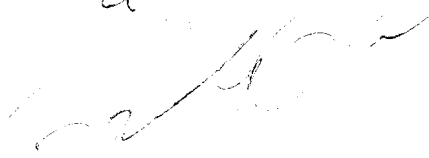
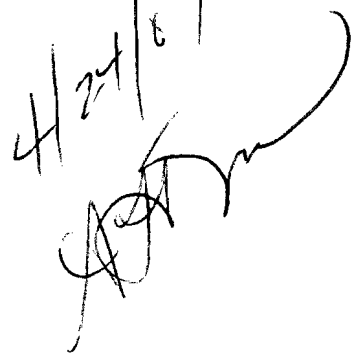


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Milford Township
Knox County, Ohio

Amended Zoning Resolution

4-24-07


4/24/07


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ARTICLE I

Document Title

This Resolution shall be known and may be cited and referred to as the "Milford Township Zoning Resolution" to the same effect.

ARTICLE II

Document Purpose

For the purpose of promoting public health, safety, morals, comfort, or general welfare; to secure the most appropriate use of land; to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan and in accordance with the provisions of Section 519.01 to and including Section 519.99 of the Ohio Revised Code, it is hereby provided as follows:

ARTICLE III

Interpretations of Standards

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

ARTICLE IV

Definitions

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

All words used in the present tense shall include the future tense. All words in the singular include plural, and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used."

All words in this Resolution shall have their customary meanings as defined in the latest edition of Webster's New World Dictionary, except those specifically defined in this Article.

DEFINITIONS:

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

Adult Entertainment: Any material or performance where any of the following apply:

- a) Its dominant appeal is to prurient interest in sex;
- b) Its dominant tendency is to arouse lust by displaying or depicting "Specified Sexual Activities", "Specified Anatomical Areas", sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
- c) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- d) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;
- e) It contains a series of displays or descriptions of "Specified Sexual Activities", "Specified Anatomical Areas", sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, brutality, or human bodily functions or elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

Adult Entertainment Facility: A Facility having a significant portion of its function as adult entertainment. Such facilities include but are not limited to:

- a) **Adult Bookstore and/or Adult Video Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals and/or video rentals or sales which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or

"Specified Anatomical Areas" as herein defined or an establishment with a segment or section devoted to the sale, display, or rental of such material.

b) Adult Mini Motion Picture Theatre: A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.

c) Adult Motion Picture Theater: A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.

d) Adult Entertainment Business: Any establishment involved in the sale of services, or product characterized by the exposure or presentation of "Specified Anatomical Areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, escort/dating services, and similar functions which utilize activities as specified above.

e) Massage Establishments: Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

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

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

Apartment House: See Dwelling, Multi-Family.

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.

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

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.

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

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 the construction of a building.

Board: The Board of Zoning Appeals of the Township.

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

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.

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

Cellar: That 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.

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

Clinic: A place which provides a range of services 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 including the care of those who are in need of medical, surgical, or dental attention, but who are not provided with board or room, nor kept overnight on the premises.

Club: A non-profit association of persons who are 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 as a commercial enterprise.

Commission: The Township Zoning Commission.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of The Board of Zoning Appeals. Conditional uses permitted in each district are listed in the official schedule of district regulations.

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

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

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

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

b) Dwelling, Two-Family: A permanent building or portion thereof exclusively for occupancy by two (2) families.

c) Dwelling, Multi-Family: A permanent building or portion thereof providing separate living accommodations for three (3) or more families.

d) Dwelling, Unit: One room, or a suite of two or more rooms, designed for or used by one (1) 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 yard or court in common.

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

Floor Area: The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. In calculating floor area, the following shall not be included:

a) Attic space providing structural head room of less than seven feet, six inches.

b) Uncovered steps.

c) Terraces, breezeways, and porches.

d) Automobile parking space in a basement or garage.

e) Basements.

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

Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles.

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

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

Hospital: A building or a portion thereof used for the accommodation of sick, injured, or infirm persons, including sanitariums.

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

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

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

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

Massage: A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching, or vibrating with the hand or any instruments for pay.

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

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

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

Neighborhood Retail Outlet: A commercial establishment which caters to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences, utilizing a floor area of less than 10,000 square feet and designed to serve the day to day needs of the neighborhood.

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

Overall Structural Height: Includes all structures of all kinds, such as church spires, belfries, monuments, radio towers, masts, aerials, and flag poles.

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 to or incidental of land uses.

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

Sign Area: The total exterior surface computed in square feet of a sign having but one exposed exterior surface, one half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

Stable - Commercial: A building for the keeping of horses, donkeys, mules, or ponies, which are let, hired, used, or boarded on a commercial basis and for compensation.

Stable - Private: A building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for hire or sale.

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

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

Street: Any public or private way dedicated to public travel. The word "street", shall include the words "road", "highway", and "thoroughfare". Set backs shall be measured from the edge of the street right-of-way line.

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

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

Subdivision:

a) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, anyone of which is less than five (5) acres for the purpose, whether, immediate or future, of transfer of ownership, shall be deemed a subdivision and must be surveyed and platted, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

b) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures, shall be deemed a subdivision and must be surveyed and platted.

c) The division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities, shall be deemed a subdivision and must be surveyed and platted.

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

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, respectively.

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

Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the resolution, would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of 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.

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

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

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

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

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

Zoning Certificate (Permit): A document issued by the Zoning or Building Inspector authorizing building, structures, or uses consistent with the terms of the Zoning Resolution and for the purpose of carrying out and enforcing its provisions. This Certificate (Permit) expires one (1) year after issuance. If construction is not complete at that time, a new Certificate must be applied for.

Zoning Inspector: The zoning inspector of the Township or his authorized representative.

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

ARTICLE V

Districts and General Provisions

5.0 Districts

The Township is hereby divided into three districts known as:

AG Agricultural District

C-1 Conservation District

B-1 General Business District

5.1 Zoning Map

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

5.2 District Boundaries

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

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

5.3 Compliance with Regulations

No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged, or altered except in

conformity with the area regulations, minimum yard requirements, and minimum off-street parking space requirements of this Resolution for the district in which such a building is located. No building shall be erected without first obtaining a permit, as per these regulations. Whenever construction modifies or extends the roof line of a structure, a permit must first be obtained.

5.4 Rear Dwellings

No building in the rear, sides, or front of a principal building on the same lot shall be used for residential purposes unless it conforms to all yard, open space, and street parking requirements. In addition, there must be provided for any rear, side, or front dwelling an unoccupied and unobstructed accessway not less than twenty (20) feet wide to a public street for each dwelling unit in such dwelling, or not less than fifty (50) feet wide for three or more dwelling units.

5.5 Street Frontage Required

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

5.6 Traffic Visibility Across Corner Lots

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

5.7 Off-Street Parking and Loading

In any district, spaces for off-street parking and for off street loading shall be provided in accordance with the provisions of Article 9.5.

5.8 Essential Services

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

5.9 Unsafe Buildings

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

5.10 Vacated Street or Alley

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

5.11 Trailers

A trailer coach or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon. A \$2,500.00 dollar cash bond must be submitted to the Milford Township Trustees before any of the before listed structures can be installed on said lot. Bond may be waived due to emergency replacement of structure due to fire, flood, and other acts of God. In no case shall the above listed structures be allowed to exist as a residence for more than twelve (12) months. A zoning certificate shall be required for use of temporary dwelling quarters.

5.12 Trailers - Visitors

Not more than one (1) trailer coach or RV may be temporarily used as a residence by a visitor on occupied property owned, leased, or rented by a resident of the township for a period of thirty (30) days, provided that all provisions of the Knox County Board of Health are complied with.

5.13 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 Township, such territory shall automatically be classified as Agricultural District unless otherwise classified.

5.14 Accessory Buildings

Accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot unless an integrated part thereof; at least six (6) feet from any other accessory building; at least fifteen (15) feet from any lot lines of adjoining lots; and at least sixty (60) feet from front property line.

5.15 Landfills

Disposal of garbage and refuse, including sanitary fills, is prohibited.

5.16 Unlicensed Motor Vehicles

No more than one (1) unlicensed motor vehicle may be kept outside in open view on any one lot by one family. This regulation is passed to control pests.

5.17 Junk Yards

Junk yards are prohibited.

5.18 Adult Entertainment Facilities

Adult entertainment facilities are prohibited.

ARTICLE VI

Nonconforming Uses or Buildings

6.0 Existing Nonconforming Uses

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

6.1 Nonconforming Uses or Buildings

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, added to, extended, reconstructed, substituted, or structurally altered, unless approved by the Board, and except as follows:

a) Substitution: When authorized by the Board in accordance with the provisions of Article 16, the substitution for a nonconforming use of another not more objectionable nonconforming use.

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

6.2 Discontinuance of a Use

No building, structure, or premises where a nonconforming use has been discontinued for a period of twenty-four (24) months or more shall be again put to a nonconforming use.

6.3 Repairs and Alterations

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

6.4 Replacing Damaged Buildings

Any nonconforming building or structure, or one or more of a group of nonconforming buildings or structures under one ownership, which, damaged by fire, flood, explosion, earthquake, war, riot, or act of God, may be reconstructed and used as before, if it is completed within twenty-four (24) months of such calamity.

6.5 Exception of Essential Services

Essential services, as defined in this Resolution, shall be exempt from the provisions of Paragraphs 6.3 and 6.4 of this Article.

6.6 Nonconformity - Voluntary

In accordance with the Ohio Revised Code, any nonconforming building, land, or premises which is discontinued for a period of two (2) years or more must be improved to conforming use standards in any future uses of said land or buildings consistent with the Milford Township Zoning Resolution.

ARTICLE VII

C-1 Conservation District

7.0 Purpose

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

7.1 Uses Permitted in the C-1 District

- a) Any customary agricultural use, forestry.
- b) Recreation facilities such as fishing, lakes, golf courses, golf driving ranges and parks.
- c) Water conservation works; including water supply works, flood control, and watershed protection, fish and game hatcheries and preserves, hydro-electric power installation, etc.
- d) Accessory use and buildings.
- e) Essential services.

7.2 Conditional Uses in the C-1 District

- a) Rifle ranges, gun clubs, archery course, and other similar uses provided they are not located closer than seven hundred (700) feet from any adjacent property line.
- b) Commercial mining, in accordance with the provisions of Article 12.
- c) Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees, or other improvements intended to reduce the danger of flood erosion shall be authorized by the Board unless the Board finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the County Soil and Water Conservation District and/or the Ohio Dam Law.

7.3 Required Conditions

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

7.4 Engineer's Report

Whenever the Board is required to pass on matters of protection of life and property from flood hazards it shall request a report and recommendations thereon from the chief engineer of any conservation district. Such report shall be considered final and conclusive and the Board shall be bound thereby.

7.5 Changes to Nonconservation District

Changes of district C-1 to any other classification provided by this Resolution may be initiated in accordance with the requirements of this Resolution; provided that no such change shall be authorized by the Township Trustees unless the chief engineer of the conservation district certifies to the Township Trustees that any flood condition existing at the time the C-1 District was originally established does no longer exist or has been remedied to the satisfaction of said engineer, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications for the C-1 District.

7.6 Required Lot Area and Lot Width in the C-1 District

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

7.7 Height Regulation in the C-1 District

No structure shall exceed forty (40) feet in height.

7.8 Dwellings

No dwellings are allowed in a C-1 District.

7.9 Wetlands

No work will be performed until after the area has been declared not to be a wetland.

ARTICLE VIII

AG Agricultural District

8.0 Purpose

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

8.1 Uses Permitted in the AG District

- a) Agricultural uses, commercial grain storage.
- b) One family residential dwelling, home occupations attached to the home.
- c) Utility and service system buildings and lands, public buildings, picnic grounds, religious and educational institutions.

8.2 Conditional Uses in the AG District

- a) Real estate, professional and small announcement signs will be subject to the provisions of Article 11.
- b) Uses of land including quarrying and mining of natural resources.
- c) Cemeteries, golf courses and similar uses.
- d) Mobile homes, as per Paragraph 5.11.
- e) Agricultural structures over forty (40) feet in height.

8.3 Required Lot Area and Lot Width in the AG District for Agricultural Use

For combined agricultural and residential use each dwelling shall be located on a lot having more than five (5) acres and a lot width of not less than 250 feet and not less than 250 feet of street frontage. The lot depth shall not exceed three times the lot width.

8.4 Required Lot Area and Lot Width in the AG District for Residential Use

Each dwelling shall be located on a lot not having less than one (1) acre and a lot width of not less than two hundred (200) feet and not less than two hundred (200) feet of street frontage. The lot depth shall not exceed three times the lot width. All lots containing more than five (5) acres, regardless of use, shall be regulated for agricultural use.

8.5 Livestock

No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the animals are pets or are for domestic use. Commercial feetlots are prohibited.

8.6 Height Regulation in the AG District

The overall structural height limitation shall not exceed forty (40) feet above ground level.

8.7 Required Yards in the AG District

All dwellings and structures shall have the following minimum yard spaces (from property line):

Front Yard: Sixty (60) feet

Side Yard: Fifteen (15) feet

Rear Yard: Forty (40) feet

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

Non-dwellings may be located not less than Fifteen (15) feet from the rear lot line.

8.8 Required Floor Area in the AG District

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

a) One-Story: 1,100 square feet of floor area above grade.

- b) One and One-Half Stories: 1,200 square feet of floor area with 700 square feet on the first floor above grade.
- c) Split Level: 1,200 square feet of floor area with 700 square feet above grade.
- d) Bi-Level and Hillside Ranch: 1,200 square feet of floor area with 700 square feet above grade.
- e) Two Stories: 1,400 square feet of floor area with 700 square feet on the first floor above grade.
- f) Mounded Earth and Similar Styles: 1,100 square feet of floor area at floor grade.

Width and Depth: Dwelling shall not be less than twenty (20) feet in width or depth, whichever is the smaller dimension.

8.9 Outbuildings

Building permits will be needed for all outbuildings, new or prefab, permanent or portable, in the following categories:

1,000 square feet and larger (fee required)

120 square feet to 999 square feet (fee required)

120 square feet or less (no fee)

All structures must comply to current zoning laws and are subject to inspection by zoning officer. Farm buildings are exempt provided the farm meets the requirements set forth by the State of Ohio to receive tax reduction utilizing the Current Agricultural Use Valuation (CAUV) program.

8.10 Off-Street Parking Requirements in the AG District

There shall be provided in the AG District off-street parking in accordance with Article 9.5.

8.11 Agricultural Structures - Area, Width, Height, and Yard

Sections 519.02 to 519.25, inclusive, of the Revised Code confer no power on any board or township trustees of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of

buildings or structures incidental to the use of agricultural purposes of land in which such buildings or structures are located, and no zoning certificate shall be required for such building or structure.

8.12 Entrance Requirements

A minimum requirement of twenty-four (24) feet x twelve (12) inch culverts shall be used at entrances from township roads. The diameter of all entrance pipe must meet the approval of the Township Trustees and The County Engineer.

8.13 Specification for New Subdivisions and Allotments

All new subdivisions and allotments shall be designed to meet the requirements set forth by Knox County governing such subdivisions and allotments. Approvals from the Regional Planning Commission, County Engineer, Health and Sanitary Board, Township Trustees and any other agencies, as may be required, must first be obtained prior to commencing any construction.

ARTICLE IX

Provisions Governing Commercial Districts

9.0 Purpose

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

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

9.1 Uses Permitted in the B-1 District

- a) Any use permitted in an agricultural district.
- b) Neighborhood Retail Outlets: Furniture, department, clothing, shoe, and variety stores. Hardware, appliance, paint, wall paper, grocery, meat markets, restaurants, bakeries, agriculture product, and drug stores.
- c) Specialty Shops: Gift shops, magazine, book, and stationary outlets. Florist shops, camera, and photography shops. Sporting goods, antique shops, and tourist homes.
- d) Service and Recreation: Laundromats, dry cleaning, and laundry pick-up stations. Barber and beauty shops, shoe repair, and tailor shops. Marinas, bath houses, and places of amusement and assembly.
- e) Business and Professional Offices: Medical and dental offices, law offices, insurance, and real estate offices.

9.2 Conditional Uses Permitted in the B-1 District

- a) Any conditional use permitted in an agricultural district.

b) Building Trades or Equipment: Building, concrete, electrical, masonry, sheet metal, plumbing, heating, and building materials establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on the premises.)

c) Vehicle Drive-In and Heavy Vehicle Services: Drive-in theatres, drive-in restaurants, and refreshment stands. Express, cartage, and trucking facilities. Large item machinery or bulk sales and storage not including outdoor unfenced storage.

d) Heavy Service and Processing Facilities: Laundry and dry cleaning plants. Linens, towels, diaper, and similar supply services. Animal pounds, kennels, and veterinary establishments. Frozen food lockers, seed, and food or dairy processing plants, and furniture manufacturing.

e) Two-Family and Multi-Family Dwellings: Each unit shall have a minimum of eight hundred (800) square feet of living space not including the basement area. For parking requirements, see Paragraph 9.5.

f) Automotive and Related Uses: Service and repair, gasoline filling stations, motorcycle and bicycle shops, cab and bus stands and depots.

g) Accessory Uses or Buildings: Business and advertising signs pertaining to the business on the property on which the sign is located, providing that illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into the public way, and any sign located in a direct line of vision of traffic control signals shall not have flashing intermittent red, green, or amber illumination (see Paragraph 11).

9.3 Required Lot Area and Lot Width in the B-1 District

a) Residential Uses: Each residential use to be accompanied in the B-1 Business District shall meet the minimum lot area and minimum lot width requirements of the AG District for Residential use.

b) Commercial Uses: Each commercial use shall be located on a lot with a minimum area of not less than five (5) acres, except as hereinafter modified.

9.4 Required Yards in the B-1 District

a) Residential Uses: Each residential use to be accompanied in the B-1 Business District shall meet the minimum yard requirements of the AG District for Residential use.

b) Commercial Uses:

Front Yard - Thirty-five (35) feet

Side Yard - Fifteen (15) feet (each side)

Rear Yard - Thirty (30) feet

All distances measured from right-of-way line.

9.5 Off-Street Parking and Loading Requirements

There shall be provided in the B-1 District off-street parking and loading in accordance with the following provisions:

a) Automobile or Machinery Sales and Service Garages: One (1) for each 600 square feet of floor area.

b) Banks, Businesses, and Professional Offices: One (1) for each 250 square feet of floor area.

c) Bowling Alleys: Seven (7) for each alley.

d) Schools: One (1) for each five (5) seats in the auditorium or one (1) for each twelve (12) classroom seats, whichever is greater; one (1) for each fifteen (15) students under the age of sixteen and one (1) for each five (5) students over the age of sixteen.

e) Dance Halls and Assembly Halls (without fixed seats), and Exhibition Halls (except church assembly rooms in conjunction with auditoriums): One (1) for each 100 square feet of floor area used for assembly or dancing.

f) Dwellings (including apartments and condos): Two (2) for each family or dwelling unit.

g) Funeral Homes and Mortuaries: Four (4) for each 50 square feet of floor area.

- h) Furniture and Appliance Stores (including household equipment or furniture repair shops over 1,000 square feet of floor area): One (1) for each 400 square feet of floor area.
- i) Hospitals: One (1) for each bed.
- j) Hotels and Lodging Houses: One (1) for each bedroom.
- k) Libraries, Museums, and Art Galleries: One (1) for each 250 square feet of floor area.
- l) Manufacturing Plants, Research or Testing Laboratories, and Bottling Plants (over 1,000 square feet in floor area): One (1) for each three (3) employees in the maximum working shift or for each 1,200 square feet of floor area, whichever is greater.
- m) Medical and Dental Clinics: Five (5) for each doctor.
- n) Motels and Motor Hotels: One (1) for each living or sleeping unit.
- o) Restaurants, Beer Parlors, and Nightclubs (over 1,000 square feet in floor area): One (1) for each 50 square feet of floor area.
- p) Retail Stores, Shops, etc. (over 2,000 square feet of floor area): One (1) for each 150 square feet of floor area.
- q) Sanitariums, Convalescent Homes, and Children's Homes: One (1) for each two (2) beds.
- r) Sports Arenas, Auditoriums, Theaters, and Assembly Halls (other than schools): One (1) for each four (4) seats.
- s) Wholesale Establishments and Warehouses: One (1) for each three (3) employees on maximum shift or for each 10,000 square feet of floor area, whichever is greater.

9.6 Landscaping or Screening Provisions

For non-residential uses abutting a "B" District, the minimum yards may be reduced to fifty percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board, is provided. Such screening shall be masonry or solid fence

between four (4) and six (6) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height.

9.7 Entrance Requirements

A minimum requirement of twenty-four (24) feet x twelve (12) inch culverts shall be used at entrances from township roads.

ARTICLE X

Special Provisions

10.0 Performance Standards

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

a) Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

b) Radioactivity or Electrical Disturbances: No activity shall emit dangerous radioactivity at any point. No activity shall emit electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

c) Noise: Noise which is objectionable as determined by the Board due to volume, frequency, or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

d) Vibration: No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

e) Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.

f) Odors: No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property.

g) Air Pollution: No pollution of air by flyash, dust, vapor, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause soiling.

h) Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

i) Erosion: No erosions, by either wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

j) Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the State Environmental Protection Agency.

k) Nuisance Vegetation, Refuse and Debris, Junk, and Junk Yards: The accumulation of unsightly trash, vegetation, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse, junk, or debris in any district shall be a nuisance per se and shall be prohibited. The abatement control, or removal of such nuisances shall be in accordance with the procedures outlined in Section 505.87 of the Ohio Revised Code.

10.1 Enforcement Provisions

All uses existing on the effective date of this Resolution shall conform to these performance requirements within two (2) years, provided that an extension of up to six (6) months may be granted by the Board. Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

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

ARTICLE XI

Display Signs and Outdoor Advertising

11.0 Commercial Signs and Billboard Advertising

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

Commercial signs and billboards are not to be located within 300 feet of any residence or the entrance to a park, library, school, church, playground, hospital, or similar institution. Federally funded highways to observe setbacks as per USDOT Chapter 55.16.

11.1 Real Estate Signs and Signs Advertising Only the Goods and Services Provided on a B-1 Premises

Such shall be set back from the right of way line, established or determined:

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

Not to exceed 100 square feet in size.

11.2 Traffic Obstruction

No display sign shall be so placed as to obstruct or interfere with means of ingress or egress of traffic or visibility in connection therewith.

11.3 Agricultural District

Announcement or professional signs for home occupations and professional activities where permitted shall not exceed twelve (12) square feet in any AG District.

11.4 Church or Institutional Signs - Directional

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

a) Church Signs - Bulletin Boards: Any bona fide church, religious sect or congregation, community center, or similar semi-public or institutional use may erect and maintain for their own use a bulletin board or announcement sign not over twelve (12) square feet in area on the same premises upon which such use is located. If not attached flat against the building, such sign shall be at least twelve (12) feet from all right-of-way lines.

11.5 Surety Bond

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

11.6 Fees

Fees shall be subject to the provision of Article 15 of this Resolution.

Signs under twelve (12) square feet	No Charge
Signs over twelve (12) square feet	\$25.00 fee

ARTICLE XII

Extraction of Minerals

12.0 Purpose

Quarries, sand and gravel operations, or other mineral extraction operations may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. The following conditions shall be guaranteed by the applicant.

12.1 Applications

All conditional use applications for mineral extraction operations within Milford Township shall be accompanied by the following:

a) Vicinity maps, drawn at a scale of one (1) inch equals one thousand (1,000) feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, and surrounding zoning districts.

b) A map at a scale of at least one (1) inch equals one hundred (100) feet, showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the property.

c) Name and address of the owner or owners of the surface rights of the land from which removal is to be made.

d) Name and address of the applicant making request for such a permit.

e) Name and address of all persons or corporations that will conduct the actual mining operations. Should the operator subsequently change before mining is completed, the applicant shall notify the Zoning Inspector three (3) days prior to the new operator initiating mining operations.

f) Vertical aerial photograph at a scale of one (1) inch equals two hundred (200) feet, showing site, contiguous land, and accessible public roads.

- g) The location, description, and size of the total anticipated area of excavation.
- h) A timetable for excavation of the site and a list of the types of resources or minerals to be extracted.
- i) The proposed method of removal of such resources and whether or not blasting or other use of explosives will be required.
- j) A study of the anticipated depth of excavations and the probable effect to the existing water table, to be conducted by a qualified Professional Engineer registered in the State of Ohio. If the water table is to be affected, the operator shall provide proof, before permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply.
- k) A general description of the equipment to be used for excavating, processing, and/or transporting of the extracted mineral resources.
- l) A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site.
- m) The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.
- n) A copy of the state application as approved by the Division of Reclamation. Any revisions to the application over the life of the permit shall be submitted within ten (10) days of approval to the Board of Zoning Appeals.
- o) A surety bond in the amount of \$10,000.00 will be obtained and attached to the application to be filed guaranteeing the repair of all damage to public property including damage to streets, pavement, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, and drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

p) A reclamation plan containing the following information:

1. The angle of all banks consisting of rock and the required cover.
2. The location of fences or effective plantings in those areas where angles of slope are not physically or economically feasible to reduce.
3. The type and number per acre of trees, shrubs, ground cover, or legume to be provided.
4. The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities, and other improvements.

q) Any other information the Board of Zoning Appeals may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.

12.2 Permits

All proposed mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources, prior to the issuance of a conditional use permit.

12.3 Controls

a) Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.

b) All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration.

c) Operations on Sundays and legal holidays recognized by the State of Ohio shall be prohibited.

d) Actual working hours requested by applicant are subject to approval or modification by the Board of Zoning Appeals.

Mining

- a) Mineral extraction to a depth of not exceeding six (6) feet may be conducted up to one hundred fifty (150) feet of any property line, provided that the operation is conducted over a temporary period not to exceed twelve (12) months and the operation of equipment is limited to the extraction process. Quarrying shall not be conducted closer than five hundred (500) feet from any property line unless a written variance is first obtained from the Township Zoning Appeals Board.
- b) Whenever the floor of a quarry is greater than five (5) feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals. Such mound shall be located not less than twenty five (25) feet from any street right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.
- c) Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
- d) All equipment and structures excluding fences shall be removed within three (3) months of the completion of surface mining operations.
- e) Excavation, washing, and stockpiling of extracted material shall not be carried on closer than one hundred fifty (150) feet to any property line, or such greater distance as specified by the Board, where such is deemed necessary for the protection of adjacent property except that this distance requirement may be reduced by the written consent of the owner or owners of the abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.

f) The operator shall maintain complete records on a daily basis of all blasting operations, including records of the time, the date, the location, and a complete description of weather conditions relating to each such blast. Such records shall be available to the Zoning Inspector upon request. At the request of the Board of Zoning Appeals, the operator shall cooperate fully in any investigation by the Board of the conditions of the operation. In the event that it is established as a matter of fact that there has been a failure to comply adequately with the provisions of this subsection, said operator shall immediately take steps to provide full compliance herewith.

2.5 Roads

a) Temporary operational roads shall not be located closer than two hundred (200) feet from any property line or existing dwelling.

b) Access roads shall be hard surfaced for dust control.

c) In order to insure adequate lateral support for public roads in the vicinity of mineral extraction operations:

1. All sand and gravel excavations shall be located at least one hundred (100) feet and backfilled to at least one hundred fifty (150) feet from a street right-of-way line.

2. All quarrying or blasting shall be located at least one hundred (100) feet from the right of way of any existing or platted street, road, highway, or railway.

d) Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.

12.6 Reclamation Standards

Every applicant granted a conditional use permit for a mineral extraction operation shall furnish a reclamation plan that includes the surrounding area extending five hundred (500) feet off the property boundary line. Such plan shall be at a scale beyond one (1) inch equals one

hundred (100) feet, showing the proposed final topography of the area indicated by contour lines of no greater than five (5) feet. The plan shall be in accordance with the requirements of the Ohio Revised Code, Section 1514.02 and the following standards:

a) The depth of the proposed cover shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations, but which in no event need be more than eighteen (18) inches.

b) All excavations shall either be made to a depth not less than five (5) feet below a water-producing level, or graded and/or backfilled with non-noxious and nonflammable solids, to assure that the excavated area will not collect and retain stagnant water.

c) The angle of slope of all earthen banks shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.

d) Vegetation shall be restored by the spreading of sufficient soil and appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.

e) The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than three (3) feet horizontal to one (1) foot vertical, a minimum of six (6) vertical feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible.

f) The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.

g) Reclamation shall be deemed complete after two (2) years of vegetative growth and a substantial cover has been established.

ARTICLE XIII

Oil and Gas Exploration

13.0 Purpose

Chapter 1509 of the Ohio Revised Code permits townships to enforce health and safety standards for the drilling and exploration for oil and gas. Accordingly, the following are hereby established as conditional use standards to protect the health, safety, and welfare of Milford Township residents.

13.1 Application

a) All applicable federal and state laws shall be complied with.

b) At least seven (7) working days prior to any drilling operations there shall be filed with the Milford Township Zoning Inspector a copy of the permit application and surveyor's plat as submitted to the Chief of the Division of Oil and Gas, Ohio Department of Natural resources, along with a vicinity map with the well site marked on it. A surety bond in the amount of \$25,000 will have been obtained and will be attached to the drilling permit application to be filed with said application guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well, including damage to streets, pavement, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, and drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

c) The names, addresses, and telephone numbers of persons responsible for the operation and maintenance of each well and tank site shall be given to the Zoning Inspector and updated any time there is a change.

Regulations

- a) No person shall drill any oil and gas well, nor erect, maintain, or use a storage tank, separation tank, compressor station, or temporary pit for storage of saltwater and oil field waste within five hundred (500) feet of any dwelling.
- b) No oil and gas well drilling or storage of saltwater, sludge, or other oil field wastes shall be permitted within one thousand (1,000) feet of any body of water used for public water supply or recreational purposes.
- c) No oil and gas wells shall be permitted within a one hundred (100) year flood plain.
- d) Storage tanks, separators, and well installations shall be entirely enclosed by a six (6) foot high chain fence and gate plus three (3) strands of barbed wire above the top of the fence.
- e) Keys for each well and tank site shall be made available to the Knox County police and fire departments to ensure access to well sites in case of emergency.
- f) An impervious dike shall be constructed around storage tanks. The dike shall be of sufficient capacity to contain two hundred (200) percent of the total contents of the tank or tanks.
- g) A screening plan shall be required if the well site adjoins or faces residential property.
- h) Erosion shall be controlled by means of detention or other physical control.
- i) Tanks, gathering lines, and fittings shall be kept in good repair and maintained on a regular basis.
- j) No salt water, sludge, fractured water, or any other oil field wastes shall be deposited or discharged in Milford Township for any purpose except into an authorized injection well.
- k) Within six (6) months after a well that has produced oil or gas is plugged, or after the plugging of a dry hole, the owner or his agent shall remove all production and storage structures, supplies and equipment, and any oil, salt water, and debris, and fill any remaining excavations. Within such period the owner or his agent

shall grade or terrace and plant, seed, or sod the area disturbed, where necessary to bind the soil and prevent substantial erosion and sedimentation, all to the satisfaction of the Milford Township Board of Zoning Appeals.

13.3 Access Roads and Driveways

Access roads and driveways shall be as follows:

- a) Constructed with a suitable hard surfaced material to provide emergency vehicle access during inclement weather.
- b) Constructed to a width of twelve (12) feet.
- c) Adequately fenced and have a gate with a locking device installed at or near the public road entrance to prevent unauthorized entry from public roads.
- d) Maintained to minimize dust and the tracking of mud and debris onto public roads.
- e) Constructed with an adequate turnaround area for emergency vehicles.
- f) Reviewed and approved by the Knox County Engineer's Office as to specifications, construction materials, and final site inspection.
- g) Truck routes shall be approved by the Board of Zoning Appeals for movement in and out of the drilling operation in order to minimize wear on public streets and prevent hazards and damage to other properties in the community.

ARTICLE XIV

Exceptions and Modifications

14.0 Lot of Record

A lot of record (land designated as a separate parcel on plat, map or deed in Knox County, Ohio records) which does not comply with the lot area or width regulations of the district in which it is located on the effective date of this Resolution, or amendment thereto, may be used as follows:

a) If occupied by a building, such building may be maintained, repaired, or altered, provided that the building may not be enlarged in floor area unless the yard regulations are complied with.

b) If vacant, the lot may be used as a site for a one-family dwelling provided that:

1. No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Resolution.

2. The yard and other regulations of this Resolution (except lot area and width) shall be complied with.

14.1 Exception to Yard Requirements

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

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

b) Allowable Projections of Business Structures Over Sidewalks: Signs, awnings, canopies, and marquees are permitted to overhang the sidewalk in the B-1 District only, providing that the overhanging signs are a minimum

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

c) Allowable Projection of Accessory Buildings into Rear Yards: One story accessory buildings may project into only rear yards abutting on an alley, providing such projection extends not closer than five (5) feet to the rear lot line.

ARTICLE XV

Enforcement

15.0 Township Zoning Inspector

The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting any new construction, reconstruction, land use changes, or suspected violations. Duties of the Zoning Inspector shall include:

- a) Review of all applications within the Township for zoning permits to insure that they conform to all applicable provisions of this Resolution. The Zoning Inspector shall keep a record of all applications.
- b) Conduct on-site inspections to insure the actual construction will conform to the zoning permit.
- c) Upon finding that any of the provisions of this Resolution are being violated, the Zoning Inspector shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.
- d) Order discontinuance of illegal uses of land, buildings, or structures.
- e) Order removal of illegal buildings or structures or illegal additions or structural alterations.
- f) Review all applicable subdivision plats and lot splits which are submitted to the Knox County Regional Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.
- g) Identify and prepare a list of all commercial, industrial, and residential nonconforming lots, uses of land, and structures of record at the time of adoption or amendment of this Resolution. The list shall include the name, address, and telephone number of the owner or owners, a description of the nonconformities of each lot, use, and/or structure and the date on which the lot, use, and/or structure became nonconforming. Photographs that

visually describe the nonconformities of the property, structures, or use shall also be taken and dated to help document conditions. Such photographs and the written description of the nonconformities shall be kept as permanent records.

h) Issue monthly reports to the Zoning Commission, Board of Zoning Appeals, and Township Trustees regarding activities and inspections undertaken to meet the responsibilities outlined.

15.1 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 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.

15.2 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 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 intended use conform with the provisions of this Resolution.

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

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

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

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

15.3 Fees

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

15.4 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of the provisions of this

Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees. Any person, firm, or corporation violating any of the provisions of this Resolution or any amendment or supplement thereto shall be deemed in violation of the Resolution and subject to prosecution. Each and every day during which illegal location, maintenance, or use continues may be deemed a separate offense.

15.5 Violations - Remedies

In case any building is, or is supposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Resolution, or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney for Knox County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specifically damaged by such violation in addition to other remedies provided by law may institute injunction, mandamus, abatement, or other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this Article.

ARTICLE XVI

Board of Zoning Appeals

16.0 Appointment - Board of Zoning Appeals

There is hereby created a Township Board of Zoning Appeals consisting of five (5) members who shall be appointed by the Board of Township Trustees, and who shall be residents of the unincorporated area of the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. The members may be allowed their expenses, or such compensation, or both, as the Township Trustees may approve and provide. The Board may, within the limits of the money 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.

16.1 Procedure

The Board shall organize and adopt rules for its own government and in accordance with this Resolution. Meetings of the board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

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

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

16.2 Applications, Appeals, Hearings, and Stay of Proceedings

a) Applications - When and by Whom Taken: An application, in cases on which the Board has original jurisdiction under the provisions of this Resolution, may be filed by any property owner, including a tenant or by a governmental official, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit the same to the Board.

b) Appeals - When and by Whom Taken: An appeal to the Board may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board, a Notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

c) Hearings: The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice to the parties in interest, including all adjoining property owners, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing, and decide the same within forty-five (45) days 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 costs 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. Such appeal must be filed within fifteen (15) days after notice of decision.

d) Decision of the Board: The Board shall decide all applications and appeals within forty-five (45) 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 items and conditions of the same in the certificate to the applicant or the appellant whenever a certificate is authorized by the Board.

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

e) Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certified to the Board after Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than 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.

16.3 Powers of the Board of Zoning Appeals

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

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:

a) 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.

b) 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 lot in question at the time the use of such building became nonconforming and that such extension is necessary and incidental to such existing nonconforming use; provided further that the value of such extension shall not exceed in all twenty-five percent of the assessed valuation for tax purposes; provided further that such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises; and provided, still further, that such extension shall in any case be undertaken within five (5) years of the enactment of this Resolution.

c) Extension of Use or Border District: The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty five (25) feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.

d) 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 Standard procedures as provided in this Resolution.

e) Temporary Structure 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 be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

16.4 Interpretation of Zoning Map

Where the street or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Resolution. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

16.5 Administrative Review

Administrative Review: The Board shall have the power to hear and decide appeals filed as hereinbefore provided where it is alleged by the applicant that there is an error in any order, requirements, decision, or grant or refusal made by the Zoning Inspector or other administrative official in the interpretation of the provisions of this Resolution.

16.6 General

In exercising its power, the Board may, in conformity with the provisions of statutes and of this Resolution, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

16.7 Variances - Literal Enforcement Would Create Undue Hardship

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

16.8

Variance - Conditions Prevailing

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

16.9

Variance - Findings of the Board

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

- a) Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes of use in the same zoning district.
- b) Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- c) Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Resolution or the public interest.

d) Not of General Nature: No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

16.10 Performance Standards - Procedure

The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Certificate for uses that are subject to performance standards' procedure under Article 10 of this Resolution, as provided in the following:

a) Application: An application for a Zoning Certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit, in duplicate, a plan of the proposed construction or development, including a description of the proposed machinery, processes, and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 10 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 b) below.

b) Report by Specialists: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Article 10 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

c) Review by Board: Within thirty (30) days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a

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

1. That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards, and;

2. That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installations in operation will meet said applicable performance standards.

d) Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and, if there is reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the Township.

ARTICLE XVII

District Changes and Resolution Amendments

17.0 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.

17.1 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.

17.2 Voting Procedure

There shall be a rotating voting procedure so no member shall be expected to cast the first vote. This order shall be alphabetically with the last names of the present members. In the event there are less than five (5) members on the Board due to resignation or termination, the remaining members shall become the voting body.

17.3 Names and Addresses of Property Owners

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all

owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current tax roll.

17.4 Public Hearing by Zoning Commission

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon which date shall not be less than twenty (20) days, nor more than forty (40) days from the date of 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 fifteen (15) days before the date of such hearing.

17.5 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 fifteen (15) days before such hearing, to the addresses of such owners appearing on the current tax roll, list, or duplicate of the County, or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

17.6 Transmittal to Regional Planning Commission

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

17.7 Action by Regional Planning Commission

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

17.8 Recommendation by Zoning Commission to Township Trustees

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

17.9 Public Hearing by Township Trustees

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

17.10 Written Notice

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

17.11 Vote by Township Trustees

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

17.12 Effective Date of Amendment or Supplement, Referendum

Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption, unless within thirty (30) days after the adoption of the amendment or supplement, there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township, equal to not less than eight (8) percent of the total vote cast for all candidates for 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.

17.13 Result of Referendum

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

17.14 Court of Common Pleas

Any person adversely affected by an order of the Board of Township Trustees adopting, amending, or rescinding a regulation, may appeal to the Court of Common Pleas of Knox County, on the 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 said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

17.15 Fees

Each application for a zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check or cash payment sufficient in amount to cover the cost of the publishing, posting, and/or mailing the notices of the hearing or hearings required by the foregoing provisions, and at the time of the latest revision of the Zoning Resolution will be set at \$200.00.

ARTICLE XVIII

Validity and Repeal

18.0 Validity

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

18.1 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.

18.2 Repeal

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

This Resolution, as amended, shall be in full force and effect, on _____, thirty (30) days after a Public Hearing held by the Board of Milford Township Trustees on _____, 1992.

Adopted this _____ day of _____, 1992.

Board of Township Trustees
Milford Township, Knox County

Chairman

Attest: _____
Clerk, Milford Township

Dated: _____
Amendment Adopted