

BENNINGTON TOWNSHIP ZONING RESOLUTION

Adopted: May 1970

Amended:	December 11, 2000	Section 8.4
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	November 12, 2005	

**ZONING RESOLUTION
BENNINGTON TOWNSHIP
LICKING COUNTY, OHIO
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**ARTICLE I
PURPOSE AND SCOPE**

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 most 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 Bennington 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**

BENNINGTON TOWNSHIP, OHIO, ZONING RESOLUTION: This resolution shall be known and may be cited and referred to as the "BENNINGTON TOWNSHIP, OHIO, ZONING RESOLUTION."

**ARTICLE III
INTERPRETATION OF STANDARDS**

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

ARTICLE IV
DEFINITIONS

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."

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.

Agriculture: The use of 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 uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animal.

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

Apartment House: See Dwelling, Multi-Family.

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

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

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.

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

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

Board: The Board of Zoning Appeals of the township.

Board or Lodging House: A dwelling or part thereof where meals and/or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

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

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

Cellar: That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.

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

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

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 on as a commercial enterprise.

Commission: The township Zoning Commission.

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.

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

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

1. **Dwelling, Single Family:** A permanent building, separate and free standing in itself providing living accommodations for one family.
2. **Dwelling, Two-Family:** A permanent building designed exclusively for occupancy by two families.
3. **Dwelling, Multi-Family:** A permanent building or portion thereof providing separate living accommodations for three or more families.
4. **Dwelling, Unit:** One room, or a Suite or two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
5. **Dwelling, Group:** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

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

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

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

Home Occupation: For purposes of any District other than the AG-1 District; Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (Modified and Effective November 12, 2005)

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

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

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Junk Yard or Salvage Yards: 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.

Kenel: Any structure or premises on which five or more dogs over four months of age are kept.

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

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

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

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

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

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

Sign - Area of: The total exterior surface computed in square feet of a sign having but one exposed exterior surface, 1/2 the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

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

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.

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

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

Street: Any public or private way dedicated to public travel 60 feet or more in width. The word "street" shall include the words "road," "highway" and "thoroughfare."

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

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

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.

Thoroughfare, Primary or Secondary: An officially designated Federal or State numbered highway or county or other road or street designated as a primary thoroughfare on an official thoroughfare plan, or a county or other road or street designated as a secondary thoroughfare on said plan, respectively.

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

Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship.

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

1. **Front Yard:** The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
2. **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.
3. **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.
4. **Height of Build** The vertical distance from the established average sidewalk grade, street grade, or finished grade, at the building line, whichever is the highest, to the highest point of the building.

Zoning or Building 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.

Zoning Inspector: The Zoning Inspector of the township, or his authorized representative.

Zoning Map: The zoning map or maps of the township, together with all amendments subsequently adopted.

ARTICLE V

DISTRICTS AND GENERAL PROVISIONS

Section 5.0 **Districts**

The township is hereby divided into six districts known as:

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

Section 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.

Section 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.

Section 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.

Section 5.4 **Street Frontage Required**

Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for the residential purposes unless such lot abuts for at least 60 feet on a street; and, there shall be not more than one single-family dwelling for such frontage.

Section 5.5 **Traffic Visibility Across Corner Lots**

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

Section 5.6 **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 14.

Section 5.7 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.

Section 5.8 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.

Section 5.9 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 right-of-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.

Section 5.10 Manufactured Homes Prohibited - Except

A trailer coach or mobile home, 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 18 months. A separate zoning or building certificate shall be required for the use of a temporary dwelling quarters.

On the day a permit is issued for the trailer, a permit for building a home will also be issued at the same time. Construction of the house must begin within 30 days of issuance of said permit. The house construction must be at least 60 percent completed within the first 12 months after the permit is issued. Further, no wheels, hitch, etc. may be removed from the mobile home at any time during construction of the house on the property for which the permit has been issued, to make the mobile home immovable. A one time only permit will be granted and there will be no variance granted and no extension of time permitted for the use of the mobile home to continue and it must be moved off said property completely within 18 months after a permit is issued. Further, if construction on the house has not begun within 30 days after issuance of a permit and temporary permit for mobile home, the entire permit is null and void and mobile home must be moved immediately.

Manufactured Homes Permitted: When such homes meet minimum requirements, 24 feet minimum width for the total length, and an area of 1,000 square feet.

Section 5.11 Trailers - Visitors

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

1. An application is filed with the Zoning Inspector by the aforesaid property resident within 72 hours after arrival on the property.
2. All provisions of the Licking County Health Board are complied with.
3. A fee of \$4 has been paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" for a period of 30 days, subject to renewal by the Zoning Commission.

Section 5.12 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 dis-incorporation of any city, town, or portion thereof, or otherwise, such territory shall automatically be classified as a C-1 District until otherwise classified.

Section 5.13 Accessory Buildings in R-Districts - AG Districts

Accessory buildings shall be distant at least six feet from any dwelling situated on the same lot unless an integrated part thereof, at least six feet from any other accessory building and at least three feet from any lot lines of adjoining lots which are within an R or AG District. Detached accessory uses to a residence shall be placed to the side or rear of said residence.

Section 5.14 Drainage and Flood Plain Regulations

1. Adequate Drainage Required: No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times nor which is subject to periodic flooding, nor so that the lowest floor level is less than three feet above the highest anticipated seasonal ground water level.

2. Obstruction to Drainage Prohibited: The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the Zoning Commission and Board of Township Trustees.

3. Building Restricted Adjacent to Drainage Channels or Watercourses: No building other than a bridge, dam or revetment, subject to the aforesaid approval, shall be erected, structurally altered or relocated within 20 feet of the ordinary high water line of such surface water drainage channel or natural watercourse nor so that the lowest floor of said building is less than three feet above the ordinary high water line, except with approval of the Zoning Commission and Board of Township Trustees.

Section 5.15 Factory-Built Housing; Design and Appearance Standards

Sections 5.15.1 to 5.15.5 inclusive of this resolution shall apply to the location, construction, and maintenance of factory-built housing in all districts other than the manufactured home park district (R-MM).

Section 5.15.1 Purpose

It is the purpose of sections 5.15.1 to 5.15.5 inclusive of this resolution to promote the health, safety and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory built housing. It is further the intent of these sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

Section 5.15.2 Definitions

"Factory-built housing" means a factory-built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this resolution, "factory-built housing" shall include the following.

1. Manufactured Home: Any nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained thereon, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

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

3. Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

Section 5.15.3 Siting Requirements

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below frost line.
2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
3. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory building may be permitted by subdivision regulations and yard requirements.
4. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.
5. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
6. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
7. The site shall be serviced by utilities in such manner as required by resolution.

Section 5.15.4 Zoning of Factory-Built Housing

Mobile homes shall be permitted only in approved mobile home parks, unless otherwise authorized in this resolution. Manufactured homes and modular homes which meet the design and appearance standards contained in Section 6.15.5 shall be permitted accordingly.

Section 5.15.5 Single-Family Design and Appearance Standards

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

1. The structure shall be in conformance with the siting requirements contained in Section 5.15.4.
2. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

Section 5.16 Adult Entertainment Facilities

Section 5.16.1 Definitions

1. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories:
 - a. Adult Book Store: An establishment having greater than 25 percent of its display area or items for sale of its stock in trade, books, magazines, and other periodicals which are

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distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.

- b. Adult Mini Motion Picture Theater: A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - c. Adult Motion Picture Theater: A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - d. Adult Entertainment Business: Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above
2. "Specified Sexual Activities" mean any of the following:
- a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
 - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
3. "Specified Anatomical Areas" mean any of the following-
- a. Less than completely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernible turgid state.
4. "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions of such position or manner which present or expose such nudity to prominent, focal, or obvious viewing situation.
7. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape, torture or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in context of a sexual relationship.
8. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public

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or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence

9. "Knowledge of Character" means having general knowledge, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.
10. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.
 - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
 - b. The material or performance depicts or describes sexually explicit nudity, sexual, activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles
 - c. The material or performance, taken as whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

Section 5.16.2 Exceptions

Nothing in this article shall be construed to pertain to:

1. The purchase, distribution, exhibition, and/or loan of any work of art, book, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution or higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 5.16.3 Location

Adult entertainment facilities, adult mini-motion picture theaters, adult entertainment facilities of any kind or type are limited to Business District (B-1) and Manufacturing District (M-1) conditionally permitted uses in Bennington Township provided that no such facilities shall be located within 1,000 feet of any Residential District (R) or any church or school.

Section 5.17 Street Frontage Required

Except as required by other provisions of these regulations: no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. Only one principal structure shall be permitted on any lot. The minimum road frontage requirements for lots fronting on a cul-de-sac shall be 60 feet.

Section 5.18 Junk Motor Vehicle Regulations

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For the purpose of this section "junk motor vehicle" means any motor vehicle which is:

1. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.
2. Apparently inoperable, that is left uncovered in the open of private property for more than 72 hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under other sections of this zoning resolution.

The Zoning Inspector of Bennington Township may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property

Any person wishing to appeal the decision of the provisions of this section may appeal such decision to the Bennington Township Board of Zoning Appeals in accordance with Section 22.2.

When the Board of Zoning Appeals is asked to make a determination concerning the value of a vehicle determined by the Zoning Inspector to be a junk motor vehicle, the Board shall base its decision on the fair market value of the vehicle for its use as a vehicle and not based upon its' salvage value.

Vehicles undergoing legitimate repairs in a timely and consistent manner shall be exempt from the provisions of Section 5.18.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this zoning resolution, and will be considered a violation of this resolution.

Section 5.19 Shared Access Point

Any adjoining lot may utilize a shared access point fronting a township, county, state or federal road in order to limit the number of driveway access points on such township, county, state or federal road. Such Shared Access Point(s) shall not alter the Lot Width or frontage requirements as stated in each district of this Resolution. (Effective November 12, 2005)

ARTICLE VI

NONCONFORMING USES OR BUILDINGS

Section 6.0 Existing Nonconforming Uses - Continuation

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

Section 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 the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:

1. **Substituting:** When authorized by the Board, in accordance with the provisions of Article 22, the substitution for a nonconforming use or another not more objectionable nonconforming use.

Section 6.2 Discontinuation of a Use

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

Section 6.3 Nonconformity - Performance Standards

All uses nonconforming at the time of adoption of this resolution, by reason of noncompliance with the provisions of Article 13 if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within one year of the adoption of this resolution.

Section 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 after a public hearing and subject to the approval of the Board.

Section 6.5 Replacing Damaged Buildings

Any nonconforming building or structure, or one or more of a group of nonconforming buildings or structures related to one industry and under one 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 12 months of such calamity or if the area restored does not exceed the square foot area as it existed at the time of such calamity.

Section 6.6 Exemption of Essential Services

Essential services, as defined in this resolution, shall be exempt from the provisions of Sections 6.4 and 6.5 of this article.

ARTICLE VII

C-1, CONSERVATION DISTRICT

Section 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 period floods and overflow.

Section 7.1 Uses Permitted

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

Section 7.2 Conditional Uses (After Public Hearing and Board of Appeals Approval)

1. Rifle ranges, gun clubs, archery courts, and other similar uses provided they are not located closer than 700 feet distant from any R-District.
2. Commercial mining, in accordance with the provisions of Article 16.
3. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board unless the Board finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the Licking County Soil and Water Conservation District.
4. Single-family dwelling (shall meet AG area requirements).
5. Camp sites and similar outdoor recreational facilities, subject to the approval of the Licking County Board of Health and the recommendation of the Zoning Commission.

Section 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 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.

1. Engineer's Report: Whenever the Board is required to pass on matters of protection of life and property from flood hazards it shall request a report and recommendations thereon from the chief engineer of any Conservation District. Such report shall, be considered final and conclusive and the Board shall be bound thereby.
2. Change to Nonconservation District: Changes of district classification from C-1 to any other 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

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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.

Section 7.4 Required Lot Area and Lot Width

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

Section 7.5 Height Regulation

No structure shall exceed 35 feet in height.

ARTICLE VIII

AG-1, AGRICULTURAL DISTRICT

Section 8.0 Purpose

The purpose of the AG-1 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.

Section 8.1 Uses Permitted

1. Agricultural uses, commercial grain storage.
2. One-family residential dwelling and accessory building.
3. Public buildings, picnic grounds, religious and educational institutions.
4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four square feet of sign area; signs announcing meeting time and place of civic organizations.
5. Home Occupations, subject to Article XXVII. (Effective November 12, 2005)

Section 8.2 Conditional Uses

1. Real estate, professional, and small announcement signs, subject to the provisions of Article 15.
2. Uses of land including quarrying and mining of natural resources.
3. Cemeteries, golf courses and similar uses.
4. Home occupations, subject to Article XXVII (Effective November 12, 2005)
5. Utility and service system buildings and lands.

Section 8.3 Required Lot Area and Lot Width for Agricultural Uses

- 8.3 (a): Subject to the exception stated in 8.3(b), 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 250 feet.
- 8.3 (b): For any combination of agricultural and/or residential use on any lot area of not less than twenty (20) acres, such lot shall be permitted to abut a street for not less than 60 feet; provided however; that any residence on such Lot shall not be permitted until such lot is 200 feet in width.

New Standards Effective November 12, 2005

Section 8.4 Required Lot Area and Lot Width for Residential Use

Each dwelling shall be located on a lot having an area of not less than one acre and a lot width of not less than 150 feet at public road frontage. **(Superseded January 9, 2001 - i.e. no longer standard)**

New Section 8.4: Each dwelling shall be located on a lot having an area of not less than three (3) acres and a lot width of not less than 200 feet at public road frontage. **(Effective January 10, 2001.)**

Section 8.5 Height Regulation

No dwelling shall exceed 2 1/2 stories or 35 feet in height.

Section 8.6 Required Yard

All dwellings shall have the following minimum yard spaces:

Front Yard	50 feet
Side Yard	15 feet (each side)
Rear Yard	15 feet

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

Section 8.7 Required Floor Area

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

Single-Family Dwelling

With basement	850 square feet
Without basement	1,000 square feet

Shall not be less than 24 feet in width or total length of the structure.

Section 8.8 Off-Street Parking Requirements

In accordance with Article 14.

Section 8.9 Agricultural Structures - Area, Width and Yard Requirements

Front Yard	50 feet
Side Yard	15 feet (each side)
Rear Yard	15 feet
Lot Area	One acre

Section 8.10 Reduction in Lot Area Requirements

As provided for in Article 20.

ARTTICLE IX

R-1, RESIDENTIAL DISTRICT

Section 9.0 Purpose

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

Section 9.1 Uses Permitted

1. One family dwelling.
2. Accessory buildings and uses.
3. Unlighted real estate signs, nonconforming business use signs, and public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over six feet of sign area.

Section 9.2 Conditional Uses

1. Utility sub-stations and pump houses provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.
2. Professional and business offices.
3. Home occupations.
4. Light agricultural uses including nurseries and raising of farm products (not to include commercial livestock). Seasonal produce may be sold on premises.
5. Churches, schools, libraries, museums, and art galleries, parks, playgrounds, community centers, cemeteries, public services, utility office buildings.

Section 9.3 Required Lot Area and Lot Width

Each dwelling shall be located on a lot having an area of not less than one acre and a lot width of not less than 150 feet at public road frontage, except as hereinafter modified. **(Superceded April 3, 2001 - i.e. no longer standard)**

New Section 9.3: Each dwelling shall be located on a lot having an area of not less than three (3) acres and a lot width of not less than 200 feet at public road frontage. **(Effective April 4, 2001.)**

Section 9.4 Required Floor Area

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

Single-Family Dwelling

With basement	850 square feet
Without basement	1,000 square feet

Two-Family Dwellings Per Unit

With basement	850 square feet
Without basement	1,000 square feet

Not less than 24 feet in width or depth, for the total length of structure.

Section 9.5 Height Regulations

No residential dwelling shall exceed 2 1/2 stories or 35 feet in height.

Section 9.6 Required Yard

All structures shall have the following minimum yard spaces:

Front Yard	50 feet
Side Yard	15 feet (each side)
Rear Yard	15 feet

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

Section 9.7 Reduction in Area Requirements

As provided for in Article 20.

Section 9.8 Off-Street Parking Requirements

In accordance with Article 14.

ARTICLE X

R-2 GENERAL RESIDENCE DISTRICT

Section 10.0 Purpose

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

Section 10.1 Uses Permitted

1. Single and two family dwellings.
2. Tourist home, lodging houses, and home occupations.
3. Accessory uses and structures.
4. Multi-family dwellings.
3.6.01 Effective change to #4 "Three Family and Multi-Family dwellings, subject to the provisions of Article 19."

Section 10.2 Conditional Uses

1. Stricter Uses: Same uses as are conditionally permitted and as regulated in the R-1 District, except as specifically limited in this chapter.
2. Clubs, lodges, rest homes, funeral homes, clinics, hospitals, and similar uses.
3. Mobile home parks, subject to provisions of Article 19.

Section 10.3 Required Lot Area and Lot Width

	<u>Lot Area</u>	<u>Lot Width</u>
Single, two and three family dwellings	One acre	150 feet of road frontage
Multi-family	One acre	150 feet of road frontage

****Modified 3.6.01 - Now require 3 acre lot with 200 feet of frontage. Three Family dwellings are grouped with Multi-Family Dwelling and require sewer and water services.**

Section 10.4 Required Floor Area

Single-Family (Per Unit)

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With full basement	850 square feet
Without basement	1,000 square feet

Two-Family

Same as single-family

Three-Family (Per Unit)

With full basement	600 square feet
Without basement	1,000 square feet

Multi-Family (per Unit)

With full basement	550 square feet
Without basement	600 square feet

Section 10.5 Height Regulation

No dwelling shall exceed 3 1/2 **(CORRECT THIS TO REFLECT "3 1/2 STORIES")** or 35 feet in height.

Section 10.6 Required Yard

All dwellings shall have the minimum yard spaces:

- | | | |
|----|----------------------------|----------------------------------------------------------------------------|
| 1. | One, two, and three-family | Front Yard - 50 feet
Side Yard 15 feet (each side)
Rear Yard 15 feet |
| 2. | Multi-family | Front Yard - 50 feet
Side Yard 15 feet (each side)
Rear Yard 15 feet |

Section 10.7 Reduction in Area Requirements

As provided for in Article 20.

Section 10.8 Off-Street Parking

In accordance with Article 14.

ARTICLE XI

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

Section 11.0 Purpose

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

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

Section 11.1 Uses Permitted

1. Any use permitted in a residential district.
2. Motels and motor hotels.
3. Major Retail Outlets: Furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
4. Food, Drug, and Beverage: Grocery stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail sales, restaurants, and tea rooms.
5. Specialty Shops: Gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods.
6. Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop, and places of amusement and assembly.
7. Business and Professional Offices: Medical and dental offices and clinics; law offices, insurance and real estate offices; banks; finance and utility companies.
8. Automotive and Related Uses: New and used car sales, service, and repair; gasoline filling stations, motorcycle and bicycle shops; cab and bus stands and depots.
9. Accessory uses or buildings.
10. 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) that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

Section 11.2 Conditional Uses

1. Any conditional use permitted in the residential district.
2. Building Trades or Equipment Building: concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on premises).

3. Vehicle Drive-In and Heavy Vehicle Services: Drive-in 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.
4. 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.
5. Accessory uses or buildings.
6. Adult entertainment facilities.

Section 11.3 Required Lot Area and Lot Width

1. Residential Uses: Each residential use to be accommodated in the B-1 Business District shall meet the minimum lot area and minimum lot width requirements of the R-2 General Residence District.
2. Commercial Uses: Shall have a minimum lot area of one acre and a lot width of 150 feet.

Section 11.4 Building Height Regulation

In the B-1 General Retail District, no building shall exceed two stories or 30 feet in height, except as provided in Article 20.

Section 11.5 Required Yards

1. Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum yard requirements of the R-2 Residence District.
2. Commercial Uses:

Front Yard - 25 feet
Side Yard 15 feet
Rear Yard 15 feet

Section 11.6 Off-Street Parking and Loading Requirements

In accordance with the provisions of Article 14.

Section 11.7 Landscaping or Screening Provisions

For non-residential uses of abutting a R-District. Acceptable landscaping or screening, approved by the board must be provided.

Must be a minimum of six feet in height and maintained in good condition; free of all advertising.

ARTICLE XII

PROVISIONS GOVERNING MANUFACTURING DISTRICTS

Section 12.0 Purpose

The purpose of the M-1 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, providing 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.

Section 12.1 Uses Permitted

1. Any use permitted in the B-1 Business District, except residential uses.
2. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, and trucking storage. However, not including junk yards or similar uses.
3. Manufacturing: Manufacturing 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.
4. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit by a registered engineer or architect 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 application shall have a right of appeal to the Zoning Board of Appeals, in accordance with Article 22.

Section 12.2 Conditional Uses

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 500 gallons; slaughter house or stock yards, 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, and adult entertainment facilities.

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.

Section 12.3 Required Lot Area and Lot Width

Each use to be established in the M-1 District shall provide a minimum lot area of one acre and a minimum lot width of 150 feet.

Section 12.4 Building Height Regulation

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

Section 12.5 Yards Required

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

Front Yard	25 feet
Side Yard	15 feet. Except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.
Rear Yard	15 feet

Section 12.6 Screening Required Between Manufacturing and Residential Districts

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.

Section 12.7 Off-Street Parking and Loading Requirements

In accordance with the provision of Article 14.

ARTICLE XIII

SPECIAL PROVISIONS

Section 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.

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

Section 13.1 Enforcement Provisions

All uses existing on the effective date of this resolution shall conform to these performance requirements within one year, provided, that an extension of up to six 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

Section 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 250 square feet per parking space shall be used.

Section 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</u>	<u>PARKING SPACES REQUIRED</u>
Automobile or machinery sales and service	One for each 600 square feet garages. of floor area.
Banks, business and professional offices.	One for each 400 square feet of floor area.
Bowling alleys.	Seven for each alley.
Churches and schools.	One for each five seats in an auditorium or one for each 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 for each 100 square feet of floor area used for assembly or dancing.
Dwellings.	Two for each family or dwelling unit.
Funeral homes, mortuaries.	Four for each parlor for each 50 square feet of floor area.
Furniture and appliance stores, household equipment or furniture repair shop over 1,000 square feet of floor area.	One for each 400 square feet of floor area.
Hospitals.	One for each bed.
Hotels, lodging houses.	One for each bedroom
<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Libraries, museums or art galleries.	One for each 250 square feet of floor area.
Manufacturing plants, research or testing laboratories, bottling plants, over 1,000 square feet in area.	One for each three employees in the maximum working shift, or 1,200 square feet of floor area, whichever greater.
Medical or dental clinics.	One for each 200 square feet of floor area.
Motel and motor hotels.	One for each living or sleeping unit.

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Restaurants, beer parlors and night clubs, over 1,000 square feet in area.	One for each 200 square feet of floor area
Retail stores, shops, etc., of over 2,000 square feet floor area.	One for each 150 square feet of floor area.
Sanitariums, convalescent homes, children's homes.	One for each two beds.
Sports arenas, auditoriums, theaters, assembly halls, other than schools.	One for each four seats.
Wholesaler establishments or warehouses.	One for each three employees on maximum shift or for each 3,000 square feet of floor area, whichever greater.

Section 14.2 Off-Street Loading

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

Section 14.3 Loading Span - Dimensions

Each loading space shall be not less than ten feet in width, 25 feet in length, and 24 feet in height.

Section 14.4 Loading Space - Occupy Yard

Subject to the limitations in Article 14.6, such space may occupy all or any part of any required yard.

Section 14.5 Loading Space - Distance From R-District

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

ARTICLE XV

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

Section 15.0 General Provisions

1. Real estate signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on the property.
2. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed two square feet in area in AG and R Districts and not more than four square feet in other districts.
3. Bulletin boards and signs for a church, school, community or public or semi-public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed 20 square feet in area.
4. Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed 20 square feet.
5. Walls of existing or new buildings not adjacent to or in residential districts may be used for advertising signs or billboards.
6. Temporary signs not exceeding in the aggregate 50 square feet, announcing the erection of a building, the architect, the builders, contractors, etc., may be erected for the period of 60 days, plus the construction period not to exceed one year after date of issuance of permit after which the sign shall be removed from the premises.

Section 15.1 Business District Signs

1. In a business district each business shall be permitted one flat or wall sign. Projections of wall signs shall not exceed two feet measured from the face of the main wall of the building.
2. The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining width, but the frontage selected shall be considered the front wall of the building for the purposes of determining maximum area of the sign.
3. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building occupied by such enterprise, but shall not exceed a maximum area of 100 square feet.
4. Free standing signs not over 25 feet in height, having a maximum total sign area of 100 square feet and located not closer than ten feet to any street line, and not closer than 100 feet to any adjoining lot line may be erected to serve a group of business establishments, without the approval of the Zoning Commission.
5. Pole signs of symbolical design shall be permitted for automobile serve stations, and other similar business establishments, provided-
 - a. No part of such sign shall project into the right-of-way of any street or highway.
 - b. The support of such sign shall be set back at least six feet from any public right-of-way.
 - c. The maximum area of any face of such sign shall not exceed 40 square feet.

- d. The pole support of the sign shall not be less than 50 feet from any lot in any AG or R District.

Section 15.2 Setback

Signs and outdoor advertising structures where permitted shall be, set back from the established right-of-way line of any street or highway at least as far as the required minimum front yard depth for a principal use in such district except for the following modifications:

1. At the intersection of any State or Federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than 150 feet from the established right-of-way of each highway or street, and in no case less than the minimum setback required-building or business.
2. Real estate signs and bulletin boards for a church, school, or other public or semi-public, religious or educational institution may be erected within ten feet of the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.

Section 15.3 Special Yard Provision

The following special provisions shall be observed in the erection or placement of sign and outdoor advertising structures but in no case shall be so constructed so as to prevent a sign or signs naming the business of the premises:

1. No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any R District within 100 feet of such lot line, or which faces any public parkway, public square or library, church or similar institution, within 300 feet thereof.
2. Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than 50 feet to a side or rear lot line in any R District.

Section 15.4 Surety Bond

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

Section 15.5 Fees

Fees shall be subject to the provisions of Article 21.3 of this resolution.

ARTICLE XVI

EXTRACTION OF MINERALS

Section 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:

1. Distance From Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than 50 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 25 feet by written consent of the owner or owners of the abutting property.
2. Distance From Public Right-Of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of such right-of-way
3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.
4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
5. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

Section 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.

Section 16.2 Application - Contents, Procedure

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

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

7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mined area.

Section 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 22.

Section 16.4 Rehabilitation

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

1. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-irradiable and non-combustible solids to secure:
 - a. That the excavated area shall not collect and permit to remain therein stagnant water.
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof-so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
2. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
3. Banks of Excavations Not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

Section 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.

Section 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 oil or gas only after or when the following conditions have been complied with.

1. Compliance with all applicable laws of the State of Ohio.
2. A surety bond in the amount of \$10,000 has been obtained and is attached to the drilling Permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to streets, pavements, curbs,

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gutters, sidewalk water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to be held by the township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

3. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

ARTICLE XVII

**AUTOMOBILE SERVICE STATIONS,
PARKING GARAGES AND PARKING AREAS**

Section 17.0 Entrance - Distance Requirements

No automobile service or filling station, parking area for 25 or more passenger motor vehicles, trucks or buses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within 200 feet along the 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.

Section 17.1 Oil Draining, Etc.

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

Section 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 feet high. The first ten foot section of such wall, measured from the street right-of way line, may be stepped down to two feet at said right-of-way line, following a pattern of appropriate design.

ARTICLE XVIII

PRIVATE SWIMMING POOLS

Section 18.0 Definition

A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half 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:

1. 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.
2. 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 feet to any property line of the property on which located; provided further that pump and filter installations shall be located not closer than 20 feet to any property line.
3. 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.
4. Drainage: Adequate provision for drainage shall be made subject to approval by the County Engineer.
5. Lighting: Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
6. Permit Required: No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector and the Health Commissioner.

ARTICLE XIX

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

New Title Effective 3.6.01

**MOBILE HOMES AND MOBILE HOME PARKS,
MOTELS AND MOTOR HOTELS,
THREE FAMILY AND MULTI-FAMILY DWELLINGS**

Section 19.0 General

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

1. 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.

2. 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 off street parking space for each mobile home park lot and one additional space for each four such lots to accommodate guests.

3. Entrance to Mobile Home Parks; Motels: No vehicular entrance to or exit from any mobile home park or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.

4. Landscaping: Unused Areas: All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten feet in width, shall be established and maintained within the mobile home park along its exterior boundaries.

5. Enclosure: Mobile home parks and motels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Board.

6. 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.

8. Mobile Homes Prohibited - Except: Except as provided in Section 5.10 and/or Section 6.11, no person shall park or occupancy any mobile home on any premises in any district outside an approved mobile home park. The parking of an 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.

Section 19.1 Mobile Home Parks - Submission of Plans

An application for the establishment of a mobile home park shall be filed with the Zoning Inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide 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 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 Appeals. The Board shall hold a public hearing on the application, giving ten days notice thereof in a newspaper of general circulation. Upon completion of said hearing, the Board shall approve, conditionally approve or deny the application. The plat shall contain the following information:

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

Section 19.2 Mobile Home Parks - Minimum Standards and Requirements

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

1. Park Area: The minimum mobile home park area shall be ten acres.
2. Lot Area: The minimum lot area per mobile home unit site within the mobile home park shall be 5,000 square feet.
3. Lot Width: The minimum lot width per mobile home unit within the mobile home park shall be 50 feet. Each lot shall be clearly defined by a permanent marker in the ground.
4. Access: Each mobile home park shall abut upon a public street and each mobile home lot shall have direct access to a private hard surface road, such as concrete or asphalt concrete.
5. Distance Between Mobile Homes: The minimum distance between neighboring mobile homes shall be not less than 30 feet
6. Concrete Slab: Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of 8 x 10 feet and a minimum thickness of four inches.

Section 19.3 Utilities

The following requirements shall apply:

1. Water Supply: Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. A daily minimum of 150 gallons per mobile home shall be required. The source of water supply for human consumption shall meet all the requirements of the Licking County and State Boards of Health. The use of open well springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this resolution.

2. Sewage Treatment and Sewage Disposal: The treatment of all sewage shall be through a sewage disposal system approved by the Licking County and State Boards of Health.
3. Waste and Garbage Disposal: Mobile home parks shall be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter, and trash. Disposal of waste and garbage shall be regular and as determined by the Licking County Board of Health.
4. Mobile home units not equipped with water and sewer facilities shall be located not more than 200 feet from a community utility building which shall provide separate toilet and shower facilities for each sex.
5. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.
6. Each mobile home unit shall be equipped with at least one electric outlet.
7. Copies of the recommendations of all approving authorities shall be attached to each application to establish a mobile home park.

Section 19.4 Interior Streets

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

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

Section 19.6 Length of Occupancy

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

Section 19.7 Additional Requirements

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

Section 19.8 Fees

Subject to the provisions of Article 21.4 of this resolution.

ARTICLE XX

EXCEPTION AND MODIFICATIONS

Section 20.0 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.

Section 20.1 Exception to Yard

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

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

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

Section 20.2 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 aeriels.

Section 20.3 Reduction in Area

The lot area and frontage requirements for any residential lot served by a public water system or public sewage system may be reduced as hereinafter specified. All buildings to meet county requirements and Board of Health requirements.

ARTICLE XXI

ENFORCEMENT

Section 21.0 Enforcement by Zoning Inspector

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

All departments, officials and public employees of the township vested with the duty of authority to issue permits and licenses shall conform with 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.

Section 21.1 Filing Plans

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

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

Section 21.2 Zoning Certificate

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

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

No certificate for a second dwelling shall be issued where there is a current dwelling. Unless the said property owner agrees to RAZE or MOVE first dwelling within six months after the completion of the second dwelling. Only one dwelling is permitted for each 150 feet of public road frontage.

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

Failure to notify the applicant in case of such refusal within the said 30 days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.

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

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

Section 21.3 Fees

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

Section 21.4 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this resolution or any amendment or supplement thereto adopted by the Board of Township Trustees. Any person, firm or corporation violating any of the provisions of this resolution or any amendment or supplement thereto shall be deemed guilty of a Misdemeanor, and upon conviction thereof shall be fined not more than \$100. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

Section 21.5 Violations - Remedies

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

ARTICLE XXII

BOARD OF ZONING APPEALS

Section 22.0 Appointment - Board of Zoning Appeals

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

Section 22.1 Procedure

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

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

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

Section 22.2 Applications, Appeals, Hearings and Stay of Proceedings

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

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

3. Hearings: The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten days notice to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check payable to the Clerk of the township or cash payment sufficient in amount to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing any party may appear in person or by attorney A party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Licking County on the ground that the decision was unreasonable or unlawful.

4. Decision of the Board: The Board shall decide all application and appeals within 30 days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decisions shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the certificate to the applicant or appellant whenever a certificate is authorized by the Board.

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

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

Section 22.3 Powers of the Board of Zoning Appeals

1. Conditional Uses, Specified Exceptions and Interpretations of Zoning Map: The Board shall have the power to hear and decide, in accordance with the provisions of this resolution, applications filed as hereinbefore provided for conditional uses, special exceptions, or for interpretation of the zoning map, or for decisions upon other special questions upon which the Board is authorized by this resolution to pass. In considering an application for a conditional use, a special exception, or interpretation of the zoning map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and, in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this resolution for the particular conditional use or special exception which the Board may deem necessary for the protection of adjacent properties and the public interest.
2. Conditional Uses and Special Exceptions: In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:
- a. Nonconforming Uses - Substitutions: The substitution of a nonconforming use existing at the time of enactment of this resolution by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, however, that any use so substituted shall be of the same of a more restricted classification.
 - b. Nonconforming Uses - Extensions: The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming and that such extension is necessary and incidental to such existing nonconforming use; provided further that such extension meets the approval of the Board, and provided, still further, that such extension shall in any case be undertaken within five years of the enactment of this resolution.
 - c. Extension of Use or Border District: The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than 25 feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district

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- d. Performance Standards Procedure: The Board shall have the power to authorize, upon application in specific cases, filed as hereinbefore provided, issuance of a zoning certificate for uses that are subject to the performance standards procedure as provided in this resolution.
- e. Temporary Structures and Uses: The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this resolution for the district in which it is located, provided that such use be a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. However, an extension of time may be permitted subject to the recommendation of the Commission and approval of the Board.

Section 22.4 Interpretation of Zoning Map and Text

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

Section 22.5 Administrative Review and Variances

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

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

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

- 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 necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this resolution or of the public interest.

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

Section 22.6 General Powers

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

- 1. Variations - Literal Enforcement Would Create Undue Hardship: The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variations from the terms, provisions or requirements of this resolution as will not be contrary to the public interest; provided however, that such variations shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this resolution would result in practical difficulty or undue hardship, so that the spirit of the resolution shall be upheld, public safety and welfare secured and substantial justice done.
- 2. Variance - Conditions Prevailing: Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this resolution would involve practical difficulty or would cause unnecessary hardship unnecessary to carry out the spirit and purpose of this resolution, the Board shall have power to authorize a variance from the terms of this resolution, so as to relieve such hardship In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this resolution and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.

Section 22.7 Variance - Finding of the Board

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

- 1. Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes or uses in the same zoning district.
- 2. Preservation of Property: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

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3. Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially unpair the purposes of this resolution or the public interest.
4. Not of General Nature: No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
5. Variances: Board May Reverse Orders, Etc: In exercising its power, the Board may, in conformity with the provisions of statute and of this resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

Section 22.8 Performance Standards - Procedure

The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a zoning certificate for uses that are subject to performance standards; procedure under Article 13 of this resolution, as provided in the following:

1. Application: An application for a zoning certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development, including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 13 in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in Paragraph 2 below.
2. Report by Specialists: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Article 13 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.
3. Review by Board: Within 30 days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning certificate or require a modification of the proposed plan or construction, or specifications, proposed equipment, or operation. Any zoning certificate so authorized and issued shall be conditioned upon, among other things, the following:
 - a. That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards.
 - b. That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installation in operation will meet said applicable performance standards.
4. Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and, if there is reasonable grounds for the same, shall notify the Board of the occurrence of existence of a probable violation thereof. The Board shall investigate the alleged

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violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the township.

ARTICLE XXIII

AMENDMENT

Section 23.0 PROCEDURE FOR AMENDMENTS OR DISTRICT CHANGES

This resolution may be amended by utilizing the procedures specified in Sections 23.1 through 23.13, inclusive of this resolution.

Section 23.1 General

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Board of Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries, or classification of property.

Section 23.2 Initiation of Zoning Amendments

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

1. By adoption of a motion by the Zoning Commission.
2. By adoption of a resolution by the Board of Township Trustees.
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 23.3 Contents of Application

Applications for amendments to the official zoning map adopted as part of this resolution by Article 25 shall contain at least the following information.

1. Name, address, and phone number of applicant.
2. Proposed amended resolution.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Inspector may require.
8. A List of all property owners and their mailing address who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case. Review Sections 23.8 and 23.9 if the list of all property owners and their mailing addresses are required.
9. A statement of how the proposed amendment relates to the comprehensive plan.
10. A fee as established by the Board of Township Trustees according to Sections 21.3 and 23.14.

Section 23.4 Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Commission.

Section 23.5 Submission to County Planning Commission

Within five days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

Section 23.6 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the 120 day period or any extension thereof agreed upon the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

Section 23.7 Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of an application for zoning amendment. Said hearing shall be not less than 20 or more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Section 23.8 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 23.7, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing.

1. If the Proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten 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:
 - a. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
 - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.

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- c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least 15 days prior to the public hearing.
 - d. The name of the person responsible for giving notice of the public hearing by publication.
 - e. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
 - f. Any other information required by the Zoning Commission.
2. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published shall set forth the time, date, and place of the public hearing, and shall include all of the following:
- a. The name of the Zoning Commission that will be conducting the public hearing.
 - b. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
 - c. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditor's current tax list.
 - d. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property
 - e. 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 15 days prior to the public hearing.
 - f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
 - g. Any other information requested by the Zoning Commission.
 - h. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

Section 23.9 Notice of Property Owner by Zoning Inspector

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by registered mail, at least 10 days before the date of the public hearing to all owner or property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 23.8

Section 23.10 Recommendation by Zoning Commission

Within 30 days after the public hearing required by Section 23.7, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

Section 23.11 Public Hearing by Board of Township Trustees

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Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Sections 23.8 and 23.9.

Section 23.12 Action by Board of Township Trustees

Within 20 days after the public hearing required by Section 23.11, the Board of Township Trustees shall, either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

Section 23.13 Effective Date and Referendum

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

No amendment 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 immediate effect.

Section 23.14 Fees

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

ARTICLE XXIV

VALIDITY AND REPEAL

Section 24.0 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.

Section 24.1 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.

Section 24.2 Repeal

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

ARTICLE XXV

PROVISIONS FOR OFFICIAL ZONING MAP

Section 25.0 Official Zoning Map

The districts established in Articles VII through XII of this resolution as shown on the official zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

Section 25.1 Identification of the Official Zoning Map

The official zoning map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the township Clerk and bearing the seal of the township.

Section 25.2 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

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

ARTICLE XXVI

AMENDMENTS TO ZONING RESOLUTION

Jack Liggett Re-Districting:

- Zoning Commission Action Date: September 26,2000
- Approved Re-Districting of Approximately 2.2 Acres from AG District to R-2 District
- Trustees Approved Zoning Commission Recommendation
- Effective Date: Approximately January 10, 2001

Section 8.3/8.4 Township Zoning Resolution

- Zoning Commission Action Date: November 20, 2000
- **Section 8.3:**
"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 250 feet."

- **Section 8.4 Required Lot Area and Lot Width for Residential Use**

"Each dwelling shall be located on a lot having an area of not less than three (3) acres and a lot width of not less than 200 feet at public road frontage. "

- Trustees Approved Zoning Commission Recommendation
- Effective Date: January 10, 2001
- Provisions Currently In Effect and Supersede Township Zoning Resolution

Section 9.3 Township Zoning Resolution

- Zoning Commission Action Date: February 5, 2001
- **Section 9.3:** Each Dwelling shall be located on a lot having an area of not less than three (3) acres and a lot width of not less than 200 feet at public road frontage, except as hereinafter modified."
- Trustees Approved Zoning Commission Recommendation
- Effective Date: Approximately March 25, 2001
- Provisions Currently In Effect and Supersede Township Zoning Resolution

Section 10 - Township Zoning Resolution

- Zoning Commission Action Date: March 6, 2001

Section 10.1 - number 4: Shall be changed to read: "Three Family and Multi-Family dwellings, subject to the provisions of Article 19.

Current Language: "Multi-family dwellings"

Background: Currently the "Uses Permitted" section does not specifically identify three family dwellings. This identifies three family dwellings as a permitted use and also subjects three family and multi-family dwellings to Article 19, which has the effect of requiring water and sewer in order for such units to exist in the Township.

Section 10.3: Shall be change to read:

Section 10.3: Required Lot Area and Lot Width

	<u>Lot Area</u>	<u>Lot Width</u>
Single and two family dwellings:	3 acres	200' Feet of Road Frontage
Three Family and Multi-Family dwellings:	3 acres	200' Feet of Road Frontage

The Title of Article XIX Shall be change to read as follows:

**MOBILE HOMES AND MOBILE HOME PARKS,
MOTELS AND MOTOR HOTELS,
THREE FAMILY AND MULTI-FAMILY DWELLINGS**

The current title of Article 19 does not refer to three and multi-family dwellings. Since Section 10.1.4 now refers to this Article for supporting requirements, it appears appropriate to modify the title of this Section.

- Trustees Approved Zoning Commission Recommendation
- Effective Date: Approximately April 22, 2001
- Provisions Currently In Effect and Supersede Township Zoning Resolution

James and Nora May Re-Districting

- Zoning Commission Action Date: March 6, 2001
- Approved Re-Districting of Approximately 1.8 Acres from AG District to R-2 District
- Trustees Approved Zoning Commission Recommendation
- Effective Date: Approximately April 22, 2001

Zoning Commission Administrative Action - Chapter 26

- Zoning Commission Action Date: July 18, 2001
- Approved the addition of Chapter 26 to the Zoning Resolution in order to reflect all amendments made to the Zoning Resolution.

Effective Date: July 18, 2001

Zoning Commission Actions – September 12, 2005

- **The Current Definition of Home Occupation in Article IV shall be changed to read as follows:**
 - **Home Occupation:** For purposes of any District other than the AG-1 District; Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- **Section 8.1 shall be modified to provide for Home Occupations as a Permitted Use subject to the provisions of Article XXVII and shall read as follows:**
 - 5. Home Occupations, subject to Article XXVII.
- **Section 8.2 shall be modified to provide Home Occupations as a Conditional Use subject to the provisions of Article XXVII.**
 - 4. Home Occupations, subject to Article XXVII.
- **New Home Occupation Article XXVII:**

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Permitted Home Occupation Requirements

A home occupation shall be defined as such if it meets the supplied definition of a home occupation and provided:

- 1) The home occupation may take place in a dwelling unit or accessory building; however, the area designated for the home occupation in the dwelling unit may not exceed twenty (20) percent or four hundred square feet of the usable floor area.
- 2) The appearance of the structure shall not be altered or enhanced for the purpose of the home occupation. The occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, externally visible remodeling, lighting, or unauthorized signs.
- 3) In the event that the occupation, profession, activity, or use is conducted by a partnership or corporation, then at least one of the members must be a resident of the subject property.

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- 4) No more than three (3) non-resident employees may report to work or work at the subject property.
- 5) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence.
- 6) There shall be no products sold on the premises except artist originals or products individually made to order on the premises.
- 7) There shall be no visible outside storage of any kind related to a home occupation in an any Agricultural district.
- 8) No sign or other announcement of such occupation shall exceed one (1) square foot in area. Any such sign or other announcement must be affixed to the dwelling unit or accessory building that has been designated for the home occupation.
- 9) The use shall not generate pedestrian or vehicular traffic beyond that which is normal in any Agricultural district nor in any case may more than four (4) additional vehicles park at the subject property as a result of the home occupation at any one time.
- 10) No more than one (1) home occupation shall be permitted per residence.

Permitted Home Occupations

The uses listed below are examples of some types of home occupations that are permitted. This list is not intended to be exhaustive, but rather to give the intent and direction of these regulations. In all cases, these uses are subject to the criteria listed above in the Permitted Home Occupation Requirements.

- a) Architectural service
- b) Carpentry, cabinet makers
- c) Consulting services
- d) Engineering service
- e) Handicrafts
- f) Insurance sales or broker
- g) Interior design consultant
- h) Painting (home interior or portrait)
- i) Private instruction (academic, artistic, athletic, etc.), provided that no more than two (2) students may be present for instruction at any time.
- j) Real estate sales or broker
- k) Tattoo service
- l) Typing, word-processing service

Conditionally Permitted Home Occupation Uses

The following uses are reviewed on an individual basis and may be conditionally approved.

- a) Ambulance service
- b) Boarding house, bed-and-breakfast hotel, time share condominium
- c) Direct sale product distribution
- d) Health salons and gyms
- e) Medical, dental, chiropractic, or veterinary clinics
- f) Mortician, hearse service
- g) Palm reading, fortune telling
- h) Private clubs
- i) Repair or reconditioning of boats or recreational vehicles
- j) Small machinery and equipment repair
- k) Storage, repair, or reconditioning of motorized vehicles or large equipment onsite
- l) Taxi or limousine service

- m) Tow truck services
- n) Welding service
- o) Repair of internal combustion engines

Prohibited Home Occupation Uses

The following uses are prohibited as home occupations:

- a) Restaurants or taverns

Existing Home Occupations:

Any existing Home Occupation not currently operating under a Conditional Use Certificate as provided by the Township BZA at the time of adoption of these Regulations shall be subject to these Regulations. Any Home Occupation currently operating under a Conditional Use Certificate, as provided by the Township BZA shall be required to continue to following the terms of such Conditional Use Permit.

- **Section 8.3 - Required Lot Area and Lot Width for Agricultural Uses:**
 - Section 8.3 shall be modified be modified as follows:
 - 8.3 (a): Subject to the exception stated in 8.3(b), 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 250 feet.
 - 8.3 (b): For any combination of agricultural and/or residential use on any lot area of not less than twenty (20) acres, such lot shall be permitted to abut a street for not less than 60 feet; provided however; that any residence on such Lot shall not be permitted until such lot is 200 feet in width.
- **Article XXIII Amendments:**
 - Section 23.8 Shall be amended to allow for 10 days notice of any Public Hearing;
 - Section 23.9 Shall be amended to allow for 10 days notice to all Property Owners.
- **Article VIII Amendment:**
 - The title of Article VIII shall be Modified to read as follows:

ARTICLE VIII

AG-1, AGRICULTURAL DISTRICT

- **Article XXVIII AG-2 Agricultural District:**

A New Article Shall be added to the Zoning Resolution, titled “Article XXVIII, AG-2, Agricultural District” and shall have the following provisions:

Section 28.0 Purpose

The purpose of this AG-2, Agricultural District is to create and preserve a setting for small rural estate residential development within the larger Agricultural District. Such AG-2 Agricultural Districts are to be located within areas designated for Agricultural pursuits pursuant to the Comprehensive Plan of the Township or directly abut any property within the AG-1 Agricultural District.

Section 28.1 Location

The location of any property designated AG-2, Agricultural District shall not be closer than one thousand (1,000) feet to any other property designated AG-2, Agricultural District on same side of any public street, road or highway. AG-2 Agricultural Districts may be directly across

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from each other provided a township, county, state or federal road bisects the two AG-2 districts. AG-2 Districts may not be present on or abut any cul-de-sac, nor be present in any Major Subdivision, as defined by the Licking County Planning Commission.

Section 28.2 Uses Permitted

1. One-family residential dwelling and accessory building.
2. Home Occupations, subject to Article XXVII.
3. Public buildings, picnic grounds, religious and educational institutions.
4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four square feet of sign area; signs announcing meeting time and place of civic organizations.

Section 28.3 Conditional Uses

1. Real estate, professional, and small announcement signs, subject to the provisions of Article 15.
2. Home occupations, subject to Article XXVII.

Section 28.4 Required Lot Area and Lot Width for Residential Use

Each dwelling shall be located on a lot having an area of not less than two (2) acres, nor greater than two point nine-nine (2.99) acres and any lot width acceptable to the Licking County Planning Commission, County Engineer or Ohio Department of Transportation, as the case may be.

Section 28.5 Height Regulation

No dwelling shall exceed 2 1/2 stories or 35 feet in height.

Section 28.6 Required Yard

All dwellings shall have the following minimum yard spaces:

Front Yard	50 feet
Side Yard	15 feet (each side)
Rear Yard	15 feet

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

Section 28.7 Required Floor Area

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

Single-Family Dwelling

With basement	850 square feet
Without basement	1,000 square feet

Shall not be less than 24 feet in width or total length of the structure.

Section 28.8 Off-Street Parking Requirements

In accordance with Article 14.

Section 28.9 Agricultural Structures - Area, Width and Yard Requirements

Front Yard	50 feet
Side Yard	15 feet (each side)
Rear Yard	15 feet
Lot Area	One acre

Section 28 10 Reduction in Lot Area Requirements

No Reduction in Lot Area Requirements shall be permitted.

- **Article V Amendment:** Article V shall be amended as follows:
 - **5.19 – Shared Access Point:** Any adjoining lot may utilize a shared access point fronting a township, county, state or federal road in order to limit the number of driveway access points on such township, county, state or federal road. Such Shared Access Point(s) shall not alter the Lot Width or frontage requirements as stated in each district of this Resolution.
- **Trustees approved Zoning Commission Recommendation October 12, 2005**

Effective date: November 12, 2005

ARTICLE XXVII

HOME OCCUPATIONS

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Permitted Home Occupation Requirements

A home occupation shall be defined as such if it meets the supplied definition of a home occupation and provided:

1. The home occupation may take place in a dwelling unit or accessory building; however, the area designated for the home occupation in the dwelling unit may not exceed twenty (20) percent or four hundred square feet of the usable floor area.
2. The appearance of the structure shall not be altered or enhanced for the purpose of the home occupation. The occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, externally visible remodeling, lighting, or unauthorized signs.
3. In the event that the occupation, profession, activity, or use is conducted by a partnership or corporation, then at least one of the members must be a resident of the subject property.
4. No more than three (3) non-resident employees may report to work or work at the subject property.
5. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence.
6. There shall be no products sold on the premises except artist originals or products individually made to order on the premises.
7. There shall be no visible outside storage of any kind related to a home occupation in an any Agricultural district.
8. No sign or other announcement of such occupation shall exceed one (1) square foot in area. Any such sign or other announcement must be affixed to the dwelling unit or accessory building that has been designated for the home occupation.
9. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in any Agricultural district nor in any case may more than four (4) additional vehicles park at the subject property as a result of the home occupation at any one time.
10. No more than one (1) home occupation shall be permitted per residence.

Permitted Home Occupations

The uses listed below are examples of some types of home occupations that are permitted. This list is not intended to be exhaustive, but rather to give the intent and direction of these regulations. In all cases, these uses are subject to the criteria listed above in the Permitted Home Occupation Requirements.

- a. Architectural service
- b. Carpentry, cabinet makers
- c. Consulting services
- d. Engineering service
- e. Handicrafts
- f. Insurance sales or broker
- g. Interior design consultant
- h. Painting (home interior or portrait)
- i. Private instruction (academic, artistic, athletic, etc.), provided that no more than two (2) students may be present for instruction at any time.
- j. Real estate sales or broker
- k. Tattoo service
- l. Typing, word-processing service

Conditionally Permitted Home Occupation Uses

The following uses are reviewed on an individual basis and may be conditionally approved.

- a. Ambulance service
- b. Boarding house, bed-and-breakfast hotel, time share condominium
- c. Direct sale product distribution
- d. Health salons and gyms
- e. Medical, dental, chiropractic, or veterinary clinics
- f. Mortician, hearse service
- g. Palm reading, fortune telling
- h. Private clubs
- i. Repair or reconditioning of boats or recreational vehicles
- j. Small machinery and equipment repair
- k. Storage, repair, or reconditioning of motorized vehicles or large equipment onsite
- l. Taxi or limousine service
- m. Tow truck services
- n. Welding service
- o. Repair of internal combustion engines

Prohibited Home Occupation Uses

The following uses are prohibited as home occupations:

- a. Restaurants or taverns

Existing Home Occupations:

Any existing Home Occupation not currently operating under a Conditional Use Certificate as provided by the Township BZA at the time of adoption of these Regulations shall be subject to these Regulations. Any Home Occupation currently operating under a Conditional Use Certificate, as provided by the Township BZA shall be required to continue to following the terms of such Conditional Use Permit.

ARTICLE XXVIII

AG-2, AGRICULTURAL DISTRICT

Section 28.0 Purpose

The purpose of this AG-2, Agricultural District is to create and preserve a setting for small rural estate residential development within the larger Agricultural District. Such AG-2 Agricultural Districts are to be located within areas designated for Agricultural pursuits pursuant to the Comprehensive Plan of the Township or directly abut any property within the AG-1 Agricultural District.

Section 28.1 Location

The location of any property designated AG-2, Agricultural District shall not be closer than one thousand (1,000) feet to any other property designated AG-2, Agricultural District on same side of any public street, road or highway. AG-2 Agricultural Districts may be directly across from each other provided a township, county, state or federal road bisects the two AG-2 districts. AG-2 Districts may not be present on or abut any cul-de-sac, nor be present in any Major Subdivision, as defined by the Licking County Planning Commission.

Section 28.2 Uses Permitted

1. One-family residential dwelling and accessory building.
2. Home Occupations, subject to Article XXVII.
3. Public buildings, picnic grounds, religious and educational institutions.
4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four square feet of sign area; signs announcing meeting time and place of civic organizations.

Section 28.3 Conditional Uses

1. Real estate, professional, and small announcement signs, subject to the provisions of Article 15.
2. Home occupations, subject to Article XXVII.

Section 28.4 Required Lot Area and Lot Width for Residential Use

Each dwelling shall be located on a lot having an area of not less than two (2) acres, nor greater than two point nine-nine (2.99) acres and any lot width acceptable to the Licking County Planning Commission, County Engineer or Ohio Department of Transportation, as the case may be.

Section 28.5 Height Regulation

No dwelling shall exceed 2 1/2 stories or 35 feet in height.

Section 28.6 Required Yard

All dwellings shall have the following minimum yard spaces:

Front Yard	50 feet
Side Yard	15 feet (each side)
Rear Yard	15 feet

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

Section 28.7 Required Floor Area

**Zoning Resolution,
Bennington Township, Licking County, Ohio**

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

Single-Family Dwelling

With basement	850 square feet
Without basement	1,000 square feet

Shall not be less than 24 feet in width or total length of the structure.

Section 28.8 Off-Street Parking Requirements

In accordance with Article 14.

Section 28.9 Agricultural Structures - Area, Width and Yard Requirements

Front Yard	50 feet
Side Yard	15 feet (each side)
Rear Yard	15 feet
Lot Area	One acre

Section 28.10 Reduction in Lot Area Requirements

No Reduction in Lot Area Requirements shall be permitted.