance.
  - (11) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- C. Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within a reasonable time, but not more than forty-five (45) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant. The notice shall set forth the time and place of the public hearing, and the specific item to be considered.
- (1) *Notice of Public Hearing in Newspaper.* Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing.
  - (2) *Notice to Parties in Interest.* Before holding the public hearing, written notice of such hearing shall be mailed by the Chairperson of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest.
- D. Action by Board of Zoning Appeals. Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall approve, approve with supplementary conditions, or disapprove the request for appeal or variance.
- E. Supplementary Conditions and Safeguards
- (1) Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.
  - (2) In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution.
  - (3) Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under **Section 1104** (Penalties and Remedies for Violation) of this Resolution.
- F. Appeals from Board Decisions. Appeals from Board decisions shall be made in the manner specified in **Section 400** (Duties of Zoning Inspector, Board of Zoning Appeals, and Courts on Matters of Appeal).

**Article 4 – Appeals and Variances (cont'd)**

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# ARTICLE 5

## CONDITIONAL USE REVIEW

### 500 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE CERTIFICATE <sup>21</sup>

It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities, that each specific use must be considered individually. These specific uses are conditionally permitted under the provisions of [Article 14](#) (Permitted and Conditional Uses). Approval of a conditional use shall conform to the procedures and requirements of this Article, unless modified in accordance with the requirements of [Article 6](#) (Site Plan Review Procedures).

### 501 CONTENTS OF APPLICATION FOR CONDITIONAL USE CERTIFICATE

An application for Conditional Use Certificate shall be filed with the Zoning Inspector by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Zoning district.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

### 502 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

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<sup>21</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 5 – Conditional Use Review (cont'd)**

- A. Is in fact a conditional use as established under the provisions of [Article 14](#) (Permitted and Conditional Uses).
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or the Zoning Resolution.
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. 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.
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**503 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use Certificate is granted, shall be deemed a violation of this Resolution and punishable under [Section 1104](#) (Penalties and Remedies for Violation) of this Resolution.

**504 PROCEDURE FOR HEARING, NOTICE**

Upon receipt of the application for a Conditional Use Certificate specified in [Section 501](#) (Contents of Application for Conditional Use Certificate), the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in [Section 403.C](#). (Public Hearing by Board of Zoning Appeals).

**505 ACTION BY THE BOARD OF ZONING APPEALS**

Within thirty (30) days after the public hearing required in [Section 403.C](#). (Public Hearing by Board of Zoning Appeals), the Board shall approve, approve with supplementary conditions as specified in [Section 503](#) (Supplementary Conditions and Safeguards), or disapprove the application as presented. If the application is approved or approved with modifications, the

**Article 5 – Conditional Use Review (cont'd)**

Board shall direct the Zoning Inspector to issue a Conditional Use Certificate listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in [Section 400](#) (Duties of Zoning Inspector, Board of Zoning Appeals, and Courts on Matters of Appeal).

**506 EXPIRATION OF CONDITIONAL USE CERTIFICATE**

A Conditional Use Certificate shall be deemed to authorize only one particular conditional use. Such permit shall automatically expire if, for any reason, the Conditional Use has not been implemented within one (1) year of issuance of the permit or if such use ceases for more than two (2) years.

**507 REVOCATION OF A CONDITIONAL USE CERTIFICATE**

Violation of the Conditional Use Certificate as approved shall be grounds for revocation of the Conditional Use Certificate. For proof of that the Conditional Use does not comply with **Items b. or c. in [Section 502](#)** (General Standards Applicable to All Conditional Uses), written complaints filed with the Zoning Inspector of more than fifty (50) percent of the property owners or authorized tenants within a three hundred (300) foot radius shall be required. For other violations, the Zoning Inspector shall be required to furnish appropriate proof of non-compliance. The Board of Zoning Appeals may revoke a Conditional Use Certificate, but only after a public hearing is conducted according to procedures outlined in [Section 403.C.](#) (Public Hearing by the Board of Zoning Appeals).

**Article 5 – Conditional Use Review (cont'd)**

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# ARTICLE 6

## SITE PLAN REVIEW PROCEDURES

### 600 PURPOSE

The purposes of Site Plan review procedures and requirements are to provide a means and process to review the proposed development of structures and establishment of land uses in a way that considers the following concerns and, where necessary, requires modification of development proposals to eliminate or reduce potential land use conflicts and nuisances. The principal areas of concern are:

- A. Balancing of landowners' rights to use their land with the corresponding rights of abutting and neighboring landowners to live without land use conflicts.
- B. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads.
- C. The protection of surface or ground-water from pollution and the adequacy of waste disposal methods.
- D. The protection of historic and natural environmental features on the site under review and in adjacent areas.

### 601 WHEN SITE PLAN REVIEW REQUIRED<sup>22</sup>

Except as specifically exempted below, no permit for the construction, relocation, occupancy, or change in use of any building shall be given, and no use shall be established or expanded in floor area, except in conformity with a Site Plan approved by the Zoning Commission. Site Plan review shall also be required for the expansion of any existing use. "Expansion" shall include either a floor space increase of twenty-five (25) percent, a floor space increase of one thousand (1,000) square feet, or an increase in the number of parking spaces in a parking lot by ten (10) or more spaces.

### 602 EXEMPTIONS FROM SITE PLAN REVIEW

Site plan review shall not be required for:

- A. The construction or enlargement of any single-family or two-family dwelling or building accessory to such dwelling.
- B. The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture.
- C. Construction or alteration of a structure providing for not more than two hundred (200) square feet total floor area after construction.
- D. Home occupations.

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<sup>22</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**603 SITE PLAN CONTENT**

A Site Plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Items required for submission include:

- A. A Site Plan shall be prepared at a scale 1 inch equals 20 feet (developments greater than five acres may be drawn at a scale of 1 inch equals 50 feet), on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for narrative.<sup>23</sup>
- B. Name of the project, boundaries, legal description, and location maps showing site location in the township, date, north arrow, and scale of the plan.
- C. Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect who prepared the site plan.
- D. Names and addresses of all owners of record of abutting parcels and those within 200 feet of any property line of the subject property.
- E. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within 100 feet of the site.
- F. The location and use of all existing and proposed buildings and structures within the development.
- G. All dimensions of height and floor area showing all exterior entrances, and all anticipated future additions and alterations.
- H. An illustration of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown. Include evidence of satisfaction of conformance to Ohio Department of Transportation or County Access Management requirements.<sup>24</sup>
- I. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- J. The location, height, size, materials, and design of all proposed signage.
- K. The location of all present and proposed utility systems including sewage or septic systems; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.

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<sup>23</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
<sup>24</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 6 – Site Plan Review Procedures (cont'd)**

- L. The Township may also request soil logs, percolation tests, and storm runoff calculations for large developments.
- M. Plans to prevent the pollution of surface or groundwater, erosion of soil (both during and after construction), excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- N. Existing and proposed topography at a one foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood plain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site where ground removal or filling is required, and give its approximate volume in cubic yards. (Note: If site plan review is for expansion of an existing use, topography information is not required).
- O. All existing natural land features, trees, forest cover, and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention areas.
- P. Zoning for adjacent parcels including those across the street.
- Q. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site (including those on opposite sides of street).
- R. For new construction or alterations to any existing building, a table containing the following information must be included:
  - (1) Area of building to be used for a particular use such as retail operation, office, storage, etc.
  - (2) Maximum number of employees.
  - (3) Maximum seating capacity, where applicable.
  - (4) Number of parking spaces existing and required for the intended use.
- S. Elevation plans at a scale of 1/4" = 1' or 1/8" = 1' for all exterior facades of the proposed structure(s) and/or existing facades and addition(s) showing design features and showing the type and color of materials to be used.

**604 PROCEDURE** <sup>25</sup>

- A. Submission Requirements. An applicant proposing a development subject to Site Plan Review under this section shall file with the Zoning Inspector, ten (10) copies each of

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<sup>25</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 6 – Site Plan Review Procedures (cont'd)**

the site plan documents required according to **Section 603** (Site Plan Content), along with the required application fee.

- B. Conditional Use Review. For developments that involve one or more Conditional Use and also require Site Plan approval in accordance with this Article, the Zoning Commission shall have authority to grant approval for both requirements. Approval for both conditional uses and for Site Plan review may be granted concurrently and in accordance with the requirements of this Article.
- C. Determination of Completeness. After reviewing the application for completeness and determining that the application is complete, the Zoning Inspector shall transmit copies of the application to the Zoning Commission. If all information required is not provided, the Zoning Inspector shall promptly notify the applicant of the items needed.
- D. Review Meeting
  - (1) Within twenty (20) days following the determination that the application is complete, the Zoning Commission shall schedule a meeting to consider the proposed Site Plan.
  - (2) A copy of the site plan may be sent to the Knox County Regional Planning Commission and any other agencies deemed appropriate for review and comment. The Township may require an additional fee to defray the expenses associated with the public review of the plans, including the need to retain a registered professional engineer, architect, landscape architect, or other professional consultant to advise the Township on any or all aspects of the Site Plan.
- E. Action by the Zoning Commission. Within twenty-five (25) days after meeting to consider the proposed Site Plan, the Zoning Commission shall take one of the following actions:
  - (1) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Resolution.
  - (2) Approval of the site plan subject to any conditions, modifications, and restrictions that will ensure that the project meets the standards for review. The Zoning Commission shall recommend that the submitted plan, with all recommendations and conditions stated by the Zoning Commission, be forwarded to the Clinton Township Board of Trustees for their review. A public hearing to review the Site Plan and recommendations of the Zoning Commission shall be scheduled by the Trustees at their discretion.<sup>26</sup>
  - (3) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this Resolution. If the Site Plan is disapproved, the specific basis for such disapproval shall be provided

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<sup>26</sup> Amended by Resolution 2011-12-37 (adopted December 19, 2011, effective January 19 2012)



## Article 6 – Site Plan Review Procedures (cont'd)

along with clear description of how the site plan could be modified and to be approved. Any resubmission of a Site Plan which has only been modified as the Zoning Commission recommended within a one (1) year period of an earlier denial need only be submitted to the Zoning Commission for review and shall not require payment of an additional fee. (Zoning Commission review of resubmitted Site Plan shall not be limited to the previous recommendations.)

### 605 STANDARDS FOR REVIEW

The Zoning Commission shall review the Site Plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below.

- A. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties along with and in accordance with Access Management Plan adopted by Knox County and ODOT (2007) and per Article 21, paragraph 2101 and Clinton Township Trustees.<sup>27</sup>
- B. Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
- C. Services. Reasonable demands placed on Township services and infrastructure.
- D. Pollution Control. Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes reducing soil erosion both during and after construction.
- E. Nuisances. Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
- F. Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- G. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- H. Township Character. The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development; and how these features harmonize with the surrounding landscape.

### 606 ENFORCEMENT AND TIME LIMITS

A bond, or other similar performance guarantee, may be required to ensure compliance with the plan and stated conditions of approval. Site Plan approval issued under this section shall lapse within two (2) years unless a zoning permit is obtained and construction is

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<sup>27</sup> Amended by Resolution 2014-9-28 adopted September 28, 2014 ( effective October 28, 2014)

**Article 6 – Site Plan Review Procedures (cont'd)**

completed. In the event that a Site Plan becomes the subject of litigation, this two (2) year time limit shall not begin until legal issues are resolved.

**Article 6 – Site Plan Review Procedures (cont'd)**

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# ARTICLE 7

## ARCHITECTURAL DESIGN REVIEW PROCEDURES

### 700 WHEN ARCHITECTURAL DESIGN REVIEW REQUIRED<sup>28</sup>

The Zoning Commission is charged to review proposed plans or make recommendations for inclusion of design features pursuant to [Section 1704](#) (Architectural Design Standards for Large-Scale Structures) when an application applies to large scale structures greater than five thousand (5,000) square feet in gross floor area.

### 701 ARCHITECTURAL PLAN<sup>29</sup>

- A. General. A separate, detailed Architectural Plan shall be submitted for any property to which this Article applies. Such plan shall be simultaneously submitted as part of any required Site Plan or Planned Unit Development submissions.
- (1) Landscaping plans shall be prepared by an architect registered in the State of Ohio.
  - (2) Plans shall show all required design features pursuant to [Section 1704](#) (Architectural Design Regulations for Large-Scale Structures).
- B. Requirements for Submission. Five (5) color prints of the following required drawings shall be submitted to the Zoning Inspector for presentation to the Zoning Commission. All Architectural Plans must be able to be reduced to “ledger size” (11” x 14”) by folding, photo reduction, etc. However, larger mounting boards, material samples, or other exhibits may be used for presentation. The Architectural Plan shall include the following information:
- (1) North arrow and scale;
  - (2) Address of site;
  - (3) The name of the applicant/owner;
  - (4) The name, registration number, address and phone number of the person or firm responsible for the preparation of the landscape plans (if applicable);
  - (5) The dates on which plans are submitted or revised;
  - (6) All property and street pavement lines;
  - (7) Existing and proposed contours;
  - (8) Gross area of tract stated in square feet;

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<sup>28</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>29</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

### Article 8 – Landscaping Plan Review Procedures

- (9) Proposed ingress and egress to the site, including on-site parking area(s) and parking spaces;
  - (10) Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries;
  - (11) Location of all existing (to remain) and proposed lighting fixtures and standards, complete with routing of electrical supply and photometric diagram which includes location, size specifications, information on lighting intensity, materials, and colors.
  - (12) Complete elevations drawn to scale of all proposed construction and related drawings of existing structures (if any) designating the kind, color, and texture of all primary materials to be used and placement of signs.
  - (13) Any other information which is determined necessary to adequately review the proposal.
- C. Factors for Evaluation. The following factors and characteristics, which affect the appearance of a development, will govern the Zoning Commission's evaluation of a design submission:
- (1) Conformance to [Section 1704](#) (Architectural Design Regulations for Large-Scale Structures);
  - (2) Logic of design;
  - (3) Exterior space utilization;
  - (4) Architectural Character;
  - (5) Attractiveness;
  - (6) Material selection;
  - (7) Harmony and compatibility;
  - (8) Circulation – vehicular and pedestrian;
  - (9) Lighting appropriateness and potential impact on adjacent properties.

# ARTICLE 8

## LANDSCAPING PLAN REVIEW PROCEDURES

### 800 WHEN LANDSCAPING PLAN REVIEW REQUIRED<sup>30</sup>

The Zoning Commission is charged to review a landscaping plan prepared pursuant to [Article 18](#) (Landscaping Design Regulations) which describe materials, placement, layout, and timing of installation when an application applies to any of the following land uses:

- A. Planned unit developments;
- B. Any land dedicated for a public park or open space;
- C. Any new development or land use which also requires the provision of five (5) or more parking spaces pursuant to [Section 1903](#) (Parking and Loading Space Requirements); or
- D. Substantial improvements to existing land uses, but only to the extent of the alteration or expansion, and not for the entire property, unless the alteration or expansion is substantial. An alteration or expansion to an existing building or structure shall be deemed substantial based on the following criteria:

When the existing structure has a gross floor area of...	A substantial expansion is an increase in gross floor area of...
0-1,000 s.f.	50% or greater
1,001-10,000 s.f.	40% or greater
10,001-25,000 s.f.	30% or greater
25,001-50,000 s.f.	20% or greater
50,001 s.f. and larger	10% or greater

- E. This Article shall not apply to individual single-lot, single-family dwellings and two-family dwellings.

### 801 LANDSCAPING PLAN<sup>31</sup>

A separate, detailed Landscape Plan shall be submitted for any property to which this Article applies. Such plan shall be simultaneously submitted as part of any required Site Plan or Planned Unit Development submissions.

- A. General
  - (1) Plans shall show location, spacing, size, variety and other pertinent data concerning existing and proposed landscaping materials pursuant to [Article 18](#) (Landscaping Design Standards).
  - (2) Landscaping plans shall be prepared by a landscape architect registered in the State of Ohio when the proposed development involves the construction of a new

<sup>30</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
<sup>31</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

## Article 9 – Amendments

principal building that is greater than ten thousand (10,000) square feet in size. When landscape plans are prepared for buildings that are ten thousand (10,000) square feet or less in size, the preparation of such plans by landscape architects, landscape designers, landscape contractors, horticulturalists, or Ohio Certified Nursery Technicians registered in the State of Ohio is encouraged.

- B. Requirements for Submission. All Landscape Plans must be at a reasonable scale to indicate all types of proposed landscape improvements at a minimum scale of one (1) inch equals twenty (20) feet and shall include the following information:
- (1) North arrow and scale;
  - (2) The name of the applicant/owner;
  - (3) The name, registration number, address and phone number of the person or firm responsible for the preparation of the landscape plans (if applicable);
  - (4) The dates on which plans are submitted or revised;
  - (5) All existing and proposed buildings and other structures, paved areas, planted areas, fencing, walls, water outlets, utility poles, fire hydrants, light standards, underground utilities, signs, fences, dumpster locations and other permanent features to be added or retained on the site;
  - (6) All existing plant material to be removed or retained and all proposed additions or changes to landscaping, buffering, and walkways, illustrating existing natural land features including, but not limited to: trees, forest cover, and water resources. (Water resources include ponds, lakes, streams, wetlands, flood plains, and drainage ditches and retention areas, rivers, and any other body of water or waterway);
  - (7) A schedule of all new landscaping materials to be installed. The plant list shall include the common names, specified installation size, and on center planting dimensions when applicable. When the list of plant material to be removed contains existing trees, the landscape plan shall justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities required shall be referenced on the plan;
  - (8) The locations and dimensions of existing and/or proposed streets, sidewalks, curbs and gutters, railroad tracks, paths, walkways, and/or bikeways, and illustrating natural and man-made streetscaping, including paving materials, vegetative materials, and material and design of street furniture;
  - (9) All property lines and easements;
  - (10) Any other information which is determined necessary to adequately review the proposal.



# ARTICLE 9

## PND DEVELOPMENT PLAN REVIEW PROCEDURES

### 900 GENERAL PROCEDURES FOR PND DEVELOPMENT APPROVAL<sup>32</sup>

- A. Rezoning to PND Required. Planned Neighborhood District regulations shall apply to property only at the election of the property owner after Zoning Map amendment approval by action of the Zoning Commission and Trustees. Any owner or owners of lots and lands within an area under Township Zoning may request that the Zoning Map be amended to include such tracts in the PND District in accordance with the provisions of **Article 10** (Amendments) of this resolution. The change in the Zoning Map is considered a legislative amendment and is subject to referendum by the citizens.
- B. Approval of Comprehensive Development Plan Required. Once land is rezoned to PND District, no land in the District may be subdivided or developed until a Comprehensive Development Plan has first been approved as provided in this section. Any development undertaken without such approval is in violation of this Zoning Resolution and an abatable nuisance.
- (1) A Comprehensive Development Plan may be submitted simultaneously with the Zoning Map amendment request; however, the review period for the Comprehensive Development Plan need not necessarily track with the statutory time frame for approval of the PND Zoning Map amendment.
  - (2) Where a Comprehensive Development Plan is not submitted simultaneously with the PND Zoning Map amendment request, any subsequent submission of a Comprehensive Development Plan (for a PND District in effect) shall be submitted for review and decision by the Clinton Township Zoning Commission after holding a public hearing. An approval or modified approval of the Comprehensive Development Plan by the Zoning Commission is an administrative act and shall not be considered to be an amendment or supplement to the Zoning Resolution for the purposes of ORC 519.12, but may be appealed pursuant to ORC 2506.

### 901 INFORMAL CONSULTATION<sup>33</sup>

The applicant is strongly encouraged to prepare a Conceptual Plan and engage in informal consultation(s) with the Clinton Township Zoning Commission prior to final submission of a Comprehensive Development Plan. It is to be understood that no statement made in a Informal Consultation shall be binding upon the Township.

- A. Informal Conceptual Plan Consultation has the purpose of securing early agreement on an overall pattern of open space, house lots, streets, density, and other elements of the review process prior to any significant expenditure on engineering costs in the design of streets, storm water management, or the accurate delineation of site details.

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<sup>32</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>33</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 9 – PND Development Plan Review Procedures (cont'd)**

- B. When Informal Conceptual Plan review is desired, the applicant shall be required to submit an Informal Consultation application, available from the Zoning Inspector, and the required fee as provided under **Section 302** (Schedule of Fees, Charges, and Expenses), along with five (5) copies of a Conceptual Plan.
  
- C. The applicant is encouraged to submit as much of the information required for a final submission of a Comprehensive Development Plan as is available at the time of the Informal Consultation, but where the elements of submission require exact drawings and detailed information, the applicant may substitute sketch drawings at a scale of 1 inch = 200 feet and may estimate other general information. At a minimum, the applicant should attempt to complete:
  - (1) The four step process in **Section 902.B.(6)** (Proposed Site Features);
  - (2) A Preliminary Grading Plan which indicates the approximate clearing limits and areas that will require more than five (5) feet of fill or cut. Indicate how and explain why natural features, such as woods, watercourses, drainage patterns, ponding areas, and off-site watersheds will be altered or impacted by the development;
  - (3) A preliminary Open Space Perpetuity Plan which outlines the method/structure to perpetually preserve the restricted, permanent open space. In addition to the legal method to prevent further subdivision or unapproved development of the restricted, permanent open space, indicate the proposed legal structure of the Association; proposed membership requirements; proposed financial responsibilities; and the proposed relationship of the entity to public agencies having responsibilities related to the project.

**902 COMPREHENSIVE DEVELOPMENT PLAN APPLICATION**<sup>34</sup>

- A. Submission. An application for Comprehensive Development Plan review shall be filed seeking review and approval by the Zoning Commission, together with the fee as provided under **Section 302** (Schedule of Fees, Charges, and Expenses) and ten (10) copies of the Comprehensive Development Plan. Additional fees may be required to cover the expenses associated with the Township's review of the plans, including the need to retain a registered professional engineer, architect, landscape architect, aquatic and wetland biologists, or other professional consultants to advise the Zoning Commission on any or all aspects of the Development Plan.
  
- B. Elements of Submission. The application shall include clear and complete responses to each of the following elements which meet the standards provided in **Section 1601.B** (Development Standards) and any additional information required by the Zoning Commission:
  - (1) *Drafting Standards*. The plan shall be drawn at a legible scale within a 22 inch x 34 inch border on 24 inch x 36 inch plan sheets, but not at a scale smaller than 1 inch = 100 feet. The following information shall be required on each page of the plan:

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<sup>34</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 9 – PND Development Plan Review Procedures (cont'd)**

- (a) The development name;
  - (b) Name and contact information for the applicant/landowner;
  - (c) Name and contact information for the registered engineer, surveyor, and/or landscape architect who prepared the plan;
  - (d) Date of preparation/revision;
  - (e) North point;
  - (f) Bar scale and designed sheet size;
  - (g) Legend;
  - (h) Sheet numbering;
  - (i) Existing property lines shall be clearly marked within one thousand (1,000) feet of the proposed development boundary;
  - (j) Any required dimensions shall be indicated to the nearest foot;
- (2) *Vicinity Map.* A vicinity map of the Township which indicates the proposed site, and its relation to existing schools, parks, and other public sites. This map may be an inset and shall be drawn at an appropriate scale;
- (3) *Aerial Photograph.* A recent aerial photograph of the proposed development, taken within the last two (2) years, at a scale of 1" = 400' with site boundaries clearly marked and which illustrates the proposed size and location of the proposed development within its neighborhood context (an area within 2,000 feet of the development);
- (4) *Site Boundaries.* The area proposed for development shall be clearly marked, indicating dimensions, total acreage, current and proposed zoning, and the legal description of the development site (using existing parcels or a metes and bounds boundary description).
- (5) *Existing Natural and Man-Made Site Characteristics.* A description of all existing resources on the proposed development site shall be indicated to provide evidence for each of the following features:
- (a) Contour lines based upon the most recent U.S. Geological Survey at vertical intervals of not more than five (5) feet, highlighting ridge lines, rock outcroppings, and other significant topographical features;
  - (b) Existing public roads, major driveway access, public intersections, utility and other rights-of-way, tracks and trails located on-site or within one thousand (1,000) feet of the proposed development boundary and indicate whether any are known or have potential historic, cultural, or archeological significance. Indicate recent traffic counts on adjacent, existing roads and project Institute of Traffic Engineers (ITE) traffic counts for the access point(s) to the development.
  - (c) Existing land uses and structures on and within five hundred (500) feet of the property's boundary, including existing fences or stone walls. Indicate where known sites of potential historic, cultural, or archeological significance are located;

**Article 9 – PND Development Plan Review Procedures** (cont'd)

- (d) The location of or the direction to schools, shopping, parks and other sites of potential frequent use by residents of the development.
  - (e) The location of significant natural features such as open fields or meadows, woodland tree lines, individual trees with a twenty-four (24) inch diameter at breast height, rock outcrops, and whether any are of known or potential historic, cultural, or archeological significance. Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths and walkways;
  - (f) Land protected under conservation easements for riparian rights-of-way, soil conservation, and other natural resource preservation purposes;
  - (g) A map report by a qualified aquatic and wetland biologist identifying the location, classification, and type of any water bodies, (including ponds, rivers, perennial streams, intermittent streams and their related river or stream bank), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, wetland and potential wetland complexes (by category and whether protected under federal or state law), severely constraining elements, such as steep slopes;
  - (h) Significant or unique scenic viewsheds into or from the proposed development site,
  - (i) The delineation of existing watershed divides and drainage patterns on and adjacent to the development site, noting existing wells, well sites, and household sewage treatment system locations on-site and within five hundred (500) feet of the proposed development boundary;
  - (j) Soil boundaries as shown on the USDA Natural Resource Conservation Service maps, including all soils identified as prime farmland and soils susceptible to slumping.
- (6) *Proposed Site Features.* A description of all proposed features for the proposed development site shall be indicated. Each of the following four map requirements shall be individually submitted in the order which follows, with each successive requirement using the previous map requirements as a base map. The purpose of this exercise is to provide evidence that the proposed design of the development prioritizes the selection of prioritized existing natural and man-made site characteristics as restricted, permanent open space.
- (a) **Map #1.** On a base map consisting of the Site Boundary and Existing Natural and Man-made Site Characteristics, above, indicate the proposed location(s) for restricted, permanent open space, including a summary of the acreage.
  - (b) **Map #2.** The location of building footprints or envelopes within which dwelling units or other structures are to be constructed in relation to the restricted, permanent open space areas to be conserved, including a

**Article 9 – PND Development Plan Review Procedures** (cont'd)

summary of the exact number of residential units, type and height of dwellings, and overall density by type of dwelling.

- (c) **Map #3.** The street and right-of-way layout aligned to provide vehicular access to each house in the most reasonable and economic way that avoids or minimizes adverse impacts on conservation areas. Indicate the location and size of any proposed open space improvements, such as recreation facilities, parking areas, and pedestrian/bicycle trails. Indicate the relationship and impacts of any transportation facility upon existing conditions, topographical and otherwise. Note that:
1. Wetland crossings and streets traversing existing slopes over fifteen (15) percent shall be strongly discouraged.
  2. Street connections shall generally be encouraged to minimize the number of cul-de-sacs to be maintained by the Township and to facilitate ease of access to adjacent properties.
  3. Cul-de-sacs serving more than six (6) homes shall generally be designed with a central island containing trees, shrubs, and other plantings to be maintained by a homeowners' association.
- (d) **Map #4.** Indicate the exact lot line locations (where applicable) specifying exact lot sizes and how structures will meet required minimum set back requirements or separation distances for principal and accessory uses, indicating where any zoning standards for the district cannot be met.
- (7) *Utility Plan.* The exact locations for water, fire hydrants, sewage disposal, surface drainage, and utility easement locations with engineering feasibility studies or other evidence of reasonableness. For sites not served by off-site public water, a hydrological study shall be required to identify groundwater recharge areas and to analyze whether the proposed system will affect existing area wells. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the local Board of Health, the Ohio EPA, or a licensed sanitary or civil engineer.
- (8) *Grading Plan.* Indicate the exact location of all areas where soil disturbance or vegetation/canopy cover removal will occur, especially where natural features to be temporarily or permanently altered or impacted by the grading plan. Indicate on-site wetland or tree removal mitigation areas and management plan criteria, qualified oversight commitments, and timetables for this activity. Detail all low impact development measures to be taken to comply with County soil and water conservation requirements. Certify that the physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences..
- (9) *Roadway Plan.* Indicate: the proposed traffic patterns; the relationship of the site to other transportation facilities, existing conditions, and topography; sidewalk

**Article 9 – PND Development Plan Review Procedures (cont'd)**

plans; whether public or private streets; and how the site will have direct access to a major street without creating traffic on minor residential streets outside the PND district. Unless waived by the Zoning Commission, provide an access management traffic study prepared within the last two (2) years and accepted by the County Engineer, examining the impact of the development on the existing infrastructure, modifications required to handle the increased traffic, and the commitments and timetables to complete the necessary improvements.

- (10) *Off-Street Parking*. Indicate the parking and loading areas in the development and how they conform to required parking and loading space regulations.
- (11) *Sign Plan*. A detailed sign plan and design criteria for proposed signs with proposed control procedures.
- (12) *Landscaping Plan*. Detail where new landscaping will be installed pursuant to [Article 18](#) (Landscape Design Regulations), to mitigate damage to natural resources, and/or restore natural beauty to the site. Show any proposed entry features. Provide a landscaping maintenance plan which identifies maintenance timing, technique, and who is responsible.
- (13) *Architectural Plan*. Indicate the development character of the tract including the limitations or controls to be placed on residential and related uses, including architectural design criteria for all structures, entrance features, and design criteria with proposed control procedures.
- (14) *Open Space Perpetuity Plan*. The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final deed restrictions, covenants, easements, encumbrances, and restrictions and maintenance agreements to be used to control the use, development, and maintenance of the land as well as to the ownership, use, and maintenance of all common areas, including the perpetual preservation of the restricted, permanent open space. These documents shall specify the structure of the association, membership requirements, financial responsibilities, and the relationship of the entity to public agencies having responsibilities related to the project. Drafts of all proposed ownership transfer documents shall be included.
- (15) *Development Time Schedule/Phasing Plan*. Provide a time schedule for development of the site, including streets, buildings, utilities, and other facilities.
  - (a) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, including the phased construction of restricted, permanent open space improvements shall be fully described in textural form in a manner calculated to give township officials definitive guidelines for approval of future phases. All phases so indicated shall not be less than five (5) acres or the whole tract (whichever is smaller).

**Article 9 – PND Development Plan Review Procedures (cont'd)**

- (b) Indicate the relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. Describe how land surrounding the proposed development can be planned in coordination with the proposed development and any concerns regarding development compatibility.
- (c) Provide documentation of the ability to carry forth the plan by control of the land, the engineering feasibility of the plan, and whether the applicant either possesses, or has access to, sufficient funds for the initiation and completion of the project as described in the Comprehensive Development Plan.
- (d) There shall be evidence of the applicant's ability to post a bond assuring completion of public service facilities to be constructed within the project by the developer.
- (e) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.

**903 PROCEDURE FOR APPROVAL**

- A. The secretary of the Zoning Commission shall submit the application, and the Comprehensive Development Plan to the Zoning Commission for its review and recommendations.
- B. In determining the acceptability of the Comprehensive Development Plan, the Zoning Commission shall consider all relevant factors including setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility, and other elements having a bearing on the overall acceptability of the Comprehensive Development Plan as it relates to the orderly development of land within the Township.
- C. The Zoning Commission shall forward its recommendations to the Board of Township Trustees for final approval or denial. The Board of Trustees may return the application to the Zoning Commission for further study if additional information or facts are presented to the Trustees that were not available to the Zoning Commission.

**904 DEVELOPMENT PLAN AS A BINDING CONDITION**

- A. If the application and Comprehensive Development Plan is approved, it shall be considered binding and development may proceed, subject to the Knox County Subdivision Regulations and regulations imposed by the Knox County Health Department.

**Article 9 – PND Development Plan Review Procedures (cont'd)**

- B. Development shall be in conformance with the Comprehensive Development Plan and construction of site improvements must be commenced within two (2) years of Township approval, otherwise no development of the land shall take place until a new Comprehensive Development Plan is approved pursuant to this section.

**905 MODIFICATION TO PND DEVELOPMENT PLAN<sup>35</sup>**

- A. Minor Modification. With the approval of the Zoning Commission, minor modifications of the approved comprehensive development plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan.
- B. Major Modification. If the Zoning Commission determines that such proposed changes significantly alter the approved plan, the plan must be resubmitted to the Board of Trustees for approval.
- C. Application Submission and Enforcement of Approved Modifications. Proposed modifications to the PND Development Plan shall be formally documented and submitted with the applicable fee to the Zoning Inspector for review by the Zoning Commission pursuant to Subsections A. and B. above. Any approved modifications to the PND Development Plan (commonly known as “red-line” changes) shall be incorporated in the Zoning Permit and shall be reviewed for compliance as part of the final approval by the Zoning Inspector prior to issuance of the Certificate of Zoning Compliance.

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<sup>35</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)



# ARTICLE 10 AMENDMENTS

## 1000 PROCEDURE FOR AMENDMENTS OR DISTRICT CHANGES<sup>36</sup>

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may, by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries of zoning classifications of property in Clinton Township. All proposed amendments shall be considered and reviewed in accordance with the requirements of ORC 519.12.

## 1001 INITIATION OF ZONING AMENDMENTS

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

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a Resolution by the Board of Township Trustees.
- C. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

## 1002 APPLICATION REQUIREMENTS

- A. Zoning Map Amendments. Applications for amendments to the Official Zoning Map shall contain at least the following information:
  - (1) Name, address, and phone number of applicant.
  - (2) Proposed amending Resolution, approved as to form by the County Prosecutor.
  - (3) Present use.
  - (4) Present zoning district.
  - (5) Proposed use.
  - (6) Proposed zoning district.
  - (7) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
  - (8) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be

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<sup>36</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

#### Article 10 – Enforcement

rezoned, and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.

- (9) A statement on how the proposed amendment relates to the comprehensive plan.
  - (10) A fee as established by the Board of Township Trustees according to [Section 302](#) (Schedule of Fees, Charges, and Expenses).
- B. Zoning Text Amendments. Applications for amendments proposing to amend, supplement, change, or repeal portions of this Resolution other than the Official Zoning Map shall include:
- (1) Name, address, and phone number of applicant.
  - (2) Proposed amending Resolution, approved as to form by the County Prosecutor.
  - (3) A statement on how the proposed amendment relates to the comprehensive plan.
  - (4) A fee as established by the Board of Township Trustees according to [Section 302](#) (Schedule of Fees, Charges, and Expenses).

# ARTICLE 11 ENFORCEMENT

## 1100 GENERAL

This Article states the general applicability of this Resolution and the procedures for enforcement.

## 1101 ENTRY AND INSPECTION OF PROPERTY <sup>37</sup>

The Zoning Inspector is authorized, subject to constitutional restrictions on unreasonable searches and seizures, to make inspections of all residential, commercial, industrial, and all other building exteriors and premises for the purpose of enforcing the provisions of this Resolution.

- A. The Zoning Inspector is authorized and directed to make inspections pursuant to the administration duties of this Resolution in response to a complaint alleging the existence of a zoning violation or when the Zoning Inspector has reasonable grounds to believe a zoning violation exists. The identification of any person who makes a complaint pursuant to this Resolution to whom confidentiality has been reasonably promised shall be kept confidential and shall not be subject to disclosure under ORC 149.43.
- B. Inspection of private property shall only proceed with the consent of the owner unless there is an emergency, the property is open to the public, where the activity conducted on the property has a history of government oversight so that no expectation of privacy exists, or under the authority of an administrative search warrant obtained from a judge with the assistance of the Township Legal Advisor. Inspection of private property shall require proper Township identification and be conducted in a reasonable manner and where possible, at a reasonable hour.
- C. The Zoning Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

## 1102 ZONING PERMIT REVOCATION

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based on false information or misrepresentation in the application.

## 1103 NOTICE OF VIOLATION <sup>38</sup>

- A. Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, the Zoning Inspector shall immediately notify the person responsible for such violation(s) calling attention to the action necessary to correct such violation in order to conform to the Resolution and Zoning Permit requirements. Such a warning shall be issued in the form of an order to correct the violation and shall serve as an official notice of violation. Such order shall:

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<sup>37</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>38</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 11 – Enforcement (cont'd)**

- (1) Be in writing.
  - (2) Identify the violation.
  - (3) State the date the violation was discovered.
  - (4) Include a statement of the reason or reasons why it is being issued and refer to the sections in this Resolution being violated.
  - (5) State the time by which the violation shall be corrected.
- B. Service of notice of violation shall be accomplished by one of the following methods:
- (1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion.
  - (2) By certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then the warning notice shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service of the warning notice shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.
  - (3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

**1104 PENALTIES AND REMEDIES FOR VIOLATION**<sup>39</sup>

- A. Penalties. Anyone in violation of the provisions of this Resolution or who fails to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution, shall be punishable by a fine of not more than \$500 for each violation and in addition shall pay all costs and expenses involved in the case. After receipt of a violation notice, each day the violation continues shall be counted as a separate offense and action shall be taken as described in this Section. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

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<sup>39</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 11 – Enforcement (cont'd)**

**B. Remedies**

- (1) Nothing in this Resolution shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution or in the case of an imminent threat of such a violation, the Zoning Inspector, the Township Legal Advisor, or the owner of any neighboring property who would be especially damaged by such violation may, in addition to other resources provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.
- (2) *Stop Work Order.* If in the opinion of the Zoning Inspector immediate action is deemed necessary, the Zoning Inspector may seek the assistance of the Township Legal Advisor to request the Court of Common Pleas issue a “Stop Work Order,” a “Temporary Restraining Order,” or other applicable injunctive relief to abate the conditions causing an emergency, a public nuisance, or other violation of the Zoning Resolution.

**Article 11 – Enforcement (cont'd)**

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# ARTICLE 12

## NONCONFORMITIES

### 1200 INTENT FOR CONTINUANCE OF LEGAL, NONCONFORMING USES<sup>40</sup>

- A. Where lawful uses of lots, structures, or land uses existing at the effective date of adoption or amendment of this Resolution would be prohibited under the terms of this Resolution or future amendments by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful. It is the intent of this Resolution to permit these nonconformities to continue until they are voluntarily removed. The continued right to a nonconforming use attaches to the land and not to the owner, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution.
- B. Nonconforming use status will never have existed if the nonconformity was not a legal, substantial use of the property at the time the ordinance or amendment became effective. Examples of the non-existence of nonconforming status include the following:
- (1) Where mere contemplation of a use, or the expenditure of less than ten (10) percent of total anticipated costs on preliminary work before a complete development permit application is submitted, or where a project does not substantially proceed past the planning stages within one (1) year of the issuance of a development permit.
  - (2) Where multiple parcels are held in common ownership and a legal, nonconforming use is established on one or more parcels, the nonconformance will not extend to any parcel where the nonconforming use was not established.
  - (3) Where a portion of an individual parcel is established as a legal, nonconforming use, the nonconformance will not extend to the remaining portion where it is physically separated by a road or natural barrier.
  - (4) Where a contemplated use is merely incidental or accessory to an established nonconforming use.
  - (5) Where a Nonconforming Use Certificate is granted in violation of this Resolution.

### 1201 CERTIFICATES FOR LEGAL NONCONFORMING USES

The Zoning Inspector may, upon his or her own initiative, or shall upon the request of any owner, issue a Nonconforming Use Certificate for any property that certifies that the property is a valid nonconformity. The certificate shall specify the reason why the use is a nonconformity and the extent of the nonconforming use, structure, or nonconforming dimensional requirements. One (1) copy of the Certificate shall be returned to the owner and one (1) copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

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<sup>40</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**1202 VOLUNTARY DISCONTINUANCE**<sup>41</sup>

- A. If a nonconforming use is voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), legal, nonconforming status shall terminate and any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- B. Where a nonconforming use is voluntarily changed to a more conforming (restricted) use, the use shall not later be changed back to a less restricted use.
- C. The right to a nonconforming use will terminate upon a finding by a public body or court of law that a particular nonconforming use constitutes an actual nuisance which immediately or directly affects public health, safety, comfort, prosperity, or general welfare.

**1203 MODIFICATIONS TO A LEGAL, NONCONFORMING USE**<sup>42</sup>

- A. Change from Nonconforming Status to Conforming Status. If the intended change in use is to a conforming use that is allowed in the district where the property is located, and if the proposed use complies with all of the development standards of this Resolution applicable to that district, the change to the nonconforming use may be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Zoning Resolution is achieved, the property may not revert to nonconforming status.
- B. Conditional Use Review Required for Nonconforming Changes. A change to a legal, nonconforming use shall be a conditional land use requiring review and approval by the Board of Zoning Appeals. The standards for review shall include whether the proposed modification of the nonconforming use is a reasonable land use for the zoning district, determined by evaluation of each of the following factors:
  - (1) Whether the proposed use is sufficiently similar to the former use.
  - (2) Whether the proposed use has no greater negative impact than the former use.
  - (3) Whether the proposed use is equally or more appropriate; and/or
  - (4) Whether the proposed use falls within the same category as another land use permitted or conditionally permitted in the zoning district.
- C. If a modification to a nonconforming use is permitted, the Board of Zoning Appeals may:
  - (1) Impose any restrictions designed to mitigate the negative impacts of the change to the nonconforming use.

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<sup>41</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>42</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)



Article 12 – Nonconformities (cont'd)

- (2) Define with precision exactly which uses on a multi-use property are nonconforming.

**1204 COMPLETION OF LEGAL, NONCONFORMING PLANS, CONSTRUCTION, AND USES**

43

- A. Nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any structure with an approved Zoning Permit and for which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be separately permitted.<sup>44</sup>
- B. Single Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not contiguous with other lots in the same ownership at the effective date of adoption or amendment of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district in which such lot is located. Variances of requirements listed in [Article 15](#) (Development Standards), [Article 16](#) (Supplementary District Regulations), and [Article 17](#) (Supplementary Land Use Regulations) of this Resolution, other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in [Section 403](#) (Variances).
- C. Nonconforming Lots of Record in Combination. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

**1205 EXPANSION, EXTENSION, OR MOVEMENT OF LEGAL, NONCONFORMING USES**<sup>45</sup>

- A. A nonconforming use shall not be physically expanded or extended to displace a conforming use.
- B. Expansions or extensions of nonconforming uses shall be limited to fifty-one (51%) percent of the area of the structure or use at the time it became a legal, nonconforming

43 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

44 Amended by Resolution 2014-9-28 adopted September 28, 2014( effective October 28, 2014)

45 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 12 – Nonconformities (cont'd)**

use. An exception may be allowed by the Board of Zoning Appeals when the nonconformity advances a reasonable public purpose. For example, a legal, nonconforming restaurant may be expanded or extended when it is in the public interest to allow the facility to be enlarged to install public restrooms.

- C. If a structure is nonconforming due to a yard setback requirement, the structure may be expanded or extended provided it does not increase the nonconformity of the previously established setback requirement. For example, if a structure is nonconforming due to a front yard setback, the structure may be enlarged only to the extent that the previously established front yard setback is not further reduced. See [Figure 1](#) (Setback Terms).
- D. Should a nonconforming 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.

**1206 RESTORATION AND RECONSTRUCTION<sup>46</sup>**

- A. Damage or Destruction. Any nonconforming building or structure damaged by fire, explosion, act of God, or act of the public enemy, may be restored or reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of more than fifty (50) percent of the replacement cost. Legal, nonconforming status for such excessively damaged buildings or structures shall terminate and any subsequent reconstruction shall require conformity with the provisions of this Resolution.
- B. Repairs and Maintenance. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof. Where appropriate, a building permit for such activities shall be required.

**1207 SUBSTITUTION OF NONCONFORMING USES<sup>47</sup>**

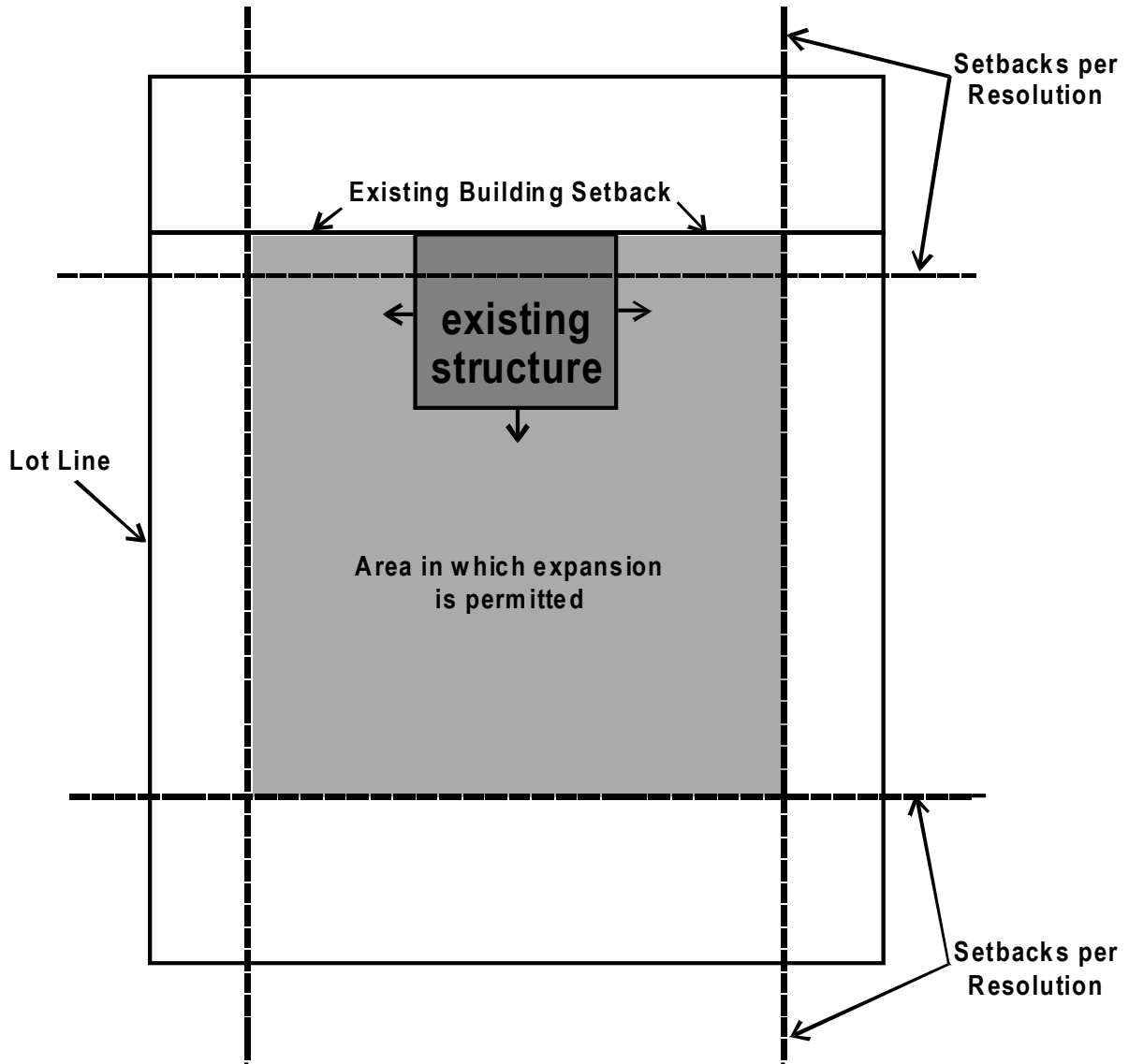
- A. The Board of Zoning Appeals may allow a nonconforming use to be legally replaced by another nonconforming use under the following circumstances:
- B. That the new use is similar in character to the previous nonconforming use by virtue of the fact that it is equally appropriate or more appropriate to the type of zoning district in which it is located.
- C. That the new use will not be any more intrusive to the neighborhood or have a greater negative impact than the previous nonconforming use.

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<sup>46</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>47</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

FIGURE 1: SETBACK TERMS



**Article 12 – Nonconformities (cont'd)**

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# ARTICLE 13

## ESTABLISHMENT OF ZONING DISTRICTS; PROVISIONS FOR OFFICIAL ZONING MAP

### 1300 ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are hereby established for Clinton Township, Knox County, Ohio:

<b>RRA</b>	Rural Residential and Agricultural District.
<b>SER</b>	Suburban Estate Residential District.
<b>R-1</b>	Single-Family Residential District.
<b>R-2</b>	Single- and Two-Family Residential District.
<b>R-3</b>	Multiple-Family Residential District.
<b>RMHP</b>	Manufactured Home Parks District.
<b>PND</b>	Planned Neighborhood District.
<b>LB</b>	Local Business District.
	<b>AB</b> Accommodation Business District.
	<b>GB</b> General Business District.
	<b>M-1</b> Manufacturing District.
<b>MTC</b>	Main Thoroughfare Corridor Overlay District.

### 1301 PURPOSES FOR EACH DISTRICT

- A. **RRA Rural Residential and Agricultural District.** The purpose of the RRA District is to control the indiscriminate infiltration of urban development into rural areas that are not equipped to provide necessary public services or do not have sufficient roadways to carry increased traffic loads. Lot sizes shall be sufficient for individual water and sewer facilities, but not to exceed one dwelling unit per two gross acres.
- B. **SER Suburban Estate Residential District.** The purpose of the SER District is to permit the establishment of low density single family dwellings with lot sizes sufficient for individual water and sewer facilities. Generally, SER areas should be adjacent to developed areas of Mt. Vernon or other existing residentially developed areas of the Township which can feasibly be provided with public wastewater services through extension of existing facilities at some later date.
- C. **R-1 Single-Family District.** The purpose of the R-1 District is to encourage the establishment of low density single-family dwellings not to exceed four (4) dwelling units per gross acre. Centralized public sewer facilities are required.
- D. **R-2 Single- and Two- Family District.** The purpose of the R-2 District is to encourage the establishment of medium-low density single- and two-family dwellings not to exceed four (4) dwelling units per gross acre.
- E. **R-3 Multiple-Family Residential District.** The purpose of the R-3 District is to permit the establishment of medium density two-family and multiple-family dwellings not to

Article 13 – Establishment of Zoning Districts (cont'd)

exceed twelve (12) dwelling units per gross acre. Centralized sewer facilities are required.

- F. **RMHP Residential Manufactured Home Park District.** The purpose of the RMHP Residential Manufactured Home Park District is to provide for the location and regulation of manufactured home parks in order to foster their development and maintenance as an integral and stable part of the community.
- G. **PND Planned Neighborhood District.**<sup>48</sup> The purpose of the Planned Neighborhood District is to strike a balance between Clinton Township's desire to conserve and protect sensitive and/or significant resources that contribute the most to the character of the community and the development rights of the property owner (developer) if the property were developed as a conventional R-1 Single-Family District subdivision. The primary feature in this PND District is the perpetual preservation of the desired types of open space and natural resources and enhancement of the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that stream corridors, associated riparian areas, and wetlands provide, as well as to lessen flood damage to persons and property and reduce public expenditures for flood relief and flood control projects, and the retention of wooded green ways along ravines, waterways, and project perimeters. A secondary purpose of the Planned Neighborhood District is to encourage and provide for freedom of design and arrangement of dwelling units as an alternative to traditional single family developments by allowing integration of single-family and low-to-medium density multiple-family housing types. These uses shall integrate into the neighborhood by location, design, and function and be so designed to preserve the natural environment through good utilization of open space.
- H. **LB Local Business District.** The purpose of the LB District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare as specified in the Major Thoroughfare Plan. Marginal strip development shall be prohibited.
- I. **AB Accommodation Business District.** The purpose of the AB District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to service the motoring public. AB Districts are generally associated with interchange areas along the major limited access highways.
- J. **GB General Business District.** The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space users, and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach.
- K. **M-1 Manufacturing District.** The purpose of the M-1 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and

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48 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 13 – Establishment of Zoning Districts (cont'd)**

reasonable access to arterial thoroughfares. They may have extensive open storage and service areas and generate heavy traffic, but shall be prohibited if they create nuisances beyond the limitations set up by the Zoning Resolution.

- L. **MTC Main Thoroughfare Corridor Overlay District.**<sup>49</sup> The purpose of the Main Thoroughfare Corridor (MTC) Overlay District is to promote and protect the public health, safety, comfort, convenience, and general welfare by providing for consistent and coordinated treatment of the properties bordering Main Thoroughfares in Clinton Township. Main Thoroughfares are high-traffic volume, regionally significant roadways which serve as major gateways and entrances to Clinton Township, including: US 36, SR 3, SR 13, SR 661, and SR 229. The boundaries of the MTC Overlay District are parallel lines running four hundred fifty (450) feet from the centerline of the right-of-way on both sides of designated State Routes. All land within these boundaries is included in the MTC Overlay District as illustrated on the Official Zoning Map. Except Harcourt Road properties are excluded from the MTC Corridor until the land is developed or redeveloped.<sup>50</sup> Because of its significance, it is the purpose of the Main Thoroughfare Corridor Overlay District to:

- (1) Preserve and enhance the aesthetic qualities of developing property with landscape requirements.
- (2) Provide a means to manage access to property in a manner that will help maintain traffic safety and roadway capacity, while providing necessary access to adjacent developing property.
- (3) Provide basic standards and requirements that encourage more innovative site design and efficient land use.
- (4) Promote development that is consistent with community standards and perceptions, as described in the Knox County Comprehensive Plan.

**1302 OFFICIAL ZONING MAP**

The districts established in [Section 1300](#) (Establishment of Zoning Districts) of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

- A. Identification of the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk, and bearing the seal of the Township.
- B. Interpretation of District Boundaries. The Board of Zoning Appeals has the authority to interpret the Official Zoning Map and shall follow the following rules:
- (1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

<sup>49</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>50</sup> Amended by Resolution 2013-11-22 adopted November 18, 2013 (effective December 19, 2013)

**Article 13 – Establishment of Zoning Districts (cont'd)**

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



# ARTICLE 14 PERMITTED AND CONDITIONAL USES

## 1400 INTENT OF LAND USE REGULATIONS <sup>51</sup>

It is the intent of this Article to set forth regulations within each district specifying permitted and conditional uses. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission as permitted or conditionally permitted in any district shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in [Article 2](#) (Administration).

## 1401 LAND USE MATRIX <sup>52</sup>

The following table provides a list of all land uses permitted and conditionally permitted in each of the Zoning Districts established in the Township. The land uses listed in the first column are grouped by the following types of uses: residential, public and quasi-public, commercial, industrial, and accessory uses. The remainder of the columns each represents a Zoning District established in this Code. Where a row containing a specified land use intercepts a Zoning District column:

- A. The letter “P” shall specify that the land use is a permitted use in that Zoning District;
- B. The letter “C” shall specify the land use is a Conditional Use in that Zoning District subject to Conditional Use Review pursuant to [Article 5](#) (Conditional Use Review); and
- C. Areas left blank indicate the use is prohibited subject to amendment of the Resolution.

Land Use Matrix	Zoning Districts										
	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB <sup>53</sup>	M-1
<b>Agricultural Uses</b>											
Agriculture	P										P
Kennels	C										P
Plant nursery-plant materials and sales	P									P	P
Roadside stands	P										
Stables, Private	P										
Stables, Public	C										
<b>Residential Uses</b>	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB	M-1
Single-family dwellings	P	P	P	P			P				
Two-family dwellings				P	P		P				
Manufactured homes located in Manufactured Home Parks						P					
Multiple-family units					P		P				
Boarding houses; and college lodging and fraternity houses				C	C						
Elderly housing facility	C										
Residential, as determined compatible with other uses in the area, utilizing structures existing at the time of passage of this Zoning Resolution								C			

<sup>51</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>52</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>53</sup> Amended by Resolution 2001-6-9 adopted June 18, 2001 (effective July 18, 2001)

**Article 14 – Permitted and Conditional Uses (cont'd)**

Land Use Matrix	Zoning Districts										
	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB <sup>53</sup>	M-1
Public and Quasi-Public Uses	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB	M-1
Administrative buildings and structures (public)			P	P			C			P	P
Camps, day camps, and campgrounds operated by, and for, membership organizations and not operated for commercial gain	C										
Cemetery	C										
Child day care centers	C	C	C	C	C		C	C			
Churches	P		P	P			C			P	P
Clubs	C										
Cultural buildings and structures (public)			P	P			C			P	
Essential services, public uses, except sanitary landfills	P		P	P			C				P
Parks and playgrounds (public or private)	P									P	P
Parks, playgrounds, and play fields (public) operated with or without fee			P	P			C			P	P
Recreation facilities which include motorized sports activities <sup>54</sup>	C										
Recreation facilities which include rifle ranges, gun clubs, archery ranges, paintball, and other similar activities <sup>55</sup>	C										
Recreational facilities (non-commercial)	P									P	P
Schools, Private, offering general educational courses and having no facilities for the housing of students provided the land consists of at least three acres and parking and traffic accessibility requirements of Article 6 (Site Plan Review Procedures) and Article 19 (Off-Street Parking and Loading Facilities) are satisfied. <sup>56</sup>	C	P					C			P	P
Public schools provided the land consists of at least three acres and parking and traffic accessibility requirements of Article 6 (Site Plan Review Procedures) and Article 19 (Off-Street Parking and Loading Facilities) are satisfied	P	P					C			P	P
Storage and maintenance facilities (public services)									P	P	P
Commercial Uses	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB	M-1
Adult bookstore [see Section 1702 (Adult Business)]										P	
Adult movie theater [see Section 1702 (Adult Business)]										P	
Adult cabarets [see Section 1702 (Adult Business)]										P	
Amusement arcades [see also Section 1702 (Amusement Arcades)]										P	
Automotive Car washes									P	P	
Automotive repair shops, body shops										C	
Automotive service stations, except repair										P	
Bed and breakfast	C	C		C	C						

<sup>54</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>55</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>56</sup> Amended by Resolution 2013-6-18 adopted June 3, 2013 (effective July 4, 2013)

**Article 14 – Permitted and Conditional Uses (cont'd)**

Land Use Matrix	Zoning Districts										
	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB <sup>53</sup>	M-1
Business services, including: computer and data processing; telephone or telegraph communications operations, service and repair operations, and cable television franchises and offices; and business services not listed above, but which conform to the purpose of the GB District										P	
Construction establishments, all types											P
Construction establishments, but limited to general building contractors and miscellaneous special trade contractors, all types.										C	
Drive-in, drive-through, carry-out								C	P	P	
Funeral home				C	C			C		P	
Farm and vacation enterprises	C										
Garage, Public									P	P	P
Garage, Public and private											P
Health services, including: health care facilities; health services, and group care facilities or group family households, nursing homes, transitional care facilities										P	
Hotel, motel, and apartment hotel										P	
Landscape services, but limited to landscape, horticultural sales and services										C	
Laundry, cleaning, and garment services										P	
Newspaper publishing and printing										P	
Offices for administrative or professional use, including finance, insurance, real estate, as well as professional activities								P		P	P
Office parks											P
Off-street parking facilities as the primary use of a lot										P	
Off-street parking facilities, Long-term									C		P
Personal service establishments involving the care of the person or of personal effects, including beauty and barber shops								P		P	
Photographic developing shops not already part of a permitted use										C	
Professional service establishments which conform to the purpose of the LB District								P		P	
Recreational facilities, Commercial (see definition)	C										
Rental and leasing of automobiles, without drivers										P	
Repair shops for electric appliances; watch, clock, and jewelry repair; and reupholstery and furniture repair										P	
Repair shops of a miscellaneous nature, including welding										C	
Restaurant								C			
Restaurant, Fast-food businesses and carry out operations <sup>57</sup>									P	C	
Restaurant, excluding fast food and carry-out operations, but including operations selling alcoholic beverages or liquor by the glass <sup>58</sup>										P	
Retail lawn and garden supply stores										P	

<sup>57</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
<sup>58</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 14 – Permitted and Conditional Uses (cont'd)**

Land Use Matrix	Zoning Districts											
	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB <sup>53</sup>	M-1	
Retail sales of antiques and crafts <sup>59</sup>								C				
Retail sales of automotive tires, batteries, accessories, and related services where primarily new merchandise <sup>60</sup>										P		
Retail sales of automotive tires, batteries, and accessories, and related services where primarily secondhand merchandise. <sup>61</sup>											C	
Retail sales of convenience goods (see definition) <sup>62</sup>									P	P		
Retail sales of gasoline, fuel, and ice									P	P		
Retail sales of lumber, home improvement, and other building materials, but excluding any on-site processing or milling operations										P		
Retail sales of motor vehicles, including motorcycles, boats, recreational vehicles, mobile homes, and farm implements <sup>63</sup>										P		
Retail sales of used merchandise and flea markets										C	C	
Retail sales and services, including appliance, radio, television, and music stores; book, stationery, gift, novelty, and souvenir shops; clothing; consumer services; dairy, baking, or other food products sales; discount stores; trade services; pet shops; furniture and home furnishings; grocery, meat, fish, or vegetable markets or combinations, thereof; and similar compatible uses.										P		
Retail stores primarily engaged in selling merchandise for personal or household consumption, and in rendering services incidental to the sale of merchandise, including convenience businesses and the sale of: food, food products, and specialty foods; and proprietary drugs and gifts								P		P		
											<sup>64</sup>	
Service shops and related miscellaneous services which conform to the purposes of the GB District										P		
Tanning salon, fitness center, weight loss center								C		P		
Theaters for motion pictures										P		
Theaters, Drive-in, for motion pictures										C		
Tourist lodging <sup>65</sup>		C										
Veterinary animal hospital, clinic										C		
Veterinary clinic and kennel	C											
<b>Industrial Uses</b>	<b>RRA</b>	<b>SER</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RMHP</b>	<b>PND</b>	<b>LB</b>	<b>AB</b>	<b>GB</b>	<b>M-1</b>	
Airports, heliports												C
Extractive and mining industries												C
Industrial Parks												P
Manufacturing, fabrication, and assembly industries establishments of all types, but limited to light manufacturing, including: • Bakery products; • Beverage industries; Manufactured ice;												P

59 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
60 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
61 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
62 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
63 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)  
64 Amended by Resolution 2003-2-9 adopted February 17, 2003 (effective March 19, 2003)  
65 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 14 – Permitted and Conditional Uses (cont'd)**

Land Use Matrix	Zoning Districts										
	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB <sup>53</sup>	M-1
<ul style="list-style-type: none"> <li>• Candy and other confectionery products;</li> <li>• Coating, engraving, and allied services;</li> <li>• Construction, mining, and materials handling machinery and equipment;</li> <li>• Electric lighting and wiring equipment;</li> <li>• Electric transmission and distribution equipment;</li> <li>• Electrical machinery, equipment and supplies, including electrical industrial apparatus;</li> <li>• Electronic components and accessories, including: office, computing, and accounting machines; radio and television receiving equipment including communication types; research instruments and associated equipment for engineering, laboratory, and scientific activities;</li> <li>• Floor covering mills;</li> <li>• Foundries for non-ferrous materials;</li> <li>• Furniture for household and office, including partitions, shelving, lockers, and office and store fixtures and miscellaneous furniture and fixtures;</li> <li>• Glass, structural clay, pottery, and related products, including flat glass and glassware pressed or blown;</li> <li>• Grain mill products; Macaroni, spaghetti, vermicelli, and noodles;</li> <li>• Heating equipment, including electric and warm air and plumbing fixtures;</li> <li>• Household appliances;</li> <li>• Jewelry, silverware, and plated wire;</li> <li>• Metal product fabrication, including fabricated structural metal products; metal-working machinery and equipment and general and special industry machinery; screw machine products and bolts, nuts, screws, rivets, and washers; bicycles, and parts; sheet metal work; metal cans, shipping containers, product packaging of all types; cutlery, hand tools, and general hardware;</li> <li>• Musical instruments and parts;</li> <li>• Paper and paperboard converted paper products, including containers, packages and boxes;</li> <li>Photographic equipment and supplies;</li> <li>Publishing and printing of newspapers, periodicals, and books; Miscellaneous publishing, commercial printing, and business forms and package printing; Bookbinding and related industries; Service industries for the printing trade;</li> <li>• Pumps, turbines, air compressors, and related equipment;</li> <li>• Refrigeration and service industry machines;</li> <li>• Stone products including cut stone and ready mixed concrete and pre-cast concrete products;</li> <li>• Textile goods and fabrication, including: yarn and thread mills for cotton, man-made fiber, silk, and wool; dyeing and finishing; broad woven fabric mills; knitting mills; and miscellaneous apparel and accessories garment manufacture of all types including fur goods; footwear and boots, except rubber; leather gloves, mittens; luggage; handbags and other personal leather goods, including leather goods not elsewhere classified;</li> <li>• Transportation equipment including motor vehicles and motor vehicle equipment, engines, farm, auto, garden machinery and equipment; aircraft and parts; ship and boat building and repairing; railroad equipment; and motorcycles;</li> <li>• Toys, amusements, sporting and athletic goods;</li> <li>• Wood products, including sawmills, planing mills, pallet mills, and yards; Millwork, veneer, plywood and prefabricated structural wood products, including doors, windows, trusses, and related structural wood</li> </ul>											

**Article 14 – Permitted and Conditional Uses (cont'd)**

Land Use Matrix	Zoning Districts											
	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB <sup>53</sup>	M-1	
components; Wooden containers, pallet, and skid manufacture; Wood buildings and mobile homes												
Any lawful industrial manufacturing, processing, or reprocessing use, except radioactive materials, and any form of storage which is expressly prohibited in any other district <sup>66</sup>												C
Manufacture or processing of firearms, explosives, ordnance and accessories, or dangerous chemical processing												C
Mini-warehouses, public and private						C				P <sup>67</sup>		P
Research activities												P
Research and development laboratories										C		
Scrap and waste materials; auto wrecking												C
Stockyards												C
Wholesale trade establishments, <u>but limited to</u> : Apparel, piece goods, and notions; Beer, wine, and distilled alcoholic beverages; Chemicals and allied products; Drugs, drug proprietaries, and druggists' sundries; Electrical goods; Farm product raw materials; Furniture and home furnishings; Groceries and related products; Hardware and plumbing and heating equipment supplies; Lumber and other construction materials; Machinery, equipment and supplies; Metals and minerals; Motor vehicle and automotive parts and supplies; Miscellaneous non-durable goods; Paper and paper products; Petroleum and petroleum products; Sporting, recreational, photographic and hobby goods, toys, and supplies; and Wholesalers										C		
Warehousing, wholesaling, and transportation businesses and services: including: Railroads and rental of railroad cars; Railway express and package express services; Trucking, local and long distance and motor freight terminals; Public warehousing; Terminal and joint terminal maintenance facilities for motor freight transportation, including freight forwarding and arrangement of transportation; Miscellaneous services incidental to transportation; Motor vehicles and automotive equipment <sup>68</sup>												P
Wireless Telecommunication Towers pursuant to Section 1720 <sup>69</sup>	C	C	C	C	C	C	C	C	C	C	C	C
<b>Accessory Uses</b>	<b>RRA</b>	<b>SER</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RMHP</b>	<b>PND</b>	<b>LB</b>	<b>AB</b>	<b>GB</b>	<b>M-1</b>	
Accessory uses and buildings customarily incidental to the above permitted uses	P						P			P		P

66 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

67 Amended by Resolution 1992-11-1 adopted November 1992 (effective December 1992)

68 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

69 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 14 – Permitted and Conditional Uses (cont'd)**

Land Use Matrix	Zoning Districts										
	RRA	SER	R-1	R-2	R-3	RMHP	PND	LB	AB	GB <sup>53</sup>	M-1
Commercial, office, and service establishments normally associated with and intended to serve the industrial establishments or their employees, but limited to: Advertising; Business services, not elsewhere classified; Commercial and stock savings banks, savings and loan associations, personal credit institutions, and business credit institutions; Commercial recreational facilities (see definition); Computer and data processing services; Consumer credit reporting agencies mercantile reporting agencies, and adjustment and collecting agencies; Duplicating, addressing, blueprinting; photocopying, mailing, mailing list, and stenographic services; Eating and drinking places; Laundry, cleaning and garment services, beauty shops, barber shops, and other personal services; Personnel supply services; accounting, auditing, bookkeeping engineering, architectural, and surveying services; and Physicians and other health practitioners offices.											C
Family Day Care Home, Type A <sup>70</sup>					C	C		C			
Family Day Care Home, Type B <sup>71</sup>	P	P	P	P							
Home occupations [See Section 1708 (Home Occupations)]	C	C	C	C	C		C				
Manufactured home park sales of mobile homes or retail sales related to manufactured home parks						P					
Multiple-family accessory uses incidental to these uses, including an on-site office to handle rentals and maintenance of dwelling and an on-site private swimming pool for the exclusive use of residents of a multiple-family development <sup>72</sup>					P		C				
Outdoor storage											C
Single family dwelling accessory structures, such as garages for non-commercial storage of automobiles, storage sheds, play houses, and swimming pools	P	P	P	P			P				

<sup>70</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>71</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>72</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 14 – Permitted and Conditional Uses (cont'd)**

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# ARTICLE 15

## DEVELOPMENT STANDARDS

### 1500 INTENT OF DEVELOPMENT REGULATIONS<sup>73</sup>

It is the intent of this and the following Articles to set forth general and district-specific regulations for development in the Township.

### 1501 GENERAL DEVELOPMENT STANDARDS<sup>74</sup>

The general regulations as set forth herein shall apply to all districts. Where the requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

- A. General Lot Area Regulations. The creation of any new lots shall satisfy applicable Knox County Subdivision Regulations. A lot proposed for development shall have a lot size adequate to meet all Knox County Board of Health and Ohio Environmental Protection Agency requirements, but in no case shall the lot be less than the minimum lot size specified for the district in which such land is situated unless a variance is authorized by the Board of Zoning Appeals.
- (1) *Frontage Required for Building.* All lots shall have the minimum required frontage on a publicly dedicated right-of-way and have adequate width at the building line to meet parking and yard space requirements.
  - (2) *Access to Parcels.* To preserve and maintain efficient traffic movement, all access to lots from State routes shall be reviewed by the Ohio Department of Transportation and access to county and township roads shall conform to County Access Management requirements.
  - (3) *Minimum Residential Lot Area.* For each permitted and conditional use, the lot area shall meet the requirements of the County Board of Health as relating to lot area, but in no case shall be less than the minimum lot size specified herein.
- B. General Yard Requirements. Except as provided herein, every required yard existing at the time of passage of this Resolution shall be open and unobstructed and shall not be reduced in dimension or area below the minimum requirements set forth herein.
- (1) *Measurement from Right-of-Way.* All specified front yards shall be measured from the edge of the public right-of-way or the edge of the pavement for private roads.
  - (2) *Yard for a Single Building.* No required yard or other open space around a building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be

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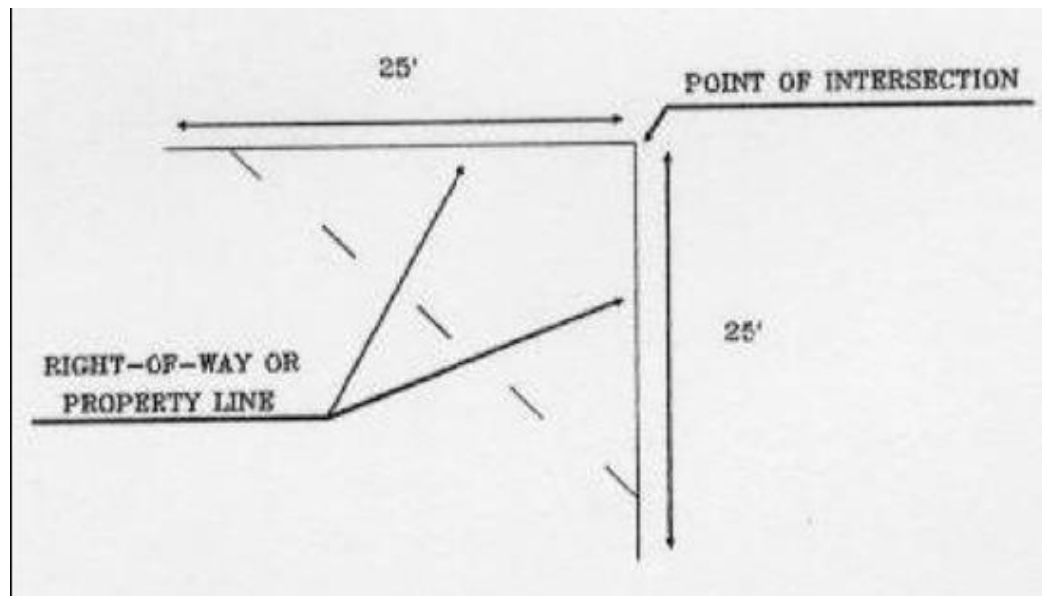
<sup>73</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>74</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 15 – Development Standards (cont'd)**

considered as providing the yard or open space on the lot whereon a building is to be erected or established.

- (3) *Reduction of Area or Space.* No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.
- (4) *Corner Lots – Visibility at Intersections.* On a corner lot at the intersection of two streets, at the intersection of two alleys, or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of 2-1/2 feet and 10 feet above the center line grades of the intersecting streets within a triangular area formed by the street lines and a line connecting points twenty-five (25) feet from the intersect of the street lines of the projected point.



C. General Building Regulations. All proposed development shall satisfy all development regulations which are provided in this and following supplemental Articles of this Zoning Resolution, including: individual articles (due to size) established for off-street parking and loading facilities, sign regulations, and landscaping.

- (1) *Principal Building per Lot.* No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of [Article 12](#) (Nonconformities) of this Resolution.
- (2) *Exceptions to Height Limits.* The height limitations contained in [Section 1502](#) (Development Standards By District) *et seq.* do not apply to spires, belfries,

**Article 15 – Development Standards** (cont'd)

cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. The height of wireless telecommunication towers and antennas are separately regulated in [Section 1720](#) (Wireless Telecommunication Towers).

- (3) *Architectural Projections.* Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard, unless otherwise permitted in the Zoning Resolution.
- (4) *Setback Requirements for Buildings and Structures on Corner Lots.* On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
- (5) *Minimum Dwelling Unit Foundation Standards.* No dwelling units shall have exposed wheels or chassis. Dwelling units shall be firmly attached to a fully enclosed basement or crawl space constructed of poured concrete, cement block or pressure treated timber or to a reinforced concrete slab.

D. Construction in Easements. Easements for installation, operation, and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow or drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which public authority or a utility is responsible.

E. Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions.<sup>75</sup> No land or building in any district shall be occupied or unoccupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of land or building in any district shall be in violation of this Resolution if one or more of the following conditions are found to exist at any time:

- (1) The use or storage of flammable or explosive materials if not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities.

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75 Amended by Resolution 2005-5-14 adopted May 18, 2005 (effective June 17, 2005)

**Article 15 – Development Standards (cont'd)**

- (2) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
- (3) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- (4) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- (5) Objectionable noise as determined by the Zoning Inspector due to volume, frequency, or beat is present.
- (6) Vibration discernible by the Zoning Inspector without instruments is present on adjoining lot or property.
- (7) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
- (8) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
- (9) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

**1502 DEVELOPMENT STANDARDS BY DISTRICT** <sup>76</sup>

A. Development Standards Matrix. The lot area, lot widths, height, front, side, and rear yards; lot coverage, and the floor area requirements for the location and erection of buildings and structures on any lot or tract of land are established and shown in the accompanying table. Supplemental requirements for the development standards, where indicated in the table, are provided following the table.

District	Minimum Lot Size		Max. Height (In feet)	Minimum Yard Setbacks (per lot in feet)					Max. Lot Coverage (includes pavement)		Min. Floor Area (in s.f. per main dwelling)
	Min. Area per Dwelling Unit or Principle Comm'l / Ind'l Structure (s.f.)	Min. Lot Width / Road Frontage (in feet)		Principle Structure (# 5)			Detached Accessory Structures / Pavement		Res'l Uses	Other Uses	
				Front (# 1)	Each Side	Rear	Each Side	Rear			
<b>RRA</b> Rural Residential & Agricultural Dist.	2 acres	250 / 60	35 <sup>77</sup>	40 / 100	25	50	25 / 5	25 / 5	15%	30%	1,200
<b>SER</b> Suburban Estate Residential District	1 acre (#11)	150 / 60 (#11)	35	40 / 100	15	50	15 / 5	15 / 5	15%	25%	1,200
<b>R-1</b> Single-Family District	10,000	70 / 70 80 frontage if a corner lot	35	30 / 40	8	30	5 / 5	5 / 5	40%		1,200
<b>R-2 (# 2)</b> Single- and Two-Family District	6,000 per living unit	60 70 frontage if a corner lot	30	30 / 40	8	25	5 / 5	10 / 5	--		S-F: 1,200 2-F: 1,000
<b>R-3 (# 3)</b> Multiple-Family Residential District	3,600 per living unit, but no lot less than 10,000	100 / 100	35	30 / 100	10 (# 4)	5	5 / 5 (# 6)	5 / 5 (# 6)	50%		1,000
<b>RMH P</b> Residential Manufactured Home Park District	All manufactured home parks shall comply with the requirements of <a href="#">Section 1600</a> (RMHP Residential Manufactured Home Park District) and Ohio Administrative Code (OAC) Chapter 3701-27 as amended, promulgated by the Ohio Public Health Council in accordance with ORC 3733.										
<b>PND</b> Planned Neighborhood District	All PND developments shall comply with the requirements of <a href="#">Section 1601</a> (PND Planned Neighborhood Developments) and the Knox County Subdivision Regulations and regulations imposed by the Knox County Health Department.										
<b>LB</b> Local Business District	12,000	60	30	30	15 (# 7)	15 (# 7)	15 / 10 (# 7)	15 / 10 (# 7)	90% (# 10)		--
<b>AB</b> Accommodation Business District	15,000	120 / 120	30	40	10 (# 7)	20 (# 7)	10 / 10 (# 7)	20 / 10 (# 7)	--		--
<b>GB</b> General Business District	20,000	80 / 80	35	50 (# 8)	15 (# 7, 9)	15 (# 7, 9)	15 / 10 (# 7, 9)	15 / 10 (# 7, 9)	90% (# 10)		--
<b>M-1</b> Manufacturing District	60,000	250 / 250	60	50 (# 8)	15 (# 7, 9)	15 (# 7, 9)	15 / 10 (# 7, 9)	15 / 10 (# 7, 9)	85% (# 10)		--
<b>MTC</b> Main Thoroughfare Corridor Overlay	All MTC District developments shall comply with the requirements of <a href="#">Section 1605</a> (MTC Main Thoroughfare Corridor Overlay)										

<sup>76</sup> Amended by: Resolution 1992-11-1 adopted November 1992 (effective December 1992); Resolution 2002-3-12 adopted March 18, 2002 (effective April 17, 2002); Resolution 2004-2-8 adopted February 16, 2004 (effective March 17, 2004); Resolution 2005-5-14 adopted May 18, 2005 (effective June 17, 2005); and Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>77</sup> Amended by Resolution 2013-6-18 adopted June 3, 2013 (effective July 4, 2013)

**Article 15 – Development Standards (cont'd)**

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**Article 15 – Development Standards (cont'd)**

B. **Supplement to the Development Standards Matrix** (indicated by “( # )” in the table). The following footnotes shall apply in addition to the particular specification where noted in the table, above:

- # 1. Setback from Major Streets.<sup>78</sup> The second number indicated for the front yard setback shall be required for all lots fronting on major arterials and major collectors as designated by the Official Thoroughfare Plan.
- # 2. Uses Allowed in Both the R-2 and R-1. When the use is also a permitted or conditional use in the R-1 Single-Family District, development standards are those required in the R-1 Single-Family District, except all uses shall meet the minimum height and minimum floor area standards specified for the R-2 District.
- # 3. Uses Allowed in R-3 and the R-2 or R-1. When the use is also a permitted or conditional use in the R-1 Single-Family District, development standards are those required in the R-1 Single-Family District. When the use is a permitted use or conditional use in the R-2 Single- and Two-Family District, development standards are those required in the R-2 Single- and Two-Family District.
- # 4. The specified standard shall only apply when the principal building walls facing the side yard do not contain any doors or windows. When the principal building has walls, with windows or doors facing the side yard, the minimum side yard shall be equal to the height of the building or a minimum of twenty-five (25) feet, whichever is greater.
- # 5. Minimum distance between Buildings: If there are two or more buildings located on a single lot, the minimum distance between opposite walls shall be twenty (20) feet. If any one or both of the walls facing each other have windows or other wall openings, the minimum distance between walls shall be equal to the height of the higher building.
- # 6. Side and Rear Yard Requirement for Accessory Uses. For garages, an additional two (2) feet of rear yard is required for each parking space in the garage in excess of two (2) spaces. Two-story accessory buildings shall be setback at least twenty-five (25) feet from any lot line.
- # 7. Residential Buffer. For structures with side or rear yards abutting a residential district, the minimum side or rear setback shall not be less than twenty (20) feet and screened to avoid nuisance. See [Section 1716](#) (Residential Districts Abutting Non-Residential Development).
- # 8. Front Yard Parking Setback.<sup>79</sup> Pavement areas for front yard off-street parking shall be at least ten (10) feet from the right-of-way in the GB District and fifty (50) feet in the M-1 District.
- # 9. Additional Side and Rear Setback Requirement. A GB or M-1 use along a State Route shall have side and rear yard setbacks of fifty (50) feet from the lot line. No additional setback shall be required for those portions of lots containing or adjacent to railroad sidings.
- # 10. The remainder of the site area shall be landscaped with natural vegetation.
- # 11. Schools locating in this district shall comply with all State of Ohio requirements with specific attention on land use which will be dedicated to school use only.<sup>80</sup>

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<sup>78</sup> Amended by Resolution 2002-6-15 adopted June 3, 2002 (effective July 3, 2002)

<sup>79</sup> Amended by Resolution 2001-9-10 adopted September 4, 2001 (effective October 4, 2001)

<sup>80</sup> Amended by Resolution 2013-6-18 adopted Jun 3, 2013 (effective July 4, 2013)

**Article 15 – Supplementary District Regulations**

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# ARTICLE 16

## SUPPLEMENTARY DISTRICT REGULATIONS

### 1600 RMHP RESIDENTIAL MANUFACTURED HOME PARK DISTRICT

- A. Purpose. See [Section 1301.F](#). (RMHP District, Purpose Statement)]
- B. Approval Procedures. Manufactured home parks shall be located only in the Manufactured Home Park District, RMHP, and shall be developed according to the standards and regulations stated and referenced in this section. The procedure to amend the Official Zoning Map to establish the RMHP District shall be that procedure for amendments specified in [Article 10](#) (Amendments).
- C. General Standards for Mobile Home Parks. The Zoning Commission and the Board of Township Trustees shall review the particular facts and circumstances of each proposed manufactured home park development in terms of the following standards and shall find adequate evidence that such development meets these standards:
- (1) All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with ORC Chapter 3733.
  - (2) The minimum frontage for a RMHP District shall be eighty (80) feet.<sup>81</sup>
  - (3) The proposed parks will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police, and fire protection.<sup>82</sup>
  - (4) The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
  - (5) The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
  - (6) The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.
- D. Mobile Homes. Mobile homes shall be permitted only in approved mobile home parks, unless otherwise authorized in this Resolution.

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<sup>81</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>82</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**1601 PND PLANNED NEIGHBORHOOD DISTRICT**<sup>83</sup>

- A. Purpose. See [Section 1301.G](#). (PND District, Purpose Statement)
- B. Development Standards
- (1) *Permitted Land Uses*. An area can be considered a Planned Neighborhood District only if a variety of different types of dwelling units are used. Single-family developments which do not utilize zero lot line clusters or equally creative site design must conform to the R-1 single-family development standards.
  - (2) *Off-Site Public Sewage Treatment Required*. All PND developments shall be supplied with and serviced by a public wastewater collection system.
  - (3) *Minimum Lot Area*. No minimum lot area is required; however, the maximum net density over the total residential and open space site area shall not exceed five (5) dwelling units per acre. Net density shall be determined by excluding the area of all existing public right-of-way from the total residential and open space area of the development parcel. Densities can be increased as provided for in [Section 1601.B.\(12\)](#) (Development Incentives), hereof.
  - (4) *Development Perimeter Setbacks*
    - (a) *Perimeter Setback When Abutting Existing Residential Development*. Where a PND Development is adjacent to another existing residential development, the minimum structure setback from an existing perimeter public right-of-way shall be the greater of the setback recommendation in the Land Use Plan, setback requirements established in the County Transportation Plan, or the average of the front setback requirements for those adjacent lots outside the PND on the same side of the street. At the sole discretion of the Zoning Commission, the minimum setback requirement may mirror the setback for those adjacent lots immediately across the street from the PND. The minimum perimeter setback for PND development lots which directly abut other residential developments shall be the lesser of thirty (30) feet or the side and rear yard setback requirements of the abutting residential development(s).
    - (b) *Perimeter Setback When Not Abutting Existing Residential Development*. Where a PND is not adjacent to another existing housing development, the minimum structure setback from an existing perimeter public right-of-way shall be the greater of the setback recommendation in the Land Use Plan, setback requirements established in the County Transportation Plan, or fifty (50) feet. The minimum setback from other project boundaries shall be thirty (30) feet.
    - (c) *Equivalency Provision*. At the sole discretion of the Zoning Commission, a reduction to a minimum structure setback from an existing perimeter public

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83 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 16 – Supplementary District Regulations** (cont'd)

right-of-way may be considered, especially when natural features existing along the existing perimeter public right-of-way are substantial enough to provide adequate buffering between the units in the development and the PND development boundary and when the area is used to increase the amount of restricted, permanent open space.

- (5) *Minimum Yard Setbacks.* No yard requirements or distances between buildings are established in this Resolution in order to enable creativity in design; however, other safety codes may apply. The applicant shall arrange the buildings in such a way that adequate provision is guaranteed for all units to open space, air, light, or exposure to sunshine. Zero lot line clusters and variations in building setbacks are encouraged.
- (6) *Maximum Height of Structures.* Except as provided in [Section 1601.B.\(12\)](#) (Development Incentives) hereof, no multiple-family structure shall exceed thirty-five (35) feet in height and single-family and two-family structures shall not exceed thirty (30) feet in height.
- (7) *Minimum Floor Areas* <sup>84</sup>
  - (a) Single-family: 1,200 square feet.
  - (b) Two-family: 1,000 square feet each unit.
  - (c) Multiple-family: 1,000 square feet each unit.
- (8) *Landscaping.* The provisions of [Article 18](#) (Landscaping Design Regulations) of this resolution shall, when appropriate, be incorporated.
- (9) *Off-Street Parking.* The provisions of [Article 19](#) (Off-Street Parking and Loading Facilities) of this resolution shall, when appropriate, be incorporated.
- (10) *Signs.* The provisions of [Article 20](#) (Sign Regulations) of this resolution shall, when appropriate, be incorporated.
- (11) *Bicycle and Pedestrian Circulation Systems.* A bicycle and pedestrian circulation system shall be included in the development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development and provide connections between properties and activities or special features within the restricted, permanent open space system and need not always be located along streets. The bicycle and pedestrian circulation system shall also consider pedestrian safety, particularly where they will be used by children, and consideration should be given to their proximity to busy streets. Trails for which public right of passage has been established shall be incorporated in the pedestrian circulation system.

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84 Amended by Resolution 2005-5-14 adopted May 18, 2005 (effective June 17, 2005)

**Article 16 – Supplementary District Regulations** (cont'd)

- (12) *Development Incentives.* Development incentives of increased densities and increased building heights may be recommended by the Zoning Commission based on the following criteria:
- (a) The development is directly adjacent to major thoroughfares as delineated in the Thoroughfare Plan.
  - (b) Building design and site design is of high quality and includes the integration of buildings and structures with natural materials or well defined and good design.
  - (c) A well-designed open space system is utilized that provides pedestrian and bicycle access to neighborhood facilities, parks, play areas, and scenic areas, and the system includes provision for landscaping and outdoor furniture.
  - (d) Land is provided for major community facilities and schools.
  - (e) Net density over the total site area shall not be increased to exceed eight (8) residential units per acre.

C. Regulations For Restricted, Permanent Open Space

- (1) *Minimum Restricted, Permanent Open Space.* A minimum of forty (40) percent of the total site area shall be designated as restricted, permanent open space.
- (2) *Conservation Design Priorities.* Restricted, permanent open space within a PND development shall be designed to meet the prioritized conservation objectives of Clinton Township which follow. Where possible, the selection of land for restricted, permanent open space should follow the order of priorities; however, the Zoning Commission shall have latitude to select lower prioritized features in the approval of features to be preserved as restricted, permanent open space in any given development for any rational purpose that promotes the stated purposes of this District.
  - (a) Primary Conservation Features. The following areas shall be prioritized as restricted, permanent open space to the maximum extent possible in the order prioritized:
    - 1. **Conservation of Woodland Resources.** The design and layout of the development should conserve and maintain for longevity areas of significant existing woodland. Alteration of drainage patterns which would affect the conservation area should be minimized. Impacts to areas within the tree line should be minimized.
    - 2. **Conservation of Meadows and Hedgerows.** Meadows and hedgerows between fields or meadows, especially those containing significant vegetation and wildlife habitats should be preserved. Non-indigenous, invasive vegetation species, such as wild honeysuckle and

**Article 16 – Supplementary District Regulations** (cont'd)

multi-flora roses, are the only species that should be removed. Impediments to the use of natural landscaping in local ordinances should be overcome.

3. **Conservation of Wildlife Habitats.** Wildlife habitat areas of species listed as endangered, threatened or of special concern by the US Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.
  4. **Conservation of Wetlands with Quality Buffers.** Federally-designated wetlands that are protected by the Army Corp of Engineers or the Ohio Environmental Protection Agency should be protected by a “no-disturb” vegetative buffer area having a width not less than thirty-five (35) feet, measured from the edge of the designated wetland. The area within this buffer should not be disturbed and should be retained in its natural state. Alterations to natural drainage patterns that would affect the wetland area should be minimized.
  5. **Conservation of Riparian Areas with Quality Buffers.** Each side of a river or perennial stream channel should be protected by a fifty (50) foot riparian buffer, measured in a horizontal direction outward from the ordinary high water mark of each designated river or stream bank along the entire length. The area within this buffer should not be disturbed and should be retained in its natural state.
- (b) Secondary Conservation Features. Having given first priority to the Primary Conservation Features above, second priority, in the designation of restricted, permanent open space, should be given to the following types of areas in the order presented:
1. **Conservation of Floodway.** All land within a floodway and flood fringe should be preserved from development except for the following uses: agriculture; outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.; fencing that allows the passage of water; and off-street parking areas accessory to the previous uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod. Any decrease in floodway area should be mitigated on-site. Post-development stormwater runoff should be designed to simulate or reduce pre-development runoff rates through use of natural stormwater drainage features, such as roadside swales, natural vegetation stream buffers, and retention and detention basins.
  2. **Conservation of Existing Scenic Vistas and Visual Quality of the Environment.** Where significant scenic views and vistas identified on a parcel are important to the Township from a historic or scenic standpoint, the design of the open space should incorporate these features to the extent possible. Long and wide-open views should

**Article 16 – Supplementary District Regulations** (cont'd)

remain unblocked or uninterrupted from the existing public right-of-way and adjacent parcels. Buildings and roads should be sited along the edges of fields or near the backdrop of woodlands rather than ridges or in the middle of grassy meadows. Historic or cultural elements should be used as focal points. Utilities should be placed underground where possible. Fields or woodlands should be separated from the road by ditches, and perhaps fences. There should be a roughness against the edge of the road in form of wild grasses and flowers, older trees, and mailboxes.

3. **Conservation of Sloping Land.** The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling. Steep slope areas over 20% should be preserved as no build / no disturbance areas.
- (c) *Tertiary Conservation Features.* The following areas should be designated for restricted, permanent open space as the third priority features for conservation when higher priority conservation features on the development site have already been designated:
1. **Conservation of Prime Farmland.** Farmland that satisfies the USDA definition of “prime” or “locally unique” farmland should be conserved where access, size, and the shape of the agricultural area is adequate for continued or new farming for the open space area on the site. Adequate buffers should be designed between development and agricultural uses.
  2. **Conservation of Cultural Resources.** Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds, and burial grounds.
- (3) *Permitted Uses in Restricted, Permanent Open Space.* Areas designated for restricted, permanent open space purposes may be preserved, designed, or utilized for:
- (a) Natural areas preserved in their natural state;
  - (b) Lakes, ponds, water supply reservoirs, and stormwater management retention or detention ponds (where easements satisfactory to the County Engineer are established). Only a maximum of fifty (50) percent of such water bodies shall count toward restricted, permanent open space;
  - (c) Active and passive recreation uses; however, only a maximum of fifteen (15%) of active recreation areas, including recreation facility structures and golf courses, shall count toward restricted, permanent open space. Permitted recreation facilities are to foster recreational activities which are participatory in nature; conversely, large auditoriums, arenas and stadiums



**Article 16 – Supplementary District Regulations** (cont'd)

for spectator viewing of sporting events are not within the purview of this district. Any restricted open space intended to be devoted to recreation activities shall be of a usable size and shape for the intended purposes.

- (d) Agricultural uses pursuant to ORC 519.21 only when authorized in a conservation easement or in the Association's covenants and restrictions and where adequate buffers have been established to provide necessary separation between farmers and residents;
  - (e) Fire protection areas;
  - (f) Sewage management (including individual home septic system leach fields, zero discharge land application systems, or public sanitary sewer systems; but excluding treated effluent holding ponds) where easements satisfactory to the Ohio Environmental Protection Agency, County Health Department, County Engineer, and/or County Sanitary Engineer (as appropriate) are established;
- (4) *Prohibited Uses of Restricted, Permanent Open Space.* In order to encourage the creation of large areas of contiguous open space, the following areas and features shall not be considered restricted, permanent open space unless approved by the Zoning Commission for any reason that advances the purposes of the PND District:
- (a) Private yards;
  - (b) The area between buildings and streets, the minimum required space between buildings on the same lot, and the area between buildings and required parking spaces;
  - (c) Required off-street parking areas, accessways, and driveways;
  - (d) Street right-of-ways, private roads and common access drives;
  - (e) All public utility structures which serve the proposed development not specified under permitted uses, including: water towers, wastewater treatment facilities, treated effluent holding ponds, electrical substations, etc.
  - (f) A minimum of fifteen (15) feet between buildings and restricted, permanent open space;
  - (g) Other small fragmented or isolated open space areas with a diameter of less than seventy-five (75) feet in any direction.
- (5) *Connectivity of Restricted, Permanent Open Space.* A primary objective for restricted, permanent open space is to prevent the fragmentation of natural and cultural features. Restricted, Permanent Open Space shall be designed as large areas of contiguous open space in order to: provide open space connectivity throughout and beyond the PND development; to ensure water quality through

**Article 16 – Supplementary District Regulations** (cont'd)

the maintenance of natural drainage patterns; to provide continuity of habitat for wildlife; to allow the continuation of agriculture; to establish direct linkages between the open space and a majority of homes, and to preserve scenic views of natural, cultural, or historic resources from the public right-of-way.

- (a) Open space design should be highly creative in order to provide immediate or nearby access from every dwelling. At least eighty-five (85) percent of residential lots shall be designed with direct access to (and direct views of) the open space system.
  - (b) Restricted, permanent open space shall be interconnected with open space areas on abutting parcels.
  - (c) Pedestrian circulation systems should be designed to provide connections between properties and activities or special features within the restricted, permanent open space as well as to be interconnected with open space areas on abutting parcels.
- (6) *Prohibition of Further Subdivision of Restricted, Permanent Open Space.* Restricted, permanent open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, covenant, dedication or other agreement in a form acceptable to the Township and duly recorded in the office of the Knox County Recorder.
- (7) *Open Space Maintenance Standards.* The development plan shall provide a means to properly maintain the restricted, permanent open space.
- (a) The ultimate owner of the restricted, permanent open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. When restricted, permanent open space is owned by a homeowners' association, it shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
  - (b) In the event the owner shall fail to maintain the restricted, permanent open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the restricted, permanent open space in reasonable condition.
  - (c) Failure to adequately maintain the restricted, permanent open space in reasonable order and condition constitutes a violation of this ordinance. The township is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy same within thirty (30) days.
  - (d) Should any bill for maintenance of restricted, permanent open space by the township remain unpaid on November 1 of each year, a late fee of fifteen

**Article 16 – Supplementary District Regulations (cont'd)**

percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as municipal claims.

(8) *Open Space Ownership Requirements.* Restricted, permanent open space within a development shall be owned, administered and maintained by any or all of the following methods, either individually or in combination, and subject to approval by the township:

(a) *Offer of Dedication.* The township shall have the first and last offer of dedication of restricted, permanent open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The township may, but shall not be required to, accept restricted, permanent open space provided:

1. Such land is accessible to the residents of the township;
2. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and,
3. The township agrees to and has access to maintain such lands. Where the township accepts dedication of restricted, permanent open space that contains improvements, the township may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
4. The trustees may lease restricted, permanent open space lands to any other qualified person, or corporation, for operation and maintenance of such open space lands, but such a lease agreement shall provide:
  - a. That the residents of the development shall at all times have access to the restricted, permanent open space lands contained therein (except croplands during the growing season);
  - b. That the restricted, permanent open space to be leased shall be maintained for the purposes set forth in this ordinance; and
  - c. The lease shall be subject to the approval of the trustees and any transfer or assignment of the lease shall be further subject to the approval of the trustees. Lease agreements so entered upon shall be recorded with the County Recorder of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the township.

(b) *Homeowners' Association.* The restricted, permanent open space and associated facilities may be held in common ownership by a homeowners'

**Article 16 – Supplementary District Regulations (cont'd)**

association. The Association shall be formed and operated under the following provisions:

1. The developer shall provide a description of the Association, including its bylaws and methods for maintaining restricted, permanent open space.
2. The Association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.
3. Membership in the Association shall be automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
4. The Association shall be responsible for maintenance of insurance and taxes on restricted, permanent open space, enforceable by the liens placed by the township on the association. The Association may place liens on homes or house lots of members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
5. The members of the association shall share equitably the costs of maintaining and developing such restricted, permanent open space. Shares shall be defined within the Association bylaws.
6. In the event of a proposed transfer, within the methods here permitted, of restricted, permanent open space land by the Homeowners' Association, or the assumption of maintenance of restricted, permanent open space land by the township, notice of such action shall be given to all property owners within the development.
7. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the restricted, permanent open space land.
8. The Homeowners' Association may lease restricted, permanent open space lands to any other qualified person, or corporation, for operation and maintenance of restricted, permanent open space lands, but such a lease agreement shall provide:
  - a. That the residents of the development shall at all times have access to the restricted, permanent open space lands contained therein (except croplands during the growing season);
  - b. That the restricted, permanent open space to be leased shall be maintained for the purposes set forth in this ordinance; and

**Article 16 – Supplementary District Regulations (cont'd)**

- c. The lease shall be subject to the approval of the homeowners' association and Clinton Township and any transfer or assignment of the lease shall be further subject to the approval of the Association and Clinton Township. Lease agreements so entered upon shall be recorded with the County Recorder of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the township.
- (c) Condominiums. The restricted, permanent open space and associated facilities may be controlled through the use of condominium associations as an unincorporated association or an Ohio nonprofit corporation as provided for in ORC §5311.08, or a Homeowners' Association *et al* as an Ohio nonprofit corporation. Such agreements shall be in conformance with the state's uniform condominium act. All restricted, permanent open space land shall be held as a "common element".
- (d) Dedication of Easements: The township may, but shall not be required to, accept easements for public use of any portion or portions of restricted, permanent open space land, title of which is to remain in ownership by a condominium or homeowners' association, provided:
1. Such land is accessible to township residents;
  2. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and,
  3. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the township.
- (e) Transfer of Conservation Easements. With the permission of the township, the owner(s) of the restricted, permanent open space may, in accordance with the provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68, provided that:
1. The entity is acceptable to the township;
  2. The provisions of the conservation easement are acceptable to the township; and
  3. The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

**1602 LB LOCAL BUSINESS DISTRICT**

- A. Purpose. See [Section 1301.H](#). (LB District, Purpose Statement)

Article 16 – Supplementary District Regulations (cont'd)

B. Off-Street Parking and Delivery Areas

- (1) Off-street parking areas shall be no closer to main structures than five (5) feet. Pavement areas adjacent to a residential district or use shall be screened to avoid nuisance and have a minimum height of five (5) feet and a maximum height of 8 feet. Parking areas shall be at least ten (10) feet from the right-of-way.
- (2) Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming with [Article 19](#) (Off-Street Parking and Loading Facilities) and showing traffic movement, ingress and egress traffic control points, the number and size of parking spaces, and service areas.
- (3) All service and delivery shall be at the rear of the structures, provided, however, that under hardship conditions provision may be made for service and delivery at the side of the structures.

C. Landscaping. At least ten (10) percent of the site areas shall be landscaped with natural vegetation.

D. Storm Drainage. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.

E. Waste Management. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

F. Outdoor Storage. Outdoor storage and display of merchandise on pedestrian areas is prohibited unless a five-foot strip is left for pedestrian traffic.

**1603 AB ACCOMMODATION BUSINESS DISTRICT**

A. Purpose. See [Section 1301.I](#). (AB District, Purpose Statement)

B. Location. AB uses shall be restricted to one of the following site locations:

- (1) At the corner of the intersection of two (2) public streets.
- (2) On a parallel access road constructed to County standards.

C. Curb Cuts. No more than one (1) curb cut for each one hundred twenty (120) feet of frontage.

D. Internal Traffic. Movement of traffic within the site shall be controlled pursuant to a plan designed by the owner of the land to be developed and approved by the Zoning Commission. The plan shall be designed to minimize conflict between the movement of pedestrians and vehicles, and to provide adequate on-site vehicle storage for anticipated peak-hour use.

**Article 16 – Supplementary District Regulations** (cont'd)

- E. Control of Nuisances : Nuisances incidental to the use sought to be made of the site shall be controlled pursuant to a plan designed by the owner of the land to be developed and approved by the Zoning Commission. Examples of such nuisances include excessive light, traffic, noise, litter, and drainage burdens created by high water usage.
  
- F. Commercial Waste: Commercial waste shall be stored in bulk waste containers located within permanent enclosure walls not less than five (5) feet in height, designed to screen the containers from view.
  
- G. Abandonment of a Permitted AB Use
  - (1) If any permitted use in an Accommodation Business District is abandoned, any buildings connected with the abandoned use shall be presumed to be a public nuisance affecting or endangering surrounding property values and detrimental to the public health, safety, convenience, comfort, or general welfare of the community and shall be abated. Abandonment means the failure to conduct a business in conformity with a permitted use for at least 90 days in any 18 month period exclusive of legal holidays.
  
  - (2) Whenever the Zoning Inspector finds any permitted use to be abandoned, he shall give notice to the address to which tax bills are sent. Such notice shall include reasons by which the Zoning Inspector finds the use to be abandoned, and a statement that the owner shall have thirty (30) days to comply with the zoning of the area or apply for a Conditional Use Certificate.
  
  - (3) Upon failure of the owner to comply with the notice, the Zoning Inspector shall take such action as may be necessary to abate such nuisance.
  
  - (4) The owner of land on which a permitted use is no longer operated, but nevertheless is not yet abandoned, shall maintain the land by mowing all grass and removing all rubbish and weeds from the premises. Parking motor vehicles upon such inoperative premises is prohibited and the owner shall post in a prominent place on the premises a sign of at least ten (10) feet square sufficient to notify the public of the site's closure. Notwithstanding any other provision of this Zoning Resolution, if the Zoning Inspector finds that such notice is not complied with by the public, the Zoning Inspector may order the owner of the premises to install fencing or barricading approved by the Zoning Inspector sufficient to block motor vehicle access to such property.

**1604 M-1 MANUFACTURING DISTRICT**<sup>85</sup>

- A. Purpose. See [Section 1301.K](#). (M-1 District, Purpose Statement)
  
- B. Site Plan Review Required by Zoning Commission. No use shall be permitted in the M-1 District until all applicable County Subdivision Regulations have been satisfied and there has been approved by the Zoning Commission a descriptive text and plans indicating the nature of the activity to be carried on and that the following supplemental

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<sup>85</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 16 – Supplementary District Regulations (cont'd)**

requirements have been satisfied in addition to other land use and development regulations of this Zoning Resolution. Other information as required by the Zoning Commission shall be submitted either in text or on plans.

- C. Performance Standards Plan. Expected levels of noise, odor, dust, smoke, light, glare, or vibration to result from normal operation of such activity shall be described by text. All applicable State air and water quality standards shall be considered as additional M-1 District use requirements.
- D. Traffic Circulation and Off-Street Parking Plan. A traffic circulation and off-street parking plan illustrating traffic flow patterns, traffic control points, points of access, loading areas, parking areas, and parking spaces shall be described by plans and text. In addition, expected peak hour traffic use by employees, the general public, and deliveries at the outset and at full expansion (if planned) shall be described by text. Loading docks shall be screened by walls or fences, seven feet minimum height, twelve (12) feet maximum height, that effectively conceal such operations from adjacent streets or adjacent residential districts.
- E. Signage Regulations. All applicable Township sign regulations of this Zoning Resolution must be satisfied.
- F. Exact descriptions of open service areas, outdoor storage areas and trash collection systems shall be shown by plans and described by text. Any such outdoor land uses shall be screened by walls or fences, seven feet minimum height, twelve (12) feet maximum height, that effectively conceal such operations from adjacent streets or adjacent residential districts.
- G. Exact descriptions of uses for outdoor areas are also required.
- H. Landscaping Regulations. All applicable Township landscaping regulations of this Zoning Resolution must be satisfied.
- I. Sewage and Stormwater
  - (1) The activity shall properly dispose of all wastewater in accordance with the requirements and permit issued by the Ohio Environmental Protection Agency, other applicable regulatory authorities or approved municipal utility.
  - (2) Provisions for storm drainage shall be adequate to protect the public and owners of surrounding land.<sup>86</sup>

**1605 MTC MAIN THOROUGHFARE CORRIDOR OVERLAY DISTRICT**

- A. Purpose. See [Section 1301.L](#). (MTC Overlay District, Purpose Statement)

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86 Amended by Resolution 2003-12-21 adopted December 1, 2003 (effective December 31, 2003)



**Article 16 – Supplementary District Regulations** (cont'd)

- B. Review and Approval Procedures. Standards and requirements imposed within the MTC Overlay District are to be incorporated within a Site Plan submitted according to [Article 6](#) (Site Plan Review Procedures).
- C. Permitted Uses. As an overlay zone, all uses that are permitted in the underlying zoning district(s) are permitted within the MTC Overlay District.
- D. Conditional Uses. As an overlay zone, all conditional uses which are permitted in accordance with the underlying district(s) are conditionally permitted within the MTC Overlay District.
- E. Development Standards. Certain specific development standards are imposed within the MTC Overlay District. These standards replace development standards within the underlying zoning district. Where no development standards are defined within the MTC Overlay District, the development standards within the underlying district apply.
- (1) *Minimum Lot Frontage.* No existing lot that has frontage on Main Thoroughfares may be subdivided in such a manner so as to reduce such frontage on Main Thoroughfares to less than one hundred fifty (150) feet.
  - (2) *Minimum Front Yard.* One hundred (100) feet from the edge of the right-of-way.<sup>87</sup>
- F. Landscaping Requirements. See [Article 18](#) (Landscaping Design Regulations). With the exception of one- and two-family residential development, the following landscaping requirements shall also be met:
- (1) *Landscape Setback between Road and Parking.* Except in the area where a front access drive is provided, there shall be a landscaped strip between the road and any building or parking area pursuant to [Section 1804](#) (Landscape Street Buffer Requirement in MTC District).
  - (2) *Interior Parking Area Landscaping.* Any open parking area containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide interior landscaping pursuant to [Section 1803](#) (Landscaping and Screening of Off-Street Parking Areas).<sup>88</sup>
- G. Access to Parcels.<sup>89</sup> To preserve and maintain efficient traffic movement, permitted access to Main Thoroughfares with driveways providing access to adjoining parcels shall be limited as defined herein. All access to a State route shall require a permit from the Ohio Department of Transportation (ODOT) and all access to County or Township roads shall require an access permit from the Knox County Engineer.
- (1) *Minimum Driveway Spacing and Access for Development.* The minimum spacing for driveways along a Main Thoroughfare shall meet ODOT Access Management Regulation requirements.

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<sup>87</sup> Amended by Resolution 2002-6-15 adopted June 3, 2002 (effective July 3, 2002)

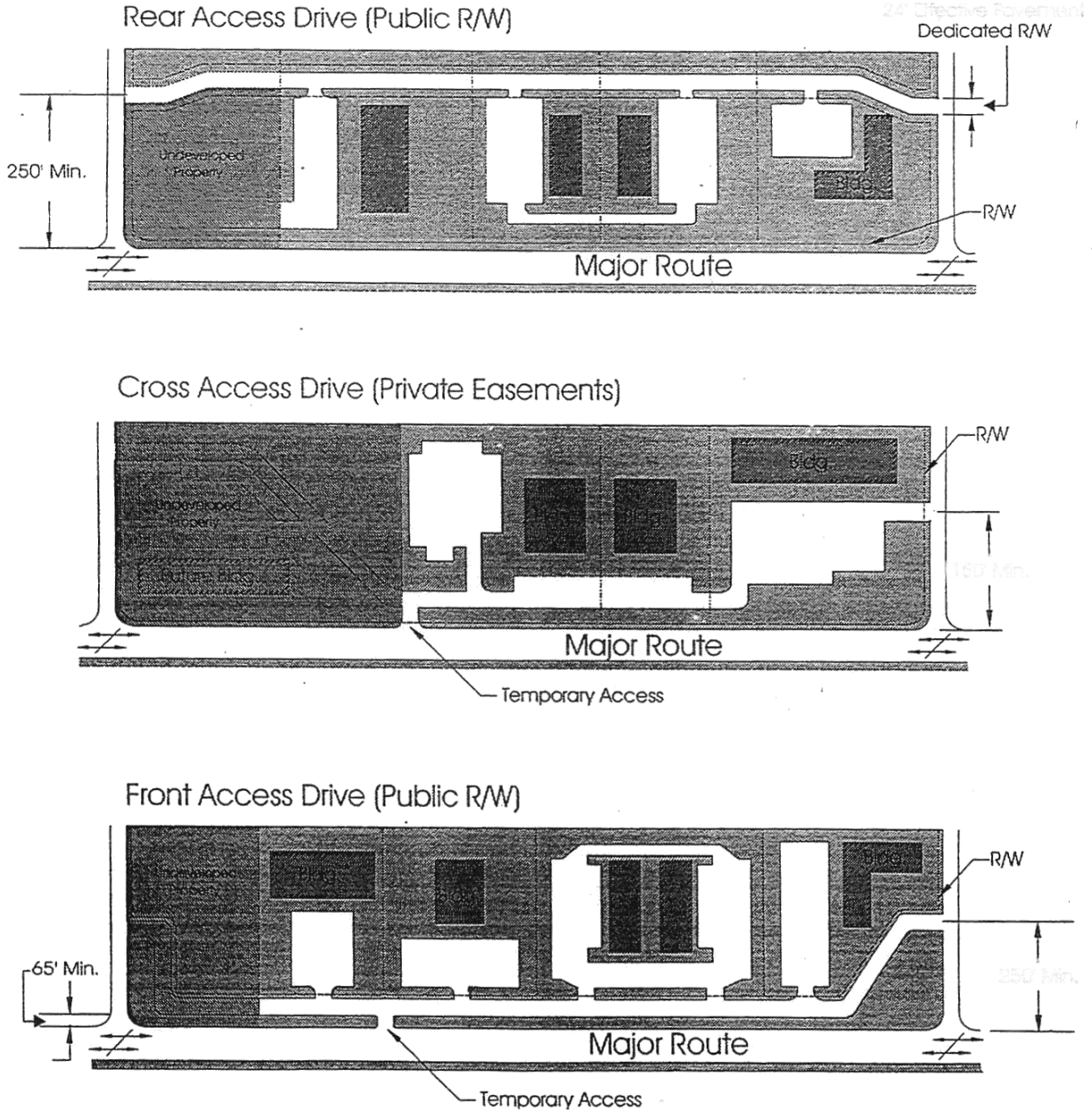
<sup>88</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>89</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 16 – Supplementary District Regulations (cont'd)**

- (2) *Rear Access Drive.* The preferred type of access drive is a drive located in the rear of properties. This access drive may be a private drive or may be within a publicly dedicated right-of-way. The establishment of a rear access road within a dedicated right-of-way shall be at the developer's option and expense and subject to applicable approvals re-grading subdivision regulations. In instances where there is the potential to extend a private access drive with the development of adjacent property, assurances that appropriate easements will be provided is required. The minimum effective pavement width for such drives shall be as specified according to applicable County Technical Design Standards and Subdivision Regulations. The centerline of the access drive pavement (at the intersection with the centerline of any side street intersection) from the edge of the pavement along the Main Thoroughfare shall meet County Technical Design Standards. (see [Figure 2](#)).
- (3) *Cross Access Drive.* Where rear access drives are deemed to be not feasible, driveway sharing and cross access easements may be approved. Shared drives between uses are private drives and any intersections between the center lines of private drives with the centerlines of public side streets shall be offset from the edge of the pavement on the Main Thoroughfare as specified by County Technical Design Standards. (see [Figure 2](#)). Access points directly on the Main Thoroughfare may be approved on a temporary basis in accordance with this Article.
- (4) *Front Access Drive.* Front access drives may be an acceptable alternative to more highly preferred rear access drives and cross access drives and may be proposed by a developer. Such front access drive shall be located within a public right-of-way and the separation between the roadway on Main Thoroughfares and the roadway of the service road shall be not less than 65 feet. A larger separation may also be required at driveway locations to accommodate stacking distances as recommended in a specific traffic study. The establishment of a front access road, including pavement and right-of-way widths is subject to applicable approvals regarding access management regulations and subdivision regulations. The centerline of the front access drive pavement (at the intersection with the centerline of any side street intersection) shall be off-set from the edge of the pavement along the Main Thoroughfare as specified by County Technical Design Standards. (see [Figure 2](#)).

**Figure 2**  
**Typical Access Drives along Main Thoroughfares**



- (5) *Minimum Driveway Spacing Requirements and Existing Driveways.* Existing driveways that do not meet the requirements above, are deemed nonconforming driveways and shall be brought into conformance with ODOT or County Access Management Regulations, as required.

**Article 16 – Supplementary District Regulations (cont'd)**

- H. Signage. All signs shall be limited to being ground-mounted or wall-mounted and shall conform to the following standards:
- (1) The maximum height for any free-standing sign is eight (8) feet above grade.
  - (2) No ground sign may be located closer than ten (10) feet from the right-of-way line.
  - (3) Landscaping is required around all ground signs.
- I. Storm Water Retention/Detention Ponds. Except when front access drives are constructed, storm water retention/detention ponds, designed to hold a permanent water level, shall be located between the principal building and the right-of-way and shall be designed as an attractive landscape feature.
- J. Utilities. All utilities shall be underground.
- K. Mechanical Equipment Screening. Mechanical equipment shall be screened from adjoining parcels and from the right-of-way.

# ARTICLE 17

## SUPPLEMENTARY LAND USE REGULATIONS

### 1700 GENERAL

The purpose of these supplementary land use regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

### 1701 ACCESSORY USES AND BUILDINGS

It is the intent to permit accessory uses and buildings to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties. These provisions shall apply to the location and maintenance of accessory uses as herein defined.

- A. General Requirements. Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
- (1) It shall be forty-five (45) percent or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements.
  - (2) It shall not contain or be used as a dwelling unit.
  - (3) It shall not exceed eighteen (18) feet in height.
  - (4) It shall meet all yard requirements of the principal use, except as modified by the District Regulations in [Article 15](#) (Development Standards).
- B. Dwellings as Accessory Uses. Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses in any district.
- C. Accessory Elderly-Dwelling Unit. Notwithstanding the provisions of [Section 1712](#) (Residential Dwelling Conversion to More Units) of this Resolution, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor, or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- D. Retail Sales and Services as an Accessory Use. Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics, these accessory uses may include drug stores, florists, gift and book shops, and cafeteria institutional settings, office buildings, hotels, country club houses and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, beauty and barber shops.
- E. Accessory Buildings Used for Storage. Accessory buildings used for storage shall be attached to a permanent foundation and shall not include the use of temporary structures including tents, trailers, mobile homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers, railroad cars whether affixed to a permanent foundation or not. Accessory buildings used for storage shall otherwise meet all other zoning setback, height, area, and percent of lot coverage requirements for the particular use or district in which located, and shall be maintained in good condition.

**1702 ADULT BUSINESSES<sup>90</sup>**

- A. Purpose. Additional regulations are imposed upon sexually oriented businesses to: preserve and protect the public health and safety; prevent the spread of communicable or sexually transmitted diseases; reduce and eliminate the negative impact that adult uses may have on property values and the character and quality of residential neighborhoods; prevent sexually oriented businesses from diminishing or destroying the use of public facilities, particularly facilities expected to be used by children or used for religious purposes, etc. These regulations are not adopted for the purpose of restricting or prohibiting any protected speech associated with sexually oriented business land uses. The Supreme Court and lower federal courts have recognized a number of possible secondary effects of sexually oriented businesses, including:
- (1) Decline of character of a community's neighborhoods and quality of life.
  - (2) Increase of crime (e.g., prostitution, drug sales).
  - (3) Spread of disease, particularly sexually transmitted diseases.
  - (4) Degeneration of the social and moral order.
  - (5) Harm to children.

The Township Trustees and Zoning Commission have reviewed secondary effect studies by various cities. Given the documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses, the following specific, reasonable and uniform regulations have been developed to protect the residents of the Township.

- B. In addition to complying with all regulations within the district where they are located, all adult entertainment business shall comply with the following criteria:

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<sup>90</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- (1) No adult entertainment business shall be permitted in a location which is within 1,500 feet of another adult entertainment business.
- (2) No adult entertainment business shall be permitted in a location which is within 1,000 feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.
- (3) No adult entertainment business shall be permitted in a location which is within 500 feet of any residence or boundary or any residential district.
- (4) No adult entertainment business shall be permitted in a location which is within 500 feet of any boundary of any residential district in a local unit of government abutting the Township.

**1703 AMUSEMENT ARCADES**

Amusement arcades shall comply with the following in addition to all other regulations that apply in this Resolution:

- A. An adult who is 18 years of age or over shall supervise the amusement arcade at all times during its hours of operation.
- B. It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance.
- C. Coin operated amusement machines shall be placed at least two feet apart and have four feet of free space in front of the machine, separate and apart from walking aisles.
- D. The applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
- E. If the place of business or premises for which an amusement arcade is proposed is a freestanding building, an exterior lighting plan must be approved by the Zoning Board of Appeals.
- F. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying-out of the premises.
- G. No amusement arcade may be established, operated, or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment business, or within 1,000 feet of a school.
- H. The applicant shall be required to file a copy of a license to operate and exhibit amusement devices and a notarized statement that the applicant shall not permit any school-aged person 14 years of age or younger to operate any devices on the premises before 4:00 p.m. or on days when school is in session.

**1704 ARCHITECTURAL DESIGN STANDARDS FOR LARGE SCALE STRUCTURES** <sup>91</sup>

Large structures can have a detrimental impact upon the Township without an effort to integrate aesthetic features in the building design. Architectural features, such as materials, texture, and colors are to be encouraged in the design of large scale buildings. The following design standards shall apply to large scale structures greater than five thousand (5,000) square feet in gross floor area and shall be reviewed pursuant to [Article 7](#) (Architectural Design Review Procedures):

- A. Facades greater than fifty (50) feet in length must incorporate recesses and projections along of the length of the facade.
- B. Windows, awnings and arcades must be incorporated along the facade length abutting a public street. Smaller retail stores that are part of a larger principal building shall have display windows and separate outside entrances where possible.
- C. Buildings shall offer greater architectural interest with the use of patterns of change in color, texture, and material modules.
- D. Roof lines shall include variations to add visual interest. To accomplish this, roofs shall include elements such as parapets concealing flat roofs and rooftop equipment; overhanging eaves, or multiple roof slope planes.
- E. Each principal building shall have a clearly defined, highly visible entrance with features such as canopies or porticos, arcades, arches, wing walls, or integral planters. Each side of a principal building that directly faces an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building.
- F. Predominate exterior building materials should be of high quality brick, wood, sandstone, or other native stone material. Materials such as smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels are discouraged. The use of multiple materials should be encouraged to provide visual interest.
- G. Facade colors should be of "low reflectance, subtle, neutral or earth tone colors." The use of high intensity, fluorescent, metallic, or black colors is prohibited.
- H. Sidewalks shall be provided along all sides of the lot that abut a public street. Internal pedestrian walkways should be provided and must be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.
- I. The placement of off-street parking between the front facade of the principle building and the primary abutting street shall be avoided where possible.
- J. Lighting Performance Standards. A photometric computer printout of the lighting model which indicates the location, the height above grade, the type of illumination, the source lumens, and the luminous area for each source light which is proposed must be

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91 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)



## Article 17 – Supplementary Land Use Regulations (cont'd)

submitted for review and approval to insure that the following light restrictions are followed.

- (1) High Intensity Discharge (HID) mercury-vapor and quartz lighting shall be prohibited for most outdoor uses due to glare hazard and aesthetic reasons. HID high-pressure sodium lighting shall only be used where glare hazard and light trespass can be prevented. HID metal halide or incandescent lighting are preferred exterior lighting schemes due to the soft, white, attractive light produced. HID low pressure sodium lighting is acceptable, but should not be used in areas where color distortion could be a security problem.
- (2) Up-lighting shall be prohibited unless it is designed for aesthetic purposes to light architectural details on buildings or site surfaces, or trees or shrubs.
- (3) The maximum height of lighting fixtures shall not exceed the maximum building height permitted in the Zoning District. Minimum lighting fixture spacing shall be equal to approximately four (4) times the height of the lighting fixture.
- (4) Parking lot lighting shall not exceed an average of two (2) footcandles. Lighting fixtures higher than fifteen (15) feet or exceeding 0.1 footcandle measured on a vertical plane anywhere along a property line, shall be shielded by a full cut-off shade that totally cuts off light spillover at a cutoff angle smaller than ninety (90) degrees and allows no direct light above a five (5) foot horizontal plane anywhere along a property line.

### 1705 FENCES AND WALLS

In any applicable residential district, no fence or wall shall exceed six feet in height. No fence shall exceed thirty (30) inches in height between the street right-of-way line and the building setback lines. Supporting members for walls and fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls being installed. This regulation shall not apply to fences or walls which are designed so that the supporting members are identical in appearance on both sides of the fence or wall. Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, or safety of the public. No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Inspector who shall review each request to determine its compliance with this Article. Each property owner shall determine property lines and ascertain that the fence or all does not encroach upon another lot or parcel of land.

- A. Construction on Embankments. Where a fence or wall is constructed on an embankment, or where the ground under a fence has been graded to a higher level than, the surrounding ground, the permissible height of the fence, as set forth in [Section 1705](#) (Fences and Walls) shall be reduced by the height of the embankment or grading.
- B. Shrubbery and Hedges. No shrubbery or hedge shall be planted beyond the property lines. The owner or occupant of realty on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on the public streets shall keep shrubbery and hedges trimmed to a maximum of 30 inches in height and keep trees trimmed in order to avoid creating traffic hazards.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- C. Penalty. If any provision of this Article is violated, the Zoning Inspector may order that the fence, wall, or hedge be removed. If the fence, wall, or hedge is not removed within 10 days of the order, the owner shall be fined \$10 for each day the violation exists. Where trimming is not done within ten (10) days after notice by the Zoning Inspector, the employees of the Township may enter upon the property and trim the shrubbery, hedges, or trees at the expense of the property owner. Any shrub, hedge, or tree found to be located upon public property may be removed by the Township at any time.

**1706 GARAGE SALE, REGISTRATION, AND PERMIT REQUIRED**

Garage sales are permitted in any residential district and are subject to the following conditions:

- A. Only owners or lessors of the property where the garage sale is to be conducted shall be eligible to register a garage sale and pay a fee of \$5. Such registration shall be any time within a 30 day period, prior to the beginning of such sale.
- B. Upon registration, the garage sale shall only be permitted at the one location stated on the registration permit form for a period not to exceed three consecutive days.
- C. Not more than three such garage sales at the same location will be permitted in any one calendar year and not more frequently than one in any month.
- D. Such garage sales are permitted between the hours of 9:00 a.m. and 9:00 p.m.
- E. No signs may be posted except on private property advising the public of such sale, and all signs must be removed within 24 hours after the termination of the sale.
- F. A legally permitted garage sale is limited to one sign, not greater than four square feet in size and which is located on the sale premises for a time period of three consecutive days. Such signs shall not be located in a public right-of-way. Garage sale signs conforming to the above requirements do not require a sign permit.
- G. All items displayed for sale must be displayed on the premises at the location stated on the registration permit form.

**1707 GASOLINE SERVICE STATIONS** <sup>92</sup>

- A. Permitted accessory uses: Accessory uses, including but not limited to trailer rental, vehicle rental, and storage of vehicles or trailers shall be permitted only if all the following standards are met:
- (1) No accessory use shall be permitted within one hundred (100) feet of a property line that is adjacent to a residential use or district.
- (2) No accessory use shall occupy more than thirty (30) percent of the lot area.

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<sup>92</sup> Amended by Resolution adopted January 29, 1998 (effective February 28, 1998)

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- (3) No accessory use shall be located in the front yard area or within a side yard area which abuts a street.
- (4) No accessory use shall be located within twenty-five (25) feet of a gasoline pump island.
- B. Minimum lot area: 15,000 square feet for a station with or without, but not more than one service bay; 5,000 additional square feet for each additional service bay.
- C. Pump islands: Gasoline pumps shall be located no closer than twenty (20) feet to a property line.
- D. Parking:
  - (1) Parking areas shall not be located closer than five (5) feet to main structures.
  - (2) *Parking of inoperable motor vehicles*: No inoperable or damaged motor vehicle or inoperable motorized equipment shall be parked outside a service station building in excess of seventy-two (72) hours.

**1708 HOME OCCUPATIONS**

Home Occupations shall require a permit and shall comply with all of the following regulations:

- A. There shall be no more than two non-residential employees or volunteers to be engaged in the proposed use.
- B. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
- C. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
- D. Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots, provided the application so specifies.
- E. Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation.
- F. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one sign no larger than two square feet shall be mounted flush to the wall of the structure.
- G. Minor or moderate alterations (non-structural) may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- H. No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- I. No more than two additional parking places may be proposed in conjunction with the home occupation which shall not be located in a required front yard.
- J. The home occupation permit shall expire in the event of change of ownership of the property at the location for which it was issued, or any change in location of the original home occupation.

**1709 JUNK**

- A. The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in this Resolution or the **Ohio Revised Code** shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.
- B. No person shall permit litter or junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.
- C. Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the Township or owners of surrounding land.
- D. Upon repeated violations of this section, the Zoning Inspector may require the violator to erect a fence or landscaping designed to contain litter.

**1710 OUTDOOR STORAGE AND DISPLAY IN THE GB DISTRICT**

Outdoor storage and display of merchandise on pedestrian walkway areas is prohibited unless a five (5) foot strip is left clear for pedestrian traffic.

**1711 REFUSE COLLECTION AREAS**

- A. The refuse collection areas provided by all commercial, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met
- B. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- C. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- D. Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

**1712 RESIDENTIAL DWELLING CONVERSION TO MORE UNITS**

A residence may not be converted to accommodate an increased number of dwelling units unless:

- A. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- B. The lot area per family equals the lot area requirements for new structures in that district.
- C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- D. The conversion is in compliance with all other relevant codes and resolutions.
- E. The district within which the residence is located is so regulated as to allow such increase in dwelling units.

**1713 RESIDENTIAL GROUP FACILITIES FOR ADULTS**

- A. In addition to all other applicable provisions of this Resolution, adult group residential facilities shall comply with the following criteria:
- B. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
- C. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- D. No such facility may be located within six hundred (600) feet of another such facility.
- E. The exterior of all such facilities shall not be altered in character, but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
- F. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
- G. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents to include a structured procedure whereby their grievances may be filed and resolved.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- H. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

**1714 RESIDENTIAL SINGLE-FAMILY DWELLINGS**<sup>93</sup>

Single-family residential homes, whether of modular, manufactured, or site-built construction, shall comply with the following design and appearance standards:

- A. Siting Requirements. The structure shall be in conformance with the following siting requirements:
- (1) Mobile homes and manufactured homes shall be permitted only in approved mobile home parks, unless otherwise authorized in this Resolution. (This regulation does not apply to a permanently-sited manufactured home.) Mobile homes which are located on a lot in any district, once removed, shall not be relocated in the Township. Such unit shall only be replaced with a manufactured home, as defined herein, or a residential unit which meets the Building Code.
  - (2) The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
  - (3) Any hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
  - (4) The structure shall be so oriented on the site that its long axis is parallel with the street; and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement.
  - (5) The site shall be suitably landscaped with adequate screening devices as elsewhere required.
  - (6) The siting of the structure shall comply with all yard and setback and minimum floor area requirements in effect for the district for which it is proposed.
  - (7) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
  - (8) The site shall be properly serviced by utilities in such manner as required by the Knox County Board of Health.
  - (9) The structure shall otherwise conform to the minimum requirements for residential occupancy and minimum floor areas in the district in which such manufactured home is located, the same as any other residential use.
- B. Residential single-family dwellings shall have the minimum following features:

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<sup>93</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- (1) Roof pitch of not less than two and one-half (2-1/2) inches per twelve (12) inches.
  - (2) Roofing material shall be shingles.
  - (3) Overhang of not less than eight (8) inches in the front (door side) and rear.
  - (4) Sections shall be of equal outside dimensions.
- C. Uniformity With Respect to Granting of Variances. The granting of variances from the requirements of this Resolution with respect to the siting of single-family home structures, their design, or appearance shall be uniformly and equitably done without regard to the fact that the structure proposed for such siting is a site-built structure, modular, or manufactured home.

**1715 RESIDENTIAL MULTIPLE-FAMILY DWELLING YARD REQUIREMENTS**

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

**1716 RESIDENTIAL DISTRICTS ABUTTING NON-RESIDENTIAL DEVELOPMENT**

Non-residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirements if acceptable landscaping or screening approved by the Zoning Commission or Zoning Inspector is provided pursuant to [Section 1802](#) (Buffering Between Incompatible Uses). Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in this Resolution. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the Conditional Use procedure.

**1717 SATELITE DISH ANTENNAS**

Satellite dish antennas are considered an accessory structure and are permitted as accessory uses in all districts.

- A. Exempt Antenna.<sup>94</sup> The installation, maintenance, and use of the following antennas are exempt from this Section:
- (1) Where commercial or industrial uses are generally permitted, a dish antenna that is two (2) meters (78.74 inches) or less in diameter designed to receive direct broadcast satellite (DBS) service or to receive or transmit fixed wireless signals via satellite, such as Internet services.

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<sup>94</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- (2) A dish antenna that is one (1) meter (39.37 inches) or less in diameter designed to receive direct broadcast satellite (DBS) service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- (3) An antenna that is one (1) meter or less in diameter or diagonal measurement and is designed to receive video programming services via multipoint distribution service, including multi-channel multipoint distribution service (MMDS) wireless cable, local multipoint distribution services, instructional television fixed services, or to receive or transmit fixed wireless signals other than via satellite, such as Internet services.

B. Ground-Mounted Satellite Dish. A permit from the Zoning Inspector shall be required before constructing a ground-mounted satellite dish or any accompanying structures. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

- (1) The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet.
- (2) The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade.
- (3) The "dish" portion of the apparatus shall have a surface of open mesh construction and shall not have a solid surface.
- (4) The satellite dish apparatus shall be painted a color which complements its environment and shall bear no advertisement, lettering, picture, or visual image.
- (5) The apparatus shall not be located in a side yard or front yard.
- (6) The site of the apparatus shall be screened with shrubbery and/or landscaped. An approved landscape plan shall include plants that achieve at least six feet in height and seventy-five (75) percent opacity around the apparatus and shall be maintained by the owner of the property
- (7) The apparatus shall be mounted upon a solid concrete slab and shall be constructed in such manner that it will withstand wind forces of up to seventy-five (75) miles per hour and shall have galvanized metal supports.
- (8) Any guy wires attached to a satellite dish apparatus shall be enclosed by a fence with a lock and gate at least six (6) feet in height.
- (9) Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard.
- (10) All wiring between the apparatus and any other structure shall be placed underground in approved conduit.
- (11) The apparatus shall be bonded to an approved eight foot grounding rod.



**Article 17 – Supplementary Land Use Regulations (cont'd)**

- C. Roof-Mounted Satellite Dish Antennas. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to roof-mounted satellite dishes:
- (1) The maximum diameter of any roof-mounted satellite dish shall not exceed three meters (118.11 inches).<sup>95</sup>
  - (2) The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four feet.
  - (3) The "dish" portion of the apparatus shall have a surface of open mesh construction and shall not have a solid surface.
  - (4) The apparatus shall be painted a color which complements its environment and shall bear no advertisement, picture, lettering, or visual image.
  - (5) All wiring and grounding of the apparatus shall be in accordance with the National Electrical Code.
  - (6) The apparatus, its mounting, and all supporting devices shall be constructed and erected in accordance with Sections 614.0 and 615.0 of the BOCA Basic Building Code, directly upon the roof of the principal building and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached.
  - (7) The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

**1718 SHOPPING CENTERS**

- A. Minimum Lot Area: Five (5) acres, and the entire side shall be treated as a single lot.
- B. Minimum Lot Width: None, except that the site shall abut a primary public arterial or minor arterial street as designated by the Official Thoroughfare Plan, for a minimum total frontage distance of three hundred fifty (350) feet, and all parking and yard space requirements must be satisfied.
- C. Minimum Yard Requirements: In all cases, structures shall be set back from front right-of-way lines a minimum of fifty (50) feet. All pavement areas shall be a minimum of fifteen (15) feet from right-of-way. Structures shall be set back at least thirty (30) feet on side and back from lot lines. Where lot lines abut residential districts, structures shall be set back on side and rear a minimum of fifty (50) feet from such lot lines and pavement areas shall be at least twenty (20) feet from such lot lines. Yard requirements apply to accessory buildings.

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<sup>95</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- D. Maximum Lot Coverage: Structures or paved areas shall not cover more than eighty (85) percent of the site. At least fifteen (15) percent of the site shall be landscaped with natural vegetation.
- E. Maximum Building Height: 40 feet.
- F. Parking Areas shall be no closer to main structures than ten (10) feet.
- G. Site Development Standards:
  - (1) All applicable County Subdivision Regulations, Township sign regulations, parking and landscaping and all other regulations of this Zoning Resolution must be satisfied.
  - (2) Parking accommodations and a system to handle traffic shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming with **Article 19** (Off-Street Parking and Loading Facilities) and showing traffic movement, ingress and egress, provisions for delivery and service vehicles, service drives, traffic control points, the number and size of parking spaces and service areas. Parking areas shall be adequately lighted.
  - (3) Provisions for storm drainage shall be adequate to protect the public and owners of surrounding land.
  - (4) Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.
  - (5) A plan shall be submitted showing expected types of tenancy, building gross square footages and additional auxiliary uses.
  - (6) The Zoning Commission may request additional information from the applicant and attach conditions for approval as are deemed necessary to meet the objectives of this Zoning Resolution.
  - (7) Outdoor storage and display of merchandise on pedestrian areas is prohibited unless a five foot strip is left for pedestrian traffic.
  - (8) Shopping center developments must either be served by an approved public sanitary wastewater collection and treatment system or other sanitary system as approved by the Ohio Environmental Protection Agency and the Knox County Board of Health.

**1719 TEMPORARY BUILDINGS AND USES**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary Zoning Permit, at least seven days before the instigation of such use an application for a zoning permit shall be made to the Zoning Inspector which shall contain a graphic description of the property to be used, a description of the proposed use and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- A. The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:
- (1) Real estate sales offices which shall contain no living accommodations shall be permitted within any district for any new subdivision for a period of one year, except that two, 6-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
  - (2) Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first.
  - (3) Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed seven (7) consecutive days shall only be issued three times within any twelve (12) month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than twenty-five (25) percent of the required parking area.
  - (4) Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two consecutive days shall only be issued three separate times for any particular lot within any twelve (12) month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner giving his permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any event, the zoning permit shall be prominently displayed at the site.
  - (5) *Temporary Residence.* A mobile or manufactured home may be used as a temporary residence on a lot while a dwelling is being constructed thereon.
    - (a) A \$2,500 cash bond must be submitted to the Clinton Township Trustees before any mobile home can be installed on said lot.
    - (b) In no case, shall the above listed structure be allowed to exist more than eighteen (18) months.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- (c) A zoning permit shall be required for use of temporary dwelling quarters.
- B. Written application for a permit shall be made to the Zoning Inspector. The application shall include:
  - (1) The address of the property and the name, address, and telephone number of the owner and occupant of the property.
  - (2) A description of the home occupation sought to be carried on.
  - (3) The number and names of persons to be involved in the home occupation.
  - (4) Any additional information required by the Board of Zoning Appeals to establish the advisability of granting the permit.

**1720 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNA <sup>96</sup>**

A. Purpose

The regulations in this article embody the requirements of the statutes of the State of Ohio for telecommunication towers in unincorporated Township territory. The purpose of the following regulation is to establish general guidelines for the siting of towers and antennas. These regulations serve the following goals:

- (1) To encourage the location of towers in nonresidential/non-historical areas and to minimize the total number of towers in the Township;
- (2) To enhance the ability of telecommunication service providers to deliver such services to the community quickly, effectively, and efficiently;
- (3) To promote the maximum efficiency of such constructions, encouraging shared towers or leased space for other communication equipment at all times when it is financially and practically feasible;
- (4) To encourage users of towers and antennas to locate in areas where adverse impacts on the Township citizens are minimized and to encourage the configuration of towers and antennas in a way which minimizes the visual impact they create.

B. Exemption For Telecommunication Towers Owned Or Used By A Public Utility

- (1) *General Exemption.* This Resolution shall not apply where a public utility, whether publicly or privately owned, and engaged in the provision of telecommunications services, intends to locate, erect, construct, reconstruct, change, alter, maintain, remove, use, or enlarge any proposed wireless telecommunications facility it owns or uses.
  - (a) Exception. However, where a person intends to construct a telecommunications tower to be owned or used by a public utility in an

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<sup>96</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 17 – Supplementary Land Use Regulations (cont'd)**

unincorporated area zoned for residential use, or anywhere in Clinton Township within one hundred (100) feet of a residential dwelling, where the tower is proposed to top at a height that is greater than either the maximum allowable height of residential structures in the district, the general exemption from this Resolution shall apply only when the person proposing to construct the tower provides the notice required in **Paragraph (2)** (Required Notice) and where the Township does not send timely, written notice to the person proposing to construct the tower that the Township Zoning Resolution shall apply. (See **Paragraph (3)(b)**.)

- (b) *Determination of "Public Utility" Status.* The determination whether an applicant is a public utility shall require a determination of law and fact. The Zoning Inspector may seek an opinion and guidance on the application of this public utility exemption from the Township Legal Advisor.
  - (c) *Limitation on Resolution Application.* Even where the general exemption for a public utility engaged in the provision of telecommunications services does not apply, this Zoning Resolution shall not apply to a telecommunication tower owned or used by a public utility engaged in the provision of telecommunications services, with respect to the maintenance or use of the proposed telecommunication tower or any change or alteration that would not substantially increase the tower's height.
- (2) *Required Notice by Public Utility.* Any person who plans to construct a telecommunications tower to be owned or used by a public utility in an unincorporated area zoned for residential use, or anywhere in Clinton Township within one hundred (100) feet of a residential dwelling, shall provide written notice in clear and concise language of the public utility's intent to construct a telecommunication tower and a description of the subject property sufficient to identify the proposed location of the tower. The notice shall be sent by certified mail, return receipt requested, and the letter's header should reference the Certified Mail Return Receipt number (the certified mail tag's serial number). If the notice is returned unclaimed or refused, the person proposing to construct the tower shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice. The notice shall be sent to the following individuals:
- (a) *Surrounding Property Owners.* Notice shall be given to all owners of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed. Notice shall also be given to any owner and any occupant of residential dwellings within one hundred (100) feet of the proposed tower location. Such notice shall also include a statement that within fifteen (15) days of the date of mailing the notice, the property owner may make a written request to the Board of Trustees that the standards of the Clinton Township Zoning Resolution should apply to the proposed location of the tower.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

(b) *The Clinton Township Board of Trustees.* Notice to the Board of Trustees shall also include verification that notices to surrounding property owners have been given as required. Such verification shall include a photocopy of each letter (showing the Return Receipt serial number) and a photocopy of each certified envelope with the tags in place and the stamp on it, the mailing list drawn from the County Auditor's current tax list, copies, and a parcel map drawn to scale which indicates how those persons required to receive notice were selected.

(3) *Response to the Board of Trustees from Surrounding Property Owners or Trustees*

(a) *Procedure upon Response from Surrounding Property Owners or Trustees.* In the event that the required notice of Paragraph (2) is given by the person proposing to construct the tower, and if the Board of Trustees receives a notice/objection from any such property owner or member of the Board of Trustees within fifteen (15) days after the date of mailing of the required notice, the Trustees shall request that the Township Clerk send the person proposing to construct the tower written notice that the tower shall be subject to the Township Zoning Resolution. The Clerk's notice shall be sent within five (5) days of the date the Trustees received the notice/objection, and upon the date of the mailing, the terms of this Zoning Resolution shall apply to the tower.

(b) *Procedure upon No Response from Surrounding Property Owners or Trustees.* In the event that the required notice of Paragraph (2) is given by the person proposing to construct the tower, but the Board of Township Trustees does not receive a timely notice/objection from any such property owner or member of the Board of Trustees within fifteen (15) days after the date of mailing of the required notice, then the Township is divested of all power to regulate the location, erection, construction, reconstruction, change, alteration, removal, and enlargement of the tower, without exception.

C. Contents Of Application For a Wireless Telecommunication Tower

An application for a Zoning Permit for a Wireless Telecommunication Tower shall be filed with the Zoning Inspector by at least one (1) owner or lessee of property for which such use is proposed. Aerial photos and/or renderings may augment the plot plan. When the proposed facility is to include a new tower, a plot plan, including all building uses within 300 feet, shall be required at a scale not less than one inch equal to 100 feet. An application for an attached tower shall contain a drawing of the property at a scale of one (1) inch to a hundred (100) feet. All applications shall indicate the following information:

- (1) Total site area;
- (2) The existing zoning of the property on all adjacent properties;

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- (3) All public and private rights-of-way and easement lines located on or adjacent to the property and the proposed plan for these lines whether they are to be continued, created, relocated or abandoned;
- (4) Existing topography with a maximum of five (5) foot contour intervals and proposed grading plan with a maximum of five (5) foot contour intervals;
- (5) The location of all existing buildings and structures and the proposed location of the telecommunication tower or antenna and all dimensions, heights and floor area of any support buildings or structures, including elevations showing width, depth, and height of the telecommunications facility as well as the specifications of the antenna and support structure;
- (6) The locations and dimensions of all curb cuts, roads, parking and loading areas (including number of spaces), spot grades, materials list, drainage plans, and lighting plans;
- (7) A landscape plan to include all proposed sidewalks, open space, screening, fencing, walls and vegetation;
- (8) All existing and proposed utilities including types and grades;
- (9) The project/construction schedule;
- (10) A written statement by the applicant as to the visual, electronic, and aesthetic (e.g., design, color) impacts of the proposed tower or antenna on all adjacent properties;
- (11) A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design and proof of compliance with nationally-accepted structural standards published by the American National Standards Institute/Electronic Industry Association section 222-F, as amended, and that all FCC and FAA requirements will be met and addressed;
- (12) An inventory of the applicant's existing antennas or towers that are within the Township boundaries with specific information about the location, height, and design of each tower or antenna.
- (13) An inventory of all other anticipated tower or antenna locations within the Township. [The inventory of anticipated sites shall not trigger the required notice requirements for those sites which are provided pursuant to [Section 1720.B.\(2\)](#) (Required Notice by a Public Utility); separate notice shall be required for each site on which an applicant proposes to construct a telecommunications tower.]
- (14) A summary explanation of why the proposed facility cannot be located on any other existing structure or tower, using sound engineering evidence to demonstrate that the proposed location is necessary in the interest of public safety or practical necessity to satisfy the necessary function in the wireless

**Article 17 – Supplementary Land Use Regulations (cont'd)**

telecommunication grid system. The applicant is required to provide evidence that it has investigated and exhausted all other possible options for co-location with another facility or attachment to another structure. Written proof of the contact with owners of all other possible locations, including those of tall structures, within a one (1) mile radius of the proposed site and the requests for permission to install the telecommunications equipment on those structures must be supplied. Denial of permission should be for reasons other than economic ones. The Township may deny the application to construct a new telecommunications tower if the applicant has not made a good faith effort to mount telecommunication antenna on existing structures;

- D. Review by Board of Zoning Appeals. Upon submission of a complete application to the Zoning Inspector, conditional use review will be undertaken by the Board of Zoning Appeals to determine if the plan meets the purpose and requirements as established in the Zoning Resolution. Collocation of antennas on a single tower, antennas attached to existing structures/buildings, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the Conditional use permitting process.
- E. Required Bond For Discontinuance Of Use. Any person approved to construct a telecommunications tower or antenna shall file with the Township Clerk a bond in the amount of one hundred (100) dollars per lineal foot of tower to cover the cost of removal in the event of discontinued use. Such bond shall be released by the Township only upon the removal of the telecommunications tower or antenna.
- F. Telecommunications Tower Site Standards. The following standards shall apply to telecommunication towers, in addition to any other regulations which are made applicable by the terms of this Zoning Resolution:
  - (1) *Limitation in Residential Districts.* Freestanding wireless telecommunication facilities are prohibited in single-family or two-family residential districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, or utility) located in these districts. In applying for a permit in such a residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate district. Once those efforts have been exhausted, a wireless telecommunications facility may be located in such a residential district. However, antennas attached to existing buildings or structures are allowed if the location on the structure shall minimize the visibility of said device.
  - (2) Where possible, an antenna for a wireless telecommunications facility shall be attached to an existing structure or building (such as a water tower, or other free-standing, non-residential structure). A wireless telecommunications facility may be allowed on a property with an existing use subject to the following conditions:
    - (a) The existing use on the property may be any permitted use in the district or any lawful, nonconforming use, and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will



**Article 17 – Supplementary Land Use Regulations (cont'd)**

not be considered an addition to the structure or value of a nonconforming use.

- (b) The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
- (3) *Collocation.* New telecommunication towers within one (1) mile of an existing telecommunication facility shall be discouraged in favor of collocation. Although the initial capacity may be for one (1) antenna, the structure shall be designed to serve as a base for a reconstructed tower with the capacity for three (3) providers when constructed to the maximum allowable height of two hundred (200) feet above the finished grade. The applicant shall provide a statement that the owner of the tower is willing to permit other users to collocate telecommunication facilities at the tower location on a commercially-reasonable basis where the facility will not interfere with the primary purpose of the tower, and that priority for the collocation on the proposed tower shall be given to antennas that will serve a public safety need for the community.
- (4) *Equipment Shelters.* Underground equipment shelters are encouraged, especially in non-industrial districts, and may be required in residential districts. The maximum size of an equipment shelter shall be three hundred (300) square feet for a single shelter, or, if there is more than one, seven hundred fifty (750) total square feet. Equipment shelters shall comply with the minimum setback requirements for the district.
- (5) *Guy Wires.* All guy wire anchorage locations shall be surrounded by a security fence.
- (6) *Lot Characteristics.* Preference for lots shall be given to towers proposed in wooded or forested areas over those proposed for open fields or hills. The minimum lot size requirement for freestanding telecommunication towers shall be the greater of the following:
  - (a) The minimum size required by the Township zoning district,
  - (b) The minimum lot required to accommodate the setback requirements for the tower height and supports.
- (7) *Access.* The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use. Applicants will provide evidence of legal access rights to the tower site thereby maintaining this access regardless of other developments that may take place on the site. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.
- (8) *Setbacks from the Base of the Tower.* If a new telecommunications tower is to be constructed, the minimum distance between the base of the tower or any guy

**Article 17 – Supplementary Land Use Regulations (cont'd)**

wire anchors and any existing off-site residence or previously platted residential lot lines shall be the greater of the following:

- (a) The minimum set back required in the particular zoning district.
  - (b) A distance equal to the height of the tower from any single-family or two-family residential use or district lot line.
- (9) *Maximum Height.* The maximum height of a freestanding Telecommunication Tower shall be 200 feet (includes antenna). The maximum height of attached Telecommunication facilities shall not increase the height of the existing structure by more than twenty (20) feet or twenty (20) percent of the building height above the existing building or structure, whichever is greater, and as long as such addition will not create hazards to aviation, property or persons.
- (10) *Buffer Plantings.* An evergreen screen shall be located around the perimeter of the security fence. The plantings shall consist of a hedge, planted three (3) feet on center maximum, or a row of evergreen trees planted five (5) feet on center maximum.
- (11) *Color.* Unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA), a telecommunications tower shall be painted a non-contrasting gray or similar color minimizing its visibility, or when attached to an existing structure, the tower shall be painted a color which is compatible or identical to the structure on which it is located.
- (12) *Lighting.* No tower under one hundred fifty (150) feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower up to two hundred (200) feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security down-lighting around the equipment shelter is permitted as long as lighting does not cause glare or illuminate across the property line.
- (13) *Signage.* No advertising is permitted anywhere on the facility, with the exception of identification signage. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- (14) *Tower safety.* The tower owner shall demonstrate that the proposed telecommunications tower and antenna ties are safe and that the surrounding properties will not be harmed.
- (a) A soil report complying with the standards of ANSI/EIA 222-F (Annex I: Geotechnical Investigations for Towers), as amended, shall be submitted to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
  - (b) Wireless telecommunications towers and antennae shall be designed to withstand sustained winds of at least 80 miles per hour.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

- (c) The ANSI/EIA section 222-F (Annex H: Commentary on Ice Design Criteria for Communications Structures) shall be consulted for ice load specifications.
  - (d) The applicant shall demonstrate that the proposed tower complies with all Federal Aviation Administration regulations concerning safety.
  - (e) The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
- (15) *Maintenance.* Any owner of property used as a telecommunications tower site shall maintain the property and all structures in good condition, maintain landscaping and keep the site free from trash, outdoor storage, weeds and other debris. Any tower found through inspection by the owner or that Zoning Inspector to be structurally unsafe shall be removed at the tower owners' expense if it cannot be brought into compliance within one hundred eighty (180) days of the inspection.
- (16) *Discontinued Tower.* The owner or operator of a Telecommunication Tower shall provide a report to the Zoning Inspector notifying him of any tower facility located in the Township whose use will be discontinued and the date this use will cease. "Discontinued" shall include in its meaning that the structure has not been maintained, has been abandoned, becomes obsolete or has ceased the daily activities or operation for which it was constructed. Towers which are not used for a period of two (2) years or more shall be removed by the tower owner within one hundred twenty (120) days of notice by the Zoning Inspector ordering such removal. (This excludes any dormancy period between construction and the initial use of the facility.) If reactivation or dismantling does not occur, the Township will remove or will contract to have removed the facility and assess the owner/operator the costs.

**Article 17 – Supplementary Land Use Regulations (cont'd)**

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# ARTICLE 18

## LANDSCAPING DESIGN REGULATIONS

### 1800 PURPOSE AND APPLICABILITY<sup>97</sup>

- A. Purpose. The intent of these landscaping design regulations and requirements is to establish minimum standards for the maintenance of existing natural amenities, and design and installation of landscape improvements. Landscaping is a critical element of the physical environment contributing to: development quality; compatibility between land uses by reducing negative physical, visual, noise, and lighting impacts; slowing the effects of erosive winds and storm water runoff pollution; preservation of existing natural areas such as woodlands, wetlands and floodplains within and adjacent to a development site; re-establishment of native plants; energy conservation by providing shade from the sun and shelter from the wind; stability of property values; and the overall improved character of the Township. The standards set forth herein define, articulate, and integrate Township planning for outdoor spaces, architectural elements, and other various site design elements.
- B. Applicability. This Article consists of a set of landscaping standards and regulations for use throughout the Township. Landscaping Plan review by the Zoning Commission is required pursuant to [Article 8](#) (Landscaping Plan Review Procedures). The following regulations address materials, placement, layout, and timing of installation.

### 1801 VISION CLEARANCE<sup>98</sup>

All landscaping between the heights of three (3) feet and eight (8) feet on corner lots and in median strips must not obstruct a driver's vision within a site triangle between points twenty (20) feet along both intersecting streets from their respective edge of pavement, or within ten (10) feet of any point of ingress or egress on a development site:

- A. Low opacity screening and short ground cover shall be substituted for required tall and high-opacity screening plant materials within vision clearance areas.
- B. No tree should be planted closer than twenty-five (25) feet to the squared sidewalk corner of a street intersection; however trees with at least eight (8) feet of limbless trunk may be permitted within the vision clearance triangle.

### 1802 BUFFERING BETWEEN INCOMPATIBLE USES<sup>99</sup>

- A. Every commercial or industrial development which adjoins or faces a residential or institutional use or any premises situated in any "R" district, including across alleys, shall provide sufficient screening in all side and rear yards so that neighboring properties are buffered from any adverse external effects of that development. The following provisions shall apply with respect to screening provided for one or more of the following purposes:

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**Article 18 – Landscaping Design Regulations (cont'd)**

- (1) A visual barrier to partially or completely obstruct the view of structures or activities;
  - (2) An acoustic screen to aid in absorbing or deflecting noise, dust, glare, etc.);
  - (3) A physical barrier to contain debris and litter.
- B. The buffer area shall consist of an area not less than ten (10) feet in width running the length of the side and/or rear yards boundary adjacent to the abutting protected use or uses.
- C. Buffers shall result in one hundred (100) percent year-round opacity to a minimum height of five and one-half (5-1/2) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2-1/2) feet and buffers shall not obstruct traffic visibility pursuant to [Section 1801](#) (Vision Clearance). An evergreen hedge or dense planting of evergreen shrubs shall not be less than four (4) feet in height at the time of planting.
- (1) Buffers may consist of one or a combination of the following as is necessary or desired to protect the adjacent land use:
    - (a) Living vegetative material such as trees, shrubs, or ornamental plants;
    - (b) Solid masonry wall.
    - (c) A solidly constructed decorative wood fence.
    - (d) A louvered fence.
    - (e) Landscaped, linear earthen mounding.
  - (2) Where vegetative and/or topographic conditions that provide a natural buffer exist prior to development of a subject property, every effort shall be made to retain such conditions and blend the natural buffer with the standards herein.
  - (3) Any masonry wall or solid, wood fence shall not exceed a maximum height of six (6) feet and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises shall be landscaped with ground cover and decorative plantings of hardy shrubs, and evergreen or flowering trees which are to be maintained in good condition.
  - (4) As an alternative to a wall or fence, linear mounding may be used as a portion of the buffer, but shall have a slope no greater than a horizontal to vertical ratio of three-to-one (3:1). Unless authorized or required by the Zoning Commission, mounding may not exceed a height of three (3) feet. Mounding shall be landscaped with an evergreen hedge or a dense planting of evergreen shrubs if maintained in good condition.

**Article 18 – Landscaping Design Regulations (cont'd)**

- D. Land Uses in a Buffer Area. A buffer area may only be occupied by utilities, screening, sidewalks and bikeways, and landscaping. No buildings, accessways, or parking areas shall be allowed in a buffer area except where an access way has been previously approved by the Township.
- E. Noise Buffering. Screening for purposes of absorbing or deflecting noise shall require a solid masonry wall in combination with decorative plantings or an increase to the buffer depth to at least fifteen (15) feet with dense plantings. The height shall be adequate to absorb noise as determined by the Zoning Inspector in relation to the nature of the use.
- F. Equivalency Provision. The requirement for the installation of buffers may be waived by the Zoning Inspector or Planning Commission if equivalent buffering is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

**1803 LANDSCAPING AND SCREENING OF OFF-STREET PARKING AREAS**<sup>100</sup>

Landscaping for off-street parking areas is necessary not only to buffer this use from incompatible adjacent land uses, but to reduce the generation of heat and water runoff and visually buffer the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout larger parking lots is required to shade and screen parking lot interiors.

- A. Screening. All off-street parking areas for more than five (5) vehicles, access drives, or other vehicle use areas shall be effectively screened on each side which adjoins or faces any residential or institutional use or any premises situated in a “R” district by a buffer meeting the requirements of **Section 1802** (Buffering between Incompatible Uses). Such screening shall consist of a dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5-1/2) feet or greater or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
- B. Interior Parking Lot Landscaping. Any open parking area (including interior drive lanes) containing more than 6,000 square feet of area or fifteen (15) or more parking spaces shall provide the following landscaping within the interior of the parking area:
  - (1) An area equal to five (5) percent of the total area devoted to parking spaces and interior lanes shall be landscaped and permeable.
  - (2) For parking areas less than thirty thousand (30,000) square feet in size, landscaping shall generally be evenly dispersed throughout the parking area in peninsulas or islands.
  - (3) For parking areas more than 30,000 square feet in size, the required landscaping shall be designed to break up the visual expanse of hard surface and create the

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**Article 18 – Landscaping Design Regulations (cont'd)**

appearance of smaller parking lots. The required landscaping may be incorporated into the parking area design so as to provide landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide a landscaped and natural asset to the site.

- (4) The minimum size of any landscaped island or peninsula shall be one hundred eighty (180) square feet, with a minimum width of nine (9) feet. All landscaped islands or peninsulas shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
- (5) The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of area devoted to parking spaces and interior parking lanes, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two (2) feet in height. Deciduous trees (either retained or planted) shall be selected which will shade a circular area having a radius of at least fifteen (15) feet when fully matured with a goal to shade at least thirty (30) percent of the parking area. New trees shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved or pervious area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5) feet above the ground.

**1804 LANDSCAPE STREET BUFFER REQUIREMENT IN MTC OVERLAY DISTRICT <sup>101</sup>**

A three (3) foot undulating landscape strip shall be provided along the full front width of a commercial or industrial lot in the MTC Overlay District. Corner lots shall have a landscape strip of required width on both frontages. The width of this landscape strip shall be not less than thirty (30) feet. The landscape strip shall be mounded at a slope no greater than a horizontal to vertical ratio of three-to-one (3:1) and remain unoccupied, except for landscape treatments as provided in this section, permitted signs, sidewalks, and driveways (generally perpendicular to the right-of-way line).

- A. Within this landscape strip, there shall be at least one (1) evergreen or small flowering deciduous tree of two and one-half (2-1/2) inch caliper, along with at least six (6) shrub plantings creatively clustered or grouped for each twenty-five (25) feet of road frontage, or pro-rated for a fraction thereof rounded to the nearest whole number.
- B. An alternate arrangement of plant materials and/or other landscape features may be proposed and approved as part of the site plan review process. Any alternatives to the requirements stated herein shall provide an equivalent level of landscape treatment.
- C. Earth mounds and decorative landscape treatments shall not impede visibility between the heights of three (3) feet and eight (8) feet at any point of ingress or egress on the development site.

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101 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)



Article 18 – Landscaping Design Regulations (cont'd)

**1805 SERVICE STRUCTURE SCREENING** <sup>102</sup>

Service structures shall be screened in all zoning districts. Service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, and other equipment or elements providing service to a building or a site.

- A. Required screening shall include a continuous planting, hedge, fence, or similar screening feature that will enclose any service structure on all sides, unless such structure must be frequently moved, in which case screening on all but one side is required.
- B. Screening established with plant materials shall provide one hundred (100) percent opacity within two (2) years of planting. All other types of screening shall completely hide service structures.
- C. The minimum height of the screening material shall be one (1) foot more than the height of the enclosed structure (within two (2) years of planting) but shall not be required to exceed ten (10) feet in height.
- D. Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area, landscaping material such as walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this district.
- E. Whenever a dumpster or similar waste collection unit is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the unit is required.
- F. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a barrier shall be provided which will prevent damage to the screening when the container is moved or emptied.

**1806 PLANT MATERIAL AND INSTALLATION SPECIFICATIONS** <sup>103</sup>

- A. Existing Vegetation. Existing landscape material on a site that is in satisfactory condition may be used to satisfy any landscaping requirement in whole or in part. if protected and maintained during the construction phase of the development.
  - (1) Every development shall retain all existing trees eighteen (18) inches in diameter or more unless it is determined that the retention of such trees would unreasonably burden the development.
  - (2) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12-½) feet (measured from the center of the trunk) of any

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<sup>102</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>103</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 18 – Landscaping Design Regulations (cont'd)**

tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably limit reasonable use of the site.

**B. New Vegetation**

- (1) All plant material shall be nursery grown and installed in accordance with accepted, good construction and horticultural practices. Plant material shall meet current standards set by the American Association of Nurserymen and shall be freshly dug, have outstanding form and be free of disease, insects and/or damage. Alternatives to these materials that can be shown to meet both the intent and requirements of this Zoning Code may be approved as part of a Landscaping Plan.
- (2) Species selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.
- (3) Whenever required vegetative landscaping materials are adjacent to parking areas or driveways, such landscaping shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles. A two (2) foot minimum distance shall be maintained between all trees or shrubs and the edge of the pavement where vehicles overhang.

**C. Grass and Ground Cover.** Grass or ground cover shall be planted on all portions of the property not occupied by structures, vehicular use areas or other plant material. If approved as part of a Landscaping Plan, ground cover may also consist of rocks, pebbles, wood chips, and/or other natural material. Any form of mulch shall only define a landscaped area and shall not be permitted to be installed in lieu of grass or ground cover.

- (1) Grass shall be planted in species normally grown as permanent lawns selected to assure slow growth and low water consumption whenever possible. To prevent the installation of short-lived or undesirable grasses as a high percentage of the mix, the installation of grass shall require:
  - (a) Seeding pursuant to the “urban mix” as set forth in the most recent edition of the ODOT Construction Materials Specifications (consisting of 35% Kentucky Bluegrass; 35% Creeping Red Fescue; 10% Annual Rye Grass; and 20% Perennial Ryegrass) or an equivalent seed mix approved in advance of installation for the area by a landscape designer and the Zoning Inspector, applied at the rate of six (6) pounds per one thousand (1,000) square feet;
  - (b) Commercial fertilizer, 12-12-12, applied at the rate of twenty (20) pounds per one thousand (1,000) square feet.

**Article 18 – Landscaping Design Regulations (cont'd)**

- (2) Ground cover shall be planted a minimum of eight (8) inches on center and shall be planted in such a manner to present a finished appearance and seventy-five (75) percent coverage after one (1) complete growing season.
- D. Vines. Shall be at least twelve (12) to fifteen (15) inches high at planting, and are generally used in conjunction with walls, fences, or other buffering.
- E. Shrubs. Shrubs shall be at least twenty-four (24) inches in average height and spread at the time of planting. Where required for buffering, shrubs shall form a continuous, year-round, solid visual screen within five (5) years after planting.
- F. Trees. The trees shall be species which are resistant to damage and disease and which do not cause interference with underground utilities or street lighting. It is advised that a tree with an ultimate height of less than forty (40) feet be used. Evergreen trees shall be a minimum of four (4) feet tall.
- (1) *Characteristics*. Trees shall represent the best possible combinations of the following characteristics:
- (a) *Diversity*. Planting diversity is the goal of the tree program to prevent an over-dependence on a few species. Over-use of a few species is inevitable without a conscious effort to vary plant species and families. The use of several varieties adds interest to the plantings of the Township and insures against the loss of all trees in case of an epidemic disease striking any one species. The International Society of Arboriculture's "Diversification Formula" shall be used as a guideline to prevent over planting of a single species or family. This formula states that, out of the total planting, no more than 10% should be from one family, and no more than 5% should be of one species.
  - (b) *Hardiness*. Resistance to extreme temperatures; resistance to drought; resistance to storm damage; resistance to air pollution; and ability to survive physical damage from human activity.
  - (c) *Life Cycle*. Moderate to rapid rate of growth; and long life.
  - (d) *Foliage and Branching*. Tendency to branch high above the ground; wide spreading habit; and relatively dense foliage for maximum shading.
  - (e) *Maintenance*. Resistance to pests; resistance to plant diseases; little or no pruning requirements; and no significant litter problems.
- (2) *Preferred Tree Species*. The species of trees encouraged are Red Maple, Norway Maple, Sugar Maple, Sycamore Maple, Red Oak, Thornless Honey Locust, London Plane Tree, Amur Cork Tree and Sweet Gum, Buckeye, Ruby Red Horse-chestnut, European Hornbeam, Hornbeam, American Hop Hornbeam, European Linden, or any other indigenous species. [NOTE: Review list for local zone and conditions]

**Article 18 – Landscaping Design Regulations (cont'd)**

- (3) *Hazardous Trees.* Trees which produce nuts, seeds, or fruit, low branches, unpleasant odors, excessively thick foliage, susceptibility to disease or attack by insects, or large root systems are prohibited where they may create a hazard to pedestrians or vehicles.
- (a) Poplar, Willow, Cottonwood, American Elm, Ailanthus, Mountain Ash, Silver Maple, Ash Leaved Maple and Oregon Maple shall not be planted in such a manner that the natural dripline of an average adult tree of the species planted will be any closer than three feet (3 ft.) of a pedestrian walkway or parking lot.
  - (b) Poplar, Willow or Cottonwood trees shall not be located within 100 feet of any public sewer or septic system.
- (4) *Tree Planting Specifications.* Whenever possible, planting should be done during the months of April, May, October or November. Size, balling, branching and quality of tree shall be according to U.S.A. standards for Nursery Stock Trees.
- (a) Trees normally should not be planted closer than forty (40) feet to each other.
  - (b) Present and future approaches to dwellings and garages shall be considered in location of new trees.
  - (c) Tree pits shall be dug with sides approximately vertical to a depth of twenty-two (22) inches and with a diameter of thirty-six (36) inches. When rock, hard-pan, stumps and roots, and any undesirable material is encountered, the pit shall be dug a minimum nine (9) inches greater than the approximate required depth. All undesirable material shall be removed and replaced with topsoil.
  - (d) New trees shall be planted at the same level or slightly higher than it had been at the nursery. Back fill used around a tree in the planting process shall be of good quality topsoil free of stones, roots, weeds and other undesirable material. Peat moss may be mixed with topsoil backfill but under no circumstances shall dry peat moss be used in the mixing process. A saucer shall be left around the tree. Trees shall be mulched and artificially watered to stimulate good root, stem and leaf growth. Mulching shall be of well-rotted manure or wood chips within the saucer area. When wood chips are used, a commercial fertilizer shall be used prior to placement of chips.
  - (e) New trees shall be staked with a two (2) inch by two (2) inch by eight (8) foot hardwood stake or snow fence stake. A cross tie, in the form of an "X," should be installed to support the tree and tied in such a manner that the wind does not cause the tree to de-bark upon the stake. The trunk shall be wrapped to prevent sun-scald.

Article 18 – Landscaping Design Regulations (cont'd)

**1807 LANDSCAPING MAINTENANCE STANDARDS** <sup>104</sup>

The owner/lessee or responsible party of the property shall be responsible for continued maintenance of all landscaping materials and areas in a proper, neat and orderly appearance. Proper maintenance shall be accomplished by the following standards:

- A. All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth, and free from refuse and debris at all times, and free of advertising or other signs, except for directions signs and other signs for the efficient flow of vehicles.
- B. All landscaped areas must be irrigated to provide an adequate water source, or must otherwise be designed to ensure the long-term survival of landscaping materials.
- C. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Replacement plants shall conform to the standards that govern the original installation.
- D. All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.

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<sup>104</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 18 – Landscaping Design Regulations (cont'd)**

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# **ARTICLE 19**

## **OFF-STREET PARKING AND LOADING FACILITIES**

### **1900 GENERAL REQUIREMENTS**

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Resolution.
- B. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.
- C. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

### **1901 LOCATION OF PARKING SPACES**

The following regulations shall govern the location of off-street parking spaces and areas:

- A. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
- B. Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use.
- C. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.

### **1902 MINIMUM DISTANCE AND SETBACKS**

No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

**1903 PARKING AND LOADING SPACE REQUIREMENTS**

For the purpose of this Resolution, the following parking space requirements shall apply.

- A. General Interpretations. In the interpretation of this Article, the following roles shall govern:
- (1) Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon an appeal from a decision by the Zoning Inspector.
  - (2) Fractional numbers shall be increased to the next whole number.
  - (3) Where there is an adequate public transit system or where, for any other reason, parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Inspector.
- B. Residential Parking Space Requirements
- (1) For a single-family or two-family dwelling, parking space requirement shall be two spaces for each unit.
  - (2) For apartments or multiple-family dwellings, the requirement shall be two spaces for each unit.
  - (3) For boarding houses, rooming houses, dormitories, or fraternity houses with sleeping rooms, the requirement shall be one space for each sleeping room or for each permanent occupant.
- C. Elderly Housing Parking. Each parking space provided for an elderly housing facility shall, at a minimum, measure 9 feet in width and 20 feet in length, with aisles measuring 21 feet in width. There shall be provided one such parking space per dwelling unit and per regular shift employee. The Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides three such parking spaces for every four dwelling units and one per regular shift employee, if the site plan includes a set-aside of landscaped area (which set-aside is not part of any open-space requirement and which is accessible to egress/ingress for parking purposes) should additional parking spaces be deemed necessary by the Board of Zoning Appeals subsequently.
- D. Institutional Parking Space Requirements
- (1) Parking space requirements for churches and other places of religious assembly shall be one space for each five seats.
  - (2) For hospitals, the requirements shall be one space for each bed.
  - (3) Libraries, museums, and art galleries shall have one space for each 400 square feet of floor area.



**Article 19 – Off-Street Parking and Loading Facilities (cont'd)**

- (4) Medical and dental clinics shall have one space for every 200 square feet of floor space in area of examination, treating room(s), and waiting room.
- (5) Sanitariums, homes for the aged, nursing homes, children's homes, asylums, and similar uses shall have one space for each two beds.

**E. Schools (Public, Parochial, or Private)**

- (1) For kindergartens, child care centers, nursery schools, and similar uses, the requirement shall be two spaces for each classroom, but not less than six for the building.
- (2) The parking space requirement for elementary and junior high schools shall be two for each classroom, and one for every eight seats in auditoriums and assembly halls.
- (3) For high schools, the requirement shall be one parking space for every 10 students, plus one for each teacher and employee.
- (4) For business, technical and trade schools, the requirement shall be one space for each to students.
- (5) For colleges and universities, the requirement shall be one space for each four students.

**F. Commercial**

- (1) For automobile service garages which also provide repair, the requirement shall be one space for each two gas pumps, or two for each service bay.
- (2) Banks, financial institutions, and similar uses shall have one space for each 200 square feet of floor area.
- (3) For funeral parlors, mortuaries, and similar uses, the requirement shall be one for each 100 square feet of floor area in slumber rooms, parlors, or service rooms.
- (4) For hotels or motels, the requirement shall be one space for each sleeping room, plus one space for every two employees.
- (5) Offices, and public or professional administration or service buildings shall have one space for each 400 square feet of floor area.
- (6) Retail stores shall have one space for each 250 square feet of floor area.
- (7) All other types of business or commercial uses permitted in any business district shall have one space for each 300 square feet of floor area.

**G. Recreational or Entertainment**

**Article 19 – Off-Street Parking and Loading Facilities (cont'd)**

- (1) Auditoriums, sports arenas, theaters, and similar uses shall have one space for each four seats.
  - (2) For bowling alleys, the requirement shall be four spaces for each alley or lane, plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
  - (3) For dance floors or skating rinks, the requirement shall be one space for each 100 square feet of floor area used for the activity.
  - (4) For dining rooms, restaurants, taverns, night clubs, etc., the requirement shall be one space for each 200 square feet of floor area.
  - (5) For outdoor swimming pools (public, community, or club), the requirement shall be one space for each five person capacity, plus one for each four seats, or one for each 30 square feet of floor area used for seating purposes, whichever is greater.
- H. Off-Street Storage Areas for Drive-In Services. Establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street storage areas in accordance with the following requirements:
- (1) Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
  - (2) Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.
  - (3) Self-serve automobile washing facilities shall provide no fewer than three storage spaces per stall. All other automobile washing facilities shall provide a minimum of six storage spaces per entrance.
  - (4) Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be closer than 15 feet to any street right-of-way.
- I. Manufacturing Parking Space Requirements
- (1) Parking space requirement for all types of manufacturing, storage, and wholesale uses permitted in any manufacturing district, shall be one space for every two employees (on the largest shift for which the building is designed), plus one for each motor vehicle used in the business.

**Article 19 – Off-Street Parking and Loading Facilities (cont'd)**

- (2) For cartage, express, parcel delivery, and freight terminals, the requirement shall be one space for every two employees (on the largest shift for which the building is designed), and one for each motor vehicle maintained on the premises.
  
- J. Handicapped Parking. Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:
  - (1) For lot/structure having up to 100 spaces, the number of designated handicapped accessible spaces shall be one per 25.
  - (2) For lot/structure having 101 to 200 parking spaces, the number designated handicapped accessible shall be four, plus one per 50 spaces over 100.
  - (3) For lot/structure having 201 to 500 parking spaces, the number designated accessible for handicapped shall be six, plus one per 75 spaces over 200.
  - (4) For lot/structure having over 500 parking spaces, the number designated accessible for handicapped shall be 10, plus one per 100 spaces over 500.
  
- K. Loading Space Requirements. One(1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet. One (1) loading space shall be provided for each additional 10,000 square feet, or fraction thereof.

**1904 JOINT USE**

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

**1905 PARKING AND LOADING AREA DESIGN**

- A. Parking Space Dimensions. A parking space shall have minimum rectangular dimensions and aisles, exclusive of driveways and other circulation areas, of not less than the following dimensions:

<b>Parking Angle</b>	<b>Width of Parking Space</b>	<b>Length of Parking Space</b>	<b>Width of Driveway Aisle</b>
90 degrees	9 feet	19 feet	25 feet
60 degrees	10 feet	19 feet	17-1/2 feet
45 degree	12 feet	19 feet	13 feet
parallel parking	9 feet	23 feet	12 feet

- B. Loading Space Dimensions. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet.

**Article 19 – Off-Street Parking and Loading Facilities (cont'd)**

**C. Driveways**

- (1) **Access.** To preserve and maintain efficient traffic movement, all access to lots from State routes shall be reviewed by the Ohio Department of Transportation and access to county and township roads shall conform to County Access Management requirements. Any parking area over four (4) spaces 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.<sup>105</sup>
- (2) **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 shall be fourteen (14) feet except for forty-five (45) degree parking, in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

- D. **Paving.** The required number of parking and loading spaces as set forth in **Section 1903** (Parking and Loading Space Requirements), together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable and dust-free surface.
- E. **Striping.** All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines, six (6) inches wide on both sides of center between stalls to facilitate the movement into and out of the parking stalls.
- F. **Wheel Blocks.** Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
- G. **Drainage.** All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
- H. **Lighting.** Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. A cutoff type luminaire shall be used to illuminate a parking lot and shall be so arranged as to reflect the light away from the adjoining property. When located adjacent to business uses, the light source shall not be visible at a height greater than five feet above ground level. When located adjacent to residential uses, the light source shall not be visible at ground level or above.

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105 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 19 – Off-Street Parking and Loading Facilities (cont'd)**

- I. Screening and/or Landscaping. Parking areas shall meet the landscaping and screening requirements of **Section 1803** (Landscaping and Screening of Off-Street Parking Areas).<sup>106</sup>

**1906 MAINTENANCE**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

**1907 DISABLED VEHICLES**

The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

**1908 PARKING AND STORAGE OF VEHICLES AND TRAILERS**

A. In Residentially Zoned Districts

- (1) *Parking of Commercial Vehicles and Trailers in Residential Districts.* No commercial vehicle with a net capacity rating in excess of two and one-half (2-1/2) tons, including commercial tractors, automobiles, trucks, buses, house trailers, farm equipment and machinery, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.<sup>107</sup>
- (2) *Licensed boats or Recreational Vehicle.* A maximum of one (1) boat with trailer and/or one (1) trailer and/or one (1) unoccupied recreational vehicle may be stored in the rear yard or side yard of any residentially zoned property if it has a current license, meets the requirements for accessory structures, and is screened according to the requirements of this Resolution.<sup>108</sup>
- (3) *Unlicensed Vehicles or Trailers.* No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.

B. Long-Term Parking Facilities For All Types Of Vehicles. In addition to complying with all other provisions of this Resolution, the applicant shall comply with the following conditions whether or not the long-term parking facility is an accessory use or primary use of a lot:

- (1) That no boundary of the proposed parking area is within fifty (50) feet of a residential district boundary.

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<sup>106</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>107</sup> Amended by Resolution 2003-1-7 adopted January 6, 2003 (effective February 5, 2003)

<sup>108</sup> Amended by Resolution 2003-1-7 adopted January 6, 2003 (effective February 5, 2003)

**Article 19 – Off-Street Parking and Loading Facilities (cont'd)**

- (2) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- (3) That the proposed parking area will be screened in such a manner that the vehicles, thereon, parked will not be visible from the ground level of any adjacent residential properties.
- (4) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
- (5) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

# **ARTICLE 20**

## **SIGN/Billboard REGULATIONS<sup>109</sup>**

### **2000 INTENT**

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

### **2001 SIGNS EXEMPT FROM THIS ARTICLE**

For the purpose of this Resolution, "sign" does not include publicly-owned signs, such as traffic control signs and directional signs, which are erected and maintained pursuant to, and in discharge of, any governmental function, or required by any law, ordinance, or governmental regulation.

### **2002 PROHIBITED SIGNS<sup>110</sup>**

- A. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar services where such motion change to the sign occurs not more than once every fifteen (15) seconds.
- B. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- C. No sign shall be placed in any public right-of-way.

### **2003 MEASUREMENT OF SIGN AREA**

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

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<sup>109</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

<sup>101</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

Article 20 – Sign Regulations (cont'd)

**2004 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS**

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

- A. Sign Setbacks. Except as modified in this Section, signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. Signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.
- B. Sign Illumination. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. A cutoff type luminaire is required and, in no event, shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. This section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar services where such motion change to the sign occurs not more than once every fifteen (15) seconds.<sup>111</sup>
- C. Construction. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code.
- D. Roof Signs. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- E. Portable or Temporary Signs. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in [Section 2006.A.\(1\)](#) (Temporary Signs), herein.
- F. Emergency Egress. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- G. Maintenance
  - (1) Every sign and the immediately surrounding premises shall be maintained by the owner or person in charge thereof, in a clean, sanitary, and inoffensive condition free and clear of all obnoxious substances, rubbish, and weeds.
  - (2) All signs, together with all supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection.

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<sup>111</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)



**Article 20 – Sign Regulations (cont'd)**

- (3) All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.
- (4) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

**2005 SIGNS NOT REQUIRING A PERMIT**

The following signs are permitted in all districts and shall not require a permit:

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- B. Professional name plates not to exceed four (4) square feet in area.
- C. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.
- D. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter shall be permitted on any property.

**2006 SIGNS REQUIRING A PERMIT**

All temporary and permanent signs to be erected within Clinton Township, except those specifically excluded herein, shall require a permit before being erected.

A. Signs Permitted in any District

(1) *Temporary Signs*

- (a) Event Signs. Temporary signs not exceeding fifty (50) square feet in area announcing special public or institutional events and/or the erection of a building and/or its architect, builders, or contractors may be erected for a period of sixty (60) days, plus the construction period. Such temporary signs shall conform to the general requirements listed in [Section 2004](#) (General Requirements for All Signs and Districts), the setback requirements in [Section 2004.A](#). (Sign Setbacks), and in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in [Section 2000](#) (Intent).
- (b) Political Signs. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign pertaining to an election shall be posted more than ninety (90) days before an election and all candidates for

**Article 20 – Sign Regulations (cont'd)**

public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day. Political signs posted in violation of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of **Section 2007.C.(3)** (Sign Violations) has been given. <sup>112</sup>

- (c) *Real Estate Signs*. Real estate signs may be erected not less than ten (10) feet from the established right-of-way line of any street or highway, provided such sign does not obstruct traffic visibility at street or highway intersections.

(2) *Public- and Quasi- Public Signs*

- (a) *Maximum Area*. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
- (b) *Setback*. Bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway, provided such bulletin board does not obstruct traffic visibility at street or highway intersections.

(3) *Permanent Subdivision Identification Signage* <sup>113</sup>

- (a) Residential subdivisions or commercial, or industrial parks may display permanent identification signage, limited to wall mounted signs or graphics only, for example, with placement of a brick wall, railroad ties, entrance columns on each side of a street, or on a similar architectural or landscaping entrance feature that maybe used. Pole type signage is hereby prohibited.
- (b) Under no circumstances shall such feature create a visibility hazard to the safe movement of traffic, nor impair the future utilization or expansion of public roads.

- (4) *Window Signs*. <sup>114</sup> No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of any window surface. <sup>115</sup>

(5) *Nonconforming Signs* <sup>116</sup>

- (a) *Wall Signs Pertaining to Nonconforming Uses*. On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed twelve (12) square feet.

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<sup>112</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>113</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>114</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>115</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

<sup>116</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 20 – Sign Regulations (cont'd)**

- (b) The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by voluntary abandonment. Abandonment shall be determined at a public hearing. Upon a finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately. A sign shall be considered abandoned when it has been voluntarily discontinued for at least two (2) consecutive years. Evidence of voluntary discontinuance shall include: when the sign is associated with an abandoned use or a business that has ceased operations and is closed to the public; when the sign remains after the termination of a business; and when the sign is not maintained.
- (c) A nonconforming sign shall not be structurally relocated unless it is brought into compliance with the provisions of this chapter. Should relocation take place without being brought into compliance, the sign shall exist illegally and is subject to mandatory removal after written notification is issued by the Zoning Inspector. The owner and/ or person in charge of such sign is responsible for all costs associated with removal.<sup>117</sup>
- (d) The size and structural shape of a nonconforming sign shall not be changed or altered.
- (e) In case damage occurs to the sign to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign, the sign shall be brought into compliance. Where damage to the sign is less than fifty (50) percent of the structure or its replacement value, the sign shall be repaired within sixty (60) days.
- (f) A nonconforming sign shall be maintained or repaired in accordance with the following provisions:
  - 1. The copy may be changed provided that the copy area shall not be enlarged and the sign shall not be made more nonconforming than at the time the sign became nonconforming.
  - 2. Every sign and the immediately surrounding premises shall be maintained by the owner or person in charge thereof, in a clean, sanitary, and inoffensive condition free and clear of all obnoxious substances, rubbish, and weeds.
  - 3. All signs, together with all supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection.

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<sup>117</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

**Article 20 – Sign Regulations (cont'd)**

- B. Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit. The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.
- (1) *Building Signs.* In a commercial or manufacturing district, each business shall be permitted one (1) flat or wall on-premises sign.
    - (a) The area of all permanent, on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each linear foot of building width, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.
    - (b) *Projecting Signs.* No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
  - (2) *Free-Standing Signs.*<sup>118</sup> There shall be only one (1) free-standing sign for each building, regardless of the number of businesses conducted in said building.
    - (a) All free-standing signs shall be limited to being ground-mounted; however, free-standing sign supports may be authorized after conditional use review by the Board of Zoning Appeals. Free-standing sign supports shall not be over eight (8) feet in height above grade with top of sign not exceeding post height.<sup>119</sup>
    - (b) The sign shall have a maximum total sign area of one hundred (100) square feet, (50 square feet on each side).
    - (c) The sign shall be located not closer than thirty (30) feet to any adjoining lot line.
    - (d) Landscaping is required around all ground signs.
    - (e) The sign may be erected to serve a group of business establishments.
  - (3) *Limitation.*<sup>120</sup> For the purposes of this resolution, on-premises outdoor advertising signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of ORC Chapter 5516 and the regulations adopted pursuant thereto.

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<sup>118</sup> Amended by Resolution 2004-7-18 adopted July 19, 2004 (effective August 18, 2004) and Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>119</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

<sup>120</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 20 – Sign Regulations (cont'd)**

**2007 BILLBOARDS REQUIRING A PERMIT<sup>121</sup>**

All Billboards to be erected in Clinton Township shall require a permit before being erected. The Zoning Inspector shall regulate and enforce the requirements of this Article.

**A. Placement on property.**

- (1) All Billboards shall be located in compliance with all State & Federal regulations controlling same.
- (2) Billboards shall be located behind building set back lines established for the district in which the Billboard will be located.
- (3) Billboards shall be at least 25 feet from any side or rear lot line.
- (4) No billboard shall be located within the Right-of-way of public or private road within Clinton Township.
- (5) No billboard shall be located nearer than 1000 feet to a residence.
- (6) No billboard shall be located nearer than 1000 feet to non-residence inhabitant building or structure, and may not be located such that it could present a public safety hazard if overturned onto a power line or gas line.

**B. Features**

- (1) There shall be no flashing lights, internal lighting or motion display for the purpose of attracting attention.
- (2) All billboard parts, surfaces and areas surrounding the billboard shall be properly maintained and not allowed to become unsightly.
- (3) The advertising surface will be a maximum of 300 square foot for one side.
- (4) The billboard can be either single or two sided with a maximum 300 square foot per side and only one ground support system.
- (5) All billboards will not be attached to any other structure. The support system will be constructed of new modern day materials and installed per approved engineering practices and a wind pressure of at least 30 pounds per square foot.
- (6) An information plaque, no larger than  $\frac{3}{4}$  (.75) square foot with the owner or responsible person's phone number and the zoning certificate number, will be attached to the structure at eye level.
- (7) No billboard shall exceed 20 feet in height above grade level nor have a length in excess of four times the height of the sign face.

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<sup>121</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

## Article 20 – Sign Regulations (cont'd)

- (8) No illuminating service for any billboard shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.

### 2008 ADMINISTRATION OF SIGNAGE <sup>122</sup>

The Zoning Inspector shall regulate and enforce the requirements of this Article. Application and permit procedure is as follows:

- A. Application. Except as otherwise provided above, all applications for sign/billboard permits shall be submitted to the Zoning Inspector. Applications for sign permits shall contain the following information:
- (1) Two copies of plans and/or blueprints to scale of signage or billboards including details of fastenings, lighting, and any lettering, symbols, or other identification shall be submitted with the application.<sup>123</sup>
  - (2) Any information peculiar to a particular sign/billboard application which is necessary to uphold the provisions of this Article.
  - (3) An applicant for a sign/billboard permit shall pay a fee as established under **Section 302** (Schedule of Fees, Charges, and Expenses) of the Zoning Resolution, inclusive and as amended. In addition to the payment of sign/billboard application fee, the applicant shall pay a fee to cover the costs involved in any sign/billboard variance or appeals proceeding. The fee for a variance or appeal shall be as established under the general schedule of fees as provided under **Section 302** (Schedule of Fees, Charges, and Expenses).
- B. Review of Signage/Billboard Applications
- (1) Permits for signs/billboards subject to the approval of the Zoning Commission shall not be issued until such approval is certified to the Zoning Inspector.
  - (2) The Zoning Inspector shall have the power to approve or disapprove all requests for temporary sign permits. Temporary permits are not authorized for billboards.<sup>124</sup>
  - (3) The Zoning Inspector shall act on the application within thirty (30) days of receipt of the completed application.
- C. Enforcement of Signage/Billboard Requirements
- (1) The Zoning Inspector shall enforce the requirements of this Article.

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<sup>122</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>123</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

<sup>124</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

**Article 20 – Sign Regulations (cont'd)**

- (2) *Abandoned Signs/Billboards*: Except as otherwise provided, the Board of Zoning Appeals shall determine at public hearing when a sign is abandoned as is provided for in [Section 2006.A.\(5\)](#) (Nonconforming Signs), inclusive.
- (3) *Sign/Billboard Violations*. In case any sign/billboard shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under [Section 1104](#) (Penalties and Remedies for Violation) of this Resolution.

D. Variances and Appeals. Variances and appeals to this Article may be granted pursuant to the procedure and criteria set forth in [Article 2](#) (Administration), inclusive.

**Article 20 – Sign Regulations (cont'd)**

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# ARTICLE 21

## DEFINITIONS

### 2100 INTERPRETATION OF TERMS OR WORDS

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

- A. The word "person or applicant" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is a mandatory requirement, the word "may" is permissive requirement, and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" or "parcel."

### 2101 DEFINITIONS

Access Management: The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed involving a set of policies and standards that manage the number and location of access points (driveways) on the public road system. ODOT and Knox County have adopted regulations for access to streets, roads, and highways from public roads and private driveways. Regulations include, but are not limited to, restrictions on the construction of roadway access aprons, restrictions on the type, number, and location of access to roadways, and use of physical controls, such as signals, channelization, and raised medians.<sup>125</sup>

Accessory Structure: Any improvement to the property other than the main building(s), with the exception of landscaping, is an accessory structure. If a temporary building is placed on a property to provide extra space for expansion of a use, the temporary building shall also be an accessory structure.

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

Administrative and Business Offices Uses: Uses that are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.

Adult Book Store: An establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or

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<sup>125</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 21 – Definitions (cont'd)**

electronically, electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this Resolution.

Adult Entertainment Business: An adult bookstore, adult motion picture theater, adult motion picture drive-in theater, or any adult only entertainment establishment as defined by this Resolution.

Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination, or
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

Adult Motion Picture Drive-In Theater: An open-air, drive-in theater which is regularly used or utilizes 15 percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Resolution.

Adult Motion Picture Theater: An enclosed motion picture theater which is regularly used or utilizes 15 percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Resolution.

Adult Only Entertainment Establishment: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this Resolution; or which features exhibitions, dance routines, or gyrational choreography or persons totally nude, topless, bottomless; or strippers (male or female); or female impersonators; or similar entertainment or services which constitute adult material.

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

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

Alley: See Thoroughfare.

**Article 21 – Definitions (cont'd)**

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

**Amusement Arcade:** A place of business within a building or outdoor structure or any part of a building having more than five mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

**Automotive Repair:** The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**Automotive, Mobile Home, Travel Trailer and Farm Implement Sales:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**Basement:** A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.

**Billboard:**<sup>126</sup> an outdoor display intended to advertise products or services at locations where activities related to their sales, distribution, production, repair and associated administrative functions are not maintained. Billboards also include outdoor display intended to convey information, ideas, or opinions to the public at locations not used by their sponsors for other professional administrative activities.

**Bottomless:** Less than full opaque covering of male or female genitals, pubic area, or buttocks.

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, possessions, or property.

**Building, Accessory:** A subordinate building located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

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

**Building Line:** See Setback Line

**Building, Principal:** For any given lot or property, the building in which the principal use of the lot is conducted.

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<sup>126</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

**Article 21 – Definitions (cont'd)**

**Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**Business, General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersection and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances and furniture; department stores; and discount stores.

**Business Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

**Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, religious, or educational nature are also included in this classification.

**Business Services:** Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**Campground:** An area designated and provided with facilities for camping. It may or may not have designated campsites, including any structures or equipment that is used or intended to be used in connection with such accommodation.<sup>127</sup>

**Camping:** Use of any piece of equipment for sleeping, including, but not limited to, a sleeping bag, hammock, car, van, motor home, bus, trailer, tent, tarp, truck, house vehicle, pickup camper, or watercraft, for the purpose of occupying a portion of land or water during the hours of darkness for transient and temporary outdoor living.<sup>128</sup>

**Campsite:** An area within a campground which has been designated for occupancy by campers.<sup>129</sup>

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127 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

128 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

129 Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 21 – Definitions (cont'd)**

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

**Certificate of Zoning Compliance:** A document issued by the Zoning Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable regulations contained herein in this Zoning Resolution.<sup>130</sup>

**Child Day Care:** An establishment that administers to the needs of seven or more infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than the child's own home.

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

**Church:** A fellowship or group of believers, congregation, corporation, convention or association that is formed/ organized primarily or exclusively for religious purposes and duly constituted with officers and a board of trustees. Regularly holding religious services and presided over or administrated to by properly accredited officer whose name and standing is published in the official publication of the officer's religious group.

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

**Club:** A building or portion thereof or premises which is not open to the general public, used for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of its members and their guests.

**Commercial Entertainment Facilities:** Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Comprehensive Development Plan:** A plan, or any portion thereof, adopted by the planning or zoning commission and the legislative authority of Knox County showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Collocation.** The use of a telecommunication and data transfer facility by more than one telecommunications provider.<sup>131</sup>

**Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a Conditional Use Certificate and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

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<sup>130</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>131</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 21 – Definitions (cont'd)**

Conditional Use Certificate: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Corner Lot: See Lot Types.

Cul-de-Sac: See Thoroughfare.

Cutoff Type Luminaire: A unit of illumination with elements such as shield, reflectors, or refractor panels that direct and cut off the light at a cutoff angle less than 90 degrees.

Dead-End Street: See Thoroughfare.

Demolition of residential, commercial dwellings and structures: See Page 157<sup>132</sup>

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

- a. Gross Density: The number of dwelling units per acre of the total land to be developed (including public right-of-way).
- b. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses (excluding public right-of-way).

Dish: That part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolic, or similar in shape.

Dish-Type Satellite Signal-Receiving Antennas: Includes earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system. One or a combination of two or more of the following:

- a. A signal-receiving device, such as a dish antenna, whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- b. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.
- c. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

Drive-In or Drive-Through: An establishment that, by design of physical facilities or by services or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or be entertained while remaining in an automobile.

Dwelling: Any building or structure which contains one or more dwelling units.

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<sup>132</sup> Amended by Resolution 2014-9-28 adopted September 28, 2014 (effective October 28, 2014)

**Article 21 – Definitions (cont'd)**

**Dwelling Unit:** Space, within a dwelling, comprising of living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees and having its own means of entrance which can be distinguished from other dwellings.

**Dwelling, Single-Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two-Family:** A dwelling consisting of two dwelling units which may be either attached side-by-side or one above the other, and each unit having a separate entrances.

**Dwelling, Multiple-Family:** A dwelling consisting of three or more dwelling units, including condominiums with varying arrangements of entrances and party walls.

**Dwelling, Industrialized Unit:** An assembly of materials or products, comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

**Dwelling, Rooming House (Boarding House, Lodging House, Dormitory):** A 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.

**Easement:** 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 or 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.

**Existing Use:** The use of a lot or structure at the time of enactment of a zoning resolution.

**Family:** One or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

**Farm Vacation Enterprises (Profit or Non-Profit):** Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves; and watershed projects.

**Fence:** Any structure composed of wood, metal, stone, brick, or other material erected in such a manner and position as to enclose, partially enclose, or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers,

**Article 21 – Definitions (cont'd)**

or other vegetation when erected in such a position as to enclose, partially enclose, or divide any premises or any part of any premises shall also be considered a fence. Also may be called a wall.

Floor Area, Useable: The areas of all floors of a building, including basement, penthouse, enclosed porches, atriums, mezzanines, or attic story that are used for human occupancy. The useable floor area will be measured from the exterior surfaces of the walls. Useable floor area also includes the elevator shafts and spaces used for mechanical equipment with headroom of six feet, six inches or more. Useable floor area does not include cellars, unenclosed porches unless access is limited and an outdoor use is planned, or attics not used for human occupancy, or any floor space in accessory building or the main building designed for the parking of motor vehicles.

Garages, Private: An 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 service shall be provided for remuneration.

Group Care Facility or Group Residential Facilities: A group of individuals not related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under supervision of on-site management which is compensated by payment to provide organization and stability to those individuals.

Home Occupation: An activity, profession, service, craft, or revenue-enhancing hobby conducted on the premises of a dwelling by the occupants which is clearly incidental and subordinate to the use of the premises as a dwelling.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation as a short-term arrangement and is separately defined from a boarding house, rooming house, lodging house, or dormitory.

Junk Buildings, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same on which junk is stored or processed.

Kennel: Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold.

Livestock: (A) Equine (Horses) animals regardless of the purpose for which they are raised.

(B) Any of the following animals that are raised for human food products or fiber:

- (1) Porcine animals (Swine)
- (2) Bovine animals (Cattle)
- (3) Caprine animals (Goats)
- (4) Ovine animals (Sheep)
- (5) Poultry;
- (6) Alpacas;
- (7) Llamas;



**Article 21 – Definitions (cont'd)**

- (8) Any other animal designated in rules adopted under 904.03 of the Ohio Revised Code.

Livestock does not include house pets kept within a family dwelling.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries and accessible to such vehicles when required off-street parking spaces are filled.

Location Map: See Vicinity Map.

Lot: A parcel of land occupied or intended to be occupied by one or more dwellings in a residential district or a permitted building or use in a commercial or industrial district, intended as a unit for transfer of ownership, together with accessory buildings and uses customarily incident thereto. A lot includes open spaces and minimum area provisions as are required by this Resolution for the district in which the lot is situated.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: A measurement of the average horizontal distance between the front and rear lot lines.

Lot Frontage: The front of a lot shall be construed to be the portion nearest a thoroughfare, street, or road other than an alley. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.<sup>133</sup>

Lot, Minimum Area of: A measurement of the smallest area of a lot, exclusive of any portion of the right-of-way of any public or private street, which satisfies a zoning district or land use regulation.<sup>134</sup>

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

Lot Types: Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:

- a. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees.
- b. Interior Lot: A lot with only one frontage on a street.
- c. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

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<sup>133</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>134</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 21 – Definitions (cont'd)**

- d. **Reversed Frontage**: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Lot Width**: A measurement of the distance between the lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**Maintenance and Storage Facilities**: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material

**Major Thoroughfare Plan**: The portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location of recommended arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufactured Home**: A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.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. A manufactured home does not include an “industrialized unit” or a “mobile home” as defined herein.<sup>135</sup>

**Manufactured Home, Permanently-Sited**.<sup>136</sup> A manufactured home that meets all of the following criteria:

- a. The structure is affixed to a permanent foundation and is connected to appropriate facilities.
- b. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet.
- c. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
- d. The manufactured home has conventional residential siding and a six (6) inch minimum eave overhang, including appropriate guttering.
- e. The structure was manufactured after January 1, 1995.
- f. The structure is not located in a manufactured home park as defined by ORC 3733.01.

**Manufactured Home Park**: Any tract of land upon which two or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon, if

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<sup>135</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>136</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 21 – Definitions (cont'd)**

the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**Manufacturing, Extractive:** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**Mechanical or Electronically Operated Amusement Device:** Any machine, device, or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key, or token, operates or may be operated as a game, contest, or amusement, and which contains no automatic payoff device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement devices include, but are not limited to mechanical baseball games, mechanical football games, pinball machines, any table game, or device commonly known as an electronic game, and other similar types of devices provided, however, that this definition is not intended to, nor shall it be construed to include merchandise vending machines or coin-operated mechanical or electrical musical instruments or devices.

**Mobile Home:** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

**Modular Home:** Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

**Motor Vehicle:** Every vehicle propelled or drawn by power other than muscular power except trailers and equipment used in construction or farm work and not designed for or used in general highway transportation.<sup>137</sup>

**Motorcycle:** Every motor vehicle, other than a tractor, having a saddle and designed to travel on not more than three (3) wheels including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or horsepower.<sup>138</sup>

**Motorized Sports Activities:** All motor vehicle and motorcycle recreational sports activities conducted indoors or outdoors by individuals, clubs, teams, sole proprietors, partnerships, limited liability partnerships, or corporations regardless of whether the activity is conducted for profit or not for profit. Such activities shall include, without limitation, dragster racing, circle track racing, motorcycle and all-terrain vehicle (ATV) racing, off-road truck events, and trail riding.<sup>139</sup>

**Multiple-Section Manufactured Home:** A factory-built home constructed to the design and specification standards of a manufactured home as is set forth in the Code of Federal Regulations Title 24, Parts 3280, 3282, and 3283, and 42 U.S.C. 5401 et. seq.

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<sup>137</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>138</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>139</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

## Article 21 – Definitions (cont'd)

Nonconformities: A building, structure, or use of land existing at the time of enactment of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.

Nude or Nudity: The showing, presentation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

Nursing Home: A home or facility for the care and treatment of three or more persons who are living on the premises, that are infirmed and not normally capable of leaving the premises without assistance from caregivers who are in attendance at the nursing home at all times.

Open Space: An area substantially open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features, water areas, swimming pools, and tennis courts, and other recreational facilities that the zoning commission deems permissive. Streets, parking areas, and buildings are not included as open space.

Overlay District: A district described by the zoning map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

Parking Space, Off-Street: For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond: An agreement by a subdivider 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 subdivider's agreement.

Planned Unit Development or Planned Neighborhood District: An area of land in which a variety of housing types are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

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

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

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle

**Article 21 – Definitions (cont'd)**

path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Professional Office Uses:** Deliver professional tangible and intangible services to the general public and are associated with normally recognized professions, most of which are regulated, licensed, or certified by the State of Ohio.

**Receiver:** The apparatus whose purpose is to obtain a signal from a cable or other like source and transform it to a television signal.

**Recreation Camp:** An area of land on which two or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreational Facilities, Commercial:** Outdoor or indoor activities conducted for profit or financial gain generally related to the field of recreational activities. Commercial recreational facilities shall include, without limitation, miniature golf courses, golf courses, golf driving ranges, bowling alleys, roller skating rinks, swimming pools, boat storage facilities, and batting cages.<sup>140</sup>

**Recreational Facilities, Noncommercial:** Outdoor recreational activities, whether public or private, requiring the use of large amounts of land and minimal or no development of the land. Noncommercial recreational facilities shall include, without limitation, fishing, hunting, picnicking, hiking, horseback riding, athletic fields, historical, archaeological or scenic sites and their accessory uses. Noncommercial recreation facilities shall not include any motor vehicle or motorcycle recreational sports activity.<sup>141</sup>

**Recreational Vehicle:** A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recycling:** The process of collecting, sorting, cleansing, treating and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.<sup>142</sup>

**Restaurant:** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.

**Restaurant, Fast Food:** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, griddled quickly, or heated in a device such as a microwave oven. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers.

**Retail Stores Uses:** A business use primarily engaged in selling merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.

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<sup>140</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>141</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>142</sup> Amended by Resolution 2011-12-37 adopted December 19, 2011 ( effective January 19, 2012)

**Article 21 – Definitions (cont'd)**

**Right-of-Way:** A strip of land dedicated for use as a public way and may include, but is not limited to, curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Road Frontage:** See definition of “lot frontage.”

**Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed.

**Setback Line:** A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings, 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.

**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 of health and sanitation officials having jurisdiction.

**Sexual Activity:** Sexual conduct or sexual contact, or both.

**Sexual Contact:** Any touching of an erogenous zone of another, including without limitation to the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

**Sexual Excitement:** The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

**Shopping Center:** A shopping center is a collection of commercial establishments, planned as a total entity, managed as a single property, sharing a common tract of land and a common parking lot. A shopping center may consist of a single large building, buildings that are joined or buildings that are adjacent.

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

**Sign:** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

**Sign-Free Standing:**<sup>143</sup> any sign supported by or supported from posts, pillars, columns, or monument type to advertise a product or service located upon the premises on which the sign is located.

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<sup>143</sup> Amended by Resolution 2009-12-25 adopted December 7, 2009 (effective January 7, 2010)

**Article 21 – Definitions (cont'd)**

**Sign, Illuminated:** Any sign illuminated by electricity gas or other artificial light including reflecting or phosphorescent light.

**Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

**Sign, On-Premises:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises which such sign is located.

**Sign, Projecting:** Any sign which projects from the exterior of a building.

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

**Strip Mall:** A collection of three or more commercial establishments on a piece of property zoned **LB**, located on a local feeder road or arterial highway, consisting of more than a total space of 4,000 square feet and no less than 1100 square feet for any one business, planned, constructed and managed as a single property with customer and employee parking on site.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment of something having a fixed location on the ground. Structures include but are not limited to buildings, mobile homes, walls, fences, parking lots, and billboards.

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

**Swimming Pool:** A pool, pond, lake, or open tank having a span of at least six feet and intended for human recreational use and maintained by the owner or manager.

- a. **Private Pool:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multiple-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- b. **Community Pool:** Operated with or without a charge for admission and is open to the general public for recreational use.

**Thoroughfare, Street, or Road:** The full width between property lines and binding every public way, with a part thereof to be used for vehicular traffic. All thoroughfares, streets, or roads are designated as follows:

- a. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- c. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

**Article 21 – Definitions (cont'd)**

- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e. Dead-End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- f. Local Street: A street primarily for providing access to residential or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
- h. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Through Lot: See Lot Types.

Topless: The showing of a female breast with less than a full opaque covering of any portion, thereof, below the top of the nipple.

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of 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 the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

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

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

Walkway: A public way for pedestrian use only, whether along the side or a road or not.

Wall: See Fence.

Wholesaling and Storage Uses: Associated with transporting, storing, handling, or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons to organizations.



**Article 21 – Definitions (cont'd)**

Wireless Telecommunications Equipment Shelter: A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility: A facility consisting of the equipment and structures involved in the transmission or reception of wireless telecommunications as authorized by the FCC installed upon a building, structure, improvement, tower, monopole or wireless telecommunication support structure or located in a wireless telecommunication equipment shelter.<sup>144</sup>

Wireless Telecommunications Tower: Any freestanding or attached pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one or more antennas for the transmission or reception of radio frequencies, including self-supporting lattice towers, guyed towers or monopole towers. A wireless telecommunication tower may include, but not be limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and personal communication service towers.<sup>145</sup>

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the setback line.

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

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

Yard Requirement: The open space between a lot line and the building area within which no structure shall be located except as provided in the Zoning Resolution.

Zero Lot Line Development: An arrangement of housing on adjoining lots in which one required side yard is reduced to zero.

Zoning Map: Refers to the Official Zoning Map of the Township of Clinton which is part of this Zoning Resolution and delineate the boundaries of zoned districts.

Zoning Inspector: The person designated by the Board of Trustees to administer the Zoning Resolution and issue zoning permits.

Zoning Permit: A document signed by the Zoning Inspector, as required in the Zoning Resolution, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which

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<sup>144</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

<sup>145</sup> Amended by Resolution 2007-11-25 adopted November 19, 2007 (effective December 19, 2007)

**Article 21 – Definitions (cont'd)**

acknowledges that such use, structure, or building complies with the provisions of the Township Zoning Resolution.

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## Miscellaneous Information

In addition to the authority to regulate junk cars set forth in the foregoing Zoning Resolution, the Clinton Township Board of Trustees is authorized to regulate junk cars, refuse, and debris pursuant to the following sections of the Ohio Revised Code (“ORC”):

- (1) ORC §505.173 empowers the Board of Trustees to regulate storage of junk cars in Clinton Township by filing a minor misdemeanor complaint in the Mount Vernon Municipal Court. The fine for a minor misdemeanor is \$100.00, and each day that a violation continues constitutes a separate offense (i.e. \$100.00 fine per day multiplied by the number of days until the junk cars are removed from the property).
  - (2) ORC §505.87 deals with the control or removal of “vegetation, garbage, refuse or debris.” Junk cars are included in the definition of refuse or debris. If a property owner fails to clean up a property in the Township, the Board of Trustees may clean up the property and file a statement of all expenses to the Knox County Auditor. The Auditor will record the clean up costs as a tax lien upon the property and collect the costs with other taxes.
- <sup>146</sup>A. The demolition/ removal of dwelling and structure materials will require a separate permit which will meet one of the two time frames noted here:
1. The time for demolition and removal of structures with a square footage from 200 feet to 5000 square feet is 30 calendar days.
  2. The time limit for structures with over 5000 sq. ft. of space will be determined on an individual case by the Zoning Inspector.
- B. Demolition includes above and below grade structures and material that needs to be removed from the site. It may also include ditching, grading, filling or leveling after removal. The above activities are included in the established time frame and may also include restoration landscaping as determined by the Zoning Inspector. Septic systems are regulated by the County Health Department.
- C. The time frame requirement will start when it is released for demolition by the permit or other entities such as the insurance company or landowner.
- D. Enforcement
1. Permit is issued by the Zoning Inspector as per fee schedule determined by the Township Trustees.
  2. The Zoning Inspector will be the monitoring and notification agent.
  3. Time extensions may be granted by the Zoning Inspector or the BZA with just cause presented by the permit holder.

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<sup>146</sup> Amended by Resolution 2014-9-28 adopted September 28, 2014 (effective October 28, 2014)