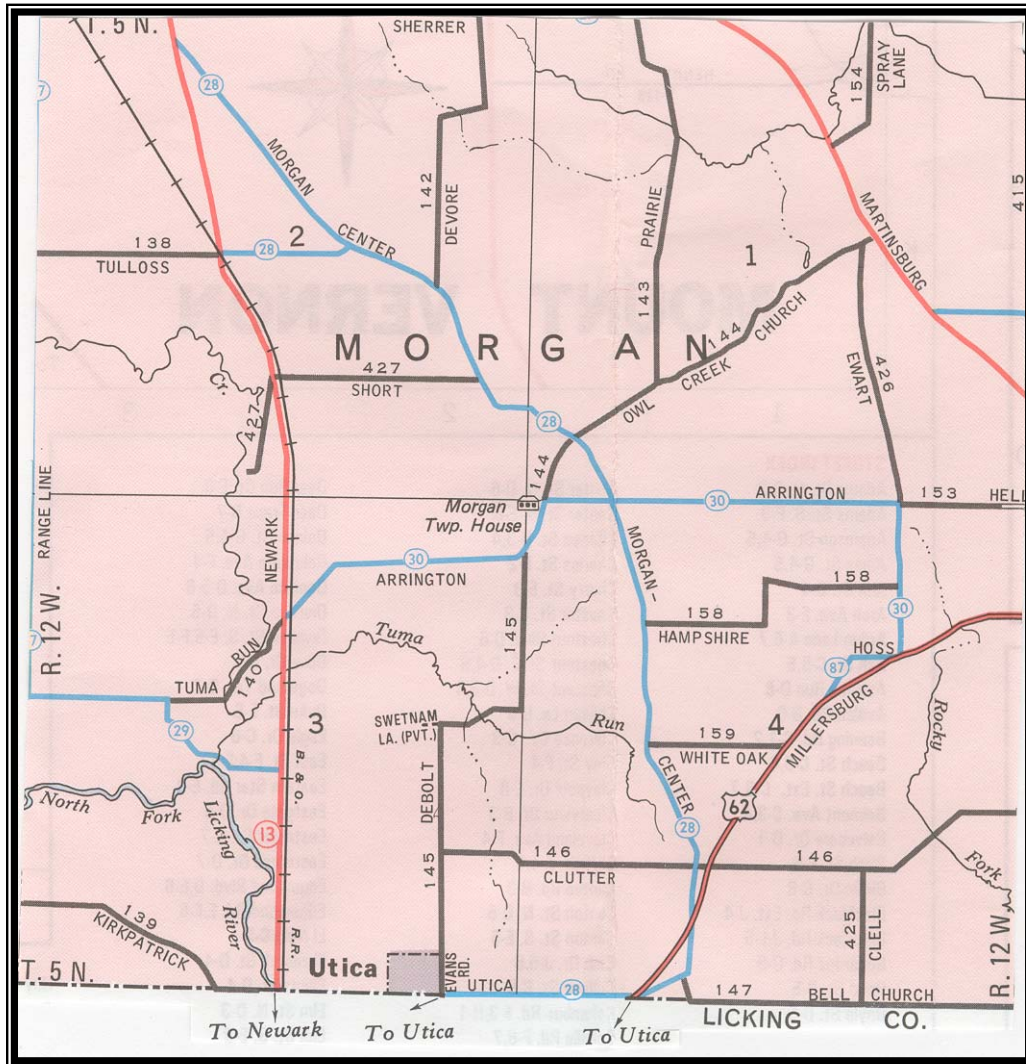


MORGAN TOWNSHIP ZONING REGULATIONS



Adopted May, 1971
Amended June, 1989
Amended February, 2004
Amended December, 2018

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ARTICLE I. PURPOSE & SCOPE

1.0 PREAMBLE:

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

ARTICLE II. TITLE

2.0 MORGAN TOWNSHIP, OHIO ZONING RESOLUTION:

This Resolution shall be known as the “Morgan Township, Ohio Zoning Resolution” and may be cited and referred to as the same.

ARTICLE III. INTERPRETATION OF STANDARDS

3.0 REQUIREMENTS AS MINIMUM:

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

ARTICLE IV. DEFINITIONS

4.0 INTERPRETATION:

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

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

4.1 ACCESSORY USE OR BUILDING:

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

4.2 AGRICULTURE:

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

4.3 ALLEY OR LANE:

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

4.4 APARTMENT HOUSE:

See Dwelling, Multi-Family, below.

4.5 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.

4.6 AUTOMOBILE WRECKING:

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

4.7 AUTOMOTIVE OR TRAILER SALES AREA:

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

4.8 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.

4.9 BEGINNING OF CONSTRUCTION:

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

4.10 BOARD:

The Board of Zoning Appeals of the Township.

4.11 BOARD OR LODGING HOUSE:

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

4.12 BUILDING:

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

4.13 BUILDING LINE:

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

4.14 CELLAR:

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

4.15 CEMETERY:

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

4.16 CLINIC:

A clinic is a place which provides a range of services by a group of licensed practitioners, their associate(s) and assistant(s), including the care, diagnosis and treatment of those who are sick, ailing, infirm and/or injured persons, and 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.

4.17 CLUB:

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

4.18 COMMISSION:

The Township Zoning Commission.

4.19 DEVELOPMENTAL DISABILITY:

A disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely. Constitutes a substantial handicap to the person's ability to function normally in society and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.

4.20 DISPLAY SIGN:

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

4.21 DISTRICT:

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

4.22 DWELLING:

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

Single-Family Dwelling:

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

Two (2)-Family Dwelling:

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

Multi-Family Dwelling:

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

Unit Dwelling:

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

Group Dwelling:

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

4.23 FAMILY:

One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.

4.24 FAMILY HOME:

A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities.

4.25 FEED LOT - COMMERCIAL:

The operation of a feed-lot for the feeding for sale of cattle and/or hogs shall be termed commercial if the number of such animals is greater than five (5) head of cattle or ten (10) hogs per acre of farmland operated by the proprietor in Morgan or adjoining Townships. The feeding for sale of more than ten thousand (10,000) chicks or one thousand (1,000) turkeys in a poultry operation at any one time shall be termed commercial.

4.26 FRONTAGE:

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

4.27 GARAGE - PRIVATE:

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

4.28 GARAGE - PUBLIC:

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

4.29 GROUP HOME:

A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine (9), but not more than sixteen (16) persons, with developmental disabilities.

4.30 HOME OCCUPATION:

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

4.31 HOSPITAL:

A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanatoria and sanatoria.

4.32 INDUSTRY:

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

4.33 JUNK YARD:

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

4.34 KENNEL:

Any structure or premises on which five (5) or more dogs over four (4) months of age are kept.

4.35 LOT:

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

4.36 MINERAL:

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

4.37 MOBILE HOME:

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

4.38 MOTEL OR MOTOR HOTEL:

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

4.39 NON-CONFORMING USE:

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

4.40 ORIGINAL TRACT:

Original tract is defined as an individual acreage listed by each county tax identification (ID) number at the time the Zoning Resolution amendments are approved.

4.41 SIGN – AREA OF:

Area of a sign is defined as the required area per side and dual sides permitted.

4.42 STABLE – COMMERCIAL:

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

4.43 STABLE – PRIVATE:

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

4.44 STANDARD EQUIPMENT:

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

Performance:

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

4.45 STORY:

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

4.46 STREET:

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

4.47 STRUCTURE:

Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. Structures include, but are not limited to, buildings, sculptures, signs, or similar objects.

4.48 STRUCTURAL ALTERATION:

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

4.49 TEMPORARY STRUCTURE:

Lasting of a duration of more than thirty (30) days, but less than six (6) months. In relation to signs, temporary means less than thirty (30) days.

4.50 TOURIST HOME:

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

4.51 THOROUGHFARE - PRIMARY OR SECONDARY:

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

4.52 USE:

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

4.53 VARIANCE:

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

4.54 YARD:

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

Front Yard:

The area between the closest part of the principal building to the edge of any street/road, extending the full width of the property.

Rear Yard:

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

Side Yard:

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

Height of Building:

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

4.55 ZONING CERTIFICATE:

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

4.56 ZONING INSPECTOR:

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

4.57 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 five (5) Districts, known as:

- C-1 Conservancy District
- AG Agricultural District
- R-1 Single Family Residence District
(NOTE: District R-2 has been deleted and merged into District R-1)
- B-1 General Business District
- M-1 General Manufacturing District

5.1 ZONING MAP:

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

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 boundary is otherwise indicated on the Map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

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

5.3 COMPLIANCE WITH REGULATIONS:

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

5.4 REAR DWELLINGS:

No building in the rear of a principal building on the same lot shall be used for residential purposes, unless it conforms to all the yard and other open space and off-street parking requirements. For the purposes of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access way not less than twenty (20) feet wide, to a public street for each dwelling unit in such dwelling, or one not less than fifty (50) feet wide for three (3) or more dwelling units.

5.5 STREET FRONTAGE REQUIRED:

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

5.6 TRAFFIC VISIBILITY ACROSS CORNER LOTS:

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

5.7 OFF-STREET PARKING AND LOADING:

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

5.8 ESSENTIAL SERVICES:

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

5.9 UNSAFE 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 AND TEMPORARY STRUCTURES PROHIBITED – EXCEPT:

A trailer coach, recreational vehicle, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than twelve (12) months. A separate Zoning Certificate shall be required for the use of temporary dwelling quarters. Temporary structures or uses are permitted in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution, provided that the use be of a temporary nature and involves the erection of a structure that can be entirely removed at the conclusion of the event or use. “Temporary” means more than thirty (30) days but less than six (6) months. The Zoning Inspector may grant, upon application, a Zoning Certificate for such use in the form of a Terminable Permit for not more than a twelve (12)-month period, or one (1) six (6)-month period, renewable one (1) time only for not more than six (6) months. Construction trailers and temporary dwellings used during the time of construction of a permanent dwelling are exempted from these requirements, provided that these kinds of structures are vacated and removed within a twelve (12)-month period. If additional time is needed, a one (1)-time six (6)-month extension can be granted providing an additional Permit is applied for and granted.

The Zoning Inspector may issue a “Temporary Visitors Zoning Certificate” after a period of thirty (30) days, subject to renewal by the Zoning Inspector. Township Trustee fee schedule applies.

5.12 TRAILERS – VISITORS:

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

- A. All provisions of the Knox County Health Board are complied with; and
- B. The Zoning Inspector may issue a “Temporary Visitors Zoning Certificate” after a period of thirty (30) days, subject to renewal by the Zoning Inspector. Township Trustee fee schedule applies.

5.13 TERRITORY NOT INCLUDED – ANNEXATIONS:

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

5.14 ACCESSORY BUILDINGS:

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

Accessory buildings must meet district front yard requirements.

Any non-agricultural accessory building over one hundred fifty-five (155) square feet requires a zoning certificate. All accessory buildings must meet the zoning resolution setbacks for the district in which they are located.

5.15 PROHIBITED USE:

Outdoor storage of inoperable, unlicensed and unused motor vehicles for a period exceeding ninety (90) days is prohibited. This prohibition applies whether the vehicle is stored on property with or without the permission of the landowner. The Zoning Inspector may issue a citation for violation of this Resolution in addition to any penalties provided by Ohio Revised Code Sections 4513.63, 4513.64, and 4513.65. This prohibition does not apply to any complaint "collector's vehicle" as defined by state statute so long as such vehicle is contained or screened from view of adjacent properties and public roads. NOTE: Cross-reference: Ohio Revised Code Sections 4513.63, 4513.64, and 4513.65. No person, firm, or corporation, owning, leasing, occupying or having charge of any lot or premises shall maintain or keep or permit the improper storage or disposal of garbage, rubbish or refuse. This includes, but is not limited to, the keeping or disposition on, or the scattering over the premises of any of the following: junk; debris; discarded or unused appliances, refrigerators, freezers, junk motor vehicles, or any parts thereof; cartons; boxes; furniture; glass; cans; containers; rags; wood; rubber; leather; metals; mineral matter; plastics; crockery; and combustible or non-combustible waste materials. Junkyards are not permitted in the Township except as may be permitted by state statute.

5.16 NEW CULVERT INSTALLATION:

The Zoning Inspector, after conferring with the landowner, will have the culvert diameter, length and specification requirements defined by the Township Trustees for the new roadway prior to issuing the Building Permit.

The culvert and cover stone specified by the Township Trustees will be at the landowner's expense. The Township Trustees will install the culvert and required cover stone.

5.17 CULVERT REPLACEMENT:

Purchase of the replacement culvert and additional materials as specified by the Township Trustees will be at the landowner's expense. Installation of the replacement culvert will be by the Township Trustees.

5.18 HOME OCCUPATIONS:

Home occupations must meet the following requirements:

- A. The occupation must be clearly incidental to the use of the dwelling as a residence;

- B. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises;
- C. There shall be no visible evidence that the residence is being operated as a home occupation, except for one (1) permitted sign;
- D. A maximum of one (1) full-time equivalent person, other than members of the immediate family residing in the dwelling, may be employed in the home occupation; and
- E. Off-street parking shall be provided on the premises. (See Article V. Districts and General Provisions, subparagraph 5.7 Off-Street Parking and Loading.)

5.19 PERMANENTLY SITED MANUFACTURED HOMES:

Such homes are permitted which meet all of the following criteria:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. The structure, excluding any additions, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area (excluding garages, porches, or attachments) of at least one thousand (1,000) square feet with basement and one thousand two hundred (1,200) square feet without basement;
- C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995; and
- E. The structure is not located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.

ARTICLE VI. NON-CONFORMING USES OR BUILDINGS

6.0 EXISTING NONCONFORMING USES – CONTINUATION:

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

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

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

6.1.a. Substitution:

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

6.1.b. Nonconforming Use Made to Conform:

Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

6.2 DISCONTINUANCE OF A USE:

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

6.3 NONCONFORMITY & COMPLIANCE WITH PERFORMANCE STANDARDS:

All uses nonconforming at the time of adoption of this Resolution, by reason of noncompliance with the provisions of Article XIII. Special Provisions, if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within two (2) years of the adoption of this Resolution. The Zoning Inspector shall have the power to issue stop-work orders for any uses under construction or operation, even if already in possession of a Zoning Certificate, which, in his/her opinion, may cause emission of dangerous or objectionable elements; he/she may refer the matter to one (1) or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards for investigation and report. Such consultant or consultants shall report as promptly as possible after his/her or their receipt of such matter for review. A copy of such report shall be promptly furnished to the owner/operator. The Zoning Inspector shall refer the report to the Board of Zoning Appeals, who shall, within thirty (30) days after receipt, decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize the continuation of the Zoning Certificate. A Zoning Certificate so authorized and continued or issued shall be conditioned upon the following:

- A. That the applicant's buildings and installations, when completed, will conform to the operation of the applicable performance standards; and
- B. That the applicant will pay the fees for the services of the expert consultant or consultants deemed reasonable and necessary by the Board of Zoning Appeals to advise as to whether or not the applicant's completed building will meet said performance standards.

6.4 REPAIRS AND ALTERATIONS:

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

6.5 REPLACING DAMAGED BUILDINGS:

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

6.6 EXEMPTION OF ESSENTIAL SERVICES:

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

6.7 EXISTING NONCONFORMING USES:

The Agricultural Supply Co., located at 970 Clell Road, Utica, Ohio – this nonconforming use is the area occupied by the buildings and is not to be construed as the entire farm.

6.8 EXISTING NONCONFORMING USES:

The Automobile Body & Automobile Repair Shop, located on Millersburg Road, by John and Jean Walker, consisting of 1.868 acres – this property was acquired by Walkers at Deed Volume 359, Page 372 of the Knox County, Ohio, Deed Records. The 1.868 acres being located at Morgan Township, Quarter Township 4, and being part of Lots 12 and 13.

ARTICLE VII. C-1 CONSERVATION DISTRICT

7.0 PURPOSE:

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

7.1 USES PERMITTED IN THE C-1 CONSERVATION DISTRICT:

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

7.2 CONDITIONAL USES IN THE C-1 CONSERVATION DISTRICT:

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

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 area(s) subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

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

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

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

7.5 HEIGHT REGULATION IN THE C-1 DISTRICT:

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

ARTICLE VIII. "AG" – AGRICULTURAL DISTRICT

8.0 PURPOSE:

The purpose of the Agricultural District is to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for rural small estate residential development; and, to conserve areas physically unsuitable for intensive development. This resolution will not regulate or otherwise be enforced in a manner that is not authorized under Section 519.21 of the Ohio Revised Code as it relates to the use of land for agricultural purposes.

8.1 USES PERMITTED IN THE AG DISTRICT:

- A. Agricultural uses, commercial grain storage;
- B. One (1)-family residential dwelling, home occupations;
- C. Utility and service system buildings and lands, public buildings, picnic grounds, parks, religious and educational institutions; and

- D. Temporary unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained; and signs announcing meeting time and place of civic organizations; having not over twenty-four (24) square feet of sign area per side. The sign shall not exceed ten (10) feet in height to top of sign. The sign's use must be limited to advertising only the current landowner's property. Signs must be limited to thirty (30) days of use. (See Article XV. Display Signs and Outdoor Advertising for further definitions.)

8.2 CONDITIONAL PERMITTED USES IN THE AG DISTRICT:

In accordance with Articles V. Districts and General Provisions and XIII. Special Provisions, and the other provisions of these regulations, the following uses may be conditionally permitted, provided that there are no more than twenty (20) employees full or part time per conditional use, per site:

- A. Automotive repair facility;
- B. Uses of land, including quarrying and mining of natural resources;
- C. Cemeteries, golf courses;
- D. Excavating, general construction businesses;
- E. Veterinary;
- F. Sawmill;
- G. Private aviation field;
- H. Implement sales and repair;
- I. Feed and seed sales;
- J. Fertilizer and agricultural chemical sales;
- K. Machine shop / repair shop;
- L. Welding, Fabrication shop;
- M. Professional Office
- N. Permanent signs on the premises on which the sign is maintained (having not over twenty-four (24) square feet of physical sign area per side). Advertisements on both sides are permissible. The sign shall not exceed ten (10) feet in height to top of sign. The sign's use must be limited to advertising only the current landowner's business. (See Article XV. Display Signs and Outdoor Advertising for further definitions.)

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

- A. For combined agricultural and residential use, each dwelling shall be located on a lot having an area of not less than five (5) acres and a lot width of not less than two hundred seventy (270) feet, and not less than two hundred seventy (270) feet of continuous road frontage. However, the lot depth shall not be more than three (3) times the lot width; and
- B. Remote lot with a single dwelling shall be permitted, if a sixty (60)-foot access drive is provided and the base lot depth is not more than three (3) times the width, not including the drive. The remote lot may be subdivided, provided the drive is upgraded to Knox County Subdivision Regulations (Engineering Standards). Adjoining remote lots with independent drives are not permitted.

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

Each dwelling shall be located on a lot having not less than two (2) acres in area and a lot width of not less than two hundred (200) feet at the building line and not less than two hundred (200) feet of continuous road frontage. However, the lot depth shall not be more than three (3) times the lot width. All lots containing more than five (5) acres, regardless of use, shall be regulated for agricultural use. All new and residential lots must meet the lot area requirements described above.

8.5 HEIGHT REGULATION IN THE AG DISTRICT:

No dwelling shall exceed two and one-half (2½) stories or forty (40) feet in height.

8.6 REQUIRED YARD IN AG DISTRICT:

All dwellings shall have the following minimum yard spaces:

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

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

(See 5.14 for required yard of any accessory buildings.)

8.7 REQUIRED FLOOR AREA IN THE AG DISTRICT:

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

8.7a. Single-family Dwelling: Shall not be less than twenty-two (22) feet in width or depth, whichever is the smaller dimension:

- With basement - One thousand (1,000) square feet
- Without basement - One thousand two hundred (1,200) square feet

Garages or porches are not to be used to determine square footage.

8.8 OFF-STREET PARKING REQUIREMENTS IN THE AG DISTRICT:

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

8.9 AGRICULTURAL STRUCTURES: AREA, WIDTH AND YARD REQUIREMENTS:

Sections 519.02 – 519.25 (inclusive) of the Ohio Revised Code confer no power on any Board of Zoning Appeals to prohibit the use of any land for agricultural purposes of the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no Zoning Certificate shall be required for any such building or structure.

8.10 DELETED.

8.11 CULVERT INSTALLATION AND REPLACEMENT:

For culvert installation and replacement in the AG District, refer to Article V. District and General Provisions, subparagraphs 5.16 New Culvert Installation and 5.17 Culvert Replacement.

ARTICLE IX. R-1 RESIDENTIAL DISTRICT

9.0 PURPOSE:

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

9.1 USES PERMITTED IN THE R-1 DISTRICT:

- A. One-family dwellings; two-family dwellings; multi-family dwellings;
- B. Light agricultural uses, including nurseries and raising of farm products (not to include livestock). Seasonal produce may be sold on premises;
- C. Churches, schools, libraries, museums, art galleries, parks, playgrounds, community centers, cemeteries, public services, utility office buildings;
- D. Accessory buildings and uses; and
- E. Unlighted real estate signs, nonconforming business use signs, and public buildings or church signs or bulletin boards pertaining to the property on which they are placed and not having over twenty-four (24) square feet of sign area. The sign shall not exceed ten (10) feet in height to top of sign. The sign's use must be limited to advertising only the current landowner's business. Multiple temporary signs must be limited to thirty (30) days of use. (See Article XV. Display Signs and Outdoor Advertising for further definitions.)

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

- A. Utility substations and pump houses, provided that such structures will not detract from the general appearance of the area and not adversely affect the comfort, safety, or welfare of the residents of the area;
- B. Professional and business offices; and
- C. Home Occupations.

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

Each dwelling shall be located on a lot having an area of not less than one (1) acre and not more than three (3) acres and a lot width of not less than two hundred (200) feet at the building line, except as hereinafter modified. The depth of the lot shall not exceed three (3) times the lot width. Minimum continuous road frontage shall be two hundred (200) feet.

9.4 REQUIRED FLOOR AREA IN THE R-1 DISTRICT:

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

9.4a. Single-family Dwelling:

- With basement - One thousand (1,000) square feet
- Without basement - One thousand two hundred (1,200) square feet.

9.4b. Two-family Dwellings Per Unit:

- With basement - One thousand (1,000) square feet (per unit)
- Without basement - One thousand two hundred (1,200) square feet (per unit).

9.5 HEIGHT REGULATION IN THE R-1 DISTRICT:

No residential dwelling shall exceed two and one-half (2½) stories or forty (40) feet in height.

9.6 REQUIRED YARD IN THE R-1 DISTRICT:

All structures shall have the following minimum yard spaces:

Front yard	- Fifty (50) feet
Side yard	- Fifteen (15) feet (each side)
Rear yard	- Fifteen (15) feet

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

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

The lot area and frontage requirements for any lot served by a public sewage and public water system may be reduced to a fifteen thousand (15,000) square feet lot area and one hundred (100) feet of road frontage.

9.8 MOBILE HOMES – TEMPORARY USE PERMIT:

A mobile home, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than twelve (12) months. A separate Zoning Certificate shall be required for the use of a temporary dwelling quarters, and shall be subject to renewal by approval of the Commission. If additional time is needed, a one (1)-time six (6)-month extension can be granted, providing an additional Permit is applied for and granted.

9.9 PROHIBITED USES:

Any use not listed as permitted or conditional is prohibited.

9.10 LOT ACCESS:

For culvert installation and replacement, see Article V. Districts and General Provisions, subparagraphs 5.16 New Culvert Installation and 5.17 Culvert Replacement.

ARTIXLE X. R-2 GENERAL RESIDENCE DISTRICT

**THIS ENTIRE SECTION HAS BEEN DELETED
AND MERGED WITH ARTICLE IX. R-1 RESIDENTIAL
DISTRICT HEREIN**

ARTICLE XI. PROVISIONS GOVERNING COMMERCIAL DISTRICTS

11.0 PURPOSE:

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

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

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

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

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

- A. Any conditional use permitted in the Residential Districts;
- B. **Building Trades or Equipment:** building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on premises);

- C. **Vehicle Drive-In and Heavy Vehicles Services:** drive-in theaters, drive-in restaurants and refreshment stands; express, cartage and trucking facilities; large item machinery or bulk sales and storage, not including outdoor unfenced storage;
- D. **Heavy Service and Processing Facilities:** laundry and dry cleaning plants; linens, towels, diaper and similar supply services; animal pounds, kennels, and veterinary establishments; frozen food lockers; seed and food processing plants; dairies;
- E. Accessory Uses or Building;
- F. Business and advertising signs pertaining to the business on the property on which the sign is located providing that:
 - a. Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent Residential Districts or into the public way; and
 - b. Any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination; and
- G. Group homes.

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

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

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

11.4 BUILDING HEIGHT REGULATION IN THE B-1 DISTRICT:

In the General Retail District, no building shall exceed two (2) stories or forty (40) feet in height, except as provided in Article XX. Community Development Projects.

11.5 REQUIRED YARDS IN THE B-1 DISTRICT:

11.5a. Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum yard requirements of the R-1 Residence District

11.5b. Commercial Uses:

- Front Yard - twenty-five (25) feet
- Side Yard - no minimum yard required except lots adjoining a Residential District shall provide a side yard on that adjoining side equal to that required in the adjoining Residence District.
- Rear Yard - twenty (20) feet. Where a lot line abuts an alley, one-half (1/2) of the width of such alley may be considered in meeting the rear yard requirements.

11.6 OFF-STREET PARKING AND LOADING REQUIREMENTS:

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

11.7 LANDSCAPING OR SCREENING PROVISIONS:

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

**ARTICLE XII. PROVISIONS GOVERNING
MANUFACTURING DISTRICTS**

12.0 PURPOSE:

The purpose of the M-1 Light Manufacturing District is to provide for commercial uses, storage and those manufacturing uses not normally creating a nuisance discernible beyond its property.

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

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

- A. Any use permitted in the B-1 Business District, except residential uses;
- B. **Warehousing and Storage:** indoor and outdoor storage of goods and materials including warehousing, pole-yards, building material storage, and trucking storage; however, not including junk yards or similar uses;
- C. **Manufacturing:** manufacture or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, textile products manufacture, glass, cement, and stone products manufacture, furniture manufacture, food manufacture or processing including hatcheries, canning, freezing, storage and bottling; and
- D. Other manufacturing uses of light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a Permit by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. In the event of the denial of such Permit, an applicant shall have a right of appeal to the Board of Zoning Appeals, in accordance with Article XXV. District Changes and Resolution Amendments.

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

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

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

12.3 REQUIRED LOT AREA AND LOT WIDTH IN MANUFACTURING DISTRICT:

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

12.4 BUILDING HEIGHT REGULATION IN MANUFACTURING DISTRICT:

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

12.5 YARDS REQUIRED IN MANUFACTURING DISTRICT:

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

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

12.6 SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICT:

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

12.7 OFF-STREET PARKING AND LOADING:

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

ARTICLE XIII. SPECIAL PROVISIONS

13.0 PERFORMANCE STANDARDS:

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

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

13.1 ENFORCEMENT PROVISIONS:

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

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

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

14.0 OFF-STREET PARKING:

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

14.1 NUMBER OF PARKING SPACES REQUIRED:

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

<u>USE / DESCRIPTION</u>	<u>PARKING SPACES REQUIRED</u>
Automobile or Machinery Sales and Service Garages	One (1) for each six hundred (600) square feet of floor area
Banks, Business and Professional Offices	One (1) for each four hundred (400) square feet of floor area
Bowling Alleys	Seven (7) for each alley
Churches and Schools	One (1) for each five (5) seats in an auditorium OR one (1) for each twelve (12) classroom seats, whichever is GREATER
Dance Halls and Assembly Halls, without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium	One (1) for each one hundred (100) square feet of floor area used for assembly or dancing
Dwellings	Two (2) for each family or dwelling unit
Funeral Homes, Mortuaries	Four (4) for each parlor for each fifty (50) square feet of floor area
Furniture and Appliance Stores, household equipment or furniture repair shop over one thousand (1,000) square feet of floor area	One (1) for each four hundred (400) square feet of floor area
Hospitals	One (1) for each bed
Hotels, Lodging Houses	One (1) for each bedroom
Libraries, Museums or Art Galleries	One (1) for each two hundred fifty (250) square feet of floor area
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants, over one thousand (1,000) square feet in floor area	One (1) for each three (3) employees in the maximum working shift OR one thousand two hundred (1,200) square feet of floor area, whichever is GREATER
Medical or Dental Clinics	One (1) for each two hundred (200) square feet of floor area

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

14.2 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS:

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

- A. **Screening and Landscaping:** Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four (4) and six (6) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four (4) feet in height;
- B. **Surfacing:** Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete;
- C. **Lighting:** Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District;
- D. **Joint Use of Parking Areas:** Parking spaces may be located on a lot other than that containing the principal use with approval of the Board, provided a written agreement, approved by the Board and accepted by the Board of Township Trustees, shall be filed with the application for a Zoning Permit; and
- E. **Parking Areas - Modifications:** The Board may authorize an appeal, a modification, reduction or waiver of the foregoing requirements; if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.

14.3 OFF-STREET LOADING:

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

14.4 LOADING SPACE - DIMENSIONS:

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

14.5 LOADING SPACE – OCCUPY YARD:

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

14.6 LOADING SPACE – DISTANCE FROM R-DISTRICT:

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

ARTICLE XV. DISPLAY SIGNS AND OUTDOOR ADVERTISING

15.0 COMMERCIAL SIGNS OR BILLBOARDS SHALL:

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

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

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

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

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

15.2 TRAFFIC OBSTRUCTION:

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

15.3 R-DISTRICTS – SIGNS PROHIBITED - EXCEPT:

No display signs (except those exempted - church signs and temporary signs) shall be permitted in any R-District. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed twenty-four (24) square feet in area in AG or R-Districts. The sign shall not exceed ten (10) feet in height to top of sign. The sign's use must be limited to advertising only the current landowner's business. Multiple temporary signs must be limited to thirty (30) days of use. (See Article XV. Display Signs and Outdoor Advertising for further definitions.)

15.4 CHURCH OR INSTITUTIONAL SIGNS - DIRECTIONAL:

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

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

15.5 TEMPORARY SIGNS:

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

- A. **Banners:** Any similar temporary signs in connection with public or semi-public promotional or festive occasions;

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

15.6 SURETY BOND:

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

15.7 FEES:

Fees shall be subject to the provisions of Article XXIII. Enforcement, subparagraph 23.4 Fees for Zoning Certificate and Other Permits and Applications, of this Resolution.

ARTICLE XVI. EXTRACTION OF MINERALS

16.0 GENERAL REQUIREMENTS:

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

- A. **Distance from Property Lines**: No quarrying operation shall be carried on or any stock pile placed closer than one hundred (100) feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;
- B. **Distance from Public Right-of-Way**: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;
- C. **Fencing**: Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing is necessary for the protection of the public safety, and shall be a type specified by the Board;
- D. **Equipment**: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and

- E. **Processing**: The crushing, washing and refining, or other similar processing, may be authorized by the Board as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.

16.1 APPLICANT – FINANCIAL ABILITY:

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

16.2 APPLICATION – CONTENTS, PROCEDURE:

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

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

16.3 PUBLIC HEARING:

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

16.4 REHABILITATION:

To guarantee the restoration, rehabilitation, and reclamation of mined-out area, every applicant granted a Mining Permit as herein provided, shall furnish a performance bond in favor of the Township pursuant to the provisions of Chapter 1514 of the Ohio Revised Code, as a guarantee that such applicant, in restoring, reclaiming and rehabilitation of such land, shall, within a reasonable time and to the satisfaction of the Board, meet the following minimum requirements:

- A. **Surface Rehabilitation**: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids, to secure:
 - 1. That the excavated area shall not collect and permit to remain therein stagnant water; or
 - 2. That the surface or such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area;

- B. **Vegetation**: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided; and
- C. **Banks Banks of Excavations Not Backfilled**: The banks of all excavations not backfilled shall be sloped to the water line at a ratio of not less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

16.5 ADDITIONAL REQUIREMENTS:

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

16.6 GAS AND OIL WELLS:

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

- A. Compliance with all applicable laws of the State of Ohio;
- B. A Surety Bond pursuant to the provisions of Chapter 1509 of the Ohio Revised Code, has been obtained and is attached to the Drilling Permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the Permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well, including damage to streets, pavements, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, and/or drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs; and
- C. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located neither within fifty (50) feet of any public right-of-way nor within one hundred (100) feet of a residential lot line.

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

17.0 ENTRANCE – DISTANCE REQUIREMENTS:

No automobile service or filling station parking area for twenty-five (25) or more passenger motor vehicles, trucks or busses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, the entrance to a public park or cemetery, monastery, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

17.1 OIL DRAINING, ETC.:

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

17.2 AUTOMOBILE SERVICE STATION - ENCLOSURE:

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

ARTICLE XVIII. PRIVATE IN GROUND SWIMMING POOLS

18.0 DEFINITION:

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

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

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

19.0 GENERAL REQUIREMENTS:

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

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

quarters shall be maintained or any business conducted in such mobile home while so parked or stored; and

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

19.1 MOBILE HOME PARKS – SUBMISSION OF PLANS:

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

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

19.2 MOBILE HOME PARKS – MINIMUM STANDARDS AND REQUIREMENTS:

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

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

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

19.3 UTILITIES:

The following requirements shall apply:

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

19.4 INTERIOR STREETS:

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

19.5 RECREATION AREAS:

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

19.6 LENGTH OF OCCUPANCY:

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

19.7 ADDITIONAL REQUIREMENTS:

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

19.8 FEES:

Subject to the provisions of Article XXIII. Enforcement, subparagraph 23.4 Fees for Zoning Certificate and Other Permits and Applications, of this Resolution.

ARTICLE XX. COMMUNITY DEVELOPMENT PROJECTS

20.0 PROJECTS – WHERE LOCATED:

In any R-1 District, the owners of a tract of land comprising of not less than four (4) acres, may submit to the Zoning Commission a plan for the use and development of all of such tract of land for residential purposes or for the repair or alteration of any existing housing development on such tract.

20.1 COMMISSION FINDINGS:

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

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

1. **Recreation Area - Projects Over Twenty (20) Acres:** In case of any lot or tract on which residence development or dwelling group is to be erected contains twenty (20) acres or more, at least five percent (5%) of the acreage of such lot shall be set aside and developed as a neighborhood playground or playgrounds;
2. **Recreation Area - Projects Under Twenty (20) Acres:** In case of a lot under twenty (20) acres in an area with more than fifty (50) dwelling units, the required area of play lots shall be two thousand (2,000) square feet plus thirty (30) square feet for each dwelling unit in excess of fifty (50); and
3. **Recreation Area - Modifications:** These requirements for the provision of recreation areas may be modified or waived by the Zoning Commission where, in its opinion, adequate public recreation areas are available nearby, or where justified in view of the availability of suitable yard space or the type of occupancy the dwelling units are designed to accommodate.

20.2 HEIGHT AND YARD MODIFICATIONS:

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

- A. No principal building or structure shall exceed a height equal to two (2) times the distance between the building line and the center line of the street on which it fronts. No accessory structure shall exceed two (2) stories or forty (40) feet in height, except as provided in Article XXIII. Enforcement;
- B. The gross area of the project shall comprise of not less than ten (10) acres;
- C. For each foot of building height over forty (40) feet, the distance between such building and the side or rear property lines of the community development project area shall be increased by one-half (1/2) foot in addition to the side and rear yard required in the District, provided that this additional setback shall not be considered part of the side and rear yards; and
- D. High-rise buildings shall be located within a community development project in such a way as to dissipate any adverse impact on adjoining low-rise buildings.

20.3 REPORT FURNISHED TO BOARD:

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

20.4 BOARD MAY AUTHORIZE PROJECT:

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

20.5 FEES:

Fees shall be subject to the provisions of Article XXIII. Enforcement, subparagraph 23.4 Fees for Zoning Certificate and Other Permits and Applications, of this Resolution.

ARTICLE XXI. PLANNED INDUSTRIAL PROJECTS

21.0 MINIMUM AREA:

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

21.1 COMMISSION FINDINGS:

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

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

21.2 PERMITTED USES:

Any use permitted and as regulated in the M-District, except uses prohibited therein, provided that any distance requirements and other standards of said Districts may be modified by the Zoning Commission.

21.3 LOT AREA:

Minimum twenty thousand (20,000) square feet.

21.4 BUILDING HEIGHT LIMIT:

Forty (40) feet within two hundred (200) feet of any R-District.

21.5 DISTANCE OF BUILDINGS FROM PROJECT BOUNDARY:

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

21.6 LANDSCAPING OF UNSURFACED AREAS:

All unpaved areas shall be landscaped subject to Commission approval.

21.7 GREENBELTS:

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

21.8 OUTDOOR ADVERTISING:

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

21.9 ILLUMINATION:

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

21.10 FINAL DEVELOPMENT PLAN:

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

21.11 RECOMMENDATIONS TO TOWNSHIP TRUSTEES:

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

21.12 PROHIBITED USES:

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

21.13 GENERAL DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS:

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

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

21.14 REZONING:

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

21.15 ADJUSTMENTS – AUTHORIZED BY COMMISSION:

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

ARTICLE XXII. EXCEPTIONS AND MODIFICATIONS

22.0 LOT OF RECORD:

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

22.1 EXCEPTION TO YARD REQUIREMENTS:

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

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

- B. **Allowable Projections of Business Structures Over Sidewalk:** Signs, awnings, canopies, and marquees are permitted to overhang the sidewalk in the B-District only, providing that overhanging signs are a minimum of eight (8) feet above the sidewalk at any point and that all other structures are a minimum of six (6) feet eight (8) inches above the sidewalk at any point; and
- C. **Allowable Projection of Accessory Building Into Rear Yard:** One (1)-story accessory buildings may project into only rear yards abutting on an alley, providing such projection extends not closer than five (5) feet to the rear lot line.

22.2 EXCEPTION TO HEIGHT LIMITS:

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

ARTICLE XXIII. ENFORCEMENT

23.0 ENFORCEMENT BY ZONING INSPECTOR:

There is hereby established and continued the Office of Township Zoning Inspector. It shall be the duty of the Zoning Inspector to:

- A. Enforce this Resolution in accordance with the administrative provisions of this Resolution;
- B. Make a monthly review of the Township by roads for zoning violations;
- C. Maintain the Zoning Map and all amendments thereto;
- D. Provide information about the Zoning Resolution in response to requests from any person;
- E. Initiate citations for non-compliance with this Resolution;
- F. Make a monthly report of the activities of his Office to the Township Trustees; and
- G. Attend all Township Zoning Commission and Board of Zoning Appeals meetings.

NOTE: Cross-reference: Ohio Revised Code Section 519.16.

23.1 COMPLIANCE BY TOWNSHIP OFFICIALS:

All department officials and public employees of the Township vested with the duty or authority to issue permits and licenses shall conform to the provisions of this Resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Resolution. Any permit or license issued in conflict with the provisions of this Resolution shall be null and void. NOTE: Cross-reference: Ohio Revised Code Sections 519.16 and 519.17.

23.2 ZONING CERTIFICATE:

- A. It shall be unlawful for any person to use land or to use, locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure, or to permit any of these acts, without first obtaining a Zoning Certificate from the Zoning Inspector when such land, building or structure is regulated by this Zoning Resolution. No such Zoning Certificate shall be issued unless the plans for the proposed use, building, or structure fully comply with the zoning regulations in effect. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate whenever authorized to do so. No

- Zoning Certificate shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform with provisions of this Resolution;
- B. The Zoning Inspector shall act upon all applications on which he is authorized to act, within the provisions of this Resolution, within thirty (30) days after the date an application is filed, provided that the application is full, complete, and in compliance with the terms of this Resolution. When authorized, he/she shall issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his/her refusal of such Certificate and the reasons therefore. Failure to notify the applicant in case of refusal within the said thirty (30) days, shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time in writing;
 - C. Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate or other statement 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 the conformity of such building and use to the provisions of this Resolution. In the event that the building or use is not in compliance with these requirements, the Zoning Inspector shall process the request as an application for a certification of a nonconforming use and shall proceed according to the provisions in Article VI. Nonconforming Uses or Buildings, subparagraph 6.1 Existing Nonconforming Uses – Continuation; and
 - D. A Zoning Certificate is not required before the commencement of work or the engagement of contractors:
 - 1. Construction of yard barns, satellite dishes, above ground swimming pool, hot tub/spa;
 - 2. Landscaping or gardens;
 - 3. Construction of a fence; and
 - 4. Construction of any agricultural structure unless governed by Article VIII. AG – Agricultural District, subparagraph 8.0 Purpose.

23.3 APPLICATION FOR ZONING CERTIFICATE:

Every application for a Zoning Certificate shall be submitted in duplicate and shall include:

- A. A copy of the deed of the subject property and any deed restrictions;
- B. Plans in black or blue-line print, showing (on the basis of a survey):
 - 1. The actual location, shape and dimensions of the lot to be built upon or to be changed in its use in whole or part;
 - 2. The exact location, size and height of any building or structure to be erected or altered; and
 - 3. The actual location, shape and dimensions of all adjoining lots, and buildings thereon;
- C. A statement of existing and intended use of each building or structure or any part thereof, and of all of the adjoining lots and buildings thereon;
- D. A statement of the number of dwelling units (including Secondary Dwelling Units) the building is designed to accommodate;
- E. Such other information with regard to the lot and the neighboring lots as may be necessary to demonstrate compliance with the terms of this Resolution;

- F. For residential buildings only, if the lot is not provided with and is not intended to be provided with public water and/or disposal of sanitary waste by means of public sewers, the application shall be accompanied by a Certificate of Approval from the Knox County Health Department of the proposed method of water supply and/or disposal of sanitary waste; and
- G. When no buildings are involved, a statement of the location of the present use and proposed use to be made of the lot.

Upon action by the Zoning Inspector, one (1) copy of the submitted plans shall be returned to the applicant together with either the Zoning Certificate (if approved) or notice of refusal (if denied). The other copy shall remain on file at the Zoning Inspector's Office along with a copy of the action taken by the Zoning Inspector. The lot and the location of the building thereon shall be staked out on the ground before construction is started to facilitate inspection during construction.

23.4 FEES FOR ZONING CERTIFICATE AND OTHER PERMITS AND APPLICATIONS:

The fees to be charged for Zoning Certificates, permits, or applications for approval, which may be required by this Resolution, shall be determined by the Board of Township Trustees.

23.5 VIOLATIONS AND PENALTIES:

It shall be unlawful to locate, erect, construct, 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 amendment or supplement thereto shall be cited and charged with a minor misdemeanor, and upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00) or maximum fine as established by the Ohio Revised Code Sections 303.99 and 519.99 whichever is greater, per offense. Each violation of individual provisions of this Resolution may be charged as separate offenses. Each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense. NOTE: Cross-Reference: Ohio Revised Code Sections 519.23 and 519.99.

23.6 ENFORCEMENT REMEDIES:

In case any building is, or is intended to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of this Resolution, or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney of Knox County, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute actions, proceedings, injunction, mandamus, or abatement 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 proceedings or to prosecute any action brought under this Article.

ARTICLE XXIV. BOARD OF ZONING APPEALS

24.0 BOARD OF ZONING APPEALS (“BZA”) ESTABLISHMENT AND COMPOSITION:

- A. There is hereby re-established the Morgan Township Board of Zoning Appeals, hereinafter referred to as “BZA”, 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 Morgan Township included in the area zoned;
- B. The Trustees may appoint two (2) alternate members to the BZA. An alternate member shall take the place of an absent regular member at any meeting of the BZA; regular BZA members shall be responsible for securing the attendance of one (1) appointed alternate or both appointed alternates in their place whenever they expect to be absent at any meeting. Alternates shall meet the same appointment criteria as regular members. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote;
- C. Regular members of the BZA shall serve five (5)-year terms. Currently seated BZA members shall retain their positions for the duration of their remaining terms so that the term of one (1) member will expire each year. Alternate members shall serve two (2)-year terms with the first appointed alternate to serve for one (1) year so that a new alternate is appointed each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified; and
- D. Members of the BZA shall be removable for non-performance of duty, misconduct in office, or for cause by the Board of Trustees upon written charges being filed with the Trustees and after a public hearing has been held regarding such charges, provided that a copy of the charges has been served upon the member charged at least ten (10) days prior to the hearing, either personally, by Certified, Return Receipt Requested Mail, postage pre-paid, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies, however created, shall be filled by the Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. NOTE: Cross-reference: Ohio Revised Code Section 519.13.

24.1 POWERS AND DUTIES OF THE BZA:

- A. **The BZA Shall Have the Following DUTIES:**
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or any other Township administrative official in the enforcement of this Resolution or the statutes authorizing this Resolution;
 - 2. To authorize, upon appeal, in specific and limited cases, such variance from the terms and requirements of the Zoning Resolution as will not be contrary to the public interest, where, owing to special and extraordinary conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;

3. To grant Conditional Use Permits for land, buildings, or other structures as permitted by the terms of this Resolution. In considering an application for a conditional use, the BZA shall give due regard to the nature and condition of all adjacent land and structures and may impose such requirements and conditions that the BZA may deem necessary for the protection of adjacent properties and public interest. These conditions may address location, construction, maintenance, placement, or orientation of buildings, and operation in addition to those elements expressly stipulated in this Resolution for the particular conditional use;
4. To hear and decide other applications or complaints as may be authorized by the provisions of this Resolution, such as compliance with performance standards; and
5. To revoke an authorized Variance or Conditional Use Permit granted if any condition of the Variance or Certificate is violated. NOTE: Cross reference: Ohio Revised Code Section 519.14;

B. The BZA Has the Following POWERS:

1. To employ, within the limits of the moneys appropriated by the Trustees, such executives, professional, technical and other assistants as it deems necessary;
 2. To administer oaths and compel the attendance of witnesses; and
 3. To 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 BZA as may reasonably be required. NOTE: Cross-reference: Ohio Revised Code Sections 519.13 and 519.15;
- C. The BZA shall organize and adopt rules for transaction of its business, and keep a record of its actions and determinations, including the vote of each member or alternate upon each question or if absent or failing to vote, indication of such fact. Record shall be kept of all of its examinations and other official actions. These records shall be filed immediately in the office of the Township Trustees and shall be a public record. NOTE: Cross-reference: Ohio Revised Code Section 519.15; and
- D. In exercising its power, the BZA may, in conforming with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the from whom the appeal is taken.

24.2 PROCEDURES:

A. General Procedures:

1. Meetings of the BZA shall be held at the call of the Chairman or at other times as the BZA may determine, except that the BZA shall meet each January for organization and for the election of the Chairman by the regular members of the BZA. Three (3) members of the BZA shall constitute a quorum. All meetings of the BZA shall be open to the public;
2. The BZA shall act by Resolution; a concurring vote of three (3) members shall be necessary to reverse an order or determination of the Zoning Inspector or to decide in favor of an applicant in any matter in which the BZA has original

jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution. Any vote, which results in a tie, shall result in the defeat of the Resolution/application. Whether approving or disapproving an application, the BZA shall make written findings of fact in support of its decision; and

3. No action alleging procedural error in the actions of the Morgan Township BZA in the granting of a Zoning Variance or Conditional Use Permit shall be brought more than two (2) years after the variance or Permit was granted. NOTE: Cross-reference: Ohio Revised Code Section 519.122;

B. Procedure on Appeal from an Administrative Decision:

1. **Initiating an Appeal:** Appeals to the BZA 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 initiated within twenty (20) days after the decision; by filing with the Zoning Inspector, and with the BZA, a Notice of Appeal specifying the grounds thereof. Upon receipt of a Notice of Appeal, the Zoning Inspector shall transmit to the BZA all of the papers constituting the record upon which the action appealed from was taken. This record shall be transmitted to the BZA within ten (10) days of the filing of the Notice of Appeal. NOTE: Cross Reference: Ohio Revised Code Section 519.15;
2. **Appeal Hearing:** The BZA shall fix a reasonable time for the public hearing of the appeal, giving 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 a reasonable time after it is submitted. Whenever practicable, the BZA shall schedule appeal hearings within thirty (30) days of receipt of the Notice of Appeal. Each appeal shall be accompanied by a check payable to the "Clerk of Morgan Township" or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings and other associated costs. At the public hearing, any person may appear in person or by attorney. The Zoning Inspector shall attend all BZA meetings/hearings relating to any appeal taken from his decision. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County;
3. **Stay of Proceedings:** An appeal shall stay all proceedings or actions by the Zoning Inspector or the Appellant in furtherance of the action appealed from unless the Township Trustees certify to the BZA that, by reason of the facts stated in its certification, a stay would cause imminent peril to life or property. In such case, the proceedings or actions shall not be stayed otherwise than by order which may, on due cause shown, be granted by judicial proceedings. An appeal from a decision by the BZA shall also serve as a stay of proceedings or actions against all parties which are in furtherance of the action appealed from unless an order to the contrary is issued through judicial proceedings; and
4. **BZA Decision:** The BZA shall hold or continue hearings on any appeal as necessary to obtain a full disclosure of relevant evidence pertaining to the issues appealed. However, under no circumstances shall such hearing period extend for longer than ninety (90) days from the date of filling of the Notice of Appeal. The BZA shall consider in any appeal whether the decision by the Zoning Inspector is

illegal, arbitrary, unreasonable, or unsupported by the preponderance of all of the evidence before him. A certified copy of the BZA decision in any appeal shall be transmitted to the Appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and the Appellant, unless appealed from the Court of Common Pleas, and shall be observed as a final and binding decision. The terms and conditions of the BZA's decision shall be incorporated into any Permit authorized for the applicant whenever authorized by the BZA. NOTE: Cross-reference: Ohio Revised Code Sections 519.15 and 2506.04;

C. **Procedure for Variances:**

1. **Initiating for Variances:** A variance is a relaxation of the terms of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. NOTE: Cross-reference: Ohio Revised Code Section 519.14(B). 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. An application on appeal for a variance may be filed at any time by a person desiring such, provided that the applicant has taken no steps or expended any funds in furtherance of the action for which a variance is desired. In such cases, the BZA will consider such application only under the most dire and extraordinary circumstances and when justice demands such consideration;
2. **Public Hearing on a Variance Application:** The BZA shall fix a reasonable time for public hearing of the request for a variance, giving at least ten (10) days notice by Certified, Return Receipt Requested Mail, postage pre-paid, to the parties in interest, giving 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 shall decide the same within a reasonable time after the hearing is concluded. Whenever practicable, the BZA shall schedule variance hearings within thirty (30) days of receipt of the application/appeal date. Each variance application shall be accompanied by a check payable to the "Clerk of Morgan Township" or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings and other associated costs. At the public hearing, any person may appear in person or by attorney. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County;
3. **Conditions Which May Justify a Variance:** The BZA is empowered to permit variance from the provisions and requirements of this Resolution as will not be contrary to the public interest and only in such cases where the spirit of the Resolution shall be observed and substantial justice done because, owing to special conditions pertaining to a specific piece of property, the literal

enforcement of the provisions and requirements would cause unnecessary economic hardship. A variance may be permitted when:

- a. By reason of exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution and not through the subsequent action of an owner-applicant; or
- b. By reason of the exceptional topographic conditions or other extraordinary situations or conditions of such properties;
- c. By reason of the use or development of property immediately adjoining the piece of property in question; or
- d. The literal enforcement of the requirements of this Resolution would cause unnecessary hardship.

When a variance is requested, the BZA shall have the power to authorize a variance from the terms of this Resolution only to the degree necessary to relieve such hardship, so that the spirit and purpose of this Resolution shall be observed as closely as possible and substantial justice done.

In authorizing a variance, the BZA may attach thereto conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the interest of furtherance of the purposes of this Resolution and in the public interest. In authorizing a variance with attached conditions, the BZA shall require such evidence and guarantees are being, and will be complied with. NOTE: Cross-reference: Ohio Revised Code Section 519.14(B);

4. **BZA Required Findings for Variance:** No variances in the provisions or requirements of this Resolution shall be authorized by the BZA unless it finds that all of the following facts and conditions exist:
 - a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same Zoning District;
 - b. That such variance is absolutely necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same immediate vicinity;
 - c. That the authorization of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or the public interest; and
 - d. That the condition or situation of the specific piece of property, and/or the intended use of said property for which a variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations;
5. **BZA Decision:** The BZA and the applicant shall follow the procedures outlined in Article XXIV. Board of Zoning Appeals, subparagraph 24.2b. Powers and Duties of the BZA, when issuing a decision on any variance application;

D. **Procedure for Conditional Use Permit:**

1. **Initiating a Conditional Use Permit:** Any person may file an application with the Zoning Inspector for a Conditional Use Permit for a conditional use that is

listed in the Township Zoning Districts. If the Zoning Inspector determines that the conditional use requested is not listed in this Resolution, he/she shall return the application to the applicant and no further action by the Township is required. If the application is for a listed conditional use, he/she shall forward the application to the BZA;

2. **Public Hearing on Conditional Use Permit:** The BZA shall fix a reasonable time for the public hearing of the request for a Conditional Use Permit, giving at least ten (10) days notice by Certified, Return Receipt Requested Mail, postage pre-paid, to the parties in interest, giving 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 shall decide the same within a reasonable time after the hearing is concluded. Whenever practicable, the BZA shall schedule the Permit hearing within thirty (30) days of receipt of the application date. Each application shall be accompanied by a check payable to the "Clerk of Morgan Township" or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings and other associated costs. At the public hearing, any person may appear in person or by attorney. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County;
3. **BZA Decision:** In considering an application for a Conditional Use Permit, the BZA shall give due regard to the facts and circumstances presented in terms of the following standards and shall make findings of fact, when supported by the evidence, showing that:
 - a. The use will be harmonious with and in accordance with the general objectives of this Resolution;
 - b. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
 - c. The use will comply with the performance standards of this Resolution;
 - d. The use will be adequately served by public facilities and services which are currently available (such as highways, streets, fire/sheriff protection, drainage, refuse disposal, water, sewer, schools) or that, alternatively, such services will be provided by the landowner for his/her own needs;
 - e. The use will not create any more than minor additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Township; and
 - f. The use will have appropriately designed vehicular ingress/egress approaches and points so that no interference with traffic on surrounding public streets is caused;

The BZA shall also give due regard to the nature and condition of all adjacent land and structures and may impose such requirements and conditions that the BZA may deem necessary for the protection of adjacent properties and the public interest. These conditions may address location, construction, maintenance, placement or

orientation of buildings, and operation in addition to those elements expressly stipulated in this Resolution for the particular conditional use.

4. **PUD Procedure:** Although PUDs are a conditional use, the TZC, and not the BZA, shall make the recommendation to the Trustees as to whether to permit a PUD as a conditional use. (See Article XIV. Off –Street Parking and Loading Regulations);

E. **Procedure for Substitution or Extension of Nonconforming Uses or Buildings:**

1. An application for either the substitution or extension of a nonconforming use or building must be filed with the Township Zoning Commission for review and comment to the BZA unless there will be no structural alterations made, except those required by law or this Resolution, in which case it may be filed directly with the BZA;
2. The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot may be made provided that:
 - a. The lot was under the same ownership as the lot in question at the time the use of such building became nonconforming;
 - b. Such extension is necessary and incidental to such existing nonconforming use;
 - c. The value of such extension shall not exceed, in total, twenty-five percent (25%) of the assessed valuation for tax purposes;
 - d. Such extension shall be set at a distance of not more than fifty (50) feet of the existing building or premises;
 - e. Such extension shall not exceed more than fifty percent (50%) of the square footage of the current buildings or area devoted to the existing non-conformity;
 - f. Such extension shall not result in any negative impact on adjacent agricultural uses; and
 - g. Such extension shall be undertaken within five (5) years of the enactment of this Resolution. No extensions of nonconforming uses will be permitted after that time;

- F. **Procedure for All Other Applications:** Any other applications over which the BZA has primary authority shall follow the procedure outlined for Conditional Use Permits, except that the criteria for approval of any other kind of application shall apply;

G. **Revocation of Variances or Conditional Use Permits:**

1. If a violation of the terms or conditions of any Variance or Conditional Use Permit is made known to the Zoning Inspector, he/she shall investigate the violation to the extent necessary to confirm the infraction. At the conclusion of such investigation, he/she shall report his findings in writing to the BZA and a recommendation to revoke the Variance or Conditional Use Permit, if appropriate under the circumstances;
2. Upon receipt of the Zoning Inspector's report and the recommendation to revoke the variance or permit, the BZA shall notify the holder of the variance or permit by Certified, Return Receipt Requested Mail, postage pre-paid, of:

- a. The BZA's intent to revoke the variance or permit according to the terms of Ohio Revised Code Section 519.14(D);
 - b. His/her right to a hearing before the BZA within thirty (30) days of the notice; and
 - c. His/her obligation to notify the BZA, in writing, of his/her request for a hearing;
3. If the holder makes a written request for a hearing, the BZA shall set a time and place for the hearing, which affords notification of the public, and it shall notify the holder of such time and place by regular mail. If no hearing is requested, the BZA may revoke the variance or Conditional Use Permit without a hearing; and
4. At the hearing, the holder may appear in person, by his/her attorney, or by another representative(s), or he/she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. NOTE: Cross-reference: Ohio Revised Code Section 519.14(D).

**ARTICLE XXV. DISTRICT CHANGES
AND RESOLUTION AMENDMENTS**

25.0 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 the property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall, upon the passage of such Resolution, certify it to the Zoning Commission.

25.1 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 (1) of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the applications.

25.2 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 list.

25.3 PUBLIC HEARING BY ZONING COMMISSION:

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

25.4 WRITTEN NOTICE:

- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, the written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of deliveries of such notice shall not invalidate any such amendment;
- B. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land listed on the County Auditor's current tax list, the published and mailed notices

shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1. The name of the Zoning Commission that will be conducting the public hearing;
 2. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
 4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 5. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
 6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 7. Any other information requested by the Zoning Commission; and
 8. A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
- C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
1. The name of the Zoning Commission that will be conducting the public hearing;
 2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
 4. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 5. Any other information requested by the Zoning Commission; and
 6. A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action. NOTE: Cross-reference: Ohio Revised Code Sections 519.12(B), (C), (D).

25.5 TRANSMITTAL TO REGIONAL PLANNING COMMISSION:

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

25.6 ACTION BY REGIONAL PLANNING COMMISSION:

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such

recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

25.7 RECOMMENDATION BY ZONING COMMISSION TO TOWNSHIP TRUSTEES:

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

25.8 PUBLIC HEARING BY TOWNSHIP TRUSTEES:

- A. The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing;
- B. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
 - 1. The name of the Board that will be conducting the public hearing;
 - 2. A statement indicating that the motion, application, or Resolution is an amendment to the Zoning Resolution;
 - 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
 - 4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - 5. The time and place where the motion, application, or Resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - 6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
 - 7. Any other information requested by the Board;
- C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - 1. The name of the Board that will be conducting the public hearing;
 - 2. A statement indicating that the motion, application, or Resolution is an amendment to the Zoning Resolution;
 - 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;

4. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
5. Any other information requested by the Board. NOTE: Cross-reference: Ohio Revised Code Section 519.12(E).

25.9 PUBLIC HEARING - WRITTEN NOTICE:

- A. In addition to published notice, written notice of the hearing shall be mailed by the Township Trustees by Certified, Return Receipt Requested Mail, postage pre-paid, fifteen (15) days before such hearing to all owners of property within and contiguous to the area proposed to be reclassified or redistricted. The failure of delivery of such notice shall not invalidate any amendment or supplement;
- B. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the written notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
 1. The name of the Board that will be conducting the public hearing;
 2. A statement indicating that the motion, application, or Resolution is an amendment to the Zoning Resolution;
 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
 4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 5. The time and place where the motion, application, or Resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
 6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
 7. Any other information requested by the Board;
- C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the written notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 1. The name of the Board that will be conducting the public hearing;
 2. A statement indicating that the motion, application, or Resolution is an amendment to the Zoning Resolution;
 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
 4. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
 5. Any other information requested by the Board.

25.10 VOTES BY TOWNSHIP TRUSTEES:

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

25.11 EFFECTIVE DATE OF AMENDMENT:

Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption, unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township equal to not less than eight percent (8%) of the total votes cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit an amendment or supplement to the electors for such area for approval or rejection at the next primary or general election. Each part of this petition shall contain the number and full correct title, if any, or the zoning amendment Resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition, each petition shall be governed by the rules of the Ohio Revised Code Section 3501.38. NOTE: Cross-reference: Ohio Revised Code Section 519.12(H), especially for form of petition.

25.12 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 votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately. Within five (5) working days after an amendment's effective date, the Township Trustees shall file the text and maps in the office of the County Recorder and with the Knox County Regional Planning Commission. NOTE: Cross-reference: Ohio Revised Code Section 519.12(H).

25.13 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.

25.14 FEES:

Each application for a zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the "Clerk of the Township" or cash payment sufficient in amounts to cover the cost of publishing, posting, and/or mailing the notices of the hearing or hearings and other associated costs required by the foregoing provisions. NOTE: Cross-reference: Ohio Revised Code Section 519.12(A).

ARTICLE XXVI. TELECOMMUNICATION
TOWERS AND ANTENNAS

26.0 PURPOSE:

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

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

26.1 DEFINITION:

Any free-standing structure, or any structure to be attached to a building or other structure that is constructed after October 31, 2001, will be owned or principally used by a public utility that provides telecommunications services; will be located in any area of the Township which permits residential uses by the terms of this Resolution; will exceed the maximum allowable height of residential structures or other structures in the District; and which will have attached to it radio frequency transmission or reception equipment. NOTE: Cross reference: Ohio Revised Code Section 519.211(B)(1).

26.2 REQUIRED NOTICE:

Any person who plans to construct a telecommunications tower in an area subject to Township zoning regulations shall provide notice by Certified, Return Receipt Requested Mail, postage pre-paid, to the following persons:

- A. To all owners of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed;
- B. To the Morgan Township Board of Trustees; and
- C. To any owner and any occupant of residential dwellings within one hundred (100) feet of the proposed tower location.

Said written notice shall include a statement in clear and concise language of the person's intent to construct a tower, a description of the subject property sufficient to identify the proposed location, and that, within fifteen (15) days of the date of mailing the notice, any property owner may make a written request to the Board of Trustees that the terms of the Zoning Resolution, as authorized by the Ohio Revised Code Sections 519.02 to 519.25, should apply to the location of the tower.

Notice to the Board of Trustees shall also verify that notice to the surrounding property owners has been given as required by this paragraph. Also, the applicant shall include with the notice to the Trustees an inventory of its existing antennas or towers that are within the Township boundary with specific information about the location, height, and design of each tower or antenna. The applicant shall also submit an inventory of all other anticipated tower or antenna locations within the Township. The inventory of anticipated sites does not trigger the notice requirements for those sites, which is provided in this paragraph; separate notice is required for each site on which an applicant proposes to construct a telecommunications tower.

If notice required by this paragraph is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. NOTE: Cross reference: Ohio Revised Code Sections 519.21(B)(3) and 519.21(F).

26.3 RESPONSE BY SURROUNDING PROPERTY OWNERS OR TRUSTEES:

If the Board of Township Trustees receives notice from a property owner given notice by the terms of Article XII. Provisions Governing Manufacturing Districts, subparagraph 12.3 Required Lot Area and Lot Width in Manufacturing District, within fifteen (15) days of the date of mailing the notice, the Trustees shall request that the Township Clerk send the person proposing to construct the tower written notice that the tower shall be subject to the Township's authority to regulate the location, erection, construction, reconstruction, change, alteration, removal, and enlargement of the tower through this Resolution. Alternatively, a Trustee may make an objection to the proposed location of the tower within a fifteen (15)-day period. Upon the Trustee's objection, the Board shall request that the Township Clerk make notice to the applicant as provided above. The written notice from the Clerk, under all circumstances, shall be sent no later than five (5) days after the first objection is received, whether from a neighboring property owner or a Trustee. As of the date that the Clerk's notice is mailed, the terms of this Zoning Resolution, as authorized by statute, shall apply to the tower. NOTE: Cross reference: Ohio Revised Code Section 519.21(B)(4)(a).

26.4 NO RESPONSE FROM SURROUNDING PROPERTY OWNERS OR TRUSTEES:

If the Board of Township Trustees receives no notice from surrounding property owners and no Trustee makes an objection to the location of the tower within the fifteen (15)-day period, then the Township is divested of all power to regulate the location, erection, construction, reconstruction, change, alteration, removal and enlargement of the tower, without exception. NOTE: Cross reference: Ohio Revised Code Section 519.211(B)(4)(b).

26.5 PROCEDURE UPON RESPONSE:

In the event that the required notice is given by the applicant and a response is made to that notice by a neighboring property owner or Trustee, consistent with the terms of this Article, the following procedure shall be followed:

- A. The person proposing to construct the telecommunications tower (the applicant) shall prepare a full site plan at the scale of one inch to one hundred feet (1" = 100') indicating the following:
 1. Total site area;
 2. The existing zoning of the property and all adjacent properties;

3. All public and private rights-of-way and easement lines located on or adjacent to the property and the proposed plan for these lines whether they are to be continued, created, relocated, or abandoned;
 4. Existing topography with a maximum of five (5) foot contour intervals and proposed grading plan with a maximum of five (5) foot contour intervals;
 5. The location of all existing buildings and structures and the proposed location of the telecommunications tower or antenna and all support structures, including all dimensions, heights and the floor area of any support buildings or structures;
 6. The location and dimensions of all curb cuts, roads, parking and loading areas (including number of spaces), spot grades, materials list, drainage and lighting plans;
 7. A landscape plan to include all proposed sidewalks, open space, screening, fencing, walls and vegetation;
 8. All existing and proposed utilities, including types and grades;
 9. The project/construction schedule;
 10. A written statement by the applicant as to the visual, electronic, and aesthetic impacts of the proposed tower or antenna on all adjacent properties and that all FCC and FAA requirements will be met and addressed;
 11. A summary explanation of why the proposed facility cannot be located on any other existing structure or tower, using sound engineering evidence to demonstrate that the proposed location is necessary in the interest of public safety or a practical necessity to satisfy the necessary function in the cellular or wireless communication grid system. The applicant is required to provide evidence that it has investigated and exhausted all other possible locations, including those of tall structures, within a one (1) mile radius of the proposed site and the requests for permission to install the telecommunications equipment on those structures must be supplied; denial of permission should be for reasons other than economic ones. The Township may deny the application to construct a new telecommunications tower if the applicant has not made a good faith effort to mount the devices on existing structures; and
 12. Evidence that the proposed telecommunications tower is structurally designed to support at least one (1) additional user, and that the applicant provides a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community;
- B. Upon submission of a complete application and site plan to the Zoning Inspector, it will be determined if the plan meets the purposes and the requirements as established in the Resolution and the requirements of the Township Zoning District. No public notice or public hearing shall be required in conjunction with the review, approval, approval with modifications or disapproval of the site plan and proposal. However, upon issuing a final decision on the application, the Zoning Inspector shall cause a copy of his/her decision to be mailed by Certified, Return Receipt Requested Mail, postage pre-paid, to all persons entitled to notice by the terms of Article XI. Provisions Governing Commercial Districts, subparagraph 11.2 Conditional Uses

Permitted in the B-1 General Business District, or any other Resolution or statute.
NOTE: Cross reference: Ohio Revised Code Section 519.211.

26.6 REQUIRED BOND FOR DISCONTINUANCE OF USE:

Any person intending to construct a telecommunications tower or antenna shall file with the Township Clerk a bond in the amount of One Hundred Dollars (\$100.00) per lineal foot of tower to cover the cost of removal in the event of discontinued use. The Township, only upon the removal of the telecommunications tower or antenna, shall release such bond. This bond is required regardless of whether any person is made to comply with the required notices.

26.7 USE REGULATIONS FOR TELECOMMUNICATION TOWERS AND ANTENNAS:

In the event that the required notice is given by the applicant and a response is made to that notice by a neighboring property owner or Trustee, consistent with the terms of this Article, the following use regulations shall apply to the proposed tower, in addition to any other regulations which are made applicable by the terms of this Zoning Resolution:

- A. An antenna or other telecommunications device may be installed on an alternative tower structure (such as a building, water tower, or other free-standing, non-residential structure) of at least fifty (50) feet in height so long as the device does not increase the height of the existing structure more than twenty (20) feet and so long as the Zoning Inspector makes a finding that such addition will not create hazards to aviation, property or persons. Any telecommunications device that is mounted to an existing structure shall be painted a color that is compatible or identical to the structure on which it is located. Furthermore, it shall also be placed in a way that minimizes the visibility of said device. Applicants should consult with the Zoning Inspector prior to construction to receive assurance that the selected paint color and location will meet these criteria; and
- B. All other accessory uses to telecommunications antennas and towers including, but not limited to, business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the Township Zoning District in which the antenna or tower is located. Associated buildings shall not be used as a primary working center or location for any worker or employee. This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments.

26.8 TELECOMMUNICATION TOWER SITE STANDARDS:

- A. **Setbacks From the Base of the Tower:** If a new telecommunications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and any existing off-site residence or previously platted residential lot lines shall be the greater of the following:
 - 1. The minimum set back required in the particular Zoning District; and
 - 2. A distance equal to the height of the tower;
- B. **Lot Characteristics:** The minimum lot size requirements shall be the greater of the following:
 - 1. The minimum size required by the Township Zoning District; or
 - 2. The minimum lot required to accommodate the setback requirements for the tower height and supports;

Preference shall be given to towers proposed in wooded or forested areas over those proposed for open fields or hills.

C. Maintenance:

1. Any owner of property used as a telecommunications tower site shall maintain the property and all structures in good condition, maintain landscaping and keep the site free from trash, outdoor storage, weeds and other debris;
2. Any tower found through inspection by the owner or the Zoning Inspector to be structurally unsafe shall be removed at the tower owner's expense if it cannot be brought into compliance within one hundred eighty (180) days of the inspection; and
3. Notice shall be provided to the Zoning Inspector when the tower service has been discontinued. Towers that are not used for a period of six (6) continuous months or more shall be removed by the tower owner within one hundred twenty (120) days of notice by the Zoning Inspector ordering such removal. "Discontinued" shall include in its meaning that the structure has not been maintained, has been abandoned, become obsolete or has ceased the daily activities or operations for which it was constructed;

D. Tower Safety:

1. The tower owner shall demonstrate that the proposed telecommunications tower and antenna ties are safe and that the surrounding properties will not be negatively affected by tower failure or radio frequency interference. All telecommunications towers shall be fitted with anti-climbing devices; and
2. A fence shall be required around the tower and its support structure(s), unless the device is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access by non-authorized personnel;

E. Appearance:

1. No commercial advertising of any kind shall be allowed on the tower or its related facilities;
2. The color of the tower shall be neutral, except to the extent required by federal law, so as to minimize visibility of the structure;
3. Existing vegetation on and around the site shall be preserved and maintained to the greatest extent possible; and
4. A landscape buffer and screening shall be installed in an appropriate location to create a visual block from adjacent properties and roads. A landscape buffer shall be installed around the perimeter of the tower site and all improvements on the site, including the tower and guy anchors, ground buildings and equipment, and safety fencing.

ARTICLE XXVII. TOWNSHIP ZONING COMMISSION
(TZC)

27.0 TZC ESTABLISHMENT AND COMPOSITION:

- A. The Board of Township Trustees shall create and establish the Morgan Township Zoning Commission (TZC). The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Trustees;
- B. The Trustees may appoint two (2) alternate members to the TZC. An alternate member shall take the place of an absent regular member at any meeting of the TZC; regular TZC members shall be responsible for securing the attendance of an alternate in their stead one (1) appointed alternate or both appointed alternates whenever they expect to be absent at any meeting. Alternates shall meet the same appointment criteria as regular members. When attending a meeting on behalf of an absent member, the alternate member may vote on a matter on which the absent member is authorized to vote;
- C. Regular members of the TZC shall serve five (5)-year terms. Currently seated TZC members shall retain their positions for the duration of their remaining terms so that the term of one (1) member will expire each year. Alternate members shall serve two (2)-year terms with the first appointed alternate to serve one (1)-year term so that a new alternate is appointed each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified;
- D. Each January, the TZC shall meet to elect a chairperson, assistant chairperson, and a secretary. Thereafter, meetings shall be held at the call of the chairperson as necessary to address the business before the TZC, including any business required by this Resolution. Three (3) members of the TZC shall constitute a quorum. All meetings of the TZC shall be open to the public; and
- E. Members of the TZC shall be removable for non-performance of duty, misconduct in office, or for cause by the Board of Trustees upon written charges being filed with the Trustees and after a public hearing has been held regarding such charges, provided that a copy of the charges has been served upon the member charged at least ten (10) days prior to the hearing, either personally, by Certified, Return Receipt Requested Mail, postage pre-paid, or by leaving such a copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies, however created, shall be filled by the Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both, as the Trustees may approve and provide. NOTE: Cross-reference: Ohio Revised Code Section 519.04.

27.1 POWERS AND DUTIES OF THE TZC:

- A. **The TZC shall have the following DUTIES:**
 - 1. Whenever necessary, to submit plans, text, and maps which make its recommendations for the carrying out by the Trustees of the Ohio Revised Code Sections 519.01 to 519.99, inclusive;
 - 2. Whenever necessary, shall submit plans, text, and maps that recommend additions to territory in which this Resolution should be in effect;

3. To organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations;
4. To hear and decide questions of interpretation of the Zoning Map;
5. To have original jurisdiction over Planned Unit Development applications and shall take such actions as is prescribed in Article VII. C-1 Conservation District, subparagraph 7.0 Purpose;
6. To make an annual review of this Resolution, its operation, strengths and weaknesses, and the administration thereof and submit its report to the Trustees;
7. To make use of such information and counsel as is available from appropriate public officials, departments and agencies (including Knox County planning documents and updates) and such officials, departments, and agencies having information, maps, and data pertinent to Township Zoning and shall make them available for the use of the TZC; and
8. To submit comments to the BZA relating to a proposed expansion of a nonconforming use or building;

B. The TZC shall have the following POWERS:

1. Within the limits of the moneys appropriated by the Trustees for the purpose, to employ or contract with such planning consultants and executives and other assistants, as it deems necessary. No Township Trustee shall be employed by the Zoning Commission of his/her Township;
2. To request the Knox County Regional Planning Commission to prepare or make available a zoning plan, including text and maps, for the unincorporated area of the Township or any portion of the same; and
3. To initiate the amendment of this Resolution by passing a motion containing its recommendations. NOTE: Cross-reference: Ohio Revised Code Sections 519.05 and 519.12(A).

ARTICLE XXVIII. ADULT ENTERTAINMENT FACILITIES

28.0 SEXUALLY ORIENTED BUSINESS USE INSPECTOR:

The Township Trustees, or their designee, is designated the Sexually Oriented Business Use Inspector. The Sexually Oriented Business Use Inspector shall have the following powers and duties:

- A. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of Sexually Oriented Business Licenses as set forth in this Resolution;
- B. To conduct or provide for such inspection of sexually oriented businesses as shall be necessary to determine and ensure compliance with the provisions of this Resolution and other applicable provisions of law;
- C. To at least annually review the provisions of this Resolution and the conduct and operation of sexually oriented business establishments, and to make such related reports and recommendations to the Zoning Commission as the Sexually Oriented Business Use Inspector shall deem necessary;

- D. To conduct such hearings, studies, and reports on sexually oriented businesses, as the Sexually Oriented Business Use Inspector shall deem necessary; and to conduct such hearings on the revocation or suspension of a Sexually Oriented Business License as required pursuant to this Resolution; and
- E. To take such further actions as the Sexually Oriented Business Use Inspector deems necessary to carry out the purpose and intent of this Resolution and to exercise such additional powers in furtherance thereof as are implied by the powers and duties expressly set forth in this Resolution.

28.1 SEXUALLY ORIENTED BUSINESS LICENSES GENERALLY:

- A. **Sexually Oriented Business License Required:** A Sexually Oriented Business License shall be required to establish, operate, or maintain, a sexually oriented business within the Township;
- B. **Operation Without License Prohibited:** It shall be unlawful for any person not having a current and valid Sexually Oriented Business License to operate, or maintain a sexually oriented business within the Township at any time after the effective date of this Resolution;
- C. **Operation in Violation of License Prohibited:** It shall be unlawful for any licensee to establish, operate, or maintain a sexually oriented business within the Township except in the manner authorized by, and in compliance with, the provisions of this Resolution and the licensee's Sexually Oriented Businesses License;
- D. **Content and Display of License:** Every Sexually Oriented Business License shall be provided by the Township and at a minimum, prominently displayed on its face the name of the licensee, the expiration date, and the address of the sexually oriented business. Every licensee shall display the license at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises; and
- E. **License Term:** Sexually Oriented Business Licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one (1) year commencing on the date of issuance and may be renewed only by making an application. Application for renewal should be made at least sixty (60) days before the expiration date.

28.2 FORM AND SUBMITTAL OF LICENSE APPLICATION:

- A. **Required Form:** An application for a Sexually Oriented Businesses License, or the renewal thereof, shall be made in writing to the Sexually Oriented Business Use Inspector on a form prescribed by the Sexually Oriented Business Use Inspector and shall be signed by:
 1. The applicant, if the applicant is an individual;
 2. At least one (1) of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization; or
 3. By a duly authorized agent, if the applicant is a corporation.

Each application shall specifically identify the applicant and the licensed premises for which a Sexually Oriented Businesses License is sought. Each initial or renewal application shall be accompanied by ten (10) identical copies;

- B. **Administrative Processing Fee**: Every applicant for a Sexually Oriented Business License, initial or renewal, shall pay an administrative processing fee in the amount of Five Hundred Dollars (\$500.00). The administrative processing fee shall in all cases be non-refundable;
- C. **Required Information and Documents**: Each application shall include the following information and documents:
1. Names of applicants:
 - a. **Individuals**: The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof (driver's license) of the applicant's age (date of birth) - proof that applicant is at least eighteen (18) years of age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization, and the applicant's federally issued tax identification number;
 - b. **Corporations**: The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and of every person owning or controlling more than twenty percent (20%) of the voting shares of the corporation; the corporation's date and place of incorporation and the objectives for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Ohio; and the name of the registered agent and the address of the registered office for service of process; and
 - c. **Partnerships (General or Limited) Joint Ventures, Limited Liability Companies, or Any Other Type of Organization Where Two or More Persons Share in the Profits and Liabilities of the Organization**: The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (including limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization;
 2. The general character and nature of the business of the applicant;
 3. The location, including street address and legal description, and telephone number, of the premises for which the Sexually Oriented Businesses License is sought;
 4. The specific name of the business that is to be operated under the Sexually Oriented Businesses License;

5. The identity of each fee simple owner of the licensed premises;
6. A diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, and the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's black or blue-line print shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clear compliance with the provisions of this Resolution. The requirements of this Article shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the license sought to be renewed and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this Article shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Township approval otherwise required pursuant to applicable Township Resolutions and Regulations;
7. The specific type or types of sexually oriented business that the applicant proposes to operate in the licensed premises;
8. A copy of each Sexually Oriented Business License, Liquor License, and Gaming License currently held by the applicant or any of the individuals identified in the application;
9. The name of the individual or individuals who shall be the day-to-day on-site managers of the proposed sexually oriented business;
10. Whether the applicant has been convicted of a specified criminal activity as defined in this Resolution, and if so, the specified criminal activity involved, the date, place, and jurisdiction of each;
11. Whether the applicant has had a previous license under this Ordinance or other similar sexually oriented business Ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the Permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the Permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation;
12. A current certificate and straight-line drawing prepared within thirty (30) days prior to the application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within three thousand (3,000) feet of the property to be certified; the property lines of any established residential use or district, school, preschool, daycare,

place of worship, synagogue, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within Morgan Township or other jurisdiction), any commercial establishment selling beer or alcohol for consumption on the premises, or any hotel or motel within one thousand (1,000) feet of the property to be certified. For the purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted; and

13. Any application for a Sexually Oriented Business License that does not include all of the information and documents required pursuant to this section shall be deemed to be incomplete and shall not be acted on or processed by the Commission. The Sexually Oriented Business Use Inspector shall, within thirty (30) days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

28.3 PROCESSING OF LICENSE APPLICATION:

- A. Upon the filing of an application for a Sexually Oriented Business License, the Sexually Oriented Business Use Inspector shall refer the application to the appropriate Township/County departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (30) days from the date of the completed application. After the investigation, the Sexually Oriented Business Use Inspector shall issue a license, unless the requirements set forth above are not met; and
- B. **Appeal:** Judicial review may be made pursuant to Chapter 2505 of the Ohio Revised Code. All parties shall comply with the Inspector's decision pending appeal.

28.4 STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE:

- A. The Sexually Oriented Business Use Inspector shall issue a Sexually Oriented Business License to an applicant if, but only if, the Sexually Oriented Business Use Inspector finds and determines all of the following based on the reports, investigations and inspections conducted by the Sexually Oriented Business Use Inspector and any reviewing departments and on any other credible information on which it is reasonable for the Sexually Oriented Business Use Inspector to rely:
 1. All information and documents required by this Resolution for issuance of a Sexually Oriented Business License have been properly provided and the material statements made in the application are true and correct;
 2. No person identified in the application has been convicted of, or pleaded no contest to, any criminal act within five (5) years immediately preceding the date of the application;
 3. No person identified in the application is overdue on payment of taxes, fees, fines, or penalties assessed against or imposed on any such individual in connection with any sexually oriented business;
 4. The sexually oriented business and the licensed premises comply with all then-applicable building, health, and safety codes and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Morgan Township Resolutions; and

5. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Resolution and all provisions of the Township Zoning Resolution applicable to sexually oriented business, that the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed sexually oriented business establishment and its proposed operation are and shall be in compliance therewith;
- B. **Denial:** If the Sexually Oriented Business Use Inspector determines that the applicant has not met any one (1) or more of the conditions set forth herein, then the Sexually Oriented Business Use Inspector shall deny issuance of the Sexually Oriented Business License and shall give the applicant a written notification and explanation of such denial. The Inspector will only accept and process to completion one (1) application per location at a time. No new applications for any location will be accepted while an application for this location is the subject of any appeal process; and
 - C. **License Deemed Issued:** If the Sexually Oriented Business Use Inspector does not issue or deny the Sexually Oriented Business License within sixty (60) days after the properly completed application is submitted, then the Sexually Oriented Business License applied for shall be deemed to have been issued.

28.5 INSPECTION BY THE TOWNSHIP:

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

28.6 CHANGES IN INFORMATION:

During the pendency of any application for, or during the term of, any Sexually Oriented Business License, the applicant or licensee shall notify the Sexually Oriented Business Use Inspector, in writing, within ten (10) days of any change in any material information given by the applicant or licensee in the application for such License; including specifically, but without limitation, any change in managers of the sexually oriented business establishment or in the individuals identified in the application pursuant to this Resolution, or if any of the events constituting grounds for suspension or revocation pursuant to this Resolution occur.

28.7 REGULATIONS APPLICABLE TO ALL SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS:

- A. **General Compliance:** All licensed premises and sexually oriented business establishments shall comply with the provisions of this Resolution, and with the provisions of all other applicable Township Resolutions, Rules, and Regulations and all other applicable federal, state, and local laws;
- B. **Prohibited Uses:** No person shall cause or permit the establishment of an adult entertainment business within one thousand (1,000) feet of any established single- or multi-family dwelling, school, preschool, daycare, church, synagogue, or other place of worship, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within Morgan Township or other jurisdiction), any commercial establishment selling beer or alcohol for consumption on the premises, or any hotel or motel, nor with three thousand (3,000) feet of another adult entertainment business. For purposes of this Resolution, distances shall be measured in a straight line without regard to intervening structures or objects, from the nearest portion of the building within which the adult entertainment business is located to the nearest property line or the premises of a single, two or multi-family dwelling, church, park, preschool or school, or other adult entertainment business;
- C. **Zones Which Permit Adult Entertainment:** The area zoned General Commercial District and Light Manufacturing;
- D. **Hours of Operation:**
 - 1. No sexually oriented business establishment shall be open for business at any time on any Sunday, State of Ohio or Federal holiday; and
 - 2. No sexually oriented business establishment shall be open for business between the hours of 12:00 (Midnight) and 11:00 A.M. on any day;
- E. **Animals:** No animals, except seeing-eye dogs required to assist the blind, shall be permitted at any time in any sexually oriented business establishment or licensed premises;
- F. **Restrooms:** All restrooms in sexually oriented business establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually oriented business establishment employees and patrons;
- G. **Restricted Access:** No sexually oriented business establishment patron shall be permitted at any time to enter into any of the non-public portions of any sexually oriented business establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of sexually oriented business employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties;
- H. **Specific Prohibited Acts:**
 - 1. No sexually oriented business employee or any other person at any sexually oriented business establishment, other than a sexually oriented business employee employed to provide adult entertainment in accordance with the

- regulations in this Resolution shall appear, be present, or perform while nude or semi-nude;
2. No sexually oriented business employee or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business patron or any other person at any sexually oriented business establishment, or any other sexually oriented business employee, or any other person. No sexually oriented business establishment patron or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business establishment employee or patron or any other person; and
 3. Straddle dances shall be prohibited at all sexually oriented business establishments;
- I. **Exterior Display**: No sexually oriented business establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of a sexually oriented business establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening;
 - J. **Noise**: No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time;
 - K. **Gambling and Related Devices Prohibited**: No sexually oriented business establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements;
 - L. **Manager's Station**: Each sexually oriented business establishment shall have one (1) or more manager stations. The interior of each sexually oriented business establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one (1) manager's station to every part of each area, except restrooms, of the establishment to which any sexually oriented business establishment patron is permitted access for any purpose;
 - M. **Alcohol Prohibition**: No sexually oriented business establishment shall sell, serve, provide or permit the consumption of beer or alcohol on the licensed premises or the lot on which the licensed premises is located;
 - N. **Parking**: Each sexually oriented business establishment shall have a paved, marked, and lighted parking lot capable of holding one (1) vehicle for every three (3) authorized occupants permitted by fire regulations; and
 - O. **Light and Sound Blockage**: Each sexually oriented business establishment shall be landscaped to provide light and sound blockage to adjoining properties.

28.8 SPECIAL REGULATIONS FOR ADULT BOOTHS:

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

28.9 SPECIAL REGULATIONS FOR ADULT CABARET:

- A. **Performance Area:** The performance area of an adult cabaret shall be limited to one (1) or more stages or platforms permanently anchored to the floor (a “Cabaret Stage”). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least three (3) feet from all areas of the premises to which sexually oriented business establishment patrons have access. A continuous barrier at least two (2) feet in height and located at least three (3) feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No adult patron shall be allowed at any time on any Cabaret Stage;
- B. **Lighting:** Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at thirty (30) inches from the floor and on ten (10)-foot centers shall be maintained at all times for all areas of the adult cabaret where sexually oriented business establishment patrons are admitted;
- C. **Tipping:** No sexually oriented business establishment patron shall offer, and no sexually oriented business establishment employee having performed on any Cabaret Stage shall accept any form of tip or gratuity offered directly or personally to the employee by the sexually oriented business establishment patron. Rather, all tips and gratuities to sexually oriented business establishment employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the sexually oriented business establishment or shall be placed by the sexually oriented business establishment patron on the Cabaret Stage on which the sexually oriented business establishment employee is performing; and
- D. **Notice of Select Rules:** A sign at least two (2) feet by two (2) feet, with letters of at least one (1) inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

*“This Adult Cabaret is regulated by Morgan Township. Entertainers are:
(1) Not permitted to engage in any type of sexual conduct.
(2) Not permitted to accept any tips directly or personally from patrons. Any such tips must be placed into the receptacle provided by management or must be placed directly on the cabaret stage.”*

- E. **Age Limitations:**
 - 1. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of twenty-one (21);
 - 2. No person under the age of twenty-one (21) shall be admitted to any adult cabaret or to any licensed premise used for an adult cabaret;
 - 3. No person under the age of twenty-one (21) shall be allowed or permitted to remain at any adult cabaret or any licensed premise used for an adult cabaret; and

4. No person under the age of twenty-one (21) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult cabaret or any licensed premises used for an adult cabaret.

28.10 SPECIAL REGULATIONS FOR ADULT STORES:

- A. **Windows:** Window areas for adult stores shall not be covered or obstructed in any way;
- B. **Age Limitations:**
 1. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult store or a licensed premises used for an adult store shall be under the age of eighteen (18);
 2. No person under the age of eighteen (18) shall be admitted to any adult store or to any licensed premises used for an adult store;
 3. No person under the age of eighteen (18) shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store; and
 4. No person under the age of eighteen (18) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store.

28.11 SPECIAL REGULATIONS FOR ADULT THEATER:

- A. **Seating:** Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater;
- B. **Aisle:** Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all times;
- C. **Sign:** Each adult theater shall have a sign posted in a conspicuous place at or near each entrance to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area;
- D. **Age Limitations:**
 1. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult theater or a licensed premises used for an adult theater shall be under the age of eighteen (18);
 2. No person under the age of eighteen (18) shall be admitted to any adult theater or to any licensed premises used for an adult theater;
 3. No person under the age of eighteen (18) shall be allowed or permitted to remain at any adult theater or any licensed premises used for an adult theater; and
 4. No person under the age of eighteen (18) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater.

28.12 LICENSEE RESPONSIBILITY FOR EMPLOYEES:

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

28.13 LICENSE REVOCATION OR SUSPENSION:

- A. **Grounds:** Pursuant to the procedures set forth in this section, the Sexually Oriented Business Use Inspector may suspend for not more than thirty (30) days, or revoke, any Sexually Oriented Business Establishment License if the Inspector, based on credible and reasonably reliable information and evidence, determines that any one (1) or more of the following has occurred:
1. The licensee has violated any of the provisions or requirements of this Resolution or Sexually Oriented Business Establishment License pursuant hereto, or the provisions of the Township Zoning Resolution applicable to the licensed premises or the sexually oriented business establishment;
 2. The licensee (1) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Township for the issuance or renewal of any Sexually Oriented Business Establishment License or (2) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee's behalf;
 3. The licensee has committed or knowingly or negligently allowed a felony or specified criminal act to take place on the licensed premises; and
 4. The licensee authorizes, approves, or, as a result of the licensee's negligent failure to supervise the licensed premises or the sexually oriented business establishment, allows a sexually oriented business establishment employee, sexually oriented business establishment patron, or any other person to (1) violate any of the provisions or requirements of this Resolution, or of the provisions or requirements of the Sexually Oriented Business Establishment License issued pursuant hereto, or (2) commit any felony or specified criminal act on the licensed premises. The licensee, or any person identified in this Resolution becomes disqualified for the issuance of a Sexually Oriented Business Establishment License at any time during the term of the license at issue;
- B. **Procedure:** A Sexually Oriented Business Establishment License may be suspended for not more than sixty (60) days or revoked pursuant to the terms and conditions set forth in this Article:

1. **Notice:** Upon determining that one (1) or more of the grounds for suspension or revocation under Article XXVIII, subparagraph 28.13(A), **License Revocation or Suspension (Grounds)** of this section may exist, the Sexually Oriented Business Use Inspector shall serve a written notice on the licensee in person or by Certified, Return Receipt Requested Mail, postage prepaid, addressed to the licensee's address as set forth in the licensee's application. The written notice shall, at a minimum:
 - a. State that the Sexually Oriented Business Use Inspector has determined that the Sexually Oriented Business Establishment License may be subject to suspension or revocation pursuant to this Resolution;
 - b. Identify the specific grounds for the Inspector's determination; and
 - c. Set a date for a hearing regarding the Inspector's determination as to the possibility of suspension or revocation of the Sexually Oriented Business Establishment License. The date of the hearing shall be no less than five (5) days after service of the Inspector's notice, unless an earlier or later date is agreed to by the licensee and the Sexually Oriented Business Use Inspector;
2. **Hearing:** The hearing shall be conducted by the Sexually Oriented Business Use Inspector. At the hearing, the licensee may be present and submit evidence and witnesses to refute the grounds cited by the Sexually Oriented Business Use Inspector for suspending or revoking the license and the Township and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the sexually oriented business establishment pursuant to this Resolution shall be made part of the hearing record. Within three (3) days after the close of the hearing, the Sexually Oriented Business Use Inspector shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Sexually Oriented Business Use Inspector shall be final and shall be subject to judicial review pursuant to Chapter 2506 of the Ohio Revised Code. The sexually oriented business establishment may remain in operation pending the outcome of the appeal;
3. **Notice and Effective Date of Suspension or Revocation:** The Sexually Oriented Business Use Inspector's written decision shall be served on the licensee in person or by Certified, Return Receipt Requested Mail, postage prepaid, addressed to the licensee's address as set forth in the licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Sexually Oriented Business Use Inspector's written decision is delivered in person or three (3) days after it is placed in the U.S. Mail as provided in this subsection; and
4. **Surrender of License:** Upon the suspension or revocation of a Sexually Oriented Business Establishment License, pursuant to this Resolution, the Sexually Oriented Business Use Inspector shall take custody of the suspended or revoked license.

28.14 ADMINISTRATIVE RECORD:

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

28.15 RECORD KEEPING BY LICENSEE:

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

- A. Legal name;
- B. Any and all aliases;
- C. Date of birth;
- D. Gender;
- E. Social security number;
- F. Date of commencement of employment;
- G. Date of, and cause for, employment termination, if applicable;
- H. Specific job or employment duties; and
- I. Convictions for any specified criminal activities as defined in this Resolution and the specified criminal activities involved, the date, place, and jurisdiction of each.

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

28.16 PENALTY:

Any person who violates, neglects, refuses to comply with, or assists or participates in any way the violation of any of the provisions or requirements of this Resolution or of any of the provisions or requirements of any Sexually Oriented Business Establishment License, shall be fined not more than Five Hundred Dollars (\$500.00) for each such violation. Each day such violation continues shall constitute a separate offense. The Sexually Oriented Business Use Inspector shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by Certified, Return Receipt Requested Mail, postage prepaid, addressed to the licensee's address as set forth in the licensee's application.

28.17 NUISANCE DECLARED:

Any sexually oriented business establishment established, operated or maintained in violation of any of the provisions or requirements of this Resolution or of any Sexually Oriented Business Establishment License shall be, and the same is, declared to be unlawful and a public nuisance. The Township may, in addition to or in lieu of any other remedies set forth in this Resolution, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts, as may have jurisdiction to grant such relief as

will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining a sexually oriented business establishment contrary to the provisions of this Resolution.

ARTICLE XXIX. VALIDITY AND REPEAL

29.0 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.

29.1 AUTHENTICATION:

The Township Clerk 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. The Township Clerk is further authorized to certify the passage of amendments to this Resolution as may be made.

29.2 REPEAL:

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

29.3 COMPUTATION OF TIME:

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

29.4 TOWNSHIP ZONING:

All other portions of the Morgan Township Zoning Resolutions shall remain in effect.

29.5 TIME TO TAKE EFFECT:

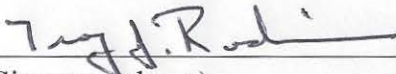
This Resolution shall take effect on the earliest date permitted by law.

ZONING RESOLUTION
MORGAN TOWNSHIP
KNOX COUNTY, OHIO

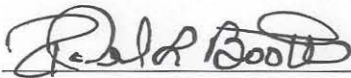
This Resolution shall be in full force and effect from and after its passage and upon Certification by the Knox County Board that a majority of votes cast are in favor of this Resolution.

Adopted this 3rd day of December, 20 18.

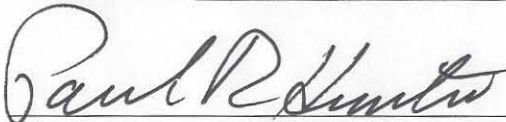
BOARD OF TOWNSHIP TRUSTEES
MORGAND TOWNSHIP
KNOX COUNTY, OHIO



(Signature above)
Printed name: Troy J. Rodeniser




(Signature above)
Printed name: Roderick L. Booth



(Signature above)
Printed name: Paul R. Hunter

Attest:

Morgan Township Clerk:



(Signature above)
Printed name: Alexandria R. Matheney

List of 2018 Revisions

4.41 - Replace the definition of area of a sign in 4.41 with:

4.41 SIGN – AREA OF:

Area of a sign is defined as the required area per side and dual sides permitted.

4.54 - Replace the definition of Front Yard in 4.54 with:

Front Yard:

The area between the closest part of the principal building to the edge of any street/road, extending the full width of the property.

5.11 - Add the words “*recreational vehicle*” after trailer coach in the first sentence of the first paragraph:

A trailer coach, recreational vehicle, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than twelve (12) months.

5.11 - Replace the second paragraph of 5.11 with:

The Zoning Inspector may issue a “Temporary Visitors Zoning Certificate” after a period of thirty (30) days, subject to renewal by the Zoning Inspector. Township Trustee fee schedule applies.

5.12 - Add the words “*or recreational vehicle*” after trailer coach in the first sentence of the first paragraph:

Not more than one (1) trailer coach or recreational vehicle 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:

5.12 B - Replace 5.12 B with:

B. The Zoning Inspector may issue a “Temporary Visitors Zoning Certificate” after a period of thirty (30) days, subject to renewal by the Zoning Inspector. Township Trustee fee schedule applies.

5.14 - Remove the words “*IN R-DISTRICTS AND/OR AG DISTRICTS*” from the title of 5.14:

5.14 ACCESSORY BUILDINGS

5.14 - Remove the words “*which are within an R or AG District*” from the first sentence of 5.14:

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

5.14 - Add the following paragraph to 5.14:

Accessory buildings must meet district front yard requirements.

5.14 - Add the following paragraph to 5.14:

Any non-agricultural accessory building over one hundred fifty-five (155) square feet requires a zoning certificate. All accessory buildings must meet the zoning resolution setbacks for the district in which they are located.

8.0 - Add the following sentence to the 8.0 Purpose paragraph:

This resolution will not regulate or otherwise be enforced in a manner that is not authorized under Section 519.21 of the Ohio Revised Code as it relates to the use of land for agricultural purposes.

8.1 C - Add the word “*parks,*” after picnic grounds, in 8.1 C.

8.1 D - Change 8.1 D to read as follows:

D. Temporary unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained; and signs announcing meeting time and place of civic organizations; having not over twenty-four (24) square feet of sign area per side. The sign shall not exceed ten (10) feet in height to top of sign. The sign’s use must be limited to advertising only the current landowner’s property. Signs must be limited to thirty (30) days of use. (See Article XV. Display Signs and Outdoor Advertising for further definitions.)

8.2 - Remove “After obtaining a valid....Permit,” from the first sentence of 8.2:

8.2 CONDITIONAL PERMITTED USES IN THE AG DISTRICT:

In accordance with Articles V. Districts and General Provisions and XIII.Special Provisions,...

8.2 - Change number of employees from 10 to 20 in the first sentence of 8.2

8.2 - Clarify “*full/part time*” by replacing with “*full or part time*” in the first sentence of 8.2

8.2 - Add the words “*per conditional use, per site*” to the end of the first sentence of 8.2.

8.2 A (old) - Remove 8.2 A regarding signs.

8.2 A (new) - Replace 8.2 A with “*Automotive repair facility.*”

8.2 C - Remove the words “*and similar uses*” in 8.2 C.

8.2 D (old) - Remove all of 8.2 D regarding moving a mobile home into Morgan Township.

8.2 D (new) - Replace 8.2 D with “*Excavating, general construction businesses.*”

8.2 F - Remove the wording “- limited use”.

8.2 L - Insert “, *Fabrication*” between the words “Welding” and “shop” to 8.2 L and remove the words “*and/or*”

8.2 M (old) - Change the word “*Business*” to “*Permanent*” in the first sentence of 8.2 M:

M. Permanent signs on the premises on which the sign is maintained...

8.2 M (old) - Add the words “*per side*” to the first sentence of 8.2 M after “*area*”:

- M.having not over twenty-four (24) square feet of physical sign area per side).
- 8.2 M (old)** - Remove the sentence “*Multiple temporary signs must be limited to thirty (30) days of use.*”
- 8.2 M (old)** - Change 8.2 M to 8.2 N
- 8.2 M (new)** - Add “Professional office” as the new 8.2 M
- 8.3 A** -Remove the words “*and shall be located five hundred (500) fee or more from existing agricultural building or buildings*” from the second sentence of 8.3 A
- 8.3 A** – Remove the underlining of words within the paragraph.
- 8.4 A** – Remove the underlining of words within the paragraph.
- 8.6** - Add the following sentence to 8.6:
(See 5.14 for required yard of any accessory buildings.)
- 15.1** - Remove the semicolon and the word “and” at the end of the second paragraph.
- 15.1** - Remove the third paragraph of 15.1 “*Not exceed one hundred (100) square feet in size.*”
- 16.4** - Remove the words “*in the amount of not less than One Thousand Dollars (\$1000.00) and not more than Ten Thousand Dollars (\$10,000.00)*” from 16.4 and replace with the words “*pursuant to the provisions of Chapter 1514 of the Ohio Revised Code.*”
- 16.6 B** - Remove the word “*in the amount of Ten Thousand Dollars (\$10,000.00)*” from 16.6 B and replace with the words “*pursuant to the provisions of Chapter 1509 of the Ohio Revised Code.*”
- Article XVIII** - Add the words “*in ground*” after “*Private*” to the title of article XVIII.
- 18.0** - Add the words “*in ground*” after “private” in the first paragraph of 18.0
- 23.2 D** - Remove the words “*In all circumstances, except the following,*” from 23.2 D
- 23.2 D** - Add the word “*not*” before “required” to 23.2 D
- 23.2 D.1.** - Add the word “*above-ground*” before “*swimming pool*” to 23.2 D.1.
- 23.2 D. 1.** - Remove the words “*or other non-agricultural accessory structure;*” from 23.2 D.1.