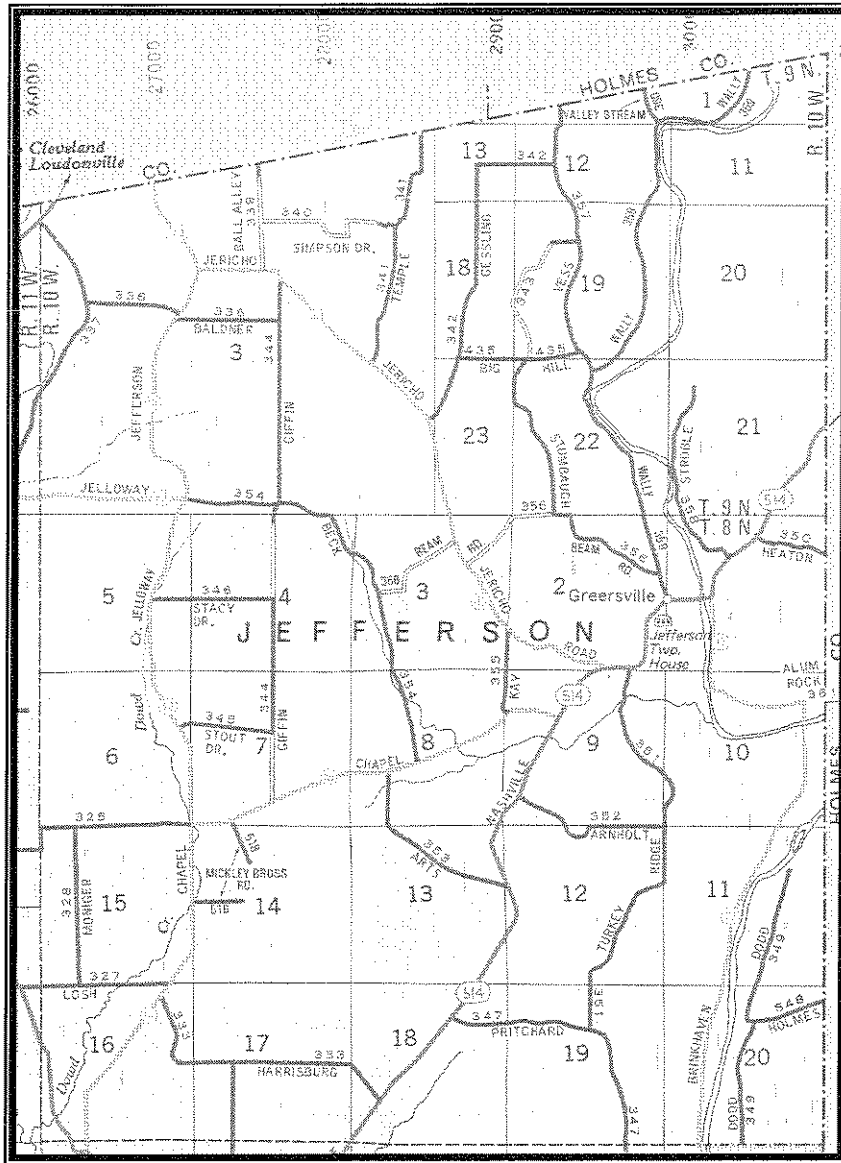


JEFFERSON TOWNSHIP
ZONING RESOLUTION
Knox County



**Pursuant to the Army Corp of Engineers Water Storage Easement,
the Jefferson Township Zoning Resolution has
no authority on new construction at or below the
Eight Hundred Ninety Foot (890') MSL elevation.
(Pursuant to Resolution dated February 12, 2003).**

**Adopted November 16, 1972
Amended April, 1991
Amended June, 1996
Amended November 13, 2002
Amended October 26, 2005**

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ARTICLE I. PURPOSE AND SCOPE

1.0 PREAMBLE:

This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of Jefferson Township, in harmony with the general provisions of the "Focus 2100" Plan for Knox County, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described, all as authorized by the Ohio Revised Code.

The amendments adopted in the year 2002 recognize the flood hazard areas of Jefferson Township, including but not limited to those in the potential impoundment area of Mohawk Dam. These areas are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health and safety. Such areas are also of concern to the Federal/County Emergency Management Agency, and have impacts on the flood insurability of affected areas.

ARTICLE II. TITLE

2.0 JEFERSON TOWNSHIP, OHIO ZONING RESOLUTION:

This Resolution shall be known and may be cited and referred to as the "Jefferson Township, Ohio Zoning Resolution."

ARTICLE III. INTERPRETATION OF STANDARDS

3.0 REQUIREMENTS AS MINIMUM:

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Wherever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or other rules or regulations or resolutions, the provisions of this Resolution shall govern.

ARTICLE IV. DEFINITIONS

4.0 INTERPRETATION:

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

All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and not

directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used.”

4.1 ACCESSORY USE OR BUILDING:

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

4.2 AGRICULTURE:

The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of normal agricultural activities and provided, further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

4.3 ALLEY OR LANE:

A public or private way not more than twenty (20) feet wide affording only secondary means of access to abutting property.

4.4 APARTMENT HOUSE:

See subparagraph 4.21 Multi-Family Dwelling of this Article IV. Definitions herein.

4.5 AUTOMOTIVE OR TRAILER SALES AREA:

An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

4.6 AUTOMOBILE SERVICE STATION OR FILLING STATION:

A place where gasoline, kerosene or other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

4.7 AUTOMOBILE WRECKING:

The dismantling or disassembly of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

4.8 BASEMENT:

The story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

4.9 BEGINNING OF CONSTRUCTION:

The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and materials where land is to be used for purposes other than construction of a building.

4.10 BOARD:

The Board of Zoning Appeals of the Township.

4.11 BOARD OR LODGING HOUSE:

A dwelling or part thereof where meals and/or lodging are provided for three (3) or more persons for compensation by previous arrangements, but not transients.

4.12 BUILDING:

Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs and similar structure, whether stationary or moveable.

4.13 BUILDING LINE:

The line beyond which no building or part thereof shall project, except as otherwise provided by this Resolution.

4.14 CELLAR:

That portion of a building between the floor and ceiling partly underground, but having one-half (½) or more than one-half (½) of its clear height below the adjoining finished grade.

4.15 CEMETERY:

Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

4.16 CLINIC:

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

4.17 CLUB:

A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purposes, but not including a group organized solely or primarily to render a service customarily as a commercial enterprise.

4.18 COMMISSION:

The Township Zoning Commission.

4.19 DISPLAY SIGN:

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

4.20 DISTRICT:

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

4.21 DWELLING:

A permanent building used primarily for human habitation, but not including facilities for the housing of transient residents, nor to include mobile homes:

Single-Family Dwelling:

A permanent building, separate and free standing, in itself providing living accommodations for one (1) family.

Two (2)-Family Dwelling:

A permanent building designed exclusively for occupancy by two (2) families.

Multi-Family Dwelling:

A permanent building or portion thereof providing separate living accommodations for three (3) or more families.

Unit Dwelling:

One (1) room, or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

Group Dwelling:

A group of two (2) or more detached dwellings located on a parcel of land in one (1) ownership and having any yard or court in common.

4.22 ESSENTIAL SERVICES:

Those public services provided by the state, county or township.

4.23 FRONTAGE:

All the property abutting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, and of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

4.24 GARAGE - PRIVATE:

A detached accessory building or portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the family's resident upon the premises.

4.25 GARAGE - PUBLIC:

A space or structure for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles.

4.26 HOME OCCUPATION:

Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall employ not more than one (1) person outside the family resident in the dwelling.

4.27 IN-HOME PROFESSION:

A residential business place shall be defined as any place of business operated in a building designed for residential use, or any out building located at such a location, and utilized as the principal place of business of the owner or operator of that business. A residential business place shall at no time have more than three (3) persons working at any given time.

4.28 INDUSTRY:

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

4.29 JUNK YARD:

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

4.30 KENNEL:

Any structure or premises on which five (5) or more dogs over five (5) months of age are kept.

4.31 LOT:

A piece, parcel, or plot of land occupied or to be occupied by one (1) principal building and its accessory buildings, including the open spaces required under this Resolution.

4.32 MINERAL:

Any chemical compound occurring naturally as a product of inorganic processes.

4.33 MOBILE HOME:

A structure designed to be used for human habitation, carrying or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place.

4.34 MOTEL OR MOTOR HOTEL:

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

4.35 NONCONFORMING USE:

A use of building or land lawful at the time of enactment of this Resolution that does not conform with the "permitted use" provisions of this Resolution.

4.36 RECREATIONAL FACILITIES:

Any instrumentality provided by state, church, or private enterprise, for the purpose of rest and relaxation, mental or physical refreshment, or any other activity relating to fun and games.

4.37 SIGN – AREA OF:

The total exterior surface computed in square feet of a sign having but one (1) exposed exterior surface, one-half (½) the total of the exposed exterior surface computed in square feet of a sign having more than one (1) such surface.

4.38 STABLE – COMMERCIAL:

A stable for horses, donkeys, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

4.39 STABLE – PRIVATE:

An accessory building for the keeping of horses, donkeys, mules or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

4.40 STANDARD EQUIPMENT:

A criterion for the control of type and placing of industrial equipment:

Performance:

A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gasses and other objectionable or dangerous elements generated by and inherent in or incidental to the land uses.

4.41 STORY:

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

4.42 STREET:

Any public or private way dedicated to public travel fifty (50) feet or more in width. The word “street” shall include the words “road”, “highway”, and “thoroughfare.”

4.43 STRUCTURE:

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

4.44 STRUCTURAL ALTERATION:

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

4.45 TOURIST HOME:

A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

4.46 THOROUGHFARE - PRIMARY OR SECONDARY:

An officially designed federal or state numbered highway or county or other road or street designated as a primary thoroughfare on an official Thoroughfare Plan, or a county or other road or street designated as a secondary thoroughfare on said Plan, respectively.

4.47 USE:

The purposes or activity for which a building, structure, or land is occupied or maintained.

4.48 VARIANCE:

A variance is relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or uses in an adjoining Zoning District.

4.49 YARD:

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

Front Yard:

The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

Rear Yard:

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

Side Yard:

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

Height of Building:

The vertical distance from the established average sidewalk grade, street grade, or finished grade, at the building line, whichever is the highest, to the highest point of the building.

4.50 ZONING CERTIFICATE:

A document issued by the Zoning or Building Inspector authorizing buildings, structures, or uses consistent with the terms of the Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

4.51 ZONING INSPECTOR:

The Zoning or Building Inspector of the Township, or his authorized representative.

4.52 ZONING MAP:

The Zoning Map or Maps of the Township, together with all amendments subsequently adopted.

ARTICLE V. DISTRICTS AND GENERAL PROVISIONS

5.0 DISTRICTS:

The Township is hereby divided into six (6) Districts, known as:

- AG Agricultural District
- C-1 Conservancy District
- B-1 General Business District
- R-1 Single Family Residence District
- R-2 General Residence District
- M-1 Light Manufacturing District.

5.1 ZONING MAP:

The districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, data, district boundaries and other information shown thereon, shall be part of these Regulations. The Zoning Map, properly attested, shall be and remain on file in the office of the Township Clerk.

5.2 DISTRICT BOUNDARIES:

The district boundary lines on said Map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the District, unless such is otherwise indicated on the Map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

Where the boundary of a District follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the said railroad line.

5.3 COMPLIANCE WITH REGULATIONS:

No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the District in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the area regulations, minimum yard requirements, and minimum off-street parking space requirements of this Resolution for the District in which such building is located.

5.4 REAR DWELLING:

No building in the rear of a principal building on the same lot shall be used for residential purposes, unless it conforms to all the yard and other open space and off-street parking requirements. For the purpose of determining the front yard in such cases, the rear line of the required rear yard of the principal building in the front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access

way not less than twenty (20) feet wide, to a public street for each dwelling unit in such dwelling, or one not less than fifty (50) feet for three (3) or more dwelling units.

5.5 STREET FRONTAGE REQUIRED:

Except as permitted by other provisions of these regulations, no lot shall contain any building used, in whole or in part, for residential purposes, unless such lot abuts for at least two hundred (200) feet on a street; and, there shall be not more than one (1) single-family dwelling for such frontage.

5.6 TRAFFIC VISIBILITY ACROSS CORNER LOTS:

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

5.7 OFF-STREET PARKING AND LOADING:

In any District, spaces for off-street parking and for off-street loading shall be provided in accordance with the provisions of Article XIV. Off-Street Parking and Loading Regulations.

5.8 ESSENTIAL SERVICES:

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

5.9 UNSAFE BUILDING:

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.

5.10 VACATED STREET OR ALLEY:

Whenever any street, alley or other public way is vacated by official action as provided by law, the Zoning District adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

5.11 TRAILERS PROHIBITED – EXCEPT:

A trailer coach, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than eighteen (18) months. A separate Zoning Certificate shall be required for the use of a temporary dwelling quarter.

5.12 TRAILERS – VISITORS:

Not more than one (1) trailer coach may be temporarily used as a residence by a visitor on occupied property owned, leased or rented by a resident of the Township for a period of thirty (30)

days, provided that:

- A. All provisions of the Knox County Board of Health are complied with; and
- B. A fee of Two Dollars (\$2.00) shall be paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" after a period of thirty (30) days, subject to renewal by the Zoning Commission.

5.13 TERRITORY NOT INCLUDED – ANNEXATIONS:

In every case where territory has not been specifically included within a District or where a territory becomes a part of the unincorporated area of the Township as the result of the disincorporation of any city, town, or portion thereof, or otherwise, such territory shall automatically be classified as a "C-1" District until otherwise classified.

5.14 ACCESSORY BUILDINGS IN R DISTRICTS AND/OR AG DISTRICTS:

Accessory buildings shall be distanced at least six (6) feet from any dwelling situated on the same lot, unless an integrated part thereof; at least six (6) feet from any other accessory building and at least three (3) feet from any lot lines of adjoining lots which are within an R or AG District.

**ARTICLE VI. NONCONFORMING
USES OR BUILDINGS**

6.0 EXISTING NONCONFORMING USES – CONTINUANCE:

Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this Resolution may be continued, although such use, building or structure does not conform with the provisions of this Resolution for the District in which it is located.

6.1 NONCONFORMING USES OR BUILDINGS – ENLARGEMENT, SUBSTITUTION, ETC.:

No existing building or premises devoted to a use not permitted by this Resolution in the District in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless approved by the Board, and except as follows:

6.1.a. Substitution: When authorized by the Board, in accordance with the provisions of Article XXIV. Board of Zoning Appeals, the substitution for a nonconforming use of another not more objectionable nonconforming use.

6.1.b. Nonconforming Use Made to Conform: Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

6.2 DISCONTINUANCE OF A USE:

No building, structure, or premises where a nonconforming use has been discontinued for a period of twelve (12) months or more shall again be put to a nonconforming use.

6.3 NONCONFORMITY – PERFORMANCE STANDARDS:

All uses nonconforming at the time of adoption of this Resolution, by reason of noncompliance with the provisions of Article XIII. Special Provisions if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within two (2) years of the adoption of this Resolution.

6.4 REPAIRS AND ALTERATIONS:

Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure.

6.5 REPLACING DAMAGED BUILDINGS:

Any nonconforming building or structure, or one (1) or more of a group of nonconforming buildings or structures related to one (1) industry and under one (1) ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or act of God, may be reconstructed and used as before, if it be done within twelve (12) months of such calamity.

6.6 EXEMPTION OF ESSENTIAL SERVICES:

Essential services, as defined in this Resolution, shall be exempt from the provisions of subparagraphs 6.4 Repairs and Alterations and 6.5 Replacing Damaged Buildings of this Article.

ARTICLE VII. C-1 CONSERVATION DISTRICT

7.0 PURPOSE:

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

7.1 USES PERMITTED IN THE C-1 CONSERVATION DISTRICT:

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

7.2 CONDITIONAL USES IN THE C-1 CONSERVATION DISTRICT:

- A. Rifle ranges, gun clubs, archery courts, and other similar uses provided they are not located closer than seven hundred (700) feet distant from any R-District;
- B. Commercial mining; in accordance with the provisions of Article XVI. Extraction of Minerals; and
- C. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood

or erosion shall be authorized by the Board unless the Board finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the County Soil and Water Conservation District; and

- D. Disposal of garbage and refuse; including sanitary fills, and sewage disposal by the Township or its authorized agents, subject to Health Department approval.

7.3 REQUIRED CONDITIONS:

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

- A. **Engineer's Report:** Whenever the Board is required to pass on matters of protection of life and property from flood hazards, it shall request a report and recommendations thereon from the chief engineer of any conservation district. Such report shall be considered final and conclusive and the Board shall be bound thereby; and
- B. **Change to Nonconservation District:** Changes of District classification from C-1 to any other classification provided by this Resolution may be initiated in accordance with the requirements of this Resolution; provided that no such change shall be authorized by the Township Trustees unless the chief engineer of the conservation district certifies to the Township Trustees that any flood condition existing at the time the C-1 District was originally established does no longer exist or has been remedied to the satisfaction of said engineer, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District.

7.4 REQUIRED LOT AREA AND LOT WIDTH IN THE C-1 DISTRICT:

None, except as may be specified by the Board; provided that no structure shall be located closer than thirty-five (35) feet to any existing or proposed public right-of-way, and not closer than fifteen (15) feet to any side or rear lot line.

7.5 HEIGHT REGULATION IN THE C-1 DISTRICT:

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

ARTICLE VIII. "AG" – AGRICULTURAL DISTRICT

8.0 PURPOSE:

The purpose of the Agricultural District is to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for rural small estate residential development; and, to conserve areas physically unsuitable for intensive development.

8.1 USES PERMITTED IN THE AG DISTRICT:

- A. Agricultural uses, commercial grain storage;
- B. One (1)-family residential dwelling, home occupations;
- C. Utility and service system buildings and lands, public buildings, picnic grounds, religious and educational institutions; and
- D. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained, having not over four (4) square feet of sign area; signs announcing meeting time and place of civic organizations. The sign shall not exceed ten (10) feet in height to top of sign. The sign's use must be limited to advertising only the current landowner's business. Multiple temporary signs must be limited to thirty (30) days of use. (See Article XV. Display Signs and Outdoor Advertising for further definitions.)

8.2 CONDITIONAL USES IN THE AG DISTRICT:

- A. Real estate, professional, and small announcement signs, subject to the provisions of Article XV. Display Signs and Outdoor Advertising;
- B. Uses of land including quarrying and mining of natural resources, sanitary fill and other types of land fill, refuse disposal and dumps;
- C. Cemeteries, golf courses, and similar uses;
- D. Mobile Homes as specified in subparagraph 8.11 Conditions for a Mobile or Modular Home to be Considered a Single-Family Dwelling of this Article VIII. herein; and
- E. In-Home Profession.

8.3 REQUIRED LOT AREA AND LOT WIDTH IN THE AG DISTRICT FOR AGRICULTURAL USES:

For combined agricultural and residential use, each dwelling shall be located on a lot having an area of not less than ten (10) acres and a lot width of not less than two hundred fifty (250) feet, and located one thousand (1,000) feet or more from existing agricultural building or buildings.

8.4 REQUIRED LOT AREA AND LOT WIDTH IN THE AG DISTRICT FOR RESIDENTIAL USES:

For residential use not combined with agricultural use, each dwelling shall be located on a lot having not less than one (1) acre and a lot width of not less than two hundred (200) feet at the building line, and continuous two hundred (200) feet of road frontage; however, the lot depth shall not be more than three (3) times the lot width. On lots having five (5) acres or more, the three (3) to one (1) ratio does not apply as long as frontage is two hundred (200) feet or more.

8.5 HEIGHT REGULATION IN THE AG DISTRICT:

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

8.6 REQUIRED YARD IN AG DISTRICT:

All dwellings shall have the following minimum yard spaces:

- Front Yard: - Sixty (60) feet
- Side Yard: - Twenty (20) feet (each side)
- Rear Yard: - Sixty (60) feet.

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

8.7 REQUIRED FLOOR AREA IN THE AG DISTRICT:

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

8.7.a. Single-family Dwelling: Shall not be less than twenty (20) feet in width or depth, whichever is the smaller dimension:

- With basement: - Eight hundred (800) square feet
- Without basement: - One thousand two hundred (1,200) square feet.

8.8 OFF-STREET PARKING REQUIREMENTS IN THE AG DISTRICT:

There shall be provided in the AG District off-street parking in accordance with Article XIV. Off-Street Parking and Loading Regulations.

8.9 AGRICULTURAL STRUCTURES: AREA, WIDTH AND YARD:

Sections 519.02 to 519.25 inclusive, of the Ohio Revised Code confer no power on any Board of Township Trustees or zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use of agricultural purposes of the land in which such buildings or structures are located, and no Zoning Certificate shall be required for such building or structure.

8.10 MOBILE HOMES – AGRICULTURAL:

Mobile homes when used as living quarters for farm employees working on the premises, shall be permitted; however, they shall meet all front, side, and rear yard requirements of the District.

8.11 CONDITIONS FOR A MOBILE OR MODULAR HOME TO BE CONSIDERED A SINGLE-FAMILY DWELLING:

- A. A factory-built structure having at least seven hundred twenty (720) square feet of living area, exclusive of porches, stoops and garages;
- B. Removal of all tongues, axles and wheels;
- C. Set on a permanent foundation or piers with footings below the front line thirty-six (36) inches below finished grade;
- D. Either bolted to the foundation or secured by hurricane straps in an approved manner, in accordance with manufacturer's specifications;
- E. Installation of continuous and complete skirting;
- F. A set of steps for each door; and
- G. Taxed as real property.

ARTICLE IX. R-1 RESIDENTIAL DISTRICT

9.0 PURPOSE:

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

9.1 USES PERMITTED IN THE R-1 DISTRICT:

- A. One (1) and two (2)-family dwellings, home occupations;
- B. Light agricultural uses, including nurseries and raising of farm products (not to include livestock). Seasonal produce may be sold on premises;
- C. Churches, schools, libraries, museums, art galleries, parks, playgrounds, community centers, cemeteries, public services, utility office buildings;
- D. Accessory buildings and uses; and
- E. Unlighted real estate signs, nonconforming business use signs, and public buildings or church signs or bulletin boards pertaining to the property on which they are placed and not having over six (6) square feet of sign area.

9.2 CONDITIONAL USES IN THE R-1 DISTRICT (AS APPROVED BY THE BOARD OF ZONING APPEALS):

- A. Utility substations and pump houses, provided that such structures will not detract from the general appearance of the area and not adversely affect the comfort, safety, or welfare of the residents of the area;
- B. Professional and business offices;
- C. Mobile Homes as specified in subparagraph 8.11 Conditions for a Mobile or Modular Home to be Considered a Single-Family Dwelling of Article VIII. "AG" – Agricultural District herein; and
- D. In-Home Profession.

9.3 REQUIRED LOT AREA AND LOT WIDTH IN THE R-1 DISTRICT:

Each dwelling shall be located on a lot having an area of not less than thirty thousand (30,000) square feet and a lot width of not less than one hundred twenty-five (125) feet at the building line, except as hereinafter modified.

9.4 REQUIRED FLOOR AREA IN THE R-1 DISTRICT:

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

9.4.a. Single-family Dwelling:

- With basement: - Eight hundred (800) square feet
- Without basement: - One thousand two hundred (1,200) square feet.

9.4.b. Two-family Dwellings Per Unit:

- With basement: - Eight hundred (800) square feet (per unit)
- Without basement: - One thousand two hundred (1,200) square feet (per unit).

9.5 HEIGHT REGULATION IN THE R-1 DISTRICT:

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

9.6 REQUIRED YARD IN THE R-1 DISTRICT:

All structures shall have the following minimum yard spaces:

- Front yard: - Forty (40) feet
- Side yard: - Fifteen (15) feet (each side)
- Rear yard: - Forty-five (45) feet.

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

9.7. REDUCTION IN AREA REQUIREMENTS IN THE R-1 DISTRICT:

The lot area and frontage requirements for any lot served by a public sewage system or public water system may be reduced as hereinafter specified:

Sewerage and Water Available:

- Minimum Lot area: - Twelve thousand (12,000) square feet
- Minimum Lot frontage: - Ninety (90) feet at building line

Water Available:

- Minimum Lot area: - Fourteen thousand (14,000) square feet
- Minimum Lot frontage: - Ninety (90) feet at building line

Sewage Available:

- Minimum Lot area: - Fourteen thousand (14,000) square feet
- Minimum Lot frontage: - Ninety (90) feet at building line.

ARTICLE X. R-2 GENERAL RESIDENCE DISTRICT

10.0 PURPOSE:

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

10.1 USES PERMITTED IN THE R-2 DISTRICT:

- A. Any use permitted in the R-1 District;
- B. Multi-family dwellings, tourist homes, lodging houses;
- C. Clubs, lodges, rest homes, funeral homes, clinics and similar uses; and
- D. Accessory uses and structures.

10.2 CONDITIONAL USES IN THE R-2 DISTRICT:

- A. Stricter Uses: Same uses as are conditionally permitted and as regulated in the R-1 District, except as specifically limited in this Chapter;
- B. Motels and motor hotels; and
- C. Mobile home parks.

10.3 REQUIRED LOT AREA AND LOT WIDTH IN THE R-2 DISTRICT:

	<u>Lot Area</u>	<u>Lot Width</u>
Single-family dwelling:	Twenty thousand (20,000) feet	One hundred (100) feet
Two (2)-family dwelling:	Twenty-five thousand (25,000) feet	One hundred twenty-five (125) feet
Multi-family dwelling:	Thirty thousand (30,000) feet	One hundred fifty (150) feet.

10.4 REQUIRED FLOOR AREA IN THE R-2 DISTRICT:

(Same as in the R-1 District; add ten percent (10%) per unit if basement is not included):

- Single-family dwelling: - Eight hundred (800) square feet
- Two (2)-family dwelling: - Six hundred (600) square feet per unit
- Multi-family dwelling: - Five hundred fifty (550) feet per unit.

10.5 HEIGHT REGULATIONS IN THE R-2 DISTRICT:

No dwelling shall exceed three and one-half (3½) stories or forty (40) feet in height.

10.6 REQUIRED YARD IN THE R-2 DISTRICT:

All dwellings shall have the following minimum yard spaces:

- Single-family dwelling:
 - Front yard: thirty-five (35) feet
 - Side yard: fifteen (15) feet (each side)
- Two (2)-family dwelling
 - Same as for the Single-family dwelling above
- Multi-family dwelling
 - Front yard: thirty-five (35) feet
 - Side yard: twenty (20) feet (each side)
 - Rear yard: fifty (50) feet.

Corner lots shall have the same minimum front yards on each side of the lot.

10.7 REDUCTION IN AREA REQUIREMENTS IN THE R-2 DISTRICT:

The lot area and frontage requirements for any lot served by a public sewage system or public water system may be reduced as hereinafter specified:

- Single-family dwelling: - As regulated in the R-1 District herein
- Two (2)-family dwelling: - As regulated in the R-1 District herein
- Multi-family dwellings:

Sewerage and Water Available:

- Minimum Lot area: - Sixteen thousand (16,000) square feet
- Minimum Lot frontage: - One hundred thirty-five (135) feet at building line

Water Available:

- Minimum Lot area: - Eighteen thousand (18,000) square feet
- Minimum Lot frontage: - One hundred fifty (150) feet at building line

Sewerage Available:

- Minimum Lot area: - Eighteen thousand (18,000) square feet
- Minimum Lot frontage: - One hundred fifty (150) feet at building line.

10.8 OFF-STREET PARKING IN THE R-2 DISTRICT:

There shall be provided in the R-2 District off-street parking in accordance with Article XIV. Off-Street Parking and Loading Regulations.

**ARTICLE XI. PROVISIONS GOVERNING
COMMERCIAL DISTRICTS**

11.0 PURPOSE:

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

The purpose of the Conditional Use provision is to provide for those retail businesses and services which require a location other than in a centralized business district being either highway oriented, require larger tracts of land not normally available, or to provide local neighborhood retail shopping facilities to that residential area immediately adjacent.

11.1 USES PERMITTED IN THE B-1 GENERAL BUSINESS DISTRICT:

- A. Any use permitted in a Residential District;
- B. **Major Retail Outlets:** furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores;
- C. **Food, Drug and Beverage:** grocery stores, supermarkets, meat markets, drug stores and liquor stores, bakery in conjunction with retail sales, restaurants, tea rooms and taverns;
- D. **Specialty Shops:** gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods;
- E. **Service and Recreation:** laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop with not more than ten (10) full-time regular employees, places of amusement and assembly;
- F. **Business and Professional Offices:** medical and dental offices and clinics; law offices; insurance and real estate offices; banks; finance and utility companies;
- G. **Automotive and Related Uses:** new and used car sales, service and repairs; gasoline filling stations, motorcycle and bicycle shops; cab and bus stands and depots;
- H. Accessory Uses or Buildings; and
- I. Business and advertising signs pertaining to the business on the property on which the sign is located, providing that:
 - 1. Illumination of all signs shall be diffused so as not to reflect direct rays of light into adjacent residential districts or onto the public way; and
 - 2. That any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

11.2 CONDITIONAL USES PERMITTED IN THE B-1 GENERAL BUSINESS DISTRICT:

- A. Any conditional use permitted in the Residential Districts;
- B. **Building Trades or Equipment:** building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on premises);
- C. **Vehicle Drive-In and Heavy Vehicles Services:** drive-in theaters, drive-in restaurants and refreshment stands; express, cartage and trucking facilities; large item machinery or bulk sales and storage, not including outdoor unfenced storage;
- D. **Heavy Service and Processing Facilities:** laundry and dry cleaning plants; linens, towels, diaper and similar supply services; animal pounds, kennels, and veterinary establishments; frozen food lockers; seed and food processing plants; dairies;
- E. Accessory Uses or Building; and
- F. Business and Advertising signs pertaining to the business on the property on which the sign is located, providing that:
 - a. Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residence districts or into the public way; and
 - b. That any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

11.3 REQUIRED LOT AREA AND LOT WIDTH IN THE B-1 DISTRICT:

11.3.a. Residential Use: Each residential use to be accommodated in the B-1 Business District shall meet the minimum lot area and minimum lot width requirements of the R-2 General Residential District.

11.3.b. Commercial Use: No minimum lot area or minimum lot width is required for commercial uses.

11.4 BUILDING HEIGHT REGULATION IN THE B-1 BUSINESS DISTRICT:

In the B-1 Business District, no building shall exceed two (2) stories or thirty (30) feet in height, except as provided in Article XX. Community Development Projects.

11.5 REQUIRED YARDS IN THE B-1 DISTRICT:

11.5.a. Residential Uses: Each residential use to be accommodated in the B-2 District shall meet the minimum yard requirements of the R-2 Residential District.

11.5.b. Commercial Uses:

- | | |
|------------|--|
| Front Yard | - twenty-five (25) feet |
| Side Yard | - no minimum yard required except lots adjoining a Residential District shall provide a side yard on that adjoining side equal to that required in the adjoining Residential District. |

11.5.b. Commercial Uses Continued:

Rear Yard

- twenty (20) feet; where a lot line abuts an alley, one-half (½) width of such alley may be considered in meeting the rear yard requirements.

11.6 OFF-STREET PARKING AND LOADING REQUIREMENTS:

There shall be provided in the B-1 District off-street parking and loading in accordance with the provisions of Article XIV. Off-Street Parking and Loading Requirements.

11.7 LANDSCAPING OR SCREENING PROVISIONS:

For non-residential uses abutting a "B" District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements, if acceptable landscaping or screening as approved by the Board is provided. Such screening shall be a masonry or solid fence between four (4) and six (6) feet in height, maintained in good condition, and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four (4) feet in height.

**ARTICLE XII. PROVISIONS GOVERNING
MANUFACTURING DISTRICTS**

12.0 PURPOSE:

The purpose of the M-1 Light Manufacturing District is to provide for commercial uses, storage and those manufacturing uses not normally creating a nuisance discernible beyond its property; i.e., air, noise, and/or water pollution.

The purpose of the Conditional Use Provision is to provide for industrial uses not allowed in any other District; providing that, within the District, uses of a hazardous nature of those producing extensive smoke or odor shall not be located so that a general hazard or nuisance affects the community.

12.1 USES PERMITTED IN THE M-1 LIGHT MANUFACTURING DISTRICT:

- A. Any use permitted in the B-1 Business District, except residential uses;
- B. **Warehousing and Storage:** Indoor and outdoor storage of goods and materials including warehousing, pole-yards, building material storage, and trucking storage; however, not including junk yards or similar uses;
- C. **Manufacturing:** Manufacture or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators; textile products manufacture; glass, cement, and stone products manufacture or processing; hatcheries, canning, freezing, storage and bottling; and
- D. Other manufacturing uses of light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a Permit by a registered engineer or architect indicating

that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise.

In the event of the denial of such Permit, an applicant shall have a right of appeal to the Board of Zoning Appeals, in accordance with Article XXV. District Changes and Resolution Amendments.

12.2 CONDITIONAL USES PERMITTED IN THE M-1 LIGHT MANUFACTURING DISTRICT:

All uses not otherwise prohibited by law, except residential uses, provided, however, that the following uses will be permitted as special uses in the M-1 District when authorized by the Township Trustees after public hearing and recommendation by the Zoning Commission: bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning and storage of raw hides and skins; distillation of bones, coal, wood or tar, fat rendering, forge plant; foundry or metal fabrication plant; gasoline or oil storage above ground in excess of five hundred (500) gallons; slaughter house or stockyards; smelting plant and the manufacture of acetylene, acid, alcohol or alcoholic beverages; ammonia, bleaching powder, chemicals, brick, pottery, terra-cotta or tile; candles; disinfectants; dyestuffs; fertilizers; linseed oil, paint, oil, turpentine, varnish, soap and tar products; or any other use which in the opinion of the Zoning Commission would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property.

The Zoning Commission shall recommend Township Trustees' approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the General Manufacturing District in which it is located. Such special uses shall be subject to any requirements the Zoning Commission feels necessary to further the purpose of the Manufacturing District, as stated in the Purpose.

12.3 REQUIRED LOT AREA AND LOT WIDTH IN MANUFACTURING DISTRICT:

Each use to be established in the M-1 District shall provide a minimum lot area of eight thousand (8,000) square feet and a minimum lot width of sixty (60) feet.

12.4 BUILDING HEIGHT REGULATION IN MANUFACTURING DISTRICT:

No building in the M-1 District shall exceed fifty (50) feet in height.

12.5 YARDS REQUIRED IN MANUFACTURING DISTRICT:

All structures to be constructed, altered, or moved in the M-1 District shall provide yards of the following minimum depths:

- Front Yard: - twenty-five (25) feet.
- Side Yard: - ten (10) feet, except where a side yard abuts a Residential District, in which case a side yard of twenty-five (25) feet shall be provided.
- Rear Yard: - twenty-five (25) feet.

12.6 SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICT:

Newly established manufacturing uses adjacent or backing on a Residential District shall provide on that adjacent property line a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential area.

12.7 OFF-STREET PARKING AND LOADING:

There shall be provided in the M-1 District adequate off-street parking and loading in accordance with the provision of Article XIV. Off-Street Parking and Loading Regulations.

ARTICLE XIII. SPECIAL PROVISIONS

13.0 PERFORMANCE STANDARDS:

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

- A. **Fire Hazards:** Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material;
- B. **Radioactivity or Electrical Disturbances:** No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point, of any equipment other than that of the creator of such disturbance;
- C. **Noise:** Noise which is objectionable as determined by the Board due to volume, frequency, or beat shall be muffled or otherwise controlled, except during construction operations. Air Raid sirens and related apparatus used solely for public purposes are exempt from this requirement;
- D. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property;
- E. **Smoke:** Smoke shall be controlled as much as economically possible as determined by the Township Trustees;
- F. **Odors:** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property;
- G. **Air Pollution:** No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling;
- H. **Glare:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway;
- I. **Erosion:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties; and
- J. **Water Pollution:** Pollution of water shall be subject to the requirements and regulations established by the State Sanitary Water Board.

13.1 ENFORCEMENT PROVISIONS:

All uses existing on the effective date of this Resolution shall conform to these performance requirements within two (2) years, provided, that an extension of up to six (6) months may be

granted by the Board. Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Board for review.

**ARTICLE XIV. OFF-STREET PARKING AND
LOADING REGULATIONS**

14.0 OFF-STREET PARKING:

Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of two hundred fifty (250) square feet per parking space shall be used.

14.1 NUMBER OF PARKING SPACES REQUIRED:

The number of off-street parking spaces required shall be as set forth in the following:

<u>USE / DESCRIPTION</u>	<u>PARKING SPACES REQUIRED</u>
Automobile or Machinery Sales and Service Garages	One (1) for each six hundred (600) square feet of floor area
Banks, Business and Professional Offices	One (1) for each four hundred (400) square feet of floor area
Bowling Alleys	Seven (7) for each alley
Churches and Schools	One (1) for each five (5) seats in an auditorium OR one (1) for each twelve (12) classroom seats, whichever is GREATER
Dance Halls and Assembly Halls, without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium	One (1) for each one hundred (100) square feet of floor area used for assembly or dancing
Dwellings	One (1) for each family or dwelling unit
Funeral Homes, Mortuaries	Four (4) for each parlor for each fifty (50) square feet of floor area
Furniture and Appliance Stores, household equipment or furniture repair shop over one thousand (1,000) square feet of floor area	One (1) for each four hundred (400) square feet of floor area
Hospitals	One (1) for each bed
Hotels, Lodging Houses	One (1) for each bedroom
Libraries, Museums or Art Galleries	One (1) for each two hundred fifty (250) square feet of floor area

<u>USE / DESCRIPTION</u> <i>(continued)</i>	<u>PARKING SPACES REQUIRED</u> <i>(continued)</i>
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants, over one thousand (1,000) square feet in floor area	One (1) for each three (3) employees in the maximum working shift OR one thousand two hundred (1,200) square feet of floor area, whichever is GREATER
Medical or Dental Clinics	One (1) for each two hundred (200) square feet of floor area
Motel and Motor Hotels	One (1) for each living or sleeping unit
Restaurants, Beer Parlors and Night Clubs, of over one thousand (1,000) square feet in floor area	One (1) for each two hundred (200) square feet of floor area
Retail Stores, Shops, etc., of over two thousand (2,000) square feet of floor area	One (1) for each one hundred fifty (150) square feet of floor area
Sanitariums, Convalescent Homes, Children's Homes	One (1) for each two (2) beds
Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than schools	One (1) for each four (4) seats
Wholesale Establishments or Warehouses	One (1) for each three (3) employees on maximum shift OR for each three thousand (3,000) square feet of floor area, whichever is GREATER

14.2 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS:

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- A. **Screening and Landscaping:** Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins premises situated in any R District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four (4) and six (6) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four (4) feet in height;
- B. **Surfacing:** Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete;
- C. **Lighting:** Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R District;
- D. **Joint Use of Parking Areas:** Parking spaces may be located on a lot other than that containing the principal use with approval of the Board, provided a written agreement, approved by the Board and accepted by the Board of Township Trustees, shall be filed with the application for a Zoning Permit; and

- E. **Parking Areas - Modifications:** The Board may authorize, on Appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.

14.3 OFF-STREET LOADING:

In any District, in connection with every building or part thereof erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space, plus one (1) additional such loading space for each ten thousand (10,000) square feet or major fraction thereof, of gross floor area so used in excess of ten thousand (10,000) square feet.

14.4 LOADING SPACE - DIMENSIONS:

Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

14.5 LOADING SPACE – OCCUPY YARD:

Subject to the limitations in Article XIV. Off-Street Parking and Loading Regulations, subparagraph 14.6 Loading Space – Distance From R District, such space may occupy all or any part of any required yard.

14.6 LOADING SPACE – DISTANCE FROM R DISTRICT:

No space shall be closer than fifty (50) feet to any other lot located in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid-board fence not less than six (6) feet in height.

ARTICLE XV. DISPLAY SIGNS AND OUTDOOR ADVERTISING

15.0 COMMERCIAL SIGNS OR BILLBOARDS SHALL:

Observe the setback (front yard) requirements of the District in which they are located, except that at any intersection along any road or street shown on the Major Road Plan of Knox County, the setback on unimproved land shall not be less than one hundred (100) feet from the right-of-way lines (existing or as established) of each such road and intersecting street.

Not to be located within three hundred (300) feet of any R-District or the entrance to a park, library, school, church, playground, hospital or similar institution.

15.1 REAL ESTATE SIGNS AND SIGNS ADVERTISING ONLY THE GOODS OR SERVICES PROVIDED ON THE PREMISES SHALL:

Be set back from the right-of-way line (existing or established) at least one-half (½) of the setback (front yard) requirement of the District in which they are located;

Not be lighted in any way so as to cause unnecessary interference with the use and enjoyment of nearby residential or institutional uses or with the safety of vehicular traffic; and

Not exceed one hundred (100) square feet in size.

15.2 TRAFFIC OBSTRUCTION:

No display sign shall be so placed as to obstruct or interfere with a required doorway or other required means of ingress or egress of traffic visibility.

15.3 R DISTRICTS – SIGNS PROHIBITED - EXCEPT:

No display signs (except those exempted – church signs and temporary signs) shall be permitted in any R Districts. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed two (2) square feet in AG or R Districts and not more than four (4) square feet in other Districts.

15.4 CHURCH OR INSTITUTIONAL SIGNS - DIRECTIONAL:

Any bona fide church, religious sect or congregation, public or semi-public institutional use, such as a government building, hospital, school, etc., may erect directional signs in the Township, subject to the following specifications:

- A. **Support and Location:** Such signs shall be mounted on a street post imbedded in concrete between the sidewalk and curb, so that the bottom of the sign shall be at least six (6) feet from the ground. There shall not be more than one (1) church sign located on the corner of any street intersection;
- B. **Design:** All church signs shall be of uniform design, size and construction as specified by the Board;
- C. **Permission - Property Owner:** The church, sect or congregation shall secure, in writing, permission from the owner of the property in front of which such sign is sought to be erected. Such permission shall be filed with the Zoning Inspector who will issue the required Permit upon approval of the location by the Board;
- D. **Bonds:** Bond shall be provided as required for other display signs; and
- E. **Church Signs - Bulletin Board:** Any bona fide church, religious sect or congregation, community center or similar semi-public or institutional use may erect and maintain for their own use a bulletin board or announcement sign not over twelve (12) square feet in area on the same premises upon which such use is located. If not attached flat against a building, said sign shall be at least twelve (12) feet from all street lines.

15.5 TEMPORARY SIGNS:

The Board may authorize the installation of temporary signs in accordance with the requirements of this paragraph and subject to such additional requirements and conditions as it may deem necessary:

- A. **Banners:** Any similar temporary signs in connection with public or semi-public promotional or festive occasions;
- B. **Subdivision Signs:** Signs advertising sale of lots in an undeveloped subdivision may be erected and displayed in said subdivision, provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision; and provided that each such sign shall be removed at the expiration of one (1) year after its erection or when sixty percent (60%) of the lots fronting on the street which sign faces have been built upon and occupied as residences, whichever occurs first; and
- C. **Contractors' Signs:** Signs announcing the names of contractors, subcontractors and material men participating in the construction of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved.

15.6 SURETY BOND:

The owner or person in control of a display sign suspended over a street or extending into a street more than one (1) foot beyond the building line, whether permanent or temporary, shall execute a bond as required.

15.7 FEES:

Fees shall be subject to the provisions of Article XXIII. Enforcement, subparagraph 23.3 Fees, of this Resolution.

ARTICLE XVI. EXTRACTION OF MINERALS

16.0 GENERAL REQUIREMENTS:

Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any C-1 and AG Districts may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom; provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

- A. **Distance from Property Lines:** No quarrying operation shall be carried on or any stock pile placed closer than one hundred (100) feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;
- B. **Distance from Public Right-of-Way:** In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;

- C. **Fencing**: Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing is necessary for the protection of the public safety, and shall be a type specified by the Board;
- D. **Equipment**: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and
- E. **Processing**: The crushing, washing and refining, or other similar processing, may be authorized by the Board as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.

16.1 APPLICANT – FINANCIAL ABILITY:

In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

16.2 APPLICATION – CONTENTS, PROCEDURE:

An application for such operation shall set forth the following information:

- A. Name of the owner or owners of land from which removal is to be made;
- B. Name of the applicant making request for such Permit;
- C. Name of the person or corporation conducting the actual removal operation;
- D. Location, description and size of the area for which removal is to be made;
- E. Location of processing plant used;
- F. Type of resources or materials to be removed;
- G. Proposed method of removal and whether or not blasting or other use of explosives will be required;
- H. Description of equipment to be used; and
- I. Method of rehabilitation and reclamation of the mined area.

16.3 PUBLIC HEARING:

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

16.4 REHABILITATION:

To guarantee the restoration, rehabilitation, and reclamation of mined-out area, every applicant granted a Mining Permit as herein provided, shall furnish a performance bond running to the Township in the amount of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00) as a guarantee that such applicant, in restoring, reclaiming and rehabilitation of such land, shall, within a reasonable time and to the satisfaction of the Board of Zoning Appeals, meet the following minimum requirements:

- A. **Surface Rehabilitation**: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids, to secure:
 - 1. That the excavated area shall not collect and permit to remain therein stagnant water; or

2. That the surface of such area, which is not permanently submerged, is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall, and which will be in substantial conformity to the adjoining land area;
- B. **Vegetation**: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided; and
- C. **Banks of Excavations Not Backfilled**: The banks of all excavations not backfilled shall be sloped to the water line at a slope angle not less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

16.5 ADDITIONAL REQUIREMENTS:

In addition to the foregoing, the Board of Zoning Appeals may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board prior to issuance of the Permit.

16.6 GAS AND OIL WELLS:

In any and all Districts of the Township, a well may be drilled for the exploration for or production of natural gas or oil only after or when the following conditions have been complied with:

- A. Compliance with all applicable laws of the State of Ohio;
- B. Surety Bond in the amount of Ten Thousand Dollars (\$10,000) has been obtained and is attached to the Drilling Permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the Permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well, including damage to streets, pavements, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs; and
- C. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way nor within one hundred (100) feet of a residential lot line.

**ARTICLE XVII. AUTOMOBILE SERVICE
STATIONS, PARKING GARAGES AND PARKING AREAS**

17.0 ENTRANCE – DISTANCE REQUIREMENTS:

No automobile service or filling station parking area for twenty-five (25) or more passenger motor vehicles, trucks or busses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school,

public playground, the entrance to a public park or cemetery, monastery, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

17.1 OIL DRAINING, ETC.:

No automobile service station or public garage shall be permitted where any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances, other than filling caps, are located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R District, except where such appurtenances are within a building.

17.2 AUTOMOBILE SERVICE STATION - ENCLOSURE:

Except in integrated shopping centers and in M Districts, no automobile service station shall be erected or constructed, and no alteration or improvement shall be made to any existing nonconforming service station, unless the premises upon which such station is, or is intended to be located, shall be enclosed in the rear and on the sides by a solid masonry wall not less than six (6) feet high. The first ten (10)-foot section of such wall, measured from the street right-of-way line, may be stepped down to two (2) feet at said right-of-way line, following a pattern of appropriate design.

ARTICLE XVIII. PRIVATE SWIMMING POOLS

18.0 DEFINITION:

A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:

- A. **Exclusive Private Use:** The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests;
- B. **Distance Requirements:** The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than ten (10) feet to any property line of the property on which located; provided further that pump and filter installations shall be located not closer than twenty (20) feet to any property line;
- C. **Fencing:** The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties;
- D. **Drainage:** Adequate provision for drainage shall be made subject to approval by the County Engineer;
- E. **Lighting:** Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties; and
- F. **Permit Required:** No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector and the Health Commissioner.

**ARTICLE XIX. MOBILE HOMES AND
MOBILE HOME PARKS, MOTELS AND MOTOR HOTELS**

19.0 GENERAL REQUIREMENTS:

The Board of Zoning Appeals may authorize establishment of a mobile home park in any R-1 District; however, such mobile home park site shall be located at least three (300) feet from any existing residences and be in accordance with the provisions of this Article. The sanitary regulations prescribed by the authority having jurisdiction, and as may be otherwise required by law, shall be complied with, in addition to the following regulations:

- A. **Area and Yard Requirements:** Mobile home parks, motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the District in which located;
- B. **Parking:** All areas used for automobile access and parking shall comply with the applicable provisions of this Resolution, provided that there shall be at least one (1) off-street parking space for each mobile home park lot and one (1) additional space for each four (4) such lots to accommodate guests;
- C. **Entrance to Mobile Home Parks; Motels:** No vehicular entrance to or exit from any mobile home park or motel, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut;
- D. **Landscaping - Unused Areas:** All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width, shall be established and maintained within the mobile home park along its exterior boundaries;
- E. **Enclosure:** Mobile home parks and motels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six (6) feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Board;
- F. **Enlargement - Permit:** Any enlargement or extension to any existing motel, motor hotel or mobile home park, shall require application for a Zoning Certificate, as if it were a new establishment;
- G. **Enlargement - Existing Facilities to Comply:** No enlargements or extensions to any motel, motor hotel or motor home park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment;
- H. **Mobile Homes Prohibited - Except:** Except as provided in Article V. Districts and General Provisions, subparagraphs 5.11 Trailers Prohibited – Except and/or 5.12 Trailers – Visitors; Article VIII. AG – Agricultural District, subparagraph 8.2 Conditional Permitted Uses in the AG District; and Article IX. R-1 Residential District, subparagraph 9.2 Conditional Uses in the R-1 District (As Approved by the Appeals Board), no person shall park or occupy any mobile home on any premises in any District outside an approved mobile home park. The parking of any unoccupied mobile home in an accessory private garage building, or in a rear yard, shall be

permitted in any District, provided no living quarters shall be maintained or any business conducted in such mobile home while so parked or stored; and

- I. **Wheels Not to be Removed**: In any mobile home park, the wheels or any similar transporting devices of any mobile home or camp car, shall not be removed except for repairs.

19.1 MOBILE HOME PARKS – SUBMISSION OF PLANS:

An application for the establishment of a mobile park shall be filed with the Zoning Inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide land surveyor, civil engineer, landscape architect or architect. The Inspector shall check the plat, and, after approval of the County Board of Health, if he finds the same to be in compliance with the requirements of this Article, forward the same to the Board of Zoning Appeals. The Inspector shall also advise the Zoning Commission of the pending application and the Commission shall review the same and submit its recommendation thereon to the Board of Zoning Appeals. The Board shall hold a public hearing on the application, giving ten (10) days notice thereof in a newspaper of general circulation. Upon completion of said hearing, the Board shall approve, conditionally approve, or deny the application. The plat shall contain the following information:

- A. Accurate dimensions of the proposed mobile home park;
- B. All road and approaches and the method of ingress and egress from public highways;
- C. The complete electric service installation, wire service outlets and lighting facilities;
- D. The complete location of any natural gas facilities to serve the mobile home park;
- E. A complete layout of unit parking spaces and the number of square feet therein, together with dimensions thereof; and
- F. The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, and other building or structures contemplated to be used by such applicant in connection with said business.

19.2 MOBILE HOME PARKS – MINIMUM STANDARDS AND REQUIREMENTS:

Mobile home parks shall be designed and maintained in accordance with the following requirements:

- A. **Park Area**: The minimum mobile home park area shall be ten (10) acres;
- B. **Lot Area**: The minimum lot area per mobile home unit site within the mobile home park shall be five thousand (5,000) square feet;
- C. **Lot Width**: The minimum lot width per mobile home unit within the mobile home park shall be fifty (50) feet. Each lot shall be clearly defined by a permanent marker in the ground;
- D. **Access**: Each mobile home park shall abut upon a public street and each mobile home lot shall have direct access to a private hard surface road, such as concrete or asphaltic concrete;
- E. **Distance Between Mobile Homes**: The minimum distance between neighboring mobile homes shall be not less than thirty (30) feet; and

- F. **Concrete Slab**: Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight by ten (8' x 10') feet and a minimum thickness of four (4) inches.

19.3 UTILITIES:

The following requirements shall apply:

- A. **Water Supply**: Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. A daily minimum of one hundred fifty (150) gallons per mobile home shall be required. The source of water supply for human consumption shall meet all the requirements of the Knox County and State Boards of Health. The use of open wells, springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this Resolution;
- B. **Sewage Treatment and Sewage Disposal**: The treatment of all sewage shall be through a sewage disposal system approved by the Knox County and State Boards of Health;
- C. **Waste and Garbage Disposal**: Mobile home parks shall be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter, and trash. Disposal of waste and garbage shall be regular and as determined by the Knox County Board of Health;
- D. Mobile home units not equipped with water and sewer facilities shall be located not more than two hundred (200) feet from a community utility building which shall provide separate toilet and shower facilities for each sex;
- E. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters;
- F. Each mobile home unit shall be equipped with at least one (1) electric outlet; and
- G. Copies of the recommendations of all approving authorities shall be attached to each application to establish a mobile home park.

19.4 INTERIOR STREETS:

The minimum roadway width of interior one (1)-way streets with parking permitted on one (1) side shall be twenty-one (21) feet. The minimum roadway width of two (2)-way streets with parking permitted on one (1) side shall be thirty (30) feet. The minimum width of two (2)-way streets without parking permitted shall be twenty (20) feet. Such streets shall be paved with a hard surface, such as concrete or asphaltic concrete and maintained in good condition and lighted at night.

19.5 RECREATION AREAS:

There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of three hundred (300) square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

19.6 LENGTH OF OCCUPANCY:

No mobile home shall remain in a mobile home park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.

19.7 ADDITIONAL REQUIREMENTS:

In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the design, development and operation of such mobile home parks, as it may deem necessary for the protection of adjacent properties and the public interest.

19.8 FEES:

Subject to the provisions of Article XXIII, Enforcement, subparagraph 23.3 Fees, of this Resolution.

ARTICLE XX. COMMUNITY DEVELOPMENT PROJECTS

20.0 PROJECTS – WHERE LOCATED:

In any R-2 District, the owners of a tract of land comprising not less than four (4) acres, may submit to the Zoning Commission a plan for the use and development of all of such tracts of land for residential purposes or for the repair or alteration of any existing housing development on such tracts.

20.1 COMMISSION FINDINGS:

It shall be the duty of the Zoning Commission to investigate and ascertain whether the proposed residential development plan complies with the following conditions:

- A. **Consistency - Zoning Resolution:** That the plan is consistent with the intent and purposes of this Resolution;
- B. **Adjacent Property - No Adverse Effect:** The property adjacent to the area included in the plan will not be adversely affected;
- C. **Residential Use Only:** That the buildings are to be used only for residential purposes and usual accessory uses, such as garages, storage space, recreational and community activities, including churches;
- D. **Lot Area Per Family:** That the average lot area per family or dwelling unit contained in the site, exclusive of the area of streets, will not be less than one hundred percent (100%) of the lot area per family required in the District in which the site is located;
- E. **Off-Street Parking:** That there are to be provided off-street parking facilities in accordance with the requirements of Article XIV, Off-Street Parking and Loading Regulations; and
- F. **Recreation Facilities:** That there are to be provided, as a part of the proposed development, recreational facilities to serve the needs of the anticipated population to be housed therein as follows:
 - 1. **Recreation Area - Projects Over Twenty (20) Acres:** In case of any lot or tract on which residence development or dwelling group is to be erected contains twenty (20) acres or more, at least five percent (5%) of the acreage

of such lot shall be set aside and developed as a neighborhood playground or playgrounds;

2. **Recreation Area - Projects Under Twenty (20) Acres**: In case of a lot under twenty (20) acres in an area with more than fifty (50) dwelling units, the required area of play lots shall be two thousand (2,000) square feet plus thirty (30) square feet for each dwelling unit in excess of fifty (50); and
3. **Recreation Area - Modifications**: These requirements for the provision of recreation areas may be modified or waived by the Zoning Commission where, in its opinion, adequate public recreation areas are available nearby, or where justified in view of the availability of suitable yard space or the type of occupancy the dwelling units are designed to accommodate.

20.2 HEIGHT AND YARD MODIFICATIONS:

The height limitations applicable in the District in which a community development project is located may be modified, provided the following requirements are complied with:

- A. No principal building or structure shall exceed a height equal to two (2) times the distance between the building line and the center line of the street on which it fronts. No accessory structure shall exceed two (2) stories or twenty-five (25) feet in height, except as provided in Article XXIII. Enforcement;
- B. The gross area of the project shall comprise of not less than ten (10) acres;
- C. For each foot of building height over forty (40) feet, the distance between such building and the side or rear property lines of the community development project area shall be increased by one-half (½) foot in addition to the side and rear yard required in the District, provided that this additional setback shall not be considered part of the side and rear yards; and
- D. High-rise buildings shall be located within a community development project in such a way as to dissipate any adverse impact on adjoining low-rise buildings.

20.3 REPORT FURNISHED TO BOARD:

A report of its findings and recommendations shall be furnished by the Zoning Commission to the Board of Zoning Appeals.

20.4 BOARD MAY AUTHORIZE PROJECT:

Following a public hearing by the Board of Zoning Appeals, and if the Board finds that the proposed residential development plan is consistent with the intent and purposes of this Resolution, it may authorize the Zoning Inspector to issue a Zoning Certificate, even though the use of the land and location of the buildings to be erected and the yards and open spaces contemplated by the plan do not conform in all respects to the regulations of this Resolution for the District in which the site of the proposed development is located.

20.5 FEES:

Fees shall be subject to the provisions of Article XXIII. Enforcement, subparagraph 23.3 Fees, of this Resolution.

ARTICLE XXI. PLANNED INDUSTRIAL PROJECTS

21.0 MINIMUM AREA:

The owner of a tract of undeveloped land or of land cleared for redevelopment of twenty (20) acres or more, which is suited for light industrial development, may submit to the Zoning Commission for its review a preliminary plan for the use and development thereof for a planned Industrial District regardless of the zoning classification of such tract at the time said plan is filed.

21.1 COMMISSION FINDINGS:

It shall be the duty of the Zoning Commission to ascertain that the proposed project will comply with the following conditions:

- A. **Integrated Design:** That the plan provides for an Industrial District consisting of several buildings or groups of buildings of efficient and harmonious design, together with properly arranged traffic ways, parking and loading facilities and landscaping so arranged as to create an attractive project readily integrated with and having no adverse effect on adjoining or surrounding areas and developments;
- B. **Thoroughfare Access Required:** That the Industrial District will abut a street designated in the official "Thoroughfare Plan" as a primary or secondary thoroughfare, or that direct access to such street is provided by means of an acceptable industrial service street; and
- C. **Uses, Design Standards and Improvements:** That the proposed uses accord with the uses permitted and that the layout of the proposed Industrial District and the proposed improvements conform in all respects with the general design standards and improvement requirements stipulated in this Article.

21.2 PERMITTED USES:

Any use permitted in the M-1 District, provided adherence to all distance requirements and other standards of said by the proponents for the necessary appropriate change in Zoning District classification of the site of the proposed planned Industrial District. The Trustees shall hold a public hearing on both the plan and the application for Zoning District changes. If in its judgment, Districts may be modified by the Zoning Commission.

21.3 LOT AREA:

Minimum twenty thousand (20,000) square feet.

21.4 BUILDING HEIGHT LIMIT:

Thirty-five (35) feet within two hundred (200) feet of any R District.

21.5 DISTANCE OF BUILDINGS FROM PROJECT BOUNDARY:

If adjoining R District – one hundred (100) feet; if adjoining B District – fifty (50) feet.

21.6 LANDSCAPING OF UNSURFACED AREAS:

All unpaved areas shall be landscaped subject to Commission approval.

21.7 GREENBELTS:

The project area shall be enclosed on all sides by a planted strip at least twenty (20) feet wide, or of such greater width which, in the opinion of the Zoning Commission, may be necessary for the adequate protection of adjoining premises. The plant material, subject to Commission approval, shall have initially a height compactness of not less than fifty percent (50%) of the ultimately required height and compactness.

21.8 OUTDOOR ADVERTISING:

Shall be prohibited, except that each industry may have one (1) suitable identifying sign of not to exceed one hundred fifty (150) square feet in area.

21.9 ILLUMINATION:

Lighting fixtures shall be so installed as to deflect the light away from adjacent properties.

21.10 FINAL DEVELOPMENT PLAN:

Upon determination by the Zoning Commission that the proposed planned Industrial District as shown in the preliminary plan appears to conform to the requirements herein and all other applicable requirements of the Resolution, the proponents shall submit a final development plan, which plan shall incorporate any changes or modifications required by the Commission.

21.11 RECOMMENDATIONS TO TOWNSHIP TRUSTEES:

If the final plan is found to be in compliance with the requirements herein, the Commission shall submit said plan, its report and recommendations to the Township Trustees, together with an application by the proponents for the necessary appropriate change in Zoning District classification of the site of the proposed planned Industrial District. The Trustees shall hold a public hearing on both the plan and the application for Zoning District change. If, in its judgment, other satisfactory arrangements are provided for which, among other beneficial effects, will afford properties located in the adjacent Zoning Districts to which such distance requirements or other standards are primarily applicable, protection against possible adverse effects equivalent to the protection intended to be provided by means of said distance requirements or other standards.

21.12 PROHIBITED USES:

Residential and retail business uses of any kind, except when accessory to a permitted principal use.

21.13 GENERAL DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS:

The following minimum design standards shall be observed and the owner or developer shall post with the Planning Commission an adequate surety bond or furnish other kind of surety or guarantee, satisfactory to the Commission, assuring, at the expense of the owner or developer, the installation of improvements specified in the following:

- A. **Rights-of-way, Pavements and Utilities:** All interior streets shall have a right-of-way width of not less than eighty (80) feet, and shall be provided with all-weather concrete pavement and curb and gutter meeting city specifications. All necessary utilities shall be installed meeting city specifications; and

B. Off-Street Parking and Loading:

1. Employee parking - one (1) space for each two (2) employees on the maximum shift;
2. Customer parking - at least ten (10) spaces per plant;
3. Loading facilities shall be determined according to type of industry and must be off-street and of sufficient size to accommodate normal peak loads. Loading docks shall not be placed along building fronts;
4. There shall be provided sufficient storage area to accommodate off-street all plant vehicles; and
5. All off-street parking, loading, vehicle storage and maneuvering areas shall be surfaced with suitable pavement.

21.14 REZONING:

Following the public hearing, the Township Trustees may modify the plan, consistent with the intent of the Resolution, and may change the zoning of the site to the appropriate Zoning District classification.

21.15 ADJUSTMENTS – AUTHORIZED BY COMMISSION:

After the final development plan has been approved by the Township Trustees and in the course of carrying out the plan, minor adjustments and rearrangements of buildings, service areas, and other features requested by the developers may be authorized by the Commission.

ARTICLE XXII. EXCEPTIONS AND MODIFICATIONS

22.0 LOT OF RECORD:

When a lot which is an official lot of record at the time of adoption of this Resolution does not comply with the area, yard, or other requirements of this Resolution, such lot may be used as a building site provided, however, that the yard and other requirements of the District are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

22.1 EXCEPTION TO YARD REQUIREMENTS:

- A. **Allowable Projections of Residential Structure Into Yards:** Any structure may project into the required front yard if existing structures on both adjacent lots in the same District have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as window sills, cornices, roof overhangs, may project into the requirements, provided such projection is not more than four (4) feet and does not reach closer than four (4) feet to any lot line;

- B. **Allowable Projections of Business Structures Over Sidewalk:** Signs, awnings, canopies, marquees are permitted to overhang the sidewalk in the B-1 District only, providing that overhanging signs are a minimum of eight (8) feet above the sidewalk

at any point and that all other structures are a minimum of six (6) feet eight (8) inches above the sidewalk at any point; and

- C. **Allowable Projection of Accessory Building Into Rear Yard:** One (1)-story accessory buildings may project into only rear yards abutting on an alley, providing such projection extends not closer than five (5) feet to the rear lot line.

22.2 EXCEPTION TO HEIGHT LIMITS:

The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

ARTICLE XXIII. ENFORCEMENT

23.0 ENFORCEMENT BY ZONING INSPECTOR:

There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Resolution in accordance with the administrative provisions of this Resolution.

All departments, officials and public employees of the Township vested with the duty or authority to issue Permits and Licenses shall conform with the provisions of this Resolution and shall issue no Permit or Licenses for any use, building, or purpose in conflict with the provisions of this Resolution. Any Permit or License issued in conflict with the provisions of this Resolution shall be null and void.

23.1 ZONING CERTIFICATE (COMMONLY CALLED A "BUILDING PERMIT"):

It shall be unlawful for an owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate provided he is satisfied that the structure, building or premises and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform with all the requirements of this Resolution.

No permit for the excavation and construction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform with the provisions of this Resolution.

The Zoning Inspector shall act upon all such applications on which he is authorized to act within the provisions of this Resolution within thirty (30) days after the date they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefor.

Failure to notify the applicant in case of such refusal within the said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

Under such rules as may be adopted by the Board, the Zoning Inspector may issue a Temporary Zoning Certificate for a part of a building.

Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of the enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

Pursuant to a verbal agreement and vote by the Board of Township Trustees with the Zoning Inspector, the procedure has been required since January, 2002, for the posting of the Zoning Certificate (Building Permit) Sign.

23.2 FILING PLANS:

Every application for a Zoning Certificate shall be accompanied by plans in duplicate drawn to scale in black or blue-line print, showing (on the basis of survey) the actual location, shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size, and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or any part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution. One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such Zoning Certificate as may be granted.

The lot and the location of the building thereon shall be staked out on the ground before construction is started. In every case where the lot is not provided and is not intended to be provided with public water and/or the disposal of sanitary waste by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Department of Knox County of the proposed method of water supply and/or disposal of sanitary waste.

23.3 FEES:

Fees shall be charged in accordance with the orders and directions of the Board of Township Trustees.

23.4 VIOLATIONS AND PENALTIES:

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees.

23.5 VIOLATIONS – REMEDIES:

In case any building is, or is supposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney for Knox County, the Zoning Inspector, or any adjacent or neighboring

property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this Article.

ARTICLE XXIV. BOARD OF ZONING APPEALS

24.0 APPOINTMENT – BOARD OF ZONING APPEALS:

There is hereby created a Township Board of Zoning Appeals consisting of five (5) members who shall be appointed by the Board of Township Trustees, and who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. The members may be allowed their expenses, or such compensation, or both, as Township Trustees may approve and provide. The Board may, within the limits of the moneys appropriated by the Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary. Vacancies on the Board shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

24.1 PROCEDURE:

The Board shall organize and adopt rules for its own government and in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board 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 immediately filed in the office of the Township Trustees and shall be a public record.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and a concurring vote of three members of the Board shall be necessary to reverse an order or determination of the Zoning Inspector or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution.

The Board may call upon the Township departments for assistance in performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

24.2 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS:

- A. **Applications - When and by Whom Taken:** An application, in cases on which the Board has original jurisdiction under the provisions of this Resolution, may be filed by any property owner, including a tenant or by a governmental official, department, board

or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit the same to the Board;

- B. **Appeals - When and by Whom Taken**: An appeal to the Board may be taken by any person aggrieved or by any officer 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, a Notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken;
- C. **Hearings**: The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice to the parties in interest, by certified mail (pursuant to Resolution dated May 8, 2002, by Jefferson Township, and such procedure having been maintained since such date, this procedure shall remain until such time as it may be amended, altered, or revoked by supplemental Resolution of said Township), and give notice of such public hearing in one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check payable to the Clerk of the Township or cash payment sufficient in an amount to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or by attorney. A party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Knox County on the grounds that the decision was unreasonable or unlawful;
- D. **Decision of the Board**: The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or Appellant and to the Zoning Inspector. Such decisions shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the times and conditions of the same in the certificate to the applicant or Appellant whenever a certificate is authorized by the Board.

A decision of the Board shall not become final until after the expiration of five (5) days from the date such decision is made unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record; and

- E. **Stay of Proceedings**: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board after Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than an order which may, on due cause shown, be granted by the Board on application after notice to the Zoning Inspector or by judicial proceedings.

24.3 **POWERS OF THE BOARD OF ZONING APPEALS:**

- A. **Conditional Uses, Specified Exceptions and Interpretations of Zoning Map**: The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications filed as hereinbefore provided for conditional uses, special exceptions, or for interpretation of the Zoning Map, or for decisions upon other special

questions upon which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, a special exception, or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and, in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Resolution for the particular conditional use or special exception - which the Board may deem necessary for the protection of adjacent properties and the public interest; and

- B. **Conditional Uses and Special Exceptions:** In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:
1. **Nonconforming Uses - Substitution:** The substitution of a nonconforming use existing at the time of enactment of this Resolution by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, however, that any use so substituted shall be of the same or a more restricted classification;
 2. **Nonconforming Uses - Extension:** The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot; provided that such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming and that such extension is necessary and incidental to such existing nonconforming use; provided further that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes; provided further that such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises; and provided, still further, that such extension shall in any case be undertaken within five (5) years of the enactment of this Resolution;
 3. **Extension of Use or Border District:** The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five (25) feet beyond the dividing line of the two (2) districts, under such conditions as will safeguard development in the more restricted district;
 4. **Performance Standards Procedure:** The Board shall have the power to authorize, upon application in specific cases, filed as hereinbefore provided, issuance of a Zoning Certificate for uses that are subject to Performance Standards procedure as provided in this Resolution; and
 5. **Temporary Structures and Uses:** The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12)-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

24.4 **INTERPRETATION OF ZONING MAP:**

Where the street or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property or

properties concerned, and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Resolution. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

24.5 ADMINISTRATIVE REVIEW AND VARIANCES:

- A. **Administrative Review:** The Board shall have the power to hear and decide appeals filed as hereinbefore provided where it is alleged by the Appellant that there is an error in any order, requirements, decision, or grant of refusal made by the Zoning Inspector or other administrative official in the interpretation of the provisions of this Resolution; and
- B. **Variances:** The Board shall have the power to authorize upon appeal in specific cases filed as hereinbefore provided such variances from the provisions and requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions, pertaining to a specific piece of property, the literal enforcement of the provisions and requirements of this Resolution would cause undue and unnecessary hardship.

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have the power to authorize a variance from the terms of this Resolution so as to relieve such hardship and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure of use as it may deem necessary in the interest of the furtherance of the purposes of this Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to insure that the conditions attached are being and will be complied with.

No such variances in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district;
2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity; and
3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or of the public interest.

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which a variance is sought - one or the other or in combination - is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

24.6 GENERAL:

In exercising its power, the Board may, in conformity with the provisions and statutes and of this Resolution, reverse or affirm wholly or partly or may 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 all the powers of the officer from whom the appeal is taken.

24.7 VARIANCES – LITERAL ENFORCEMENT WOULD CREATE UNDUE HARDSHIP:

The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this Resolution as will not be contrary to the public interest; provided, however, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would result in practical difficulty or undue hardship, so that the spirit of the Resolution shall be upheld, public safety and welfare secured, and substantial justice done.

24.8 VARIANCE – CONDITIONS PREVAILING:

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship - unnecessary to carry out the spirit and purpose of this Resolution - the Board shall have power to authorize a variance from the terms of this Resolution, so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.

24.9 VARIANCE – FINDINGS OF THE BOARD:

No such variance of the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

- A. **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district;

- B. **Preservation of Property Rights**: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity;
- C. **Absence of Detriment**: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Resolution or the public interest;
- D. **Not of General Nature**: No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation; and
- E. **Variances - Board May Reverse Orders, Etc.**: In exercising its power, the Board may, in conformity with the provisions of statute and of this Resolution, reverse or affirm, wholly or partly, or may 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 all powers of the Office from whom the appeal is taken.

24.10 PERFORMANCE STANDARDS - PROCEDURE:

The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Certificate for uses that are subject to performance standards' procedure under Article XIII. Special Provisions of this Resolution, as provided in the following:

- A. **Application**: An application for a Zoning Certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development - including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article XIII. Special Provisions in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in Paragraph C. (Review by Board) 2. below;
- B. **Report by Specialists**: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Article XIII. Special Provisions for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant;
- C. **Review by Board**: Within thirty (30) days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a modification of the proposed plan of construction or

specifications, proposed equipment, or operation. Any Zoning Certificate so authorized and issued shall be conditioned upon, among other things, the following:

1. That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and
 2. That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installation in operation will meet said applicable performance standards; and
- D. **Continued Enforcement**: The Zoning Inspector shall investigate any purported violation of performance standards and, if there are reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the Township.

ARTICLE XXV. DISTRICT CHANGES AND RESOLUTION AMENDMENTS

25.0 APPOINTMENT – ZONING COMMISSION:

There is hereby created a Township Zoning Commission (hereinafter referred to as the “Commission”), consisting of five (5) members who shall be appointed by the Board of Township Trustees, and who shall be residents of the unincorporated area of the Township included in the area zoned. The Commission can take no final action on its own; rather, it serves as a Board that makes recommendations to the Board of Township Trustees on:

- A. Amendments or supplements to the Zoning Resolution initiated by its own research and action;
- B. Amendments or supplements to the Zoning Resolution initiated by the Board of Township Trustees; and/or
- C. Requests for change of Zoning District (“rezoning”) initiated by the filing of an application therefore by one (1) or more of the owners or lessees of property proposed to be changed or affected.

The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. The members may be allowed their expenses, or such compensation, or both, as the Township Trustees may approve and provide. The Board may, within the limits of the moneys appropriated by the Township Trustees for the purpose, employ such executives, professional, technical, clerical, and other assistants as it deems necessary. Vacancies on the Commission shall be filled by the Board of Township Trustees, and shall serve for the remainder of the respective unexpired term.

25.1 INITIATION OF AMENDMENTS OR SUPPLEMENTS:

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a Resolution therefore by the Township Trustees or by the

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

25.2 PROCEDURE FOR CHANGE:

Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the applications.

25.3 NAMES AND ADDRESSES OF PROPERTY OWNERS:

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current tax roll.

25.4 PUBLIC HEARING BY ZONING COMMISSION:

Upon the adoption of such motion, or the certification of such Resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) days, nor more than forty (40) days from the date of certification of such Resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

As soon as a property owner has submitted an application for amendments or supplements to this Zoning Resolution, the Zoning Commission shall cause to be placed a sign stating "Zoning Reclassification / Redistricting Applied For" on the property affected, as near as possible to any public highway, and/or adjacent to the prominent driveway or other access point. Such sign, marked with a waterproof substance and constructed of durable material resembling a realtor's or political candidate's "yard sign", shall be at least twenty-four (24") inches high by thirty-six (36") inches wide, and extend at least thirty-six (36") inches above the ground. In addition to the primary text, the sign shall bear this statement:

"Comments and inquiries regarding this application shall be directed to _____ (name), the Chairman of the Zoning Commission of Jefferson Township, Knox County, Ohio, at the following:

_____, Ohio, _____
(740) _____ - _____

*A hearing on this application will be conducted on the following date:
_____, _____, at _____ o'clock (____. M.).*

In addition to the signs on the property itself, the Chairman of the Zoning Commission shall post a notice, advising of the date of the hearing, on the official Jefferson Township bulletin board, located next to the door of the Jefferson Township House, 20790 Nashville Road, Greer, Ohio.

25.5 WRITTEN NOTICE FOR ZONING COMMISSION HEARING:

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or restricted by certified mail fifteen (15) days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

25.6 TRANSMITTAL TO REGIONAL PLANNING COMMISSION:

Within five (5) days after the adoption of such motion or the certification of such Resolution or the failure of such application, the Zoning Commission shall transmit a copy thereof together, with text and map pertaining thereto, to the Regional Planning Commission.

25.7 ACTION BY REGIONAL PLANNING COMMISSION:

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

25.8 RECOMMENDATION BY ZONING COMMISSION TO TOWNSHIP TRUSTEES:

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

25.9 PUBLIC HEARING BY TOWNSHIP TRUSTEES:

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

In addition, the Clerk of the Board of Trustees shall post a notice, advising of the date of the hearing, on the official Jefferson Township bulletin board, located next to the door of the Jefferson Township House, 20790 Nashville Road, Greer, Ohio.

25.10 WRITTEN NOTICE FOR BOARD OF TRUSTEES HEARING:

Written notice of the hearing shall be mailed by the Board of Trustees to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail fifteen (15) days before such hearing to the addresses of such owners appearing on the current

tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

25.11 VOTES BY TOWNSHIP TRUSTEES:

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

25.12 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT (REFERENDUM):

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

25.13 RESULT OF REFERENDUM:

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately. Within five (5) working days after an amendment's effective date, the Township Trustees shall file the text and maps in the office of the County Recorder and with the Knox County Regional Planning Commission. NOTE: Cross-reference: Ohio Revised Code Section 519.12(H).

25.14 COURT OF COMMON PLEAS:

Any person adversely affected by an Order of the Board of Township Trustees adopting, amending or rescinding a regulation, may appeal to the Court of Common Pleas of Knox County on the grounds that said Board failed to comply with the law in adopting, amending, rescinding, publishing or distributing such regulations, or that the regulation as adopted or amended by said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

25.15 FEES:

Each application for a Zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check or cash payment sufficient in an amount to cover the cost of the publishing, posting, and/or mailing the notices of the hearing or hearings required by the foregoing provisions.

ARTICLE XXVI. VALIDITY AND REPEAL

26.0 VALIDITY:

This Resolution and the various parts, articles, and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this Resolution is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby.

26.1 AUTHENTICATION:

The Township Clerk of this Township is hereby ordered and directed to certify to the passage of this Resolution. This Resolution shall be in effect and be in force from and after its passage, approval and publication.

26.2 REPEAL:

All other Resolutions of the Township, inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.