

**LIBERTY TOWNSHIP
KNOX COUNTY
ZONING RESOLUTION**

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CHAPTER 500

500.01 PURPOSE AND SCOPE

PREAMBLE: Liberty Township is a township between Centerburg (Hilliard Township) and Mt. Vernon (Clinton Township). The township is mainly rural with 2 villages and crossed by 2 state highways. The purpose of this zoning resolution is to ensure the ordered development of the township to protect the predominant agricultural, residential setting while allowing beneficial businesses to flourish within the business district. This resolution seeks to promote public health, safety, morals, comfort and general welfare: to conserve and protect property accordance with a comprehensive plan for the desirable future development of Liberty Township, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described-all as authorized by the Ohio Revised Code.

500.02 Title

Liberty Township, Knox County, Ohio, zoning Resolution:

This Resolution shall be known and may be cited and referred to as the Liberty Township, Knox County, Ohio, Zoning Resolution.

500.03 INTERPRETATION OF STANDARDS

REQUIREMENTS AS MINIMUMS: 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 by other rules or regulations, the provisions of this Resolution shall govern.

500.04 APPLICATION OF ZONING, ENFORCEMENT REQUIRED

No structure or part thereof shall be placed upon or moved onto land, erected, constructed, reconstructed, enlarged or structurally altered, nor shall any building or land be used or occupied which does not comply with the district regulations established by this Zoning Ordinance for the district in which the building, structure or land is located.

500.05 SEPARABILITY CLAUSE

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

CHAPTER 501 DEFINITIONS

501.1 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 words “used” shall be deemed to include “designed, intended or arranged to be used.”

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.
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 use shall not include the commercial feeding of garbage or offal to swine or other animals.
3. Alley or Lane: A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.
4. Apartment House: See Dwelling, Multi-Family.
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.
6. Automotive service station or filling station: A place where gasoline, kerosene or any other motor fuel or lubrication oil or grease for deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
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.
8. Basement: A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit.
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; the moving of dirt which alters the natural topography and drainage patterns of the area.
10. Board: The Board of Zoning Appeals of the Township.
11. Board or Lodging House: A dwelling or part thereof where meals and/or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

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 structures, whether stationary or movable.
13. Cellar: The portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.
14. Cemetery: Land use or intended to be used for the burial of the human dead and dedicated for cemetery purposes.
15. Clinic: A clinic is a place which provides a range of services to persons by a group of licensed practitioners, their associate 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.
16. Club: A non-profit association of persons who are bonafide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily as a commercial enterprise.
17. Commission: The Township Zoning commission.
18. 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.
19. District: A portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply.
20. Dwelling: A permanent building used primarily for human habitation but not including facilities for the housing of transient resident nor to include mobile homes.
 - a. Dwelling, Single-Family: A permanent building separate and free standing, in itself providing living accommodations for one family.
 - b. Dwelling, Two-Family: a Permanent building designed exclusively for occupancy by two families.
 - c. Dwelling, Multi-Family: A permanent building or portion thereof providing separate living accommodations for three or more families.
 - d. Dwelling, Unit: One room, or a suite of two or more rooms, designed for or used by one family for living, and sleeping purposes, and having only one kitchen or kitchenette.
 - e. Dwelling, Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any one yard or court in common.
 - f. Dwelling, Mobile Home: See definitions #34
21. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewer pipes, traffic signals, hydrants, or other similar equipment and accessories in connection, therewith, which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other

governmental agencies or for the public health, safety, or general welfare, but not including buildings.

22. Frontage: All the property abutting on one side of a street, between 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.
23. Garage, Private: A detached accessory building or a 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.
24. Garage, Public: A space or structure for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles.
25. Home Occupation: Home occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one time. Home Occupations are subject to a Conditional Use Permit.
26. Hospital: A building or a portion hereof used for the accommodation of sick, injured, or infirm persons, including sanitarium.
27. House Trailer: Also a mobile home.
28. Industry: Storage, repair, manufacture, preparation or treatment of any article, substance, or commodity.
29. Junk: Any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, sorted or stored for reuse or resale such as: Salvage metal, metal alloys, metal compounds and combinations, used or salvaged fabric, fibers, bags, paper, rags, glass or any latex or plastic product; used or salvaged motor vehicles which are primarily used for parts or scrap metal and similar or related articles or property.
30. Junk Buildings, Junk Shops, Junk Yards; Any land, property, structure, building, or combination of the same, on which junk is stored, processed, exchanged, or sold.
31. Kennel: Any structure or premises on which five or more dogs over five (5) months of age are kept.
32. Lot: A piece, parcel or plot of land, occupied or to be occupied by one principal building and its accessory buildings including the open space required under this Resolution.
33. Mineral: Any chemical compound occurring naturally as a product of inorganic processes.
34. Mobile Home: Means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

35. Mobile Home Park: Designed area for mobile homes.
36. Motel or Motor Hotel: A series of attached, semi-attached, 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.
37. Nonconformities: Lots, uses of land, structures, and uses of structure and land in combination lawfully existing at the time of enactment of this ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.
38. Permanent Foundations: A Solid supporting base for a wall, house or building. It usually is made of concrete and/or concrete block. It must extend down below the frost line and lineally extend completely under the length of each and every wall under the structure.
39. Reasonable Use Doctrine: A common law principle that no one has the right to use his property in a way which deprives others of the lawful enjoyment of their property.
40. Recreational Vehicle: A Vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
41. Recreational Facilities: Any instrumentality provided by the 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.
42. Sign-Area of: the total exterior surface computed in square feet of a sign having but one exposed exterior surface, 1/2 the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.
43. Sight Triangle: A triangular shaped portion of land established at street intersection in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
44. Stable-Commercial: A stable for horses, donkeys, mules or ponies, which are let, hired, used or boarded in a commercial basis and for compensation.
45. 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 the remuneration, hire or sale.
46. Standard Equipment: A criterion for the control of type and placing of industrial equipment.
 - (a.) Performance: A Criterion established in the interest of protecting the public health, and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental of land uses.
47. Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

48. Street: Any public or private way dedicated to public travel, 50 feet or more in width. The word "Street" shall include the words, "roads," "highway," and "thoroughfare."
49. Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
50. Structural Alteration: Any change in the structural members of a building, such as a walls, columns, beams, or girders.
51. Temporary Structure: a structure without any foundation of footings and which is removed when the designated time period, activity, or use for which temporary structures was erected has ceased.
52. Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
53. 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.
54. Thoroughfare, primary or secondary: An officially designated 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, respectfully.
55. Use: The purpose of activity for which a building, structure, or land is occupied or maintained.
56. Variance: A variance is a relaxation of the terms of the zoning Resolution 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, and 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 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.
57. Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
 - a. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
 - b. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
 - c. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

58. 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.
59. Zoning Inspector: The Zoning Inspector of the Township, or his authorized representative.
60. Zoning Map: The districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, date, district boundaries, and other information shown thereon, shall be part of these Regulations. The Zoning Map, properly attested, shall be and remain on file with the Township Zoning Inspector and the township clerk.

CHAPTER 502
DISTRICTS AND GENERAL PROVISIONS

502.01 Districts: The Township is hereby divided into 6 districts know as:

- C-1 Conservancy district
- AG Agricultural – Residential District
- R-1 Single Family Residence District
- R-2 General Residence District
- B-1 General Business District
- M-1 General Manufacturing District

502.02 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 with the Zoning Inspector and the Township Clerk.

502.03 Distinct Boundaries: The district boundary lines on said map are intended to follow either streets, alleys 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 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.

502.04 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.

502.05 Rear Dwellings: No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all requirements. For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in 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 40 feet wide, to a public street for each dwelling unit in such dwelling, or one not less than 50 feet for three or more dwelling units.

502.06 Street Frontage Required: Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 50 feet on a street; and there shall be not more than one single-family dwelling for such frontage.

502.07 Traffic Visibility Across Corner Lots: In any R-District on any corner lot, no fence, structure, or planting shall be erected or maintained with' 30 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

502.08 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 Chapter 511.

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

502.10 Unsafe Buildings: Except as provided in section 503.06, 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.

502.11 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 of 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.

502.12 Trailers: Mobile homes and recreational vehicles for temporary residential use and temporary buildings of a non residential character may be used or occupied only during residential construction on the premises for a maximum of twelve (12) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after expiration of said twelve (12) month period or no later than thirty (30) days after issuance of occupancy permit, which ever comes first. Provisions shall be made for sanitary waste disposal, solid waste and water supply. A separate zoning certificate shall be required for the use of a temporary dwelling quarter.

502.13 Territory Not Included – Annexations: In every case where territory has not been specifically included within a district or where a territory becomes 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 “C-1” District until otherwise classified.

502.14 Accessory Buildings in R-Districts – AG Districts: Accessory building shall be distant at least 6 feet from any dwelling situated on the same lot unless an integrated part thereof; at least 6 feet from any other accessory building and at least 3 feet from any lot line of adjoining lots which are within an R or AG District.

502.15 No Certificate or Occupancy shall be issued by the Zoning Inspector until the applicant has displayed a permit for installation of sewage disposal and/or water supply systems. The Zoning Inspector shall record the number of such permits on the Zoning permit or Certificate of Occupancy.

502.16 Driveways:

1. Driveways shall not be closer than 4 feet to any lot line.
2. All driveways accessing onto a township road must be evaluated by the township trustees before the driveway is constructed. The trustees will determine if a culvert is necessary and the size and length of culvert needed.
 - a. Minimum diameter shall be 12” and a minimum of 24’ in length for residential and 40’ for commercial.
 - b. Minimum cover should be 12”.
 - c. Length and diameter of pipe shall be determined by the township trustees.
 - d. No concrete wall (headwalls) shall be permitted.
 - e. Driveway pipe shall be jointed and sealed.

- f. A concrete driveway shall be kept a minimum of 12” from the edge of the existing roadway edge. Blacktop drives can be tapered off the edge of existing roadway edge. No material shall be above the height of the existing roadway edge.
 - g. Acceptable material shall be: Galvanized corrugated steel or reinforced concrete, as per ODOT type D conduit, or double wall plastic pipe.
3. The township trustees shall determine if or when the driveway pipe either ceases to function properly or becomes significantly deteriorated and shall condemn such pipe. Thereupon said pipe must be replaced in accordance with the specifications in Chapter 502.16, 1 and 2 above.

502.17 Yard Section Pipe: A yard section pipe is designed to carry water from one side of the property to the other, in the roadside ditch line.

- 1. Yard Section pipe shall be jointed and open.
- 2. An inlet or catch basin shall be placed on the upstream side of the drive. Additional inlets or catch basins shall be provided for each additional 150 feet of pipe or as determined by the township trustees. Inlets or catch basins shall have a 1 square foot (minimum) opening.
- 3. Grading of the property shall include a 6 inch depression over the pipe as measured from the edge of the pavement to allow surface water to flow off the roadway.
- 4. Acceptable material shall be: reinforced concrete or non-reinforced concrete, as per ODOT Type E conduit. (ODOT specifications are on file at the Knox County Engineer’s Office and may be used for references.)
- 5. The township trustees shall determine when a yard pipe is non-functioning and/or deteriorated. The pipe shall be replaced to meet specifications in 502.17 above.

502.18 For determining compliance with the resolution, the 1970 original resolution shall be applied first and then the respective amendments as of the year they were enacted.

502.19 [RESERVED]

502.20 [ADULT ENTERTAINMENT]
Effective August 30, 2002

TO ADD TO CHAPTER 502 “ADULT ENTERTAINMENT/SEXUALLY ORIENTED BUSINESS ESTABLISHMENT LICENSING” TO THE ZONING RESOLUTIONS OF LIBERTY TOWNSHIP, KNOX COUNTY, OHIO.

ADULT ENTERTAINMENT

502.20 DEFINITIONS

Adult Booth. Any area of a sexually oriented business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas of the conduct or simulation of specified sexual activities.

Adult Material. Any of the following, whether new or used:

- (1) Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- (2) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct of simulation of specified sexual activities.
- (3) Instruments, novelties, devices, or paraphernalia that are designed for use in connection with the specified sexual activities, or that depict or describe specified anatomical areas.

Township Zoning Ordinances. The part of the Codified Ordinances of Liberty Township known and referred to as Liberty Township Zoning Resolutions may be amended from time to time.

Civic Building or Use. A building or location that provides for community meeting and/or activities including, but not limited to, City Hall, Township Hall, school administration buildings, recreation center (public or private), property listed on the National Register of Historic Places, Chamber of Commerce building, Arts Council building, library, or other public buildings owned or operated by the Township.

Commercial Establishment. Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

Days. Calendar days, unless otherwise specifically set forth in this chapter.

Licensed Premises. The place or location described in the sexually oriented business establishment license where a sexually oriented business established is authorized to operate. No sidewalks, streets, parking areas, public-right-of-ways, or grounds adjacent to any such place or location shall be included within the licensed premises.

Licensee. Any person or entity that has been issued a sexually oriented business license pursuant to the revisions of this chapter.

Nude or State of Nudity. A state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; public region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Reviewing Departments. The Zoning Board, Division of Police and Division of Planning.

Semi-Nude. A state of dress or undress in which clothing covers no more than the human genitals, anus, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves and socks.

Sexually Oriented Business INSPECTOR. The Director of Administration, or his/her designee, shall be the Sexually Oriented Business Use INSPECTOR.

Sexually Oriented Business Establishment. A commercial establishment including, but not limited to, adult cabaret, adult store, or adult theater primarily engaged in presenting persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths or sale or display of adult material.

- (1) **Adult Cabaret.** Any commercial establishment that has a substantial or significant portion of its business features or provides any of the following:
 - (a) Persons appear nude or semi-nude.
 - (b) Live performances that are distinguished or characterized by an emphasis on the expose sexually oriented businesses, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
 - (c) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual presentations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct of simulation of specified sexual activities.
- (2) **Adult Store.** Any commercial establishment that:
 - (a) Contains one or more adult booths;
 - (b) Has a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or
 - (c) Has a segment or section devoted to the sale or display of adult materials.
- (3) **Adult Theater.** Any commercial establishment that has a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

Sexually Oriented Business Establishment Employee. Any individual, including entertainers, who work in or at, or render any services directly related to the operation of an adult entertainment establishment, provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs, to the licensed premises.

Sexually Oriented Business Establishment License. A license issued for a sexually oriented business establishment pursuant to the provisions of this chapter.

Sexually Oriented Business Establishment Patron. A sexually oriented business establishment patron, present in or at any sexually oriented business establishment, at any time, when such sexually oriented business establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs to the licensed premises.

Specified Anatomical Areas. Any of the following:

- (1) Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breast below a point immediately above the top of areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device that, when worn, simulates human male genitals in a discernibly turgid state.

Specified Criminal Act. Any unlawful, lewd, indecent, or immoral criminal conduct, specifically, but without limitation, the lewd, indecent, or immoral criminal acts specified in any of the following statutes:

- (1) Chapter 2907 of the Ohio Revised Code:

Specified Sexual Activities. Any of the following:

- (1) Fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breasts.
- (2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy.
- (3) Masturbation, actual or simulated.
- (4) Human genitals in a state of sexual stimulation, arousal, or tumescence.
- (5) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (4) of this definition.

Straddle Dance. The use by any person, including specifically but without limitation, a sexually oriented business establishment employee, of any part of his or her body to touch the genitals, public region, buttock, anus, or female breast of any sexually oriented business establishment patron or any other person, or the touch of the genitals, public region, buttock, anus, or female breast of any person by any sexually oriented business establishment patron. Conduct shall be a straddle dance regardless of whether the “touch” or touching occurs while the person is displaying or exposing any specified anatomical area. Conduct shall also be a straddle dance regardless of whether the “touch” or “touching” is direct or through a medium. Conduct commonly referred to by the slang terms “lap dance”, “table dance” and “face dance” shall be included with this definition of straddle dance.

502.21 SEXUALLY ORIENTED BUSINESS USE INSPECTOR

The Director of Administration, or his/her designee, is designated the Sexually Oriented Business Use Inspector. The Sexually Oriented Business Use Inspector (“Inspector”) shall have the following powers and duties:

- (A) To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of sexually oriented business licenses as set forth in this chapter.
- (B) To conduct or provide for such inspection of sexually oriented businesses as shall be necessary to determine and ensure compliance with the provisions of this chapter and other applicable provisions of law.
- (C) To at least annually review the provisions of this chapter and the conduct and operation of sexually oriented business establishments and to make such related reports and recommendations to the zoning board as the sexually oriented business use commissioner shall deem necessary.
- (D) To conduct hearings, studies and reports on sexually oriented businesses as the Sexually Oriented Business Use Inspector shall deem necessary and to conduct such hearing on the revocation or suspension of a sexually oriented business license as required pursuant to this chapter.
- (E) To take such further actions as the Sexually Oriented Business Use Inspector deems necessary to carry out the purpose and intent of this chapter and to exercise such additional powers in furtherance thereof as are implied by the powers and duties expressly set forth in this chapter.

502.22 SEXUALLY ORIENTED BUSINESS LICENSES GENERALLY

- (A) **Sexually Oriented Business License Required.** A sexually oriented business license shall be required to establish, operate, or maintain a sexually oriented business within the Township.
- (B) **Operation Without License Prohibited.** It shall be unlawful for any person not having a current and valid sexually oriented business license to operate, or maintain a sexually oriented business within the Township at any time after the effective date of this chapter.
- (C) **Operation in Violation of License Prohibited.** It shall be unlawful for any licensee to establish, operate, or maintain a sexually oriented business within the township except in the manner authorized by, and in compliance with, the provisions of this chapter and the licensee’s sexually oriented business license.
- (D) **Content and Display of License.** Every sexually oriented business license shall be provided by the Township and shall, at a minimum, be prominently displayed on its face the name of the licensee, the expiration date and the address of the sexually oriented business. Every licensee shall display the license at all times, in plain view, in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by and person entering the licensed premises.

- (E) **License Term.** Sexually oriented business licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on the date of issuance and may be renewed only by making an application. Application for renewal should be made at least forty-five days before the expiration date.

502.33 FORM AND SUBMITTAL OF LICENSE APPLICATION

- (A) **Required Form.** An application for a sexually oriented business license, or the renewal thereof shall be made in writing to the Sexually Oriented Business Use Inspector on a form prescribed by the Sexually Oriented Business Use Inspector and shall be signed by (1) the applicant, if the applicant is an individual; (2) at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization; or (3) by a duly authorized agent, if the applicant is a corporation. Each application shall specifically identify the applicant and the licensed premises for which a sexually oriented business license is sought. Each initial or renewal application shall be accompanied by ten identical copies.
- (B) **Administrative Processing Fee.** Every applicant for a sexually oriented business license shall pay an administrative processing fee in the amount of \$175.00. The administrative processing fee shall, in all cases, be non-refundable.
- (C) **Required Information and Documents.** Each application shall include the following information and documentation:
- (1) Names of Applicants.
 - (a) Individuals. The applicant's legal name, all of the applicants aliases, the applicant's business address and social security number, written proof (driver's license) of the applicant's age (date of birth) – proof that applicant is at least 18 years of age, the citizenship and place of birth of the applicant, and if a naturalized citizen, the time and place of the applicant's naturalization and the applicant's federally issued tax identification number.
 - (b) Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses and social security numbers of all the directors, officers, and managers of the corporation and of every person owning or controlling more than 20% of the voting shares of the corporation; the corporation's date of incorporation and the object for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Ohio; and the name and address of the registered agent for service of process.
 - (c) Partnerships. (General or Limited), joint ventures, limited liability companies or any other type of organization where two or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases and the ages and business addresses and social security numbers of each partner (including limited partners) or

any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

- (2) The general character and nature of the business of the applicant.
- (3) The location, including street address and legal description, and telephone number of the premises for which the sexually oriented business license is sought.
- (4) The specific name of the business that is to be operated under the sexually oriented business license.
- (5) The identity of each fee simple owner of the licensed premises.
- (6) A diagram showing the internal and external configuration of the licensed premises, including doors, windows, entrances, exits, and the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clear compliance with the provisions of this chapter. The requirements of this division shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the license sought to be renewed and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this division shall not be deemed to be, and shall not be interpreted or construed to constitute any other township approval otherwise required pursuant to applicable township ordinances and regulations.
- (7) The specific type or types of sexually oriented business that the applicant proposes to operate in the licensed premises.
- (8) A copy of each sexually oriented business license, liquor license, and gaming license currently held by the applicant or any of the individuals identified in the application.
- (9) The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed sexually oriented business.
- (10) Whether the applicant has been convicted of a specified criminal activity as defined in this ordinance, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.
- (11) Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied or suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked,

including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

- (12) A current certificate and straight-line drawing prepared within thirty (30) days prior to the application by registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 500 feet of the property to be certified; the property lines of any established residential use or district, school, preschool, daycare, place of worship, synagogue, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within Liberty Township or other jurisdiction) any commercial establishment selling beer or alcohol for consumption on the premises, or any hotel or motel within 500 feet of the property to be certified. For the purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (13) Any application for a sexually oriented business license that does not include all of the information and documents required pursuant to this section shall be deemed to be incomplete and shall not be acted on or processed by the Board. The Sexually Oriented Business Use Inspector shall, within five days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

502.24 PROCESSING OF LICENSE APPLICATION

- (A) Upon the filing of an application for a sexually oriented business license, the Sexually Oriented Business Use Inspector shall refer to the application to the appropriate township, county departments for investigation to be made on the information contained in the application. The application process shall be completed within 30 days from the date of the completed application. After the investigation, the Sexually Oriented Business Use Inspector shall issue a license unless the requirements set forth above are not met.
- (B) Appeal. Judicial review may be made pursuant to Chapter 2506 of the Ohio Revised Code. All parties shall comply with the Commissioners decision pending appeal.

502.25 STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE

- (A) The Sexually Oriented Business Use Inspector shall issue a sexually oriented business license to an applicant if, but only if, the Sexually Oriented Business Use Inspector finds and determines all of the following based on the reports, investigations and inspections conducted by the Sexually Oriented Business Use Inspector and any reviewing departments and on any other credible information which it is reasonable for the Inspector to rely.
 - (1) All information and documents required by this chapter for issuance of a sexually oriented business license have been properly provided and the materials statements made in the application are true and correct.
 - (2) No person identified in the application has been convicted of, or pleaded nolo contendere to any criminal act within five years immediately preceding the date of the application.

- (3) No person identified in the application is overdue on payment to the city of taxes, fees, fines or penalties assessed against or imposed on any such individual in connection with any sexually oriented business.
 - (4) The sexually oriented business and the licensed premises comply with all then applicable building, health and safety codes, and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Liberty Township Code.
 - (5) The applicant has confirmed in writing and under oath as part of the application that the applicant has read this chapter and all provisions of the Township Zoning Ordinance applicable to sexually oriented business, that the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed sexually oriented business establishment and its proposed operation are and shall be in compliance therewith.
- (B) **Denial.** If the Sexually Oriented Business Use Inspector determines that the applicant has not met any one or more of the conditions set forth herein, then the Inspector shall deny the issuance of the sexually oriented business license and shall give the applicant a written notification and explanation of such denial. The Inspector will only accept and process to completion one (1) application per location at a time. No new applications for any location will be accepted while an application for this location is the subject to any appeal process.

License Deemed Issued. If the Sexually Oriented Business Use Inspector does not issue or deny the sexually oriented business license within 30 days after the properly completed application is submitted, then the sexually oriented business license applied for shall be deemed to have been issued.

502.25 INSPECTION BY THE TOWNSHIP

- (A) **Authority.** The Sexually Oriented Business Use Inspector and other township representatives and departments, with jurisdiction, shall periodically inspect all sexually oriented business establishments as shall be necessary to determine compliance with the provisions of this chapter and all other applicable law.
- (B) **Licensee Cooperation.** A licensee shall permit representatives of the township to inspect the licensed premises and the sexually oriented business establishment for the purpose of determining compliance with the provisions of this chapter and all other applicable law at any time during which the licensed premises is occupied or the sexually oriented business establishment is open for business.
- (C) **Interference or Refusal Illegal.** It shall be unlawful for the licensee, any sexually oriented business employee, or any other person to prohibit, interfere with, or refuse to allow any lawful inspection conducted by the township pursuant to this chapter or any other authority.
- (D) **Suspension or Revocation.** Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the sexually oriented business license.

502.26 CHANGE IN INFORMATION

During the pendency of any application for, or during the term of, any sexually oriented business license, the applicant or licensee shall promptly notify the Sexually Oriented Business Use Inspector in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the sexually oriented

business establishment or in the individuals identified in the application pursuant to this chapter, or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur.

502.27 REGULATIONS APPLICABLE TO ALL SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS

(A) **General Compliance.** All licensed premises and sexually oriented business establishments shall comply with the provisions of this chapter, and with the provisions of all other applicable township ordinances, resolutions, rules and regulations and all other applicable federal, state and local laws.

(B) **PROHIBITED USES:**

No person shall cause or permit the establishment of an adult entertainment business within one thousand (1000) feet of any single, two or multi-family dwelling, church, park, preschool, or school, nor within three thousand (3000) feet of another adult entertainment business. For purposes of this Resolution, distances shall be measured in a straight line without regard to intervening structures or objects, from the nearest property line or the premises of a single, two or multi-family dwelling, church, park, preschool or school, or other adult entertainment business.

(C) **Zones Which Permit Adult Entertainment.** The areas zoned B-1 and M-1, extending westward from the eastern boundary of Liberty Township up to but not including Fairview Road, along and adjacent to State Route 3.

(D) **Hours of Operation.**

(1) No sexually oriented business establishment shall be open for business at any time on any Sunday, State of Ohio or Federal Holiday.

(2) No sexually oriented business establishment shall be open for business between the hours of 12:00 a.m. and 11:00 a.m. on any day.

(E) **Animals.** No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time or in any sexually oriented business establishment or licensed premises.

(F) **Restrooms.** All restrooms in sexually oriented business establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually oriented business establishment employees and patrons.

(G) **Restricted Access.** No sexually oriented business establishment patron shall be permitted at any time to enter into any of the non-public portions of any sexually oriented business establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of sexually oriented business employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

(H) Specific Prohibited Acts.

- (1) No sexually oriented business employee or any other person at any sexually oriented business establishment other than a sexually oriented business employee employed to provide adult entertainment in accordance with the regulations in this chapter shall appear, be present, or perform while nude or semi-nude; further no such employee shall appear, be present, or perform while nude at any sexually oriented business establishment that serves or otherwise provides alcoholic liquor pursuant to a license is sexually oriented business by the State of Ohio.
 - (2) No sexually oriented business employee or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business patron or any other person at any sexually oriented business establishment, or any other sexually oriented business employee, or any other person. No sexually oriented business establishment patron or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business establishment employee or patron or any other person.
 - (3) Straddle dances shall be prohibited at all sexually oriented business establishments.
- (I) **Exterior Display.** No sexually oriented business establishment shall maintain or operate in any manner that causes, creates, or allows public viewing of any adult material, or any entertaining depicting, describing, or relating to specified sexual activity or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of a sexually oriented business establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to chapter 512 to the Liberty Township Zoning Resolution with regard to signs. This subsection shall apply to any advertisement, display, promotion materials, decoration, or sign, to any performance or show and to any window, door or other opening.
- (J) **Noise.** No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.
- (K) **Gambling and Related Devices Prohibited.** No sexually oriented business establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.
- (L) **Manager's Station.** Each sexually oriented business establishment shall have one or more manager stations. The interior of each shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of the area, except restrooms of the establishment to which any sexually oriented business establishment patron is permitted access for any purpose.
- (M) **Alcohol Prohibition.** No sexually oriented business establishment shall serve or otherwise provide beer or alcohol to be sold or consumed on the premises.

- (N) **Parking.** Parking shall be in accordance with Chapter 511 of the Liberty Township Zoning Resolutions.

502.28 SPECIAL REGULATIONS FOR ADULT BOOTHS

- (A) **Prohibited Regulations for Adult Booths.** Adult booths shall be prohibited in all sexually oriented business establishments except adult stores.
- (B) **Occupancy and Prohibited Acts.** Only one individual shall occupy an adult booth at any time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or deface any portion of an adult booth.
- (C) **Open Booth Requirement.** In addition to satisfying the manager station requirements of this chapter, all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides other adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult store containing the adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within a sexually oriented business establishment for the purpose of providing secluded viewing of adult materials or live performances.
- (D) **Aisle Required.** There shall be one continuous lighted main aisle alongside the adult booths provided in any adult store. Each person situated in a booth shall be visible at all times from the aisle.
- (E) **Holes Prohibited.** Except for the open booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.
- (F) **Signage.** A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states (1) that only one person is allowed in an adult booth at any time (2) that it is unlawful to engage in any specified sexual activities while in an adult booth, and (3) that it is unlawful to damage or deface any portion of an adult booth.
- (G) **Age Limitations.**
- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult booth or a licensed premises that includes an adult booth shall be under the age of 18.
 - (2) No person under the age of 18 shall be admitted to any adult booth or any licensed premises that includes an adult booth.
 - (3) No person under the age of 18 shall be allowed or permitted to remain at any adult booth or at any licensed premises that includes an adult booth.

- (4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult booth or any licensed premises that includes an adult booth.

502.29 SPECIAL REGULATIONS FOR ADULT CABARETS

- (A) **Performance Area.** The performance area of an adult cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a “Cabaret Stage”). Each Cabaret Stage shall be elevated above the level of and separate from the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least three (3) feet from all areas of the premises to which sexually oriented business establishment patrons have access. A continuous barrier of at least two feet in height and located at least three (3) feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No adult patron shall be allowed at any time on any Cabaret Stage.
- (B) **Lighting.** Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less 30 lux horizontal, measured at 30 inches from the floor and on 10 foot centers shall be maintained at all times for all areas of the adult cabaret where sexually oriented business establishment patrons are admitted.
- (C) **Tippling.** No sexually oriented business establishment patron shall offer, and no sexually oriented business establishment employee having performed on any Cabaret Stage shall accept any form of tip or gratuity offered directly or personally to the employee by the sexually oriented business establishment patron. Rather, all tips and gratuities to sexually oriented business establishment employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the sexually oriented business establishment on the Cabaret Stage which the sexually oriented business establishment employee is performing.
- (D) **Notice of Select Rules.** A sign at least two feet by two feet, with letters of at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following.

THIS ADULT CABARET IS REGULATED BY LIBERTY TOWNSHIP

ENTERTAINERS ARE:

- (1) **NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.**
- (2) **NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.**
- (E) **Notice of Alcohol Policy.** No beer or alcohol shall be sold or consumed on the premises.
- (F) **Age Limitations.**

- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of 21.
- (2) No person under the age of 21 shall be admitted to any adult cabaret or to any licensed premises used for an adult cabaret.
- (3) No person under the age of 21 shall be allowed or permitted to remain at any adult cabaret or any licensed premises used for an adult cabaret.
- (4) No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods for services at or from any adult cabaret or any licensed premises used for an adult cabaret.

502.30 SPECIAL REGULATIONS FOR ADULT STORES

(A) **Windows.** Window areas for adult stores shall not be covered or obstructed in any way.

(B) **Age Limitations.**

- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult store or a licensed premises used for an adult be under the age of 18.
- (2) No person under the age of 18 shall be admitted to any adult store or to any licensed premises used for an adult store.
- (3) No person under the age of 18 shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store.
- (4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store.

502.31 SPECIAL REGULATIONS FOR ADULT THEATER

(A) **Seating.** Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater.

(B) **Aisle.** Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all time.

(C) **Sign.** Each adult theater shall have a sign posted in a conspicuous place at or near each entrance to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

(D) **Age Limitations.**

- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult theater or a licensed premises used for an adult theater shall be under the age of 18.
- (2) No person under the age of 18 shall be admitted to any adult theater or to any licensed premises used for an adult theater.
- (3) No person under the age of 18 shall be allowed or permitted to remain at any adult theater or any licensed premises used for an adult theater.
- (4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater.

502.32 LICENSEE RESPONSIBILITY FOR EMPLOYEES

Every act or omission by a sexually oriented business establishment employee constituting a violation of the provisions of this chapter shall be deemed to be the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the sexually oriented business establishment employee. The licensee shall be punished for any such act or omission in the same manner as if the licensee committed the act or caused the omission. Accordingly, any such act or omission of any such employee constituting a violation of the provisions of this chapter shall be deemed, for purposes of determining whether the licensee's sexually oriented business establishment license shall be revoked, suspended, or renewed, to be the act or omission of the licensee.

502.33 LICENSE REVOCATION OR SUSPENSION

- (A) **Grounds.** Pursuant to the procedures set forth in this section, the Sexually Oriented Business Use Inspector may suspend for not more than 30 days, or revoke, any sexually oriented business establishment's license if the commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:
- (1) The licensee has violated any of the provisions or requirements of this chapter or the sexually oriented business establishment license issued pursuant hereto, or the provisions of the Township Zoning Code applicable to the licensed premises or the sexually oriented business establishment.
 - (2) The licensee (1) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Township for the issuance or renewal of any sexually oriented business establishment license or (2) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee's behalf.
 - (3) The licensee has committed or knowingly or negligently allowed a felony or specified criminal act to take place on the licensed premises.
 - (4) The licensee authorizes, approves, or, as a result of the licensee's negligent failure to supervise the licensed premises or the sexually oriented business establishment allows a sexually oriented business establishment employee, sexually oriented business

establishment patron or any other person to (1) violate any of the provisions of requirements of this chapter or of the provisions or requirements of the sexually oriented business establish license issued pursuant hereto or (2) commit any felony or specified criminal act on the licensed premises. The licensee, or any person identified in this chapter becomes disqualified for the issuance of sexually oriented business establishment license at any time during the term of the license at issue.

(B) **Procedure.** A sexually oriented business establishment license may be suspended for not more than 30 days or revoke pursuant to the terms and conditions set forth in this division.

- (1) **Notice.** Upon determining that one or more of the grounds for suspension or revocation under division (A) of this section may exist, the Inspector shall serve a written notice on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. The written notice shall, at a minimum (1) state that the Inspector has determined that the sexually oriented business establishment license may be subject to suspension or revocation pursuant to this chapter, (2) identify the specific grounds for the inspector's determination; and (3) set a date for a hearing regarding the inspector's determination as to the possibility of suspension or revocation of the sexually oriented business establishment license. The date of the hearing shall be no less than 5 days after service of the Inspector's notice, unless an earlier or later date is agreed to by the licensee and the Inspector.
- (2) **Hearing.** The hearing shall be conducted by the Inspector. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the Inspector for suspending or revoking the license and the township and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the sexually oriented business establishment pursuant to this chapter shall be made part of the hearing record, within 3 days after the close of the hearing. The Inspector shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Inspector shall be final and shall be subject to judicial review pursuant to chapter 2506 of the Ohio Revised Code. The sexually oriented business establishment may remain in operation pending the outcome of the appeal.
- (3) **Notice and Effective Date of Suspension or Revocation.** The Inspector's written decision shall be served on the licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Inspector's written decision is delivered in person, or 3 days after it is placed in the U.S. Mail as provided in this subsection.
- (4) **Surrender of License.** Upon the suspension or revocation of a sexually oriented business establishment license pursuant to this chapter, the inspector shall take custody of the suspended or revoked license.

502.34 ADMINISTRATIVE RECORD

The Sexually Oriented Business Use Inspector shall cause to be kept in the Inspector's office an accurate record of every sexually oriented business establishment license application received and acted on, together with all relevant information and material pertaining to such application, any sexually oriented

business establishment license issued pursuant thereto, and any sexually oriented business establishment operated pursuant to such sexually oriented business establishment license.

502.35 RECORD KEEPING BY LICENSEE

The licensee of every sexually oriented business establishment shall maintain a register of all of its sexually oriented business establishment employees. For each such employee, the register shall include the following information:

- (A) Legal name
- (B) Any and all aliases
- (C) Date of birth
- (D) Gender
- (E) Social Security Number
- (F) Date of commencement of employment
- (G) Date of employment termination, if applicable
- (H) Specific job or employment duties

The register shall be maintained for all current employees and all employees employed at any time during the preceding 36 months. The licensee shall make the register of its sexually oriented business establishment employees available for inspection by the township immediately upon demand at all reasonable times.

502.36 PENALTY

Any person who violates, neglects, or refuses to comply with, or assists or participates in any way the violation of any of the provisions or requirements of this chapter or of any of the provisions or requirements of any sexually oriented business establishment license shall be fined not more than \$500.00 for each such violation. Each day such violation continues shall constitute a separate offense. The Inspector shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. Mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application.

502.37 NUISANCE DECLARED

Any sexually oriented business establishment established, operated, or maintained in violation of any of the provisions or requirements of this chapter or of any sexually oriented business establishment license shall be and the same is, declared to be unlawful and a public nuisance. The Township may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court of courts as may have jurisdiction to grant such relief as well as abate or remove such public nuisance and restrain and enjoin any person from establishing, operating or maintaining a sexually oriented business establishment contrary to the provisions of this chapter.

502.38 COMPUTATION OF TIME

Unless otherwise specifically set forth in this chapter, the time within which any act required by this chapter is to be done shall be computed by excluding the first day and including the last day, unless the last is Saturday, Sunday or a Federal or State of Ohio holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.

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

502.39 WIND TURBINE ZONING RESTRICTIONS

DEFINITIONS:

Accessory Structures: Any structure including, but not limited to: sheds, maintenance buildings, storage facilities, etc. that are used in conjunction with the wind turbine.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or its components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition. This zone shall remain unobstructed and confined within property lines of the primary parcel where the turbine is located.

Nacelle: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other related equipment.

Wind Turbine A device that converts kinetic wind energy into rotational energy that drives an electrical generator. This typically consists of a tower, nacelle body, power center and a rotor with two or more blades.

Wind Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

SMALL WIND ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

1. No person shall cause, allow or maintain the use of small wind energy system without first having obtained a zoning permit from the zoning inspector on forms provided. Fees collected with regard to this permit shall be set by resolution of the Board of Trustees.

All small wind energy systems shall meet the following requirements:

- a) Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
- b) Minimum lot size of 2 acres.
- c) Minimum setback lines from all property lines, structures, and above ground utility lines shall be no less than 125 percent of the tower height.

- d) Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above-ground electric transmission or distribution lines.
 - e) Tower climbing apparatus located no closer than 12 feet to the ground at the base of the structure.
 - f) A locked anti-climb device installed on the tower; or
 - g) Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
2. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
 3. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
 4. All small wind energy systems shall be installed, operated and maintained per the manufacturers' instructions, including compliance with Ohio EPA regulations regarding storage and disposal of the batteries and other hazardous materials.
 5. No variance shall be issued for the placement of a small wind energy system so close to a property line that it may result in allowing any portion of the system to overhang, cross, or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
 6. As part of the permit process, the applicant shall inquire with the County Building/Regional Planning Regulations Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation or proximity to any local airports.
 7. Decommissioning and Restoration: Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. The system shall be considered abandoned when it fails to operate for one year. The owner shall, within 30 days of permanently ceasing operation of the WPGF, provide written notice of abandonment to the Zoning Inspector. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application.
 - a. Property lines and physical dimensions of the site.
 - b. Location of small wind energy system tower, guy wires, setbacks from property lines, above-ground and under-ground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.
 - c. Location of signage.
 - d. Elevation of the proposed small wind energy system tower.
 - e. Location of trees within a 100-ft. radius of the proposed system.
 - f. Manufacturer's specifications, including make, model and picture.
 8. Site Plan requirements shall include, but not limited to:
 - a. Property lines and physical dimensions of the site.
 - b. Location of small wind energy system tower, guy wires, setbacks from property lines, above-ground and under-ground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.
 - c. Location of signage.
 - d. Elevation of the proposed small wind energy system tower.
 - e. Location of trees within a 100-ft. radius of the proposed system.
 - f. Manufacturer's specifications, including make, model and picture.

g. Scaled drawing no smaller than 1"=100'.

9. Subsequent owners. The application shall include a signed and notarized statement recognizing that the application becomes a restrictive covenant on the property and the application shall be recorded with the deed of the affected property at the Knox County Recorder's Office.

CHAPTER 503 NONCONFORMING USES OR BUILDINGS

503.01 EXISTING NONCONFORMING USES – CONTINUATION: 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.

503.02 NONCONFORMING USED OR – 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:

1. **SUBSTITUTION:** When authorized by the Board in accordance with the provisions of Chapter 521 the substitution for a nonconforming use of another not more objectionable nonconforming use.
2. **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.

503.03 DISCONTINUANCE OF A USE: No building structure, or premises where a nonconforming use has been discontinued or a period of twenty four (24) months or more shall again be put to a nonconforming use.

503.04 NONCONFORMITY – PERFORMANCE STANDARDS: All uses nonconforming at the time of adoption of this Resolution, by reason of noncompliance with the provisions of Chapter 510 if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within two (2) years of the adoption of this Resolution.

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

503.06 REPLACING DAMAGED BUILDINGS: Any nonconforming building or structure, damaged by any means, may be reconstructed and used as before such damage, if all repair and reconstruction shall be done within twelve (12) months of such damage. Provided, however, if 50 percent or more of the building or structure has been damaged, rebuilding will not be permitted.

CHAPTER 504

C-1 CONSERVATION DISTRICT

504.01 Purpose: To protect public health, safety and general welfare; to protect persons, private and public property from the hazards of flood water inundation, and to protect the community from costs which are incurred when urban development occurs in flood plains, as shown or defined in the records of Regional Planning Commission.

To conserve areas which are subject to flood hazard for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings within the flood plain.

504.02 Uses Permitted in the C-1 Conservation District

1. Any customary agricultural use, forestry.
2. Recreational facilities such as fishing, lakes, golf courses, golf driving ranges, and parks.
3. 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.

504.03 Conditional Uses:

1. Rifle ranges, gun clubs, archery courts, and other similar uses provided they are not located closer than 700 feet distant from an R-District.
2. Commercial mining; in accordance with the provisions of Chapter 513.
3. 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.

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

504.05 Required Lot Area and Lot Width in the C-1 District: No structure shall be located closer than 35 feet to any existing or proposed public right of way, and not closer than 15 feet to

any side or rear lot line. The Board may specify any other additional requirements necessary to implement the purpose and intent of this Resolution.

504.06 Height Regulation in the C-1 District: No structure shall exceed 35 feet in height.

CHAPTER 505.00
AG – AGRICULTURAL/RESIDENTIAL DISTRICT

505.1 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, and not equipped to provide necessary public services or to support increased traffic flow.

505.02 USES PERMITTED IN THE AG DISTRICT:

1. Agricultural uses, commercial grain storage.
2. Single Family Dwelling (limited to one single family dwelling per parcel, tract or lot).
3. Utility and service system buildings and lands, public buildings, picnic grounds, religious and educational institutions.
4. 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 4 square feet of sign area; signs announcing meeting time and place of civic organizations.

505.03 CONDITIONAL USES IN THE AG DISTRICT:

1. Real Estate, professional, and small announcement signs, subject to provisions of Chapter 512.
2. Uses of land including quarrying and mining of natural resources.
3. Cemeteries and golf courses.
4. Other conditional uses as deemed to fit the surrounding rural setting and approved by the Board of Zoning Appeals.
5. All conditional uses must meet the requirements in Chapter 521.05 inclusive.

505.04 PROHIBITED USES:

1. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
2. Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road. No more than 3 vehicles shall be allowed.

3. No trash, debris, junk, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. Sanitary fill and other types of landfill, refuse disposal and dumps shall not be permitted.
4. No motor home, recreational vehicle, or camper of any type may be occupied by the owner for more than 60 days in a year and by a guest of the resident owner for more than 14 days.
5. Except as specifically permitted in Chapter 505.12 and 502.12 herein, no mobile home shall be placed or occupied in this district.

505.05 REQUIRED LOT AREA AND LOT WIDTH IN THE AG DISTRICT FOR RESIDENTIAL USES: Each dwelling shall be located on a lot having an area of not less than two (2) acres and a lot width of not less than 250 feet, however, the lot depth shall not be more than 3 times the lot width, and located 500 feet or more from existing agricultural building, or buildings.

505.06 REQUIRED LOT AREA AND LOT WIDTH IN THE AG DISTRICT: A lot having less than two acres in area and a lot width of less than 250 feet at the building line shall not be permitted.

505.07 HEIGHT REGULATION IN THE AG DISTRICT: No dwelling shall exceed 2-1/2 stories or 35 feet in height.

505.08 REQUIRED YARDS IN THE AG DISTRICT: All Dwellings shall have the following minimum yards spaces:

Front Setback	-	60 feet
Side Setback	-	20 feet (each side)
Rear Setback	-	60 feet
Public Right of Way Setback		60 feet

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

505.09 REQUIRED FLOOR AREA IN THE AG DISTRICT: Any building intended in whole or in part for residential purposes shall meet all of the following requirements:

- a. Minimum floor area of:

with full basement	-	1000 sq. ft.
without basement	-	1250 sq. ft.

Per single family dwelling.

- b. Living area measurements are considered finished, usable living area. It is exclusive of basements, porches, garages, patios and decks.
- c. It shall not be less than 20 feet in width or depth whichever is the smaller dimension.
- d. The dwelling shall be set on a permanent foundation. See definitions 501 #38.

505.10 OFF-STREET PARKING REQUIREMENTS IN THE AG DISTRICT: There shall be provided in the AG District off-street parking in accordance with Chapter 511.

505.11 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 incident 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.

505.12 MOBILE HOMES – AGRICULTURAL: Mobile homes when used as living quarters for farm employees and their families only working on the premises shall be permitted, however, they shall meet all front, side and rear and public right of way set back requirements of the District as defined in 505.08, and shall comply with all requirements of the County Board of Health for sewage disposal facilities. When vacated for over one year or when the farm ceases to operate, the mobile home must be removed from the property within 30 days.

CHAPTER 506
R-1 RESIDENTIAL DISTRICT

506.01 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.

506.02 USES PERMITTED IN THE R-1 DISTRICT:

1. Single family dwelling (limited to one single family dwelling per lot or tract).
2. Light agricultural uses including nurseries and raising of farm products (not to include livestock.) Seasonal products may be sold on the premises.
3. Accessory buildings and uses.
4. Unlighted real estate signs, nonconforming business use signs, and public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over 6 feet of sign area.

506.03 CONDITIONAL USES IN THE R-1 DISTRICT (AS APPROVED BY THE BOARD):

1. Professional and business offices.
2. Any other conditional use the Board of Zoning Appeals deems appropriate to fit the surrounding area.
3. Churches, schools, libraries, museums, and art galleries; parks, playgrounds, community centers, cemeteries, public services, and utility office building.
4. All conditional uses must meet the requirements in Chapter 521.05 inclusive.

506.04 PROHIBITED USES:

1. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
2. Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road. Maximum number of such vehicles is three (3).
3. Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer or any type, no boats, no motor home and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.

4. No outdoor, storage of raw materials, supplies, finished products or new or used machinery or equipment shall be stored outside of a building unless screening is provided.

5. No trash, debris, junk, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore., hazard or nuisance to the neighborhood or general public. Sanitary fill and other types of landfill, refuse disposal and dumps shall not be permitted.

6. No motor home, recreational vehicle, or camper of any type may be occupied by the owner for more than 60 days in a year or by a guest of the resident owner or more than 14 days.

7. Except as specifically permitted in Chapter 505.2 and 502.12 herein, no mobile home shall be placed or occupied in this district.

506.05 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 2 acres and a lot width of not less than 250 feet at the building line, except hereinafter modified. The depth of the lot shall not exceed three (3) times the lot width.

506.06 REQUIRED FLOOR AREA IN THE R-1 DISTRICT: Any building intended in whole or in part for residential purposes shall meet all of the following requirements:

a. Minimum floor area of:

with full basement - 1000 sq. ft.
without basement - 1250 sq. ft.

Per single family dwelling.

b. Living area measurements are considered finished, usable living area, exclusive of basements, porches, garages, patios and decks.

c. It shall not be less than 20 feet in width or depth whichever is the smaller dimension.

d. The dwelling shall be set on a permanent foundation. See definitions 501.38.

506.07 HEIGHT REGULATIONS IN THE R-1 DISTRICT: No residential dwelling shall exceed 2 1/2 stories or 35 feet in height.

506.08 REQUIRED YARD IN THE R-1 DISTRICT: All dwellings, structures, and accessory buildings shall have the following minimum yard spaces:

Front setback - 40 feet
Side setback - 15 feet (each side)
Rear setback - 45 feet

Corner lots shall provide the minimum front setback requirements in each street side of the lot.

506.09 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.

506.10 SEWAGE AND WATER AVAILABLE:

Minimum lot area - 12,000 Square Feet
Minimum lot frontage- 90 feet +

506.11 WATER AVAILABLE:

Minimum lot area - 14,000 Square Feet
Minimum frontage - 90 Feet +

506.12 SEWAGE AVAILABLE:

Minimum lot area - 14,000 Square Feet
Minimum frontage - 90 Feet +

506.13 OFF STREET PARKING IN THE R-1 DISTRICT: There shall be provided in the R-1 District off-street parking in accordance with Chapter 511.

**CHAPTER 507
R-2 GENERAL RESIDENCE DISTRICT**

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

507.02 USES PERMITTED IN THE R-2 DISTRICT:

1. Any use permitted in the R-1 District.
2. Multi-family dwellings, tourist homes, lodging houses.
3. Clubs, lodges, rest homes, funeral homes, clinics, and similar use.
4. Accessory uses and structures.

507.03 CONDITIONAL USES IN THE R-2 DISTRICT:

1. Stricter Uses: Same uses as are conditionally permitted and as regulated in the R-1 District, except as specifically limited in this Chapter.
2. Motels and motor hotels.
3. Mobile home parks.
4. Must meet the requirements in Chapter 521.05 inclusive.

507.04 PROHIBITED USES:

1. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
2. Unless specifically permitted by the Board of zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road. In any event, the maximum number of such vehicles shall not exceed 3.
3. Unless specifically permitted by the Board of zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
4. No outdoor, storage of raw materials, supplies, finished products or new or used machinery or equipment shall be stored outside of a building unless screening is provided.
5. No trash, debris, junk, unused property or discarded materials shall be permitted to accumulate on any lot of portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. Sanitary fill and other types of landfill, refuse disposal and dumps shall not be permitted.
6. No motor home, recreational vehicle, or camper of any type may be occupied by a guest of the resident owner for more than 14 days.
7. Except as specifically permitted in Chapter 505.12 and 502.12 herein, no mobile home shall be placed or occupied in this district.

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

	<u>Lot area</u>	<u>Lot Width*</u>
Single-family dwelling	two acres	250 feet
Two-family dwelling	two acres	250 feet
Multi-family dwelling	two acres	250 feet

*at the building line

507.06 REQUIRED FLOOR AREA IN THE R-2 DISTRICT: Any building intended in whole or in part for residential purposes shall meet all of the following requirements:

- a. Minimum floor area of:

Single-family dwelling with full basement 1000 sq. ft.

Single-family dwelling without basement 1250 sq. ft.

Two-family dwelling per unit with full basement 900 sq. ft.

Multi-family dwelling per unit with full basement 900 sq. ft.

- b. Living area measurements are considered finished, usable living area. It is exclusive of basements, porches, garages, patios and decks.
- c. It shall not be less than 20 feet in width or depth whichever is the smaller dimension.
- d. The dwelling shall be set on a permanent foundation.. See definitions 501 #38.

507.07 HEIGHT REGULATIONS IN THE R-2 DISTRICT: No dwelling shall exceed three and half (3 1/2) stories of forty (40) feet in height.

507.08 REQUIRED YARD IN THE R-2 DISTRICT: All dwellings, structures, and accessory buildings shall have the following minimum yard spaces:

Single-family dwelling	Front Yard	-	35 feet
	Side Yard	-	15 feet (each side)
	Rear Yard	-	35 feet
Two-family dwelling	Same as for the Single family dwellings.		
Multi-family dwellings	Front Yard	-	35 feet
	Side Yard	-	20 feet
	Rear Yard	-	35 feet

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

507.09 REDUCITON 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:

<u>Single-family dwelling</u>	-	as regulated in the R-1 District
<u>Two-family dwelling</u>	-	as regulated in the R-1 District
<u>Multi-family dwelling</u>	-	

Sewage and Water Available

Minimum Lot Area	-	16,000 square feet
Minimum Lot Width	-	135 feet*

Water Available

Minimum Lot Area	-	18,000 square feet
Minimum Lot Width	-	150 feet*

Sewage Available

Minimum Lot Area	-	18,000 square feet
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Minimum Lot Width - 150 feet*

*At the Building Line.

507.10 OFF-STREET PARKING IN THE R-2 DISTRICT: There shall be provided in the R-2 District, off-street parking in accordance with Chapter 511.

CHAPTER 508 PROVISIONS GOVERNING COMMERCIAL DISTRICTS

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

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

1. Any use permitted in a residential district.
2. Major Retail Outlets: furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
3. Food, Drug and Beverages: grocery stores, supermarkets, meat markets, drug stores, and liquor stores, bakery in conjunction with retail sales, restaurants, tea rooms and taverns.
4. Specialty Shops: gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods.
5. Service and Recreation: laundryman, dry cleaning and laundry, pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop with not more than 10 full time regular employees, places of amusements and assembly.
6. Business and Professional Offices: medical and dental offices, clinics; law offices; insurance, and real estate offices; banks, finance and utility companies.
7. Automotive and Related Uses: new and used car sales, service and repair; gasoline filling stations, motorcycle and bicycle shops; cab and bus stands and depots.
8. Accessory Uses or Buildings pertaining to the permitted uses under this section.
9. Business and advertising signs pertaining to the permitted uses under this section on the property on which the sign is located providing that (a) illumination of all signs shall be diffused so as not to reflect direct rays of light into adjacent residential 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.

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

1. Any conditional use permitted in the residential districts.

2. 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).
3. Vehicle Drive-In and Heavy Vehicle Services: drive-in heaters, drive-in restaurants and refreshment stands; express, cartage and trucking facilities; large item machinery or bulk sales and storage not including outdoor unfenced storage.
4. Heavy Service and Processing Facilities: laundry and dry cleaning plants; linens, towels, diaper and similar supply services; animal pounds, kennels, and veterinary establishment; frozen food lockers; seed and food processing plants; dairies.
5. Accessory Uses or Building pertaining to the conditional uses under this section.
6. Business and Advertising signs pertaining to the conditional uses under this section 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.

508.04 PROHIBITED USES:

1. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
2. Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
3. Unless specifically permitted by the Board of zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
4. No outdoor, storage of raw materials, supplies, finished products or new or used machinery or equipment shall be stored outside of a building unless screening is provided.
5. No trash, debris, junk, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. Sanitary fill and other types of landfill, refuse disposal and dumps shall not be permitted.
6. No motor home, recreational vehicle, or camper of any type may be occupied by a guest of the resident owner for more that 14 days.

7. Except as specifically permitted in Chapter 505.12 and 502.12 herein, no mobile home shall be placed or occupied in this district.

508.05 REQUIRED LOT AREA AND LOT WIDTH IN THE B-1 DISTRICT

Residential Uses: Each residential use to be accommodated in the B-1 Business District shall meet the minimum lot area, minimum lot width requirements and required floor area of the R-1 and R-2 General Residence District.

Commercial Uses: No minimum lot area or minimum lot width is required for commercial uses.

508.06 BUILDING HEIGHT REGULATION IN THE B-1 DISTRICT

B-1, General Retail District: In the B-1 General District, no building shall exceed 2 stories or 30 feet in height, except as provided in Chapter 517.

508.07 REQUIRED YARDS IN THE B-1 DISTRICT

1. Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum yard requirements of the R-1 and R-2 Residence District.
2. Commercial Uses:
 - a. Front Yard - 25
 - b. 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 Residence District.
 - c. Rear Yard - 20 feet. Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements.

508.08 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 Chapter 511.

508.09 LANDSCAPING OR SCREENING PROVISIONS: For nonresidential uses abutting a “B” District the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided, such screening shall be a masonry or solid fence between 4 and 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 15 feet in width planted with evergreen hedge, or dense planting or evergreen shrubs not less than 4 feet in height.

CHAPTER 509
PROVISIONS GOVERNING MANUFACTURING DISTRICTS

509.00 PURPOSE: The purpose of the M-1 Light Manufacturing district is to provide for commercial uses, storage, and those manufacturing uses normally creating a nuisance discernible beyond its property. The purpose of the Conditional Use Provision is to provide for industrial uses not allowed in any other district, providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that general hazard or nuisance affects other lot owners in the vicinity.

509.01 USES PERMITTED IN THE M-1 LIGHT MANUFACTURING DISTRICT

1. Any permitted in the B-1 Business District except residential uses.
2. Warehousing and Storage: indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, and trucking storage. However, this does not include junk yards or similar uses.
3. 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 including hatcheries, canning, freezing, storage and bottling.
4. Other manufacturing uses of a 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 indication that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration, noise, or health risk.

In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals, in accordance with Chapter 521.

509.02 CONDITIONAL USES PERMITTED IN THE M-1 GENERAL 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 Board of Zoning Appeals; bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; coke ovens; curing, tanning and storage of raw hides and skinning 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, terracotta 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 Board of Zoning Appeals would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property.

The Board of Zoning Appeals may recommend Township Trustees approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limit of the General Manufacturing District in which it is located, such special uses shall be subject to any requirements the

Board of Zoning Appeals feels necessary to further the purpose of the Manufacturing District, as stated in the preamble.

509.03 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 8,000 square feet and a minimum lot width of 60 feet.

509.04 BUILDING HEIGHT REGULATIONS IN MANUFACTURING DISTRICTS: No building in the M-1 District shall exceed 50 feet in height.

509.05 YARDS REQUIRED IN MANUFACTURING DISTRICTS: All structures to be constructed, altered, or moved in the M-1 District shall provide yards of the following:

<u>Front Setback</u>	-	25 feet
<u>Side Setback</u>	-	10 feet

*Except where a side yard abuts a residential district in which case a side yard of 25 feet shall be provided.

<u>Rear Setback</u>	-	25 feet
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509.06 SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICTS: Newly established manufacturing uses adjacent to 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.

509.07 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 Chapter 511.

**CHAPTER 510
SPECIAL PROVISIONS**

510.00 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 other wise objectionable element or condition unless the following performance standards are observed:

1. 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.
2. 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.
3. 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.
4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
5. Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
6. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
7. Air Pollution: No pollution of air by flyash, dust, vapor, or other substance shall be permitted which is visible from any property or from any public street, road or highway.
8. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
9. Erosion: No erosions, by either wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
10. Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the State Sanitary Water Board.

510.01 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 of Zoning Appeals for review and appropriate action.

**CHAPTER 511
OFF-STREET PARKING AND LOADING REGULATIONS**

511.01 OFF-STREET PARKING: Surfaced off-street automobile parking shall be provided on any lot on which any permitted uses are conducted; 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 250 square feet per parking space shall be used.

511.02 NUMBER OF PARKING SPACES REQUIRED: The number of parking spaces required (off-street) shall be as set forth in the following:

<u>Use</u>	<u>Parking Spaces Required</u>
1. Automobile or Machinery Sales and Service floor area. Garages	-1 for each 600 sq. ft.
2. Banks, Business and Professional Offices floor area.	-1 for each 400 sq. ft.
3. Bowling Alleys	-7 for each alley.
4. Churches and Schools	-1 for each 5 seats in an auditorium or 1 for each 12 classroom seats; whichever is greater.
5. Dance Halls and Assembly Halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium.	-1 for each 100 sq. ft. of floor area used for assembly or dancing.
6. Dwellings	-2 for each family or dwelling unit.
7. Funeral Homes, Mortuaries	-2 for each family or dwelling unit.
8. Furniture & Appliance Stores, household equipment or furniture repair shop over 1,000 sq. ft. floor area.	-1 for each 500 sq. ft. of floor area.
9. Hospitals	-1 for each bed
10. Hotels, Lodging Houses	-1 for each bedroom
11. Libraries, Museum or Art Galleries	-1 for each 250 sq. ft. of floor area

12.	Mfg. Plants, Research or Testing Laboratories, Bottling Plants, over 1,000 sq. ft. in area	-1 for each 3 employees in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater.
13.	Medical or Dental Clinics	-1 for each 200 sq. ft. of floor area
14.	Motel and Motor Hotels	-1 for each living or sleeping unit, plus on space for each two employees.
15.	Restaurants, Beer Parlors and nightclubs, of over 1,000 sq. ft. in area	-1 for each 200 sq. ft. of floor area.
16.	Retail Stores, Shops, etc., over 2,000 sq. ft. floor area	-1 for each 150 sq. ft. of floor area.
17.	Sanitariums, Convalescent Homes, Children Homes	-1 for each 2 beds
18.	Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than schools	-1 for each 4 seats
19.	Wholesale Establishments or Warehouse	-1 for every 2 employees on maximum shift and one for each motor vehicle used in the business

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

1. Screening and Landscaping: Off-Street parking areas for more than 5 vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence. Such wall or fence shall be between 4 feet and 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 15 feet in width planted with an evergreen hedge, or dense planting if evergreen shrubs not less than 4 feet in height.
2. Surfacing: Any off-street parking area for more than 5 vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete.
3. 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.
4. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principal use with the 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 zoning permit.

5. 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 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.

511.04 OFF-STREET LOADING: In any district, in connection with every building or part thereof, erected and having a gross floor area of 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 an off-street loading space, plus one additional such loading space for each 10,000 square feet or major fraction thereof, of gross floor area so used in excess of 10,000 square feet.

511.05 LOADING SPACE – DIMENSIONS: Each loading space shall be not less than 12 feet in width, 50 feet in length, and 15 feet in height.

511.06 LOADING SPACE – OCCUPY YARD: Subject to the limitations in Section 511.07, such space may occupy all or any part of any required yard.

511.07 LOADING SPACE – DISTANCE FROM R-DISTRICT: No space shall be closer than 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 6 feet in height.

CHAPTER 512
DISPLAY SIGNS AND OUTDOOR ADVERTISING

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

512.01 GOVERNMENTAL SIGNS EXCLUDED: For the purpose of this ordinance (resolution) “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, postal delivery, or otherwise required by any law, ordinance or governmental regulation.

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

512.03 SIGNS PERMITTED IN ALL DISTRICTS

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet;
2. Professional name plates not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of premises, not to exceed two (2) square feet in area.
4. Signs or bulletin boards customarily incidental to places of worship; libraries, museums, social clubs, or societies, which signs or bulletin board shall not exceed fifteen (15) square feet in area and which shall not be located on the premises of such institution;
5. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
6. In a commercial or industrial district, each business shall be permitted one flat or wall sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

512.04 TEMPORARY SIGNS: Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.

512.05 FREE STANDING SIGNS: Free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any Street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one freestanding sign for each building, regardless of the number of business conducted in said building.

512.06 POLE SIGNS: Pole signs of symbolic design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any Street or highway. The maximum area of any face of such sign shall not exceed thirty (30) square feet, and the pole support of the sign shall not be less than fifty (50) feet from any lot in any residential district.

512.7 POLITICAL SIGNS: No political sign shall be posted in any place or in any manner that is destructive to public property upon posing or removal. All candidates for public office, their campaign committees, or other person responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

512.8 SIGN SETBACK REQUIREMENTS: Except as provided in this ordinance (resolution), signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required from yard depth for a principal use in such district except for the modifications in 512.12 inclusive.

a. **Increased Setbacks:** For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

b. **Setbacks at the Intersection of Highways:** At the intersection of any state or Federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.

c. **Setbacks for Public and Quasipublic Signs:** Real Estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any Street or highway provided such sign or bulletin board does not obstruct traffic visibility at Street or highway intersections.

512.91 SPECIAL YARD PROVISIONS: Signs and advertising Structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure shall be erected or placed closer than fifty (50) feet of a side or rear lot line in any residential district.

512.10 VIOLATIONS: In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance (resolution), the Zoning Inspector shall notify in writing the owner or lessee thereof, to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of the Article shall be deemed a violation and shall be punishable under Chapter 520 of this Resolution.

**CHAPTER 513
EXTRACTION OF MINERALS**

513.01 GENERAL REQUIREMENTS: Any owner, lessee or other person, firm or corporation having a valid mining permit issued under applicable state and federal laws, and having an interest in mineral lands in any C-1, M-1 and AG Districts may file with the Board an application for a conditional use permit to mine minerals therefrom, provided however, that the applicant shall comply with all applicable state and federal laws, the requirements of Chapter 521, and the requirements of the District in which said property is located, and with the following additional requirements:

1. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than 100 feet to any property line.
2. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line, of such right-of-way.
3. 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 of a type specified by the Board.
4. 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. All equipment shall be removed after 60 days of cessation of mining activities.
5. 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 or the District in which the operation is located.
6. Hours of Operation: Activities shall be conducted only during the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

513.02 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 operations in accordance with the plans and specifications submitted, and all requirements of this Chapter 513.

513.03 APPLICATION – CONTENTS, PROCEDURE: An application for conditional use permit for such operation shall set forth the following information:

1. Name of the owner or owners of land from which removal is to be made.
2. Name of the applicant making request for such permit.
3. Name of the person or corporation conducting the actual removal operation.
4. Location, description and size of the area from which removal is to be made.
5. Location of processing plant used.

6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method or rehabilitation and reclamation of the mined area.
10. Compliance with the requirements of Section 521.05.

513.04 PUBLIC HEARING: Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of Chapter 521.

513.05 RESTORATION: To guarantee the restoration, rehabilitation, and reclamation of mined out area, every applicant granted a mining permit as herein provided, shall furnish a cash bond running to the Township in an amount of not less than \$1,000 per acre and not more than \$10,000 per acre as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land and repairing public roads, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

1. **Surface Restoration:** All excavations shall be made either to a water producing depth, such depth to be not less than 5 feet below the low water mark, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids, to secure:
 - a. That the excavated area shall not collect and permit to remain therein stagnant water; or
 - b. 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.
2. **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 hereinafter provided.
3. **Banks of Excavations Not Backfilled:** The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical shall not be less than 3 feet horizontal to 1 foot vertical and said bank shall be seeded.

513.06 ADDITIONAL REQUIREMENTS: In addition to the foregoing the Board 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 may deem necessary for the protection of public roads and adjacent properties and the public interest. The said conditions and amount of the performance bond shall be determined by the Board prior to issuance of the permit.

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

1. Compliance with all applicable laws of the State of Ohio, and the requirements of Chapter 521.
2. Surety Bond in the amount of \$10,000 has been obtained and is attached to the conditional use permit application conditional upon the faithful performance of each and every condition set forth in the conditional use permit and guaranteeing the repair of all damage to public property and public roads 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, fireplugs, 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 by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.
3. No tank or reservoirs erected for or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

CHAPTER 514 AUTOMOBILE SERVICE STATION, PARKING GARAGES AND PARKING AREAS

514.01 ENTRANCE – DISTANCE REQUIREMENTS: No automobile service or filling station, parking area for 25 or more passenger motor vehicles, trucks, or buses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within 200 feet along the side of a street of any school public playground, the entrance to a public park, 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.

514.02 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 cap, are located within 12 feet of any street lot line or with 25 feet of any R District, except where such appurtenances are within a building.

514.03 AUTOMOBILE SERVICE STATION – ENCLOSURE: Except in integrated shipping centers and in M Districts, no automobile service station shall be erected or constructed and no alterations 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 6 feet high. The first 10 foot section of such wall, measured from the street right-of-way, may be stepped down to 2 feet at said right-of-way line, following a pattern of appropriate design.

**CHAPTER 515
PRIVATE SWIMMING POOLS**

515.00 DEFINITION: A private swimming pool, as regulated herein, shall be any commercially made above ground or in ground pool. 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 shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.

**CHAPTER 516
MOBILE HOMES AND MOBILE HOME PARKS, MOTELS AND MOTOR HOTELS**

516.01 GENERAL REQUIREMENTS: The Board of Zoning Appeals may authorize establishment of a mobile home park in any R-2 District, however such mobile home park site shall be located at least 300 feet from any existing residences and be in accordance with the provisions of this Chapter. 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:

1. Area and Yard Requirements: Mobile home parks, motels and motor hotel shall comply with all area and yard requirements prescribed for such used in the district in which located.
2. Parking: All areas used for automobile access and parking shall comply with the applicable provision of this Resolution, provided that there shall be at least one Off-street parking space for each mobile home park lot and one additional space for each 4 such lots to accommodate guests.
3. 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 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.
4. 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 10 feet in width, shall be established and maintained within the mobile home park along its exterior boundaries.
5. Enclosure: Mobile home parks and motels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than 6 feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Board.
6. 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.

7. 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 to all the requirements for new construction for such an establishment.
8. Mobile Home Prohibited – Except: Except as provided in Chapter 502.12 and/or 505.12, no person shall park or occupy any mobile home on any premises in any district outside an approved mobile home park.
9. 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.
10. No permit for a trailer or mobile home shall be issued by the Zoning Inspector until approval has been granted by the Board of Appeals as stated in Section 521.04 of this Resolution.

516.02 MOBILE HOME PARKS – SUBMISSION OF PLANS: An application for the establishment of a mobile home park shall be filed with the Zoning Inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide architect, land surveyor, civil engineer, or land architect. The Inspector shall check the plat, and after approval by the Ohio Manufactured Homes Commission in accordance with Ohio Revised Code Chapter 4781, and Ohio Administrative Code 4781-12-06 et seq., if he finds the same to be in compliance with the requirements of this Chapter, forward the same to the Board of Appeals. The Inspector shall advise the Zoning Commission of the pending application and the Commission shall review the same and submit its recommendation thereon to the Board of Appeals. The Board shall hold a public hearing on the application, giving 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:

1. Accurate Dimensions of the proposed mobile home park;
2. All roads and approaches and the method of ingress and egress from public highway;
3. The complete electric service installation, wire service outlets and lighting facilities;
4. The complete location of any natural gas facilities to serve the mobile home park;
5. A complete layout of unit parking spaces and the number of square feet therein; together with dimensions thereof; and
6. 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.

516.03 MOBILE HOME PARKS – MINIMUM STANDARDS AND REQUIREMENTS: Mobile home parks shall be designed and maintained in accordance with the following requirements:

1. Park Area: The minimum mobile home park area shall be 10 acres.

2. Lot Area: The minimum lot area per mobile home unit site within the mobile home park shall be 5,000 square feet.
3. Lot Width: The minimum lot width per mobile home unit within the mobile home park shall be 50 feet. Each lot shall be clearly defined by a permanent marker in the ground.
4. 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.
5. Distance Between Mobile Homes: The minimum distance between neighboring mobile homes shall be not less than 30 feet.
6. 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 8 x 10 feet and minimum thickness of 4 inches.

516.04 UTILITIES: The following requirements shall apply:

1. 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 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.
2. 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.
3. 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.
4. Mobile home units not equipped with water and sewer facilities shall be located not more than 200 feet from a community utility building which shall provide separate toilet and shower facilities for each sex.
5. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.
6. Each mobile home unit shall be equipped with at least one electric outlet.
7. Copies of the recommendations of all approving authorities shall be attached to each application to establish a mobile home park.

516.05 INTERIOR STREETS: The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 30 feet. The minimum width of two-way streets without parking permitted shall be 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.

516.06 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 300 square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

516.07 LENGTH OF OCCUPANCY: No mobile home shall remain in a mobile home park for a period exceeding 15 days without connection to the permanent sanitary sewer system of the park.

516.08 ADDITIONAL REQUIREMENTS: In addition to the forgoing, 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.

516.09 FEES: Subject to the current township fee schedule.

CHAPTER 517 COMMUNITY DEVELOPMENT PROJECTS

517.01 PROJECTS – WHERE LOCATED: In any R-2 District, the owners of a tract of land comprising not less than 4 acres, may submit to the Zoning Commission a plan for the use and development of all of such tract of land for residential purposes or for the repair or alteration of any existing housing development on such tract, provided that the proposed plan complies with all requirements of the Knox County Regional Planning Commission Subdivision Regulations.

517.02 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:

1. **Consistency – Zoning Resolution:** That the plan is consistent with the intent and purpose of this Resolution.
2. **Adjacent Property – No Adverse Effect:** The property adjacent to the area included in the plan will not be adversely affected.
3. **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.
4. **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 100 per cent of the lot area per family required in the District in which the site is located.
5. **Off-Street Parking:** That there is to be provided off-street parking facilities in accordance with the requirements of Chapter 511.
6. **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:

- a. Recreation Area – Projects Over 20 Acres: In case any lot or tract on which a residence development or dwelling group is to be erected contains 20 acres or more, at least 5 per cent of the acreage of such lot shall be set aside and developed as a neighborhood playground or playgrounds.
- b. Recreation Area – Projects Under 20 Acres: In the case of a lot under 20 acres in area with more than 50 dwelling units, the required area of play lots shall be 2,000 square feet plus 30 square feet for each dwelling unit in excess of 50.
- c. Recreation Area – Modifications: These requirements for the provisions 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.

517.03 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:

1. No principal building or structure shall exceed a height equal to 2 times the distance between the building line and the center line of the street on which it fronts. No accessory structure shall exceed 2 stories or 25 feet in height, except as provided in Chapter 520.
2. The gross area of the project shall comprise of not less than 10 acres.
3. For each foot of building height over 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 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.
4. High-rise building shall be located within a community development project in such a way as to dissipate any adverse impact on adjoining low-rise buildings.

517.04 REPORT FURNISHED TO BOARD: A report of its findings and recommendations shall be furnished by the Zoning Commission to the Board of Zoning Appeals.

517.05 BOARD MAY AUTHORIZE PROJECT: Following a public hearing by the Board, 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.

517.06 FEES: Fees shall be subject to the provisions of current township fee schedule.

CHAPTER 518 PLANNED INDUSTRIAL PROJECTS

518.00 MINIMUM AREA: The owner of a tract of undeveloped land or of land cleared for redevelopment of 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. The proposed plan must comply with all requirements of the Knox County Regional Planning Commission Subdivision Regulations. The procedure for review and action upon the proposed plan is contained in Chapter 522.

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

1. **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.
2. **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.
3. **Uses, Design Standards and Improvements:** That the proposed used accord with the used 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 Chapter.

518.02 PERMITTED USES: Any use permitted and as regulated in the M district except used prohibited therein; provided that any distance requirements and other standards of said districts may be modified by the Zoning Commission.

518.03 LOT AREA: Minimum 20,000 square feet.

518.04 BUILDING HEIGHT LIMIT: 35 feet within 200 feet of any R District.

518.05 DISTANCE OF BUILDING FROM PROJECT BOUNDARY: If adjoining R District 100 Feet; if adjoining B District 50 feet.

518.06 LANDSCAPING OF UNSURFACED AREAS: All unpaved areas shall be landscaping subject to Commission approval.

518.07 GREENBELTS: The project area shall be enclosed on all sides by a planted strip at least 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 and compactness of not less than 50 per cent of the ultimately required height and compactness.

518.08 OUTDOOR ADVERTISING: Shall be prohibited, except that each industry may have one suitable identifying sign of not to exceed 150 square feet in area.

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

518.10 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 Zoning Commission.

518.11 RECOMMENDATIONS TO TOWNSHIP TRUSTEES: If the final plan is found to be in compliance with the requirements herein, the Zoning Commission shall submit said plan and its report and recommendations to the Knox County Regional Planning Commission for its review and approval. After review by the Knox County Regional Planning Commission, and the adoption of any recommendations or revisions recommended by them, the plan shall be submitted 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 of other standards.

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

518.13 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 of guarantee, satisfactory to the Commission, assuring at the expense of the owner or developer the installation of improvements specified in the following:

1. **Rights-of Way, Pavements and Utilities:** All interior streets shall have a right-of-way Width of not less than 80 feet, and shall be provided with all-weather concrete pavement, curb and gutter meeting city specification. All necessary utilities shall be installed meeting county specifications.
2. **Off-Street Parking and Loading:** Employee parking – one space for each two employees on the maximum shift. Customer parking – at least 10 spaces per plant. Loading facilities shall be determined according to type of industry; must be off-street and of sufficient size to accommodate normal peak loads. Loading docks shall not be placed along building fronts. There shall be provided sufficient storage area to accommodate off-street all plant vehicle storage and maneuvering areas shall be surfaced with suitable pavement.

518.14 REZONING: Following the public hearing, the Township Trustees may modify the plan, consistent with the intent of this Resolution, and consistent with the recommendations of the Zoning Commission and the Knox County Regional Planning Commission, and may change the zoning of the site to the appropriate zoning district classification.

518.15 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 the developers may be authorized by the Commission.

**CHAPTER 519
EXCEPTIONS AND MODIFICATIONS**

519.01 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.

519.02 EXCEPTION TO YARD REQUIREMENTS:

1. Allowable Projections of residential Structure into Yards: Any structure may project into the required front yard if existing structures of 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.
2. Allowable Projections of Business Structures over Sidewalk: Signs, awnings, canopies, marquees, are permitted to overhand the sidewalk in the B District only, providing the overhanging signs are a minimum of 8 feet above the sidewalk at any point and that all other structures are a minimum of 6 feet 8 inches above the sidewalk at any point.
3. Allowable Projection of Accessory Building into Rear Yard: One-story accessory buildings may project into only rear yards abutting on any alley providing such projection extends not closer than 5 feet to the rear lot line.

519.03 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, transmissions towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

**CHAPTER 520
ENFORCEMENT**

520.01 ENFORCEMENT BY ZONING INSPECTOR: There is hereby established the office of Zoning Inspector. This person shall be appointed by the township trustees. 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 to the provisions of this Resolution and shall issue no permit or license 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.

520.02 DUTIES OF THE ZONING ENFORCEMENT OFFICER:

1. Administer and enforce the Zoning Ordinance.
2. Maintain the Zoning District Map.

3. Serve as secretary of the Zoning Commission and Zoning Appeals Boards.
4. Issue zoning certificates.
5. Inspect structures and land to determine compliance with this Zoning Ordinance and the Zoning District Map.
6. Notify violators of this Zoning Ordinance in writing, stating the nature of violations. Notifications shall be complete upon mailing the notice to the owner of the property at his last known address, or where no address is known by posting the notice in a conspicuous place on the property. Failure of the Zoning Enforcement Officer to notify the owner of the property of a violation is not grounds for dismissal of a prosecution based on such a violation.
7. Maintain accurate records of all amendments made to this Zoning Ordinance or the Zoning Ordinance or the Zoning District Map, all conditional use permits and variances granted, and all zoning certificates and notices of violation issued.
8. Issue conditional use permits after compliance with 521.05 and 521.06 inclusive, and variances after compliance with Board of Zoning Appeals 521.08 inclusive.
9. Recommend to the Board of Zoning Appeals revocation of conditional use permits where he/she believes terms of permits have been violated.
10. Make records available for use by the township trustees, the Zoning Board, the Board of Zoning Appeals, and the public.
11. Review and approve site plans pursuant to this ordinance.

520.03 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 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.

520.04 ZONING CERTIFICATE: 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/she 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 all permits required for building in Knox County must be obtained before application is made to the township for a building permit. Any building not permanently affixed to the ground or to a foundation attached to the ground does not require a permit.

The Zoning Inspector shall either approve or disapprove the applications on which he is authorized to act within the provisions of this Resolution within 30 days after the date they are filed in full compliance with all the applicable requirements. All zoning permits shall however, be conditional upon the commencement of work with six months. One copy of the plans shall be returned to the applicant by Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by this signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of the ordinance.

The Zoning Inspector shall disapprove any application which he/she determines contains information which is clearly and demonstrably false. There is no administrative appeal from such disapproval. Should the applicant, file an amended application containing correct information, it shall collect the filing fee established by this section. Failure to notify the applicant in case of such refusal within the said 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.

Under written request from the owner of tenants, 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.

520.05 EXPIRATION OF ZONING PERMIT: If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the person affected, together with notice that further, work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

520.06 FAILURE TO OBTAIN ZONING PERMIT: Failure to obtain zoning permit shall be a violation of this ordinance and punishable under Section 520.09.

520.07 FEES: Fees shall be charged as established from time to time by the Board of Township Trustees.

520.08 COMPLAINTS REGARDING VIOLATIONS: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record such complaint, promptly investigate, and take action thereon as provided by this ordinance.

520.09 PENALTIES FOR VIOLATION: Anyone found in violation of the provisions of this ordinance for failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this ordinance, or failure to comply with any of its requirements may be fined not less than one hundred dollars (\$100) or more than five hundred dollars (\$500), and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the township trustees from taking such other lawful action as is necessary to prevent or remedy any violation. Zoning permits issues on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and punishable as provided in this Section.

520.10 EQUITABLE REMEDIES: If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of any of the provisions of this Zoning Code, the appropriate township authorities, the Zoning Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may seek an injunction, mandamus or other appropriate relief or proceeding in any court of competent jurisdiction to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of such building, structure or land.

520.11 STOP WORK ORDER: Subsequent to his/her determination that work is being done contrary to his ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved, Removal of stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this ordinance.

520.12 ZONING PERMIT REVOCATION: The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this ordinance or based upon false information or misrepresentation in the application.

520.13 NOTICE OF VIOLATION: Whenever the zoning Inspector or his agent determines that there is a violation any provision of this ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing.
2. Identify the violation.
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this ordinance being violated.
4. State the time by which the violation shall be corrected.

Service of Notice of Violation shall be as follows:

1. By personal delivery to the person or persons responsible; or

2. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

CHAPTER 521 BOARD OF ZONING APPEALS

521.01 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 the Township Trustees may approve and provide. The Board may, within the limits of the monies 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.

521.02 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/her 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 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 to the Board as may reasonably be required.

521.03 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS:

1. **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.

2. 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 the papers constituting the record upon which the action appealed from was taken.
3. Hearings: The Board shall fix a reasonable time for the hearing of the application or appeal, giving 10 days notice to the parties in interest, give notice of such public hearing by one (1) publication in one 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 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 ground that the decision was unreasonable or unlawful.
4. Decision of the Board: The Board shall decide all applications and appeals within 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 for the preservation of property or personal rights and shall so certify on the records.

5. 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 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 by 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.

521.04 POWERS OF THE BOARD OF ZONING APPEALS:

1. 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 question 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.

521.05 CONDITIONAL USES – GENERAL: It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses, as they are conditionally permitted under the township provisions, shall follow the procedures and requirements set forth in Chapter 521.05.

1. Contents of Application for Conditional Use Permit: An application for conditional use permit shall be filed with the chairman of the Board of Zoning Appeals by at least one owner or lessee or property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- a. Name, address, and phone number of applicant.
- b. Legal description of property.
- c. Description of existing use.
- d. Zoning district
- e. Description of proposed conditional use.
- f. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards; and such other information as the Board may require determining if the proposed conditional use meets the intent and requirements of this ordinance.
- g. A narrative statement evaluating the effects on an adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
- h. A list containing the names and mailing addresses of all owners of property within three hundred (300) feet of the property in question.
- i. A fee as established from time to time by the Township Trustees.

2. General Standards Applicable to all Conditional Uses: In addition to the specific requirements for conditionally permitted uses as specified in *505.03, 506.03, 507.03, 508.03 and 509.02*, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location;

- a. Will be harmonious with and in accordance or with the general objectives, or with any specific objective of the township's zoning ordinance.
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

- c. Will not be hazardous or disturbing to existing or future neighboring uses.
- d. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- e. Will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- f. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor.
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- h. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

3. Expiration of Conditional Use Permit: A conditional use permit shall be deemed to authorize only one particular conditional use and conditional permitted uses shall be considered and deemed abandoned if said use or uses are not commenced within six (6) months or are discontinued for a period in excess of one (1) year.

521.06 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 25 percent of the assessed valuation for tax purpose; provided further that such extension shall be within a more than 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 25 feet beyond the dividing line of the two 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.
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 structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

521.07 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.

521.08 ADMINISTRATIVE REVIEW AND VARIANCES:

1. Administrative Review: The Board shall have the power to hear and decide appeals filed as herein before 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.
2. 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 result in undue and unnecessary hardship. A variance is authorized only for height, area, and size of 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.
 - a. 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 the spirit and purpose of this Resolution shall be observed and substantial justice done.
 - i. There must be proof of hardship created by the strict application of this ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted.

- ii. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases without knowledge of the restrictions; it must result from the application of this ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
- iii. 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.
- iv. 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:
 - b. 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;
 - c. 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.
 - d. 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.
 - e. Except as otherwise permitted in this ordinance, no variance in the strict application of the provisions of this ordinance shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements.
 - i. Name, address, and phone number of applicant(s).
 - ii. Legal description of property.
 - iii. Description or nature of variance requested.
 - iv. A fee as established by ordinance.
 - v. Narrative statements establishing and substantiating that the variance conforms to the following standards.
 - 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 3. There must exist special circumstances or conditions, fully described in the findings applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 4. There must be proof of hardship created by the strict application of this ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases without knowledge of the restrictions; it must result from the application of this ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
 6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
3. 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, by a preponderance of the evidence, that all 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 reasonable practicable the formulation of a general regulation for such conditions or situation.

4. Variations – 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 body from whom the appeal is taken.

521.09 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 Chapter 510 of this Resolution, as provided in the following:

1. 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 Chapter 510 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 2 below.
2. Report by Specialists and Experts: 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 or experts qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Chapter 510 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.
3. Review by Board: Within 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:
 - a. That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and
 - b. 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.
4. 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 investigating a violation shall be paid by the violator if said violation is determined to exist.

CHAPTER 522
REZONING, DISTRICT CHANGES AND RESOLUTION AMENDMENTS

522.01 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 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.

522.02 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 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.

522.03 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 address of such owners appearing on the current tax roll.

522.04 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 20 days, not more than 40 days from the date of the 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 publication in one or more newspapers of general circulation in the Township at least 15 days before the date of such hearing.

522.05 WRITTEN NOTICE: 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 redistricted by certified mail 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.

522.06 TRANSMITTAL TO REGIONAL PLANNING COMMISSION: Within 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 Knox County Regional Planning Commission.

522.07 ACTION BY REGIONAL PLANNING COMMISSION: The Knox County 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.

522.08 RECOMMENDATION BY ZONING COMMISSION TO TOWNSHIP TRUSTEES: The Zoning Commission shall, within 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 Knox County Regional Planning Commission thereon to the Township Trustees.

522.09 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 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 publication in one or more newspapers of general circulation in the Township, at least 15 days before the date of such hearing.

522.10 SUBMISSION TO STATE HIGHWAY DIRECTOR: Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Highway Director. The Zoning Inspector shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Highway director notifies the Zoning Inspector the acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period of any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance (resolution), issue the zoning permit.

522.11 WRITTEN NOTICE: Written notice of the hearing shall be mailed by the zoning commission to all owners of property within and contiguous to the area purposed to be reclassified or redistricted by certified mail 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.

522.12 VOTE BY TOWNSHIP TRUSTEES: Within 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 Township Trustees deny or modify the recommendation of the Zoning Commission the unanimous vote of the Township Trustees shall be required.

522.13 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT – REFERENDUM: Such amendment or supplement adopted by the Trustees shall become effective in 30 days after the date of such adoption unless within 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 8 percent 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 or general election.

522.14 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 immediate effect.

522.15 COURT OF COMMON PLEAS: Any person adversely affected by an order of the Board of the Township Trustees adopting, amending or rescinding a regulation, may appeal to the Court of Common Pleas of Knox county, on the ground that said Board failed to comply with the law in adopting, amending, rescinding, publishing or distributing such regulation, or that the regulation as adopted or amended by the said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

522.16 FEES: Each application for a zoning amendment except those initiated by the Zoning Commission, shall be accompanied by a check or cash payment in accordance with the current fee schedule as established from time to time by the Township Trustees.

CHAPTER 523 VALIDITY AND REPEAL

523.00 VALIDITY: This Resolution and the various Parts, Articles, and Paragraphs thereof are hereby declared to be in effect. 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 hereby.

523.01 AUTHENTICATION: The Township Clerk of the 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. Each section of this resolution is effective and binding as of the earliest date that said section first became part of the Liberty Township zoning resolution.

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

523.03: Amendments made and the total resolution retyped effective June 3, 2015. These amendments, in addition to the zoning resolution of 1974, and the amendments of December 18, 1996, and the Zoning Supplement dated August 30, 2002, comprise the zoning rules and regulations for Liberty Township, Knox County, Ohio.

Adopted this 3rd day of June, 2015.

Board of Township Trustees
Liberty Township
Knox County, Ohio
Attest: Ruth Ann Van Nostrand, Fiscal Officer

___/s/ RuthAnn VanNostrand___

SUMMARY OF REGULATIONS
C-A-R – DISTRICTS

DISTRICT	PRINCIPAL USES	Height-Stories/Feet	Setback-Front/Side/Rear	Lot Width	Lot Area per Family
C-1	Agriculture, Forestry, Parks, Recreation, Flood Control	2.5 / 35	35 / 15-15 / 15	none	none
AG	Residence, Agricultural, Commercial Grain Storage, Greenhouse, Nurseries, Home Occupations	2.5 / 35	60 / 20-20 / 60	250	2 acres
R-1	Residence, Churches, Schools, Public Services, Libraries, Parks, and Playgrounds	2.5 / 35	40 / 15-15 / 45	250	2 acres
R-2	Residence, Community Development Projects, Tourist Homes, Real Homes, Clinics, Clubs, Lodging Houses, Mobile Home Parks, etc.	3/5 / 40	35 / 15/15 / 35	250	2 acres

** See District Modifications

SUMMARY OF ZONING REGULATIONS FOR B & M DISTRICTS

DISTRICT	PRINCIPAL USES	Height-Stories/Feet	Setback Front/Side/Rear	Lot Width	Lot Area per Family
B-1	General Retail Stores Department Stores, Supermarkets, Specialty Shops, Service and Recreation, Residence Conditional Uses*	2 / 30 / None*	None except where adjoining R District Rear Setback – 20 ft.	None*	Same as R-1/R-2
M-1	General Manufacture, Warehousing and Storage Light Manufacturing, Heavy Manufacturing, Subject to Performance Standards	3 / 50 / 25	10 / 10 Rear Yard – 25 Feet	60	8,000 Residence Residence not Permitted

* See Chapter 508.5 of Resolution

** None – except where R District