

# BURLINGTON TOWNSHIP ZONING RESOLUTION

Licking County, Ohio

Prepared By

The Burlington Township Zoning Commission  
with assistance from the  
Licking County Planning Commission

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**Burlington Township**  
**Licking County, Ohio**

**Zoning Resolution**

**November 1974 Zoning Established**

**AMENDMENTS**

(Amendments to this resolution will be listed here as they are passed in accordance with Article 6-amendment to this zoning resolution.)

<b><u>Amendment Date:</u></b>	<b><u>Amendment Effective Date:</u></b>	<b><u>Article(s)/Section(s) Amended:</u></b>	<b><u>Resolution #</u></b>
May 12, 1996	June 12, 1996		
October 20, 2008	November 20, 2008	Section 809	2008-11
October 1, 2012	October 31, 2012	Article 2, Sections 804, 805, 806, 807, 808, and 809	2012-9



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## **PREAMBLE**

This resolution is enacted for the purpose of promoting health, morals, comforts, and general welfare: to promote, to regulate, and restrict therein the location, construction, reconstruction, alteration, and use of structures and land: to promote the orderly development of residential, business, industrial and recreational areas: to provide safe convenient access to property through the regulation of use and development of land and bulk of structures in relationship to surrounding properties: to limit congestion in the public right-of-way: 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 Burlington Township and to provide a method of administration and prescribe penalties for violations of provisions hereinafter described—all as authorized by the Ohio Revised Code.



# ARTICLE 1

## PURPOSE AND SCOPE

### Section 100 Title

This resolution shall be known and may be cited to as the “Burlington Township, Licking County, Ohio Zoning Resolution.”

### Section 101 Provisions Declared Minimum Requirements

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, welfare and morals. Wherever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinance, or resolution, the most restrictive, or that imposing the higher standards shall govern.

### Section 102 Separability Clause

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

### Section 103

All resolutions or parts of resolutions in conflict with the zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

## ARTICLE 2

### DEFINITIONS

#### **Section 200 Interpretation of Terms or Words**

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

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words “used” and “occupied” include the words “intended, designed, or arranged, or arranged to be used or occupied.”

**Accessory Use or Structure**: A use or structure on the same lot or directly adjoining lot of common ownership with, and of a nature customarily incidental and subordinate to, the principle use or structure. (May be built or installed prior to start of construction of principle structure).

**Adult Entertainment Facilities**: See Section 923

**Agriculture**: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.
3. Agricultural enterprises, which are regulated, by the Ohio Environmental Protection Agency (OEPA) or the Ohio State Building Standards because of their intensity or magnitude of the agricultural operation will be regulated by this resolution for the purpose as stated in the Preamble.

**Airport:** Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces.

**Alley:** See Thoroughfare.

**Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Apartment House:** See Dwelling, Multi-Family.

**Automotive Repair:** The repair, rebuilding, or reconditioning of motor vehicles or parts thereof including collision service, painting, and steam cleaning of vehicles.

**Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, manufactured homes.

**Automotive Service Station:** See Garage, Service Station.

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Basement:** A story all or partly underground but having at least one-half its height below the average level of the adjoining ground. For purposes of computing dwelling bulk, a basement must have 600 sq. ft. of floor area as a minimum.

**Bed and Breakfast:** A portion of a residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by transients. Bed and Breakfast facilities are considered to be home occupations. (See Home Occupations)

**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.

**Building:** Building shall mean any one and two-family dwelling or portion thereof, which is used, or designed or intended to be used for human habitation for living, sleeping, cooking or eating purposes, or any combination thereof and shall include structures accessory

thereto.

**Building Accessory:** A subordinate building, including a private swimming pool detached from but located on the same lot as the principal building. The use of which is incidental and accessory to that of the main building or use.

**Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roof.

**Building Line:** See Setback Line.

**Building Permit:** Approval in the form of a building permit is required by Licking County in accordance with CABO Code. Using application forms furnished by building official. A permit shall be obtained before beginning work on the construction, prefabrication, use or occupancy of new occupiable spaces of townhouses and one, two or three family dwellings. The enclosure of a space where either a foundation or a roof existed prior to June 1, 1993 is not regulated by code. When any owner or contractor has commenced work in a project without first obtaining the necessary permits, the building official shall conduct an investigation to determine whether the work performed prior to the subsequent issuance of the permit conforms to all building code provisions.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business, Convenience:** Commercial uses catering primarily to passing traffic which originates outside of the surrounding neighborhood. Such uses generally require locations on or near major thoroughfares and/or their intersections.

**Business, General:** Commercial uses which generally require location on or near major thoroughfares and/or intersections, and which tend in addition to serving day-to-day needs of the community. Also supply the more durable and permanent needs of the whole community. General Business includes, but need not be limited to, such activities as stores that sell hardware and appliances, supermarkets or apparel stores.

**Business Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to, activities such as filling stations, truck and auto sales and services, restaurants and motels, and commercial recreation.

**Business, Local:** Commercial establishments, which cater to and can be located in close

proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, uses include, but need not be limited to, drugstores, stores that sell clothing, beauty salons, barbershops, carryouts, dry cleaning and laundry pickup facilities, and grocery stores. If they are less than 3,000 square feet in floor area. Use in this classification tend to serve a day-to-day need in the neighborhood.

**Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such operations as administrative, executive, professional, accounting, writing, clerical, stenographic and drafting. Institutional offices or a charitable, philanthropic, or religious or educational nature are also included in this classification.

**Business, Services:** Any profit making activity which renders services primarily to other commercial or industrial enterprises or which services and repairs appliances and machines used in homes and business.

**Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product or for use by business service.

**CABO:** Council of American Building Officials. Building codes for one, two, and three family dwelling codes. 1992 addition.

**Canopy:** A structure constructed of rigid materials including, but not limited to, metal, wood, concrete, plastic, canvas or glass which is attached to and supported by a building or by columns, poles or braces extended to the ground.

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including cemeteries, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Channel:** A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

**Cinema Film Theaters:** Cinemas or theaters to be used for the showing and viewing of motion pictures.

**Clinic:** A non-profit association of persons who are bonafide members, paying regular dues, and are organized for some common purpose. But not including a group organized solely or primarily to render a service as a commercial enterprise.



**Club**: A non-profit association of persons who are bonafide members, paying regular dues, and are organized for some common purpose. But not including a group organized solely or primarily to render a service as a commercial enterprise.

**Club Building**: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, recreational purpose primarily for the exclusive use of members and their guests.

**Collector Street**: See Thoroughfare.

**Commercial Entertainment Facilities**: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Commission**: The Township Zoning Commission.

**Comprehensive Development Plan**: A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of Licking County showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community.

**Conditional Use**: A use permitted within a district other than a principally permitted use, requiring a conditionally use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

**Conditional Use Permit**: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Corner Lot**: See Lot Types.

**Cul-de-Sacs**: See Thoroughfare.

**Culvert**: Used for drainage and must be a minimum of 20 feet in length and 12 inches in diameter and subject to approval of the Zoning Inspector.

**Day care Facility**: A facility for the care of babies, children or elderly people.

**Dead-End Street**: See Thoroughfares.

**Density**: A unit of measurement and number of dwelling units per acre of land.

1. Gross Density: The number of dwelling units per acre of the total land to be developed.
2. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Discount Stores**: Discount retail department store.

**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 of various combinations thereof apply.

**Driveway**: That portion of land designated by the owner for ingress and egress to said land.

**Dwelling**: Dwelling is any building which contains one or two “Dwelling Units” used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied or which are occupied for living purposes.

**Dwelling, Industrialized Unit**: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement and including a modular or sectional unit but not a manufactured home.

**Dwelling, Multi-Family**: A dwelling consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and common walls. Multi-family housing may include public housing.

**Dwelling, Rooming Housing (Boarding House, Lodging House or Dormitory)**: A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**Dwelling, Single-Family**: A dwelling consisting of a single dwelling unit which is separate from other dwelling units by open space.

**Dwelling, Two-Family**: A dwelling consisting of two dwelling units which may be either attached by a common wall or one above the other with each unit having a separate or combined entrance or entrances.

**Dwelling Units**: A dwelling unit is a single unit (except manufacturing home as defined by Ohio Revised Code 4501.01) providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement**: Authorization by a property owner for another to use a designated part of his property for a specified purpose.

**Essential Services**: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication supply or disposal systems or sites including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment, and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

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

**Farm**: Any tract of land containing a least five acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry and including facilities for the sale of such products from the premises where produced, provided that, a farm shall not be construed to include commercial poultry and swine production, cattle feeder lots and fur-bearing animal farms.

**Farm Market**: Markets from which fifty percent (50%) or more of the gross income received from the market is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

**Farm Vacation Enterprises (Profit or Non-Profit)**: Farms adapted for use as vacation farms, picnicking and sports areas, such as, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

**Flood Plain**: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**Flood, Regional**: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

**Floodway**: That portion of the flood plain, including the channel, which is reasonable required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe**: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Floor Area of a Residential Building**: The sum of the gross horizontal area of the floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**Floor Area of a Non-Residential Building (To Be Used in Calculating Parking Requirements)**: The interior floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar uses.

**Food Processing**: The preparation, storage, or processing of food products, excluding any consumption on premises. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**Frontage**: All contiguous property abutting on one side of a street between intersecting or intercepting streets, or between a street and a public 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. (See Lot Frontage.)

**Garages, Mini-Storage**: A principal commercial structure, open to the public, for the use of temporary, enclosed storage of personal belongings, furniture, household goods, boats, trailers, or automobiles.

**Garages, Private**: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and or boats of the occupants of the premises.

**Garages, Public**: A principal or accessory building other than private garages, used for parking or temporary storage of passenger automobiles and in which no service shall be provided for enumeration.

**Garages, Service Station**: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, distributors, and parts.
2. Tire servicing and repair, but not recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and the sale of washing and polishing materials.
6. Greasing and lubrication.
7. Providing and repairing of fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, storage of autos not in operational condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not an automobile repair garage nor an automobile repair/conditioning shop.

**Governmental Buildings:** Buildings owned or operated by federal, state or local governments or departments and/or subdivisions thereof, which buildings are used for administrative, ministerial, public service, safety, health, public utility or recreational purposes. "Governmental Buildings" under this resolution shall not include any buildings used for imprisonment or rehabilitation, including but not limited to any prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, any facility created under Chapter 341, Sections 2151.65, Section 753.02 et seq. or Sections 5145.01 et seq. of the Ohio Revised Code, or any similar facility.

**Grocery Store:** Grocery stores are retail stores selling a complete assortment of food preparation and wrapping materials, household cleaning, and servicing items.

**Health Permit:** Well and septic permits required before a zoning permit for human habitation can be issued.

**Home Occupation:** An occupation conducted in a dwelling unit, provided that:

1. No more than one person, other than members of the family, residing on the premises shall be engaged in such occupation.
2. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would be normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electric interference detectable to the normal senses of the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage of the premises.

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

**Hotel or Motel and Apartment Hotel**: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Institution**: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services. "Institution" under the Resolution shall not include a prison, jail Chapter 341, Sections 2151.65, Section 753.02 et seq., or Sections 5145.01 et seq. of the Ohio Revised Code, or any similar facility.

**Junk Yard**: Any open area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed disassembled or handled, including, but not limited to: auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage and equipment, so well as any structures or buildings used in connection therewith.

**Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building, or combination of the same, on or in which junk is stored or processed.

**Kennel (agricultural):** Any lot or premises on which five or more domesticated dogs or cats, more than five months, of ages, are housed, groomed, bred, boarded, trained, or sold.

**Kennel (commercial):** Any lot on which five or more domesticated dogs or cats, more than four months of ages, are housed, groomed, bred, boarded, trained, or sold and which pet care products, equipment, merchandise, and or food is sold.

**Licking County Planning Commission:** LCPC

**Loading Space, Off-Street:** Space logically and conveniently located for bulk, pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Location Map:** See Vicinity Map.

**Lot:** For the purposes of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have a frontage on an improved public street, and shall consist of one of the following:

1. A single lot of record.
2. A portion of a lot of record on the same deed.
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record on the same deed.

**Lot Frontage:** The front of a lot shall be construed to be that portion nearest to the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section (See Frontage section.)

**Lot Measurements:** A lot shall be measured as follows (easements and right-of-ways):

1. **Depth:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot lines

at each side of the lot, measured at the building setback line.

**Lot Minimum Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street and road right-of-way (ROW).

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types:** Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Maintenance and Storage Facilities:** Land, buildings, and structures devoted primarily to the maintenance and storage of equipment and material.

**Major Thoroughfare:** The portion of the Comprehensive Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufacturing, General:** Processing, major manufacturing, warehousing, assembling, storing, major research and testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and services areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**Manufacturing, Light:** Manufacturing establishments which are clean, quiet, and are free of elements which create a nuisance or are hazardous; such as noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions shall operate entirely within enclosed structures and generate minimum traffic congestion. This district is further designed to act as a transitional use between general manufacturing uses and other less intense business and residential uses.



**Motel**: See Hotel.

**Nonconforming Use**: A building structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district of zone in which it is situated. (Also known as grandfather clause.)

**Nonferrous Foundries**: Casting of materials not containing or derived from iron but would include aluminum, copper, metal and other such operations.

**Nuisance**: Anything that interferes with the use of enjoyment of property, endangers personal health or safety, or is offensive to the senses, including but not limited to: odors, pollution, noise, dust, fumes, smog, radiation, and congestion.

**Nursery, Nursing Home**: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Nursery, Plant Materials**: Land, building, structure, or combination thereof for storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Open Space**: An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive, Streets, parking areas, structures for habitation, and the like shall not be included.

**Outlet Stores**: Stores, which sell damaged good, seconds, or overstock merchandise, such merchandise is typically bought in bulk and sold at discount prices.

**Overlay Districts**: Zoning districts, which extend on top of more than one base-zoning district and are intended to protect certain critical resources and features, or further promote public health, safety, comfort, and morals. When the standards of the base-zoning district conflict with that of the overlay zone, the more restrictive standard shall apply.

**Parking Space, Off-Street**: For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together, with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Performance Bond or Surety Bond**: An agreement by a subdivider, mining operation or developer with State, County, or Township for the amount of the estimated construction

cost guaranteeing the completion of physical improvements according to the plans and specifications within the time prescribed by the subdivider's agreement.

**Personal Services**: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

**Planned Unit Development**: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedures for approval of such development contains requirements, in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

**Principal Structure**: The structure on a lot within which the main or primary use of the property is conducted.

**Private Swimming Pools**: A private swimming pool, including any decking, is an in-ground or out-of-ground pool. All swimming pools and related structures are considered Accessory Uses and shall comply with all yard setback requirements for the district on which the pool is to be located. A zoning permit is required only to ensure that the pool is in compliance with the yard and fencing requirements. (See Section 9020.

**Professional Activities**: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

**Public Service Facility**: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses**: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance or equipment and materials and public service facilities.

**Public Way**: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road sidewalk, street subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Quasi public Use:** Churches, Sunday school, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Recreation Camp:** An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreational Facilities:** Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but not be limited to, miniature golf courses, amusement, parks, stadiums, and bowling alleys.

**Research Activities:** Research, testing, and related facilities including operation of prototype, pilot plant or semi-works processes which are no larger than normal version of process, exposure of product to weather and all other tests relating to code and other product performance requirements, and fabrication or assembly operations which process materials or equipment for market development and other uses, provided that such operations shall be conducted within a building or be visually screened or located more than 200 feet from adjacent property lines, and , provided further, than the same do not violate the provisions of Section 912 through 921, inclusive.

**Roadside Stand:** A temporary structure designed or use for the display or sale of agricultural and related products. (See Farm Market.)

**Right-of-Way:** a strip of land or dedicated for use a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Seat:** For purposes of determining the number of off-street parking for certain used, the number of seats is the number of seating units installed or indicated, or each 24 linear inches of benches, pews, or space for loose chairs.

**Setback Line:** A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building in most cases, or structure may be located above ground, except as may be provided in said code.

**Sewers, Central or Group:** An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single

development, community, or region.

**Sidewalk**: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign**: Any device designated to inform or attract the attention of persons.

1. **Sign Canopy**: A sign, which is suspended from, attached to, supported from or forms a part of a canopy.
2. **Sign Height of**: The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.
3. **Sign, Illuminated**: Any sign illuminated by electricity, gas, or other artificial light including reflecting fluorescent light.
4. **Sign, Lighting Device**: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, On-Premises**: Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
6. **Sign, Off-Premises**: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
7. **Sign, Projecting**: Any sign which projects from the exterior of a building.
8. **Sign, Swinging**: A sign installed on an arm mast or spar that is not, in addition, permanently fastened to an adjacent wall or an upright pole.

**Stable, Commercial**: Any building or structure including surrounding fenced land, used for the care and board of horses, donkeys, mules, and ponies and their get, which is open to the public for let, hire, use, board on a commercial basis and for compensation.

**Stable, Private**: A structure or building, including surrounding fenced lands, used for the care and board of horses, donkey, mules, or ponies and their get, owned by the occupant or owner of the premises which is not open the general public.

**Story**: Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that habitable portion of a building included between the upper surface of the topmost floor and ceiling or roof above.

**Street**: Any public or private way dedicated to public travel 50 feet or more in width. The word "street" shall include the words, "road," "highway", and "thoroughfare."

**Structure**: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures including buildings, manufactured homes, parking lots, wall, fences, and billboards.

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

**Supermarkets**: Large scale stores which sell groceries and services. The facilities may also serve as a department store and or restaurant. Supermarkets are generally open 24 hours a day and generate high volumes of traffic. Strong access management is crucial as well as proper internal traffic circulation.

**Supply Yards**: a commercial establishment storing and offering for rent or sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Swimming Pools**: A pool, pond, lake or open tank containing water with a depth of at least 2 feet of water, and a diameter of 8 feet at any point and maintained by the owner or manager.

1. **Private**: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons, of a motel or hotels; and accessory use.
2. **Community**: Operated with a charge for admission; a primary use.

**Theaters**: Theaters or playhouses designed and used exclusively for theatrical productions, ballets, operas, or other live entertainment productions.

**Thoroughfare, Street, or Road**: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley**: A minor street used primarily for vehicular service access to the bank or side of properties abutting on another street.
2. **Arterial Street**: Arterial are major thoroughfares designed to carry traffic between municipalities and other centers and to provide connections with major state and interstate roadways. Typically, existing state routes will be classified as arterial.
3. **Collector Street**: Collectors distribute traffic between lower order residential streets and higher order arterial. Their purpose is primarily to promote free traffic flow, and direct access for adjoining lots should be limited where possible. Collectors should not be used for on street

parking, and may provide linkages to adjoining developments to improve circulation. Typically, existing county roads will be classified as collectors and, a new collector will be required when a residential subdivision reaches 150 dwelling units, or an equivalent traffic generation.

4. Cul-de-sac: A street that has a single means of access and that terminates in a vehicular turnaround. Cul-de-sacs should be encouraged where feasible to the extent that they provide low traffic volumes and neighborhood identity. Length of cul-de-sacs are limited to minimize backup time for large service vehicles unable to use the turnaround, to minimize mistaking cul-de-sacs with connecting streets, and to discourage speeding.
5. Dead-end Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: Local residential streets are the lowest order streets providing access to residential lots and carrying only the traffic generated by adjoining residential land uses. Residential subdivisions should be developed so that the maximum number of housing units have frontage on local residential and cul-de-sac streets.
7. Loop Street: A type of local street, each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).
9. Sub collector: Sub collectors are designed to provide access to adjoining property and carry traffic between local residential streets and cul-de-sacs and higher order collectors and arterial. Typically, Sub collectors should be provided when residential subdivisions exceed 100 single-family dwellings.

**Through Lot**: See Lot Types.

**Tourist Home**: See Bed and Breakfast.

**Transient Uses of Land**: Land use activity involving the use of mobile, non-permanent structures, such uses may include flea markets or carnivals.

**Transportation Director of**: The Director of the Ohio Department of Transportation.

**Use:** The specific purpose of which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Variance:** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations in unnecessary and undue hardship.

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and or recuperation. It may also include boarding that is incidental to the primary activity.

**Vicinity Map:** A drawing located on the plat which sets for by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better located and orient the area in question.

**Walkway:** A public way, four feet or more in width, for pedestrian use only, whether along the side of the road or not.

**Wholesale Store:** An establishment or place of business primarily engaged in selling wholesale or outlet goods directly to the general public.

**Yard:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
4. **Height of Building:** The vertical distance from the established average sidewalk grade, street grade, or finished grade, at the building line, whichever is the highest to the highest point of the building.

**Zoning Inspector:** The zoning inspector of the township, or his/her authorized

representative employed by the township trustees to enforce the zoning regulations.

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

**Zoning Permit**: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.



## ARTICLE 3

### ENFORCEMENT

#### Section 300 Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the zoning inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the zoning inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance or from Board of Township Trustees approving a Planned Unit Development District, as provided by this resolution.

#### Section 301 Contents of Application for Zoning Permit

The application for zoning permit shall be signed by the owner of applicant attesting to the truth and exactness of all information supplied on the application. each application shall clearly state that the permit shall expire and may be revoked if work has not begun or the work has not been substantially completed within 18 months. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property, name and address of legal owner.
3. Existing use.
4. Proposed use.
5. Zoning District.
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.
11. Provision for on site inspection with placement of building stakes, or review of existing structure and/or use, including any permits for water and sewer or other necessary permits.

12. Minimum building standards to which applicant will comply.
13. Owner's consent, or owner's consent through power of attorney to application or satisfactory showing of applicant's legal or equitable interest in said property.
14. Explanation as per Section 604 of this resolution.

### **Section 302 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the zoning inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within six months. One copy of the plans shall be retained by the zoning inspector, one will be returned to applicant, and one given to the County Auditor. The zoning inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of the resolution.

### **Section 303 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the zoning inspector that he shall proceed to acquire the land needed, then the zoning inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the zoning inspector that acquisition at this time is not in the public interest or upon the expiration of the 120 day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the zoning inspector shall, if the application is in conformance with all provisions of this resolution, issue the zoning permit.

### **Section 304 Building Permits Required**

A building permit is required from the Building Code Department before construction can begin on any commercial, industrial, or multi-family structures, or any one, two, or three family dwellings for room addition. Building permits shall be issued in conformance with the Building Code of Licking County and/or the Basic Building Code of the State of Ohio.

To apply for a building permit, the applicant shall submit appropriate material and fees,

as specified by the Building Code Department. Building permits will be granted in accordance with the applicable building code. Upon submittal of application and any other necessary information, the applicant will be notified of the status of his application in accordance with the applicable building code.

### **Section 305 Expiration of Zoning Permit**

If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the zoning inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within eighteen months of the date of issuance thereof, said permit shall expire and be revoked by the zoning inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

### **Section 306 Certificate of Compliance**

It shall be unlawful to use an building, land, or premises, or all, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure or in a manner that does not comply with designated zoning district until a certificate of compliance shall have been issued thereof by the zoning inspector stating that the proposed use of the building or land conforms to the requirements of this resolution. This section shall apply to business and manufacturing districts only. Application for a certificate shall be made by the owner or occupant by submitting the information necessary under Section 301.

### **Section 307 Temporary Certificate of Compliance**

A temporary certificate of compliance may be issued by the zoning inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.

### **Section 308 Record of Zoning Permits and Certificate of Compliance**

The zoning inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person. The Township shall maintain a record of all zoning and compliance permits, which shall become part of Township record.

### **Section 309 Failure To Obtain a Zoning Permit or Certificate of Compliance**

Failure to obtain a zoning permit or certificate of compliance shall be a violation of this

resolution and punishable under Section 312 of this resolution.

**Section 310 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates**

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the zoning inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 312 of this resolution.

**Section 311 Penalties for Violation**

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution or failure to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisonment for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, an any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 312 Schedule of Fees, Charges, and Expenses**

The Board of Township Trustees shall by separate resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the zoning inspector, and may be altered or amended only by the Board of Township Trustees. Until said fees are paid, no action shall be taken on any application.



## ARTICLE 4

### **NONCONFORMITIES**

#### **Section 400 Intent**

Within the districts established by this resolution or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### **Section 401 Incompatibility of Nonconformities**

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### **Section 402 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 403 Single Nonconforming Lots of Record**

In any district in which a structure/use is permitted, a structure and customary accessory buildings may be erected or permitted on any single non-conforming lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution including minimum lot sizes and square footage requirements. This provision shall apply even though such lot fails to meet the requirements for area or width, or both for the district in which such lot is located. Variances or requirements listed in Articles 9 and 10 of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 508 through 517.

*However, no lot of record created prior to the date of this resolution shall be granted any greater non-conformity than as previously allowed under Section 6.3 of the Burlington Township Zoning Resolution adopted 12/27/82 effective 1/26/83 as it existed prior to the date of this Section 403.*

#### **Section 404 Nonconforming Use of Land**

Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, the uses may be continued, without the approval of the Zoning Board of Appeals, so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this resolution, unless approved by the Board of Zoning Appeals in accordance with Article 5.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution, unless approved by Board of Zoning Appeals in accordance with Article 5.
3. If any such nonconforming uses of land are discontinued or abandoned for more than two years, any subsequent use of land shall conform to the regulations specified by this resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

#### **Section 405 Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way, which increases its non-conformity, but any structure or portion thereof

- may be altered to decrease its nonconformity.
2. 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, it be done within twelve 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.
  3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulation for the district in which it is located after it is moved.

### **Section 406 Nonconforming Uses of Structures or of Structures of Land in Combination**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate more appropriate to the district than the existing non-conforming use. In permitting such change, the board of zoning appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years



(except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### **Section 407 Repairs and Maintenance**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **Section 408 Nonconforming Certificate**

The Zoning Inspector may upon his own initiative, or may upon the request of any property owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination that certifies that the lot, structure, or use is nonconforming.

The certificate shall specify the reason for the nonconformity, including a description as to the extent and kind of nonconformity of the property in question, the extent that dimensional requirements are nonconforming, and the portion of the lot and/or structure used for the nonconforming use.

The purpose of this section is to protect the owners of land or structures that are or become nonconforming by certifying that their property and/or use is, in fact, nonconforming. Once certified, the owner is entitled to all rights and regulations as defined in Ohio Revised Code - article 519.19, and Article 4 of the Burlington Township Zoning Resolution. There may be properties and/or uses that are nonconforming, whose owners do not have certificates. A fee may be charged for a certificate as determined by the Township Trustees.

One copy of the certificate shall be returned to the owner and one copy shall be retained by the Township Clerk, who shall maintain a file of all such certificates as a public record. (See next page).

**Section 409 Uses Under Conditional Use Provisions Not Nonconforming Uses**

Any use which is permitted as a conditional use in a district under the terms of this resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

NONCONFORMING CERTIFICATE  
NUMBER \_\_\_\_\_ CERT.NO. \_\_\_\_\_

This certifies that the property located at \_\_\_\_\_ (address),  
owned by \_\_\_\_\_ (name) is covered under Article 4,  
Non-conformities, of the Burlington Township Zoning Resolution.

The reason for the nonconformity is:  
\_\_\_\_\_  
(state here why the property is nonconforming)

The extent of the nonconformity is: \_\_\_\_\_ (list  
here the  
exact extent and kind of the nonconformity).

- 1) If it is a nonconforming lot and/or structure, show what dimensional requirements are nonconforming: \_\_\_\_\_
- 2) If it is a nonconforming use of lot and/or structure, show which portion of the property is used for the nonconforming use: \_\_\_\_\_

THE ZONING INSPECTOR \_\_\_\_\_ (signed by the Zoning  
Inspector)

DATE \_\_\_\_\_ (date issued)

ATTESTED TO: \_\_\_\_\_



## **ARTICLE 5**

### **ADMINISTRATION**

#### **Section 500 Office of Zoning Inspector Created**

A zoning inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The township-zoning inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

#### **Section 501 Duties of Zoning Inspector**

For the purpose of this resolution, the zoning inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
2. Order discontinuance of illegal uses of land, buildings, or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done.
5. Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and action on zoning and certificate of compliance permits and such similar administrative duties as are permissible under the law.

#### **Section 502 Proceedings of the Zoning Commission**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman, and at such other times as the commission may determine. The Zoning Commission may, within the limits of the moneys appropriated by the board for the purpose, employ or contract with such planning consultants and executive and other assistants, as it seems necessary. All meetings shall be open to the public. The commission 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 a public record and be immediately filed in the office of the Commission. Three members of the commission shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Commission present shall be necessary to decide in favor of any

applicant on any matter upon which it is required to pass under this resolution or to initiate, review, or interpret under Section 503.

### **Section 503 Duties of Zoning Commission**

For the purpose of this resolution the Commission shall have the following duties:

1. Initiate proposed amendments to this resolution.
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 6.
3. Review all planned unit developments and make recommendations to the board of Township Trustees as provided in Article 13.
4. Review actions of the Board of Zoning Appeals for possible amendments to this resolution.

### **Section 504 Board of Zoning Appeals and Zoning Commission Created**

A Board of Zoning Appeals and a Zoning Commission are hereby created, both of which shall consist of five members each to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one member for one, two, three, four and five year terms. Each member shall be a resident of the township. Members of the Board or Zoning Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the un-expired term of the member affected.

### **Section 505 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conducts of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman or at such other times as the Board may determine. Three members of the Board shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the board present shall be necessary to reverse any order, requirement, decision, or determination of the zoning inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings 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 examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

## **Section 506 Duties of the Board of Zoning Appeals**

In exercising its duties, the board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and shall have the powers of the Zoning Inspector from whom the appeal is taken. For the purpose of this Resolution, the Board has the following specific responsibilities:

1. To hear and decide appeals where an error is alleged in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 8 and such additional safeguards as will uphold the intent of this Resolution.
4. To interpret the zoning map and Resolution upon appeal of Zoning Inspector's decision. Where the streets 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 questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the Resolution, a request for interpretation of the zoning map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

## **Section 507 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal**

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the zoning inspector, and that such questions shall be presented to the board only on appeal from the decision of the zoning inspector, and that recourse from the decisions of the board shall be to the courts as provided by law.

It is further the intent of this resolution that the duties of the board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this

resolution, the Board of Township Trustees shall have only the duties of considering the adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 313 of this resolution. Nothing in this resolution shall be interpreted to prevent any one from appealing a decision of the Board of Zoning Appeals as provided in Chapters 2505 and 2506 of the Ohio Revised code. Any such appeal shall be made within 20 days of the board's written decision.

### **Section 508 Procedures and Requirements for Appeals and Variances**

Appeals and variances shall conform to the procedures and requirements of Section 509 through 518, inclusive, of this resolution. As specified in Section 506, the Board of Zoning Appeals has appellate jurisdiction to appeals and variances.

### **Section 509 Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer of the legislative authority 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 of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. the zoning inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

### **Section 510 Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the zoning inspector from whom the appeal is taken or due cause shown.

### **Section 511 Variance**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be

considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

### **Section 512 Application and Standards for Variances**

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the zoning inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants.
2. Zoning district in which property is currently located.
3. Legal description of property, legal owner and address.
4. Description of the nature of the variance requested.
5. List of all owners and their legal address of those owning property within 500 feet from any point on the perimeter of the applicant's property line. A map certified by the County Engineer's office showing the area in question shall also be submitted.
6. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
  - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this resolution.
  - c. That special conditions and circumstances do not result from the applicant's action.
  - d. That granting the requested variance will not confer a special privilege(s) which are denied by this resolution to other lands, structures, or buildings in the same district.
  - e. Owner's consent to application or satisfactory evidence showing applicants legal or equitable interest in property.

A variance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Subsection 6 of this section have been met by the applicant. Variances may be granted as guided but not limited to only or all of the following examples:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely



because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.

3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent. (See Section 1007.2)
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

### **Section 513 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 312 of this resolution.

### **Section 514 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the zoning inspector of an applicant.

### **Section 515 Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 514, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Notice shall

state who placed the notice (such as clerk or chairman of the B.Z.A.).

**Section 516 Notice to Parties in Interest**

Before holding the public hearing required in Section 515, Written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class registered mail, evidence by a certificate of mailing, at least ten days before the day of the hearing to all landowners identified on the respective application. The notice shall consist of the same information as required of notices published in newspapers as specified in Section 515.

**Section 517 Action by Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 514, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 513, or disapprove the request for appeal or variance. Appeals from Board decisions shall be made in the manner specified in Section 507.

**Section 518 Procedures and Requirements for Approval of Conditional Use Permits**

Conditional uses shall conform to the procedures and requirements of Sections 519 through 526, inclusive of this resolution.

**Section 519 General**

It is recognized that an increasing number of new kinds of land uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 519 through 526, inclusive. The Board of Zoning Appeals may not grant or permit a use that is dissimilar to the surrounding uses.

**Section 520 Contents of Application for Conditional Use Permit**

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

1. Name, address, and phone number of applicant.
2. Proposed amendment and legal description of proposed conditional use

- and property address.
3. Names and addresses of all legal owners within 500 feet from any point on the perimeter of the applicant's property line.
  4. Description of existing use.
  5. Zoning district.
  6. Description of proposed conditional use.
  7. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, signs, yards and such other information as the Board may determine if the proposed conditional use meets the intent requirements of this resolution on a copy of a map certified by the County Engineer's office showing the property in question and surrounding areas.
  8. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
  9. Such other information as may be required in Section 522, including legal owner's consent if applicant is not the legal owner or satisfactory of applicant's legal or equitable interest.
- utilities, require to and by the County and surrounding areas.
- showing

**Section 521 General Standards Applicable to All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in Section 522, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of this resolution.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the township and/or county's comprehensive plan and/or the township resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or

- agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosions, or water pollution.
  8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
  9. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- and air

**Section 522 Specific Criteria for Conditional Uses**

The following is a list of specific criteria, which can be used, but is not necessarily comprehensive, in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations. The Board of Zoning Appeals should review the following items to determine if any of these should be a condition for approval of the proposed conditional use. The Board of Zoning Appeals may also add other conditions to the following list in order to protect and promote the public health, safety and morals:

1. Protection of Surrounding Properties and Neighborhoods
  - a. Such uses shall not be conducted closer than 500 feet from any residential district, not closer than 200 feet from any structure used for human occupancy in any other district.
  - b. All structures and activity areas should be located at least 100 feet from all property lines.
  - c. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
  - d. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
  - e. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
  - f. The area of use shall be completely enclosed by a fence sufficient for screening and appropriately landscaped to be harmonious with surrounding properties.
  - g. All permitted installations shall be kept in a neat and orderly condition so

as to prevent injury to any single property, any individual, or to the community in general.

- h. There shall be no more than one sign oriented to each abutting street identifying the activity.
- l. All lighting and lighting used for advertising purposes shall be directed away from surrounding and nearby residential properties by suitable screen of evergreen shrubs of at least 10' in width and 4' in height, or wall at least 6' in height above finished grade.
- j. Sound from loud speakers which can be detected beyond the premises shall not be permitted.
- k. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
- l. Structures must be located at least 50 sq. ft. from any other lot in any R-District.
- m. Structures must be located at least 25 feet from any lot in any R-District.

2. Specific Performance Standards

- a. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- b. Hours may be limited further depending upon the surrounding land uses.
- c. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
- d. The facility shall be operated so that guests reside at the home for no longer than one contiguous week.
- e. The facility shall contain not more than four (4) sleeping rooms for guests.
- f. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
- g. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
- h. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals and outdoor exercise

runs.

- l. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
- j. Outdoor playgrounds, tot lots, exercise areas etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.

3. Excavation

- a. Information shall be submitted on the anticipated depth of excavations

and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.

- b. All excavations shall be made either to a water producing depth, such depth to be made either to a water producing depth, such depth not be less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
  - 1) That the excavating area shall not collect the permit to remain therein-stagnant water.
  - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof--so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

4. Access

- a. All points of entrance or exit should be located no closer than 400 feet from the intersection of two arterial thoroughfares or no closer than 200 feet from the intersection of an arterial street and a local or collector street.
- b. Structures should have primary access to a collector thoroughfare.
- c. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
- d. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- e. Such developments should be located on or immediately adjacent to state highways.
- f. Truck parking areas, maneuvering lands, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
- g. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood.
- h. The plan shall provide for the separation of incoming and going vehicles during high volume periods and shall, if applies, provide safe drop off point for pedestrians that will not impede other traffic.

6. Miscellaneous - Administrative

a. The Zoning Board of Appeals may, at its discretion, require that, upon the issuance of conditional use permit, the conditions of the permit be subject to periodical review to insure compliance with the terms of the permit.

**Section 523 Supplementary Conditions and Safeguards**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. All conditional use permits are subject to revocation should the applicant fail to uphold the conditions upon which the conditional use permit was granted. A public hearing shall be held to review the purported violation. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall also be deemed a violation of this resolution and punishable under Section 312 of this resolution.

**Section 524 Procedure for Hearing, Notice**

Upon receipt of the application for a conditional use permit specified in Section 520, the board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 514 through 516.

**Section 525 Action by the Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 524, the Board shall either approve, approve with supplementary conditions as specified in Section 523, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the zoning inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 507.

**Section 526 Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one year.





## **ARTICLE 6**

### **AMENDMENT**

#### **Section 600 Procedure for Amendments or District Changes**

This resolution may be amended by utilizing the procedures specified in Section 601 through 614, inclusive, of this resolution.

#### **Section 601 General**

Whenever the public necessity, convenience, general welfare, or good zoning practices 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 602 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 603 Contents of Application**

Applications for amendments to the official map adopted as part of this resolution by Section 700 shall contain at least the following information:

1. Name, address, and phone number of applicant(s) and legal owner(s).
2. Area in question shall be drawn on a certified map from the County Engineer's Office.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A written description, sufficient to identify the area in question, shall be included as well as a legal description, including survey, if deemed necessary by the Zoning Commission, describing the area proposed to be

rezoned shall be submitted no later than sixty (60) days after area amended is approved by the Township Trustees or said amendment shall be void due to lack of conformity to this resolution.

8. 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.
9. A list of all property owners within 500 feet from any point of the perimeter of the applicant's property lines, and their mailing addresses 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, except that addresses need not be included where more than ten parcels are to be rezoned.
10. A statement on how the proposed amendment relates to the comprehensive plan.
11. A fee as established by the Board of Township Trustees according to Section 312.
12. Owner's consent to application or satisfactory showing of applicant's legal or equitable interest in said property.

Application for amendments proposing to amend, supplement, change or repeal portions of this resolution other than the official zoning map shall include items (1), (2), (9), and (10) listed above.

#### **Section 604 General Standards for All Zoning Amendments**

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the township or County's comprehensive plan and/or the zoning resolution.
2. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highway, street police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property,

- or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
  8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **Section 605 Transmittal to Zoning Commission**

Within five (5) days after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee or property, said resolution or application shall be transmitted to the Commission.

### **Section 606 Submission to County or Regional Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) 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 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 607 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. 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 608 Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 nor more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

### **Section 609 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required in Section 608, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation in the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

### **Section 610 Notice to Property Owners by Zoning Commission**

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 first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted 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 failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 609.

### **Section 611 Recommendation by Zoning Commission**

Within 30 days after the public hearing required by Section 608, 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 612 Public Hearing by Board of Township Trustees**

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, and contiguous property owners, shall be given by the Board of

Township Trustees as specified in Section 609 and 610.

**Section 613 Action by Board of Township Trustees**

Within thirty (30) days after the public hearing required by Section 612, 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 614 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 areas 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.



## ARTICLE 7

### **PROVISIONS FOR OFFICIAL ZONING MAP**

#### **Section 700 Official Zoning Map**

The districts established in Article 7 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 701 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.

#### **Section 702 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, such center lines, 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 of street lines of streets, or the center lines or right-of-way lines of highway, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated 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 of 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 8

### DISTRICT REGULATIONS

#### Section 800 Compliance With Regulations

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
  - a. To provide for greater height or bulk.
  - b. To accommodate or house a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
3. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards to lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

#### Section 801 Official Schedule of District Regulations Adopted

District regulations shall be as set forth in the official Schedule of District Regulations hereby adopted and declared to "Supplementary District Regulations." District regulations for the PUD District shall be those specified in Article 13.

#### Section 802 Intent of District Regulations

It is the intent of these regulations to set forth within the district regulations the permitted uses, the conditionally permitted uses, and general requirements of the district, and other regulations as they pertain, in general, to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such as governed by Article 4, Article 5, and other articles of these regulations. Rules, regulations, requirements, standards, resolutions, articles, and/or sections not specifically included for each district but which are contained in these regulations and which are applicable to each district or use shall be applied as if stated in full in Article

8 of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the zoning inspector or the Zoning Commission as permitted or conditionally permitted in any district shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

### **Section 803 Flood Plain District (FP)**

#### **Purpose:**

It is the purpose of this article to promote the public health, , safety, and general welfare and to minimize losses resulting from periodic inundation of flood waters in Burlington Township by restricting or prohibiting uses which are dangerous to health, safety of property in times of flooding or cause excessive increases in flood height or velocities, requiring that uses vulnerable to floods be protected from flood damage at time of initial construction, controlling the filling, grading, dredging, and other development which may increase flood damage, and controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

The following regulations shall apply as specified by the Federal Emergency Management Agency (FEMA). FEMA Map Panel #3903280050, with an effective date of 12-1-83 shall be the boundaries of the floodway.

The permitted uses, dimensional requirements and other regulations of the Flood Plain District (FP) are as follows:

#### **Permitted Uses:**

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, and wild crop harvesting.
2. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, hiking and horseback trails.
3. Residential uses limited to lawns, gardens, parking areas and play areas.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Industrial-commercial uses such as loading areas, parking areas, airport

- landing strips.
- 2. Circus, carnival, and similar non-permanent, temporary, and/or transient use of the flood plain.

Agricultural Exemptions: Sections 519.02 to 519.23, inclusive, of the Revised Code confer no power on any board of township trustees or zoning appeals to prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

Flood Plain Development Permit

- A. A flood plain development permit shall be obtained before the start of construction of development of land in the Flood Plain District. Application for a flood plain development permit shall be made to the Licking County Planning Commission's Flood Plain Administrator, 20 South Second Street, Newark, Ohio 43055, (614) 349-6555. This permit will be applied for and approved by the Flood Plain Administrator of the Licking County Planning Commission prior to the zoning permit being applied for and approved. The Zoning Inspector must receive a copy of the flood plain development permit before the zoning permit is issued.
- B. All structures of uses to be located in the Flood Plain District shall comply with the requirements of the Burlington Township Zoning Resolution and Regulations and any the Licking County Flood Damage Prevention amendment or revisions.

Other Requirements:

Any buildings, structures, or land uses to be located in an identified flood hazard area shall comply with the requirements of the Licking County Flood Damage Prevention Regulations adopted by the Licking County Commissioners, and as amended to.

- 1. Change to Non-Flood Plain District: Changes of district classification from FP on any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the FP district was originally established does no longer exist or has been remedied to the satisfaction of the Licking County Flood Plain administrator, 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 obtain certification from the Licking County Planning Commission, or the agency or department administering the Flood Hazard Prevention Regulations, that the area proposed to be removed from the FP District is free from inundation from a 100 year flood event, and the amendment procedures of Article 6 shall be followed.

2. Required Lot Area and Lot Width in the FP District: None, except as may be specified by the Commission; provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 50 feet to any side or rear lot line.
3. Height Regulation in the FP District: No structure shall exceed 35 feet in height.

### **Section 804 Agricultural District (AG)**

Purpose: The purpose of the AG district is to preserve and protect the decreasing amount of prime agricultural land, preserve and protect open space, wildlife habitat, forestry, water resources, and rural lifestyle. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas, which adversely affect agricultural operations. Land within this district shall not be viewed as land waiting to be developed, but instead, land that is currently being used for a viable purpose intended by this resolution. The single-family dwelling unit must meet the County Board of Health's requirements and/or that of other authorities, before being issued zoning permits.

Permitted uses, dimensional requirements, and other regulations of the AG, Agricultural district; the following regulations shall apply:

#### Permitted Uses:

1. Agricultural uses, commercial grain storage.
2. One-family residential dwelling.
3. Utility and service system buildings and lands, public buildings, picnic grounds, religious and education institutions.
4. Private stables.
5. Accessory uses and structures including private swimming pools.

Conditionally Permitted Uses: A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 521 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the BZA or as noted in the following descriptions:

1. Commercial stables.
2. Lodges, clubs, golf courses.
3. Veterinaries/animal hospitals or clinics.
4. Implement sales and repairs.
5. Feed and seed sales.
6. Fertilizer and agricultural chemical sales.
7. Government buildings. Refer to Sec.522-5 as applies.
8. Home occupations. Refer to Sec.522-2-b.
9. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Sec.522-5(a & b).
10. Churches.
11. Cemeteries.
12. Transient uses of the land (flea markets, carnivals, or other uses involving the use of mobile, non-permanent structures), provided such land use activity ceases to exist and any non-permanent structures are removed within thirty (30) days. Refer to Sec.522-1 (c, i, j).
13. Kennels (agricultural).
14. Mining. Refer to Sec.522-4.
15. Private aviation field.

#### General Requirements of the AG District

Lot Area, Width and Depth: Each dwelling shall be located on a lot having an area of not less than (5) acres in size and a lot width of not less than 250' road frontage.

Height Regulation in the AG District: No dwelling shall exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

Required Yard in the AG District: All dwellings shall have the following minimum yard spaces:

- Front Yard: 100 feet center of road
- Side Yard: 50 feet each side
- Rear Yard: 100 feet

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

Required Floor Area in the AG District: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements. Any building intended in whole or part for residential purposes shall provide a minimum livable floor area as specified below:

### Single-Family Dwelling

\*With basement      1200 square feet  
Without basement    1350 square feet

Single-family dwellings shall not be less than 24 feet in width or depth.

\*Basement area shall include a minimum of 600 square feet of floor area.

Agricultural Exemptions: Sections 519.02 to 519.25, inclusive, of the Revised Code confer no power on any board of township trustees or zoning appeals to prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

#### Limitation On Number of Principal Structures:

Unless otherwise specified in this resolution no lot shall contain upon it more than one principal structure. In the Agriculture District only, this shall mean one single-family dwelling or one non-agriculture structure (but not a stand-alone accessory structure) as permitted or conditionally permitted. Agricultural structures used directly in the operation of the agricultural use as defined in this resolution shall be exempt from this requirement. A single-family residence or agriculture support use structure (feed and seed sales, implement sales and repairs, etc.) shall not be considered an agriculture structure for the purpose of this resolution.

### **Section 805 Rural Residential District (R1)**

Purpose: The purpose of the Rural Residential District (R1) is to encourage the establishment of low-density single-family residential development along public roads so as to limit the number of curb cuts and, thereby, minimize traffic interference along said roads. In addition, the purpose of the R1 is to maintain rural character. The single-family dwelling unit must meet the County Board of Health's requirements and/or that of other authorities, before being issued sewage and zoning permits.

Permitted uses, dimensional requirements, and other regulations of the R1, Rural Residential District, the following regulations shall apply:

#### Permitted Uses:

1. Agriculture.
2. Single-family dwellings.

3. Public parks and playgrounds.
4. Cemeteries.
5. Accessory uses including swimming pools.

Conditionally Permitted Uses: A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 521 of this resolution as well as any additional standards in accordance with any of all of those standards found in Section 522 or other conditions as required by the BZA and conditions referred to in the following descriptions:

1. Private stables/kennels as an accessory use, provided any lot or tract in such use shall not be less than five acres in area.
2. Home occupations. Refer to Sec.522-2-b.
3. Churches.
4. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Sec.522-5 as applies.
5. Governmental buildings. Refer to Sec.522-5 as applies.
6. Cemeteries.

General Requirements of the R1 District

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of 200 feet road frontage and a minimum lot area of two acres (87,120 square feet), exclusive of road right-of-way.

Front Yard: There shall be a front yard of not less than 75 feet in depth.

Side Yard: There shall be side yards of not less than 25 feet on each side.

Rear Yard: There shall be a rear yard of not less than 75 feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as hereinafter specified:

	Single-Family Dwellings
*With basement	1,200 square feet
Without basement	1,350 square feet

Single-family dwellings shall not less than 24 feet in width or depth.

\*Basement area shall include a minimum of 600 square feet of floor area.

Sign: Signs shall be as regulated in Article 11 of these regulations.

Limitation On The Number of Principal Structures Upon A Lot of Record:

Unless otherwise specified within this resolution, no lot shall contain upon it more than one principal structure.

### **Section 806 General Residence District (R2)**

Purpose: The purpose of the R2 General 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.

Permitted Uses:

1. One-family dwelling.
2. Light agricultural uses including nurseries and raising of farm products (not to include livestock). Seasonal produce may be sold on premises.
3. Churches, schools, libraries, museums, and art galleries, parks, playgrounds, cemeteries, public services, utility office buildings.
4. Accessory buildings and uses.
5. Unlighted real estate signs, non-conforming 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 four (4) square feet of sign area.
6. Essential services.

Conditionally Permitted Uses:

1. Utility sub-station and pump houses provided that such structures will not detract from the general appearance of the area no adversely affect the comfort, safety, or welfare of the residents of the area.
2. Professional and business offices.
3. Two-family dwellings.
4. Tourist homes, lodging houses, home occupations.
5. Clubs, lodges, rest homes, funeral homes, clinics.

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or 35 feet.



Lot Area and Width: Required lot area shall be 2 acres for single-family, two-family dwellings and other permitted uses. Lot width shall be 200 feet road frontage.

Required Front Yard: There shall be a front yard of not less than 75 feet in depth.

Side Yard: Side yards shall not be less than 25 feet on each side.

Rear Yard: There shall be a rear yard of not less than 75 feet.

Dwelling Bulk: Dwelling or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as hereinafter specified: Single-Family Dwellings: With basement 1,200 square feet, Without basement 1,350 square feet, Single-family dwellings shall be not less than 24 feet in width or depth.

Other Permitted Uses:

Front Yard: 40 feet  
Side Yard: 20 feet each side  
Rear Yard: 50 feet

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

Accessory buildings in R-Districts shall be distant at least 25 feet from the rear and ten feet from side lot lines. Such accessory buildings shall be permanently affixed to the ground.

Limitation On The Number of Principal Structures Upon A Lot of Record:

Unless otherwise specified within this resolution, no lot shall contain upon it more than one principal structure.

## **Section 807 Local Business District (LB)**

Purpose: The purpose of the LB District is to encourage the establishment of local businesses and services, which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall reduce parking and traffic congestion as well as discourage large regional oriented businesses or other businesses and services that would affect the neighborhood character of the district. These districts shall be strategically located with access to a collector thoroughfare. Strip development shall be discouraged.

Permitted uses, dimensional requirements, and other regulations of the LB, Local Business District; the following regulations shall apply:

### Permitted Uses:

1. Any use permitted in the R2 District.
2. Major Retail Outlets; furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
3. Food, drug, and beverages; grocery stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail sales, restaurants, and tea rooms.
4. Specialty shops; gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods.
5. Service and recreation; Laundromat, dry cleaning, and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop with not more than ten full-time regular employees, places of amusement and assembly.
6. Business and professional offices; medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance and utility companies.
7. Automotive and related uses; new and used car sales, service, and repair, gasoline filling stations, however bulk petroleum storage tanks shall not be permitted above the ground, motorcycle and bicycle shops, cab and bus stands and depots.
8. Motel and motor hotels; motels and motor hotels shall have sixty thousand square feet of area and a lot frontage of two hundred feet.
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 residence districts or into the public way, (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, and © that the provisions of Section 1102 are complied with.

Conditional Uses:

1. Any conditional use permitted in the Residential Districts.
2. Building trades or equipment; building concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments.
3. Vehicle drive-in and heavy vehicle service; 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, linen, towels, diapers, and similar supply services, animal pounds, kennels, and veterinary establishments; however kennels shall not be located within two hundred feet of any "R", "AG" "FP" District; frozen food lockers.
5. Accessory uses or buildings.

Lot Area, and Width:

Residential Uses: Each residential use to be accommodated in the LB District shall meet the minimum lot area and minimum lot width requirements of the R2 Residence Districts.

Commercial Uses: Forty three thousand, five hundred sixty (43,560) square feet of lot area, lot width 200' feet road frontage.

Building Height Regulation: No building shall exceed two (2) stories or thirty-five (35) feet in height, except as provided in Section 1402.

Building Requirements: Any building shall meet minimum square footage of 600 square feet, and minimum width not less than 24 feet.

Yard Requirements:

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

Commercial Uses: Front Yard - 75 feet\*

Side Yard - no minimum yard required, except lots adjoining a residential district shall

provide a side yard on that adjoining side equal to that required in the adjoining Residence District.

Rear Yard - 75 feet. Where a lot line abuts any alley, one-half (1/2) of the width of such alley may be considered in meet

\*Or fifty-five (55) feet from the center of the road if no right-of-way has been established.

Screening/Buffer Requirements: For non-residential uses abutting an R-District the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements, if acceptable landscaping, screening or fencing approved by the Board is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall be a minimum of six feet in height consisting of opaque material such as a wood fence, an earth berm, an opaque hedge, or any combination thereof. If the barrier consists totally or in part of plant materials, such materials shall be planted in a strip of evergreen shrubs not less than ten (10) feet in width and four (4) feet in height.

Limitation On The Number of Principal Structures Upon A Lot of Record:

Unless otherwise specified within this resolution, no lot shall contain upon it more than one principal structure.

**Section 808 General Business District (GB)**

Purpose: The purpose of the General Business District is to encourage the establishment of areas for general business uses to meet the needs of regional market areas.

Permitted Uses:

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings, except institutions.
5. All permitted uses as specified in Local Business.
6. General auto repair (indoor only)
7. Auto service station.
8. Auto and/or farm implement sales.
9. Taverns, restaurants or restaurants providing entertainment.
10. Hotels, motels.
11. Commercial and public entertainment fields, amusements, or

establishments similar but not restricted to baseball field, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys.

12. Trade or commercial schools.
13. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
14. Public garages.
15. Boarding houses.
16. Building materials and sales, if conducted entirely in an enclosed building.
17. Accessory buildings and uses.

Conditional Uses:

1. Veterinary hospital clinic, kennel and/or cattery.
2. Marinas.
3. Watercraft and/or recreational vehicle storage.
4. Radio or television broadcasting station and towers (applies to commercial stations and equipment only).
5. Airports-heliports (private and governmental).
6. Private recreational camps.

Lot Area, and Width:

Residential Uses: Each residential use to be accommodated in the LB District shall meet the minimum lot area and minimum lot width requirements of the R2 Residence Districts.

Commercial Uses: Each commercial building shall be located on a lot having an area of not less than forty three thousand, five hundred sixty (43,560) square feet, and a lot width of not less than two hundred (200) feet at the building line.

Building Height Regulation: No building shall exceed two (2) stories or thirty-five (35) feet in height, except as provided in Section

Building Requirements: Any building shall meet minimum square footage of 600 square feet, and minimum width not less than 24 feet.

Yard Requirements:

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

Commercial Uses: Front Yard - 25 feet\*

Side Yard - no minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residence District.

Rear Yard - 25 feet. Where a lot line abuts any alley, one-half (1/2) of the width of such alley may be considered in meeting the rear yard requirements.

\*Or fifty-five (55) feet from the center of the road if no right-of-way has been established.

Screening/Buffer Requirements: For non-residential uses abutting an R-District the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements, if acceptable landscaping, screening or fencing approved by the Board is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall be a minimum of six feet in height consisting of opaque material such as a wood fence, an earth berm, an opaque hedge, or any combination thereof. If the barrier consists totally or in part of plant materials, such materials shall be planted in a strip of evergreen shrubs not less than ten (10) feet in width and four (4) feet in height.

Limitation On The Number of Principal Structures Upon A Lot of Record:

Unless otherwise specified within this resolution, no lot shall contain upon it more than one principal structure.

### **Section 809 General Manufacturing District (M-1)**

Purpose: The purpose of the General Manufacturing District is to encourage the development of manufacturing establishments which are clean, quiet, and are free of elements which would create a nuisance or are hazardous such as noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation of other injurious or obnoxious conditions; shall operate entirely within enclosed structures and generate minimum industrial traffic. This district is further designed to act as a transitional use between general manufacturing uses and other less intense business and residential uses.

Permitted Uses:

1. Any use permitted in the Local Business District and General Business District.
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 junkyards or similar uses.
3. Manufacturing or processing of small items.
  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 the Environmental Protection Agency (EPA) indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. In the event of the denial of such permit, an applicant shall have right of appeal to the Zoning Board of Appeals.
  5. Aircraft landing storage and maintenance facilities.
  6. Research and testing facilities.

Conditional Uses: A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principals outlined in Section 521 and 522 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the B.Z.A. and conditions referred to in the following descriptions:

1. Metal cans and containers manufacturing.
2. Lumber yards.
3. Contract construction storage of machinery and materials.
4. Building materials (general retail).
5. Household appliance maintenance.
6. Vehicle services, storage, and maintenance.
7. General warehousing (excluding combustible, toxic, or explosive materials).
8. Adult entertainment facilities.

Required Lot Area and Lot Width in Manufacturing District:

Each use to be established in the General Manufacturing District shall provide a minimum lot area of 5 acres.

Building Height: No building in the General Manufacturing District shall exceed fifty (50) feet in height.

Yards Requirements: All structures to be constructed, altered or moved in the General Manufacturing District shall provide yards of the following minimum depths:

Front Yard - 75 feet  
Side Yard - 25 feet\*  
Rear Yard - 75 feet

\*Except where a side yard abuts a residential district in which case a side yard of fifty (50) feet shall be provided.

Screening/Buffer Requirements: For non-residential uses abutting an R-District the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements, if acceptable landscaping, screening or fencing approved by the Board is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall be a minimum of six feet in height consisting of opaque material such as a wood fence, an earth berm, an opaque hedge, or any combination thereof. If the barrier consists totally or in part of plant materials, such materials shall be planted in a strip of evergreen shrubs not less than ten (10) feet in width and four (4) feet in height.

Signs: Signs shall be as regulated in Article 11 of these regulations.

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

Limitation On The Number of Principal Structures Upon A Lot of Record:  
Unless otherwise specified within this resolution, no lot shall contain upon it more than one principal structure.



## ARTICLE 9

### **SUPPLEMENTARY DISTRICT REGULATIONS**

#### **Section 900 General**

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

#### **Section 901 Conversion of Dwelling to More Units**

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family equals the lot area requirements for new structures in that district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
4. The conversion is in compliance with all other relevant codes and resolutions for such structures.

#### **Section 902 Private Swimming Pools**

**Definition:** A private swimming pool, as regulated herein, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be any pool, pond, lake or open tanks, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than two (2) 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 twenty five feet to any property line of the property on which located.
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. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. Above ground swimming pools with built on fence and retractable locking steps shall be exempted from the fencing provisions.

4. Lighting: Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.

### **Section 903 Community or Club Pools**

Community or club swimming pools shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Where permitted by conditional use they shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association of club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition and locked.
4. The pool facility meets parking requirements as prescribed in Article 10 of these regulations.

### **Section 904 Temporary Buildings**

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. All such facilities or equipment shall be removed before a certificate of compliance will be issued.

### **Section 905 Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if the vehicles have a current license.

### **Section 906 Junk Yards**

Junk yards are prohibited when they are determined to be a junk yard as defined in this resolution.

### **Section 907 Junk Motor Vehicle**

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

1. Without license plates and registration.
2. Extensively damaged; such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.
3. Apparently inoperable, that is left uncovered by not being housed in a garage or other suitable structure, in the open on 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.

The zoning inspector of Burlington Township may send notice by first class mail as evidenced by a certificate of mailing, 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 Burlington Township Board of Zoning Appeals in accordance with Section 509 and 514 through 517.

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

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.

### **Section 908 Required Trash Areas**

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or

fence of at least two feet in height above the trash container if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the zoning inspector shall be required.

### **Section 909 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of two and one-half (2 ½) and ten feet above the center lines grades of the intersecting streets in the area bounded by the right-of-way lines or such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

### **Section 910 Architectural Projections**

Open structures such as porches, canopies, balconies, platforms, carports, covered porches, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

### **Section 911 Special Provisions for All Uses**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise conditions which could create a nuisance or adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous conditions and nuisances to acceptable limits as established by the performance requirements in Section 912 through 919, inclusive.

### **Section 912 Fire Hazard**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger and shall meet all requirements of the State of Ohio Fire Marshall.

### **Section 913 Radioactivity or Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

### **Section 914 Noise**

Objectionable noise as determined by the zoning inspector, subject to review by the B.Z.A., which is due to volume, frequency, pitch, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from the equipment.

### **Section 915 Vibration**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

### **Section 916 Air Pollution**

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency. Smoke or other forms of air pollution shall not be detectable beyond the boundaries of the Manufacturing district.

### **Section 917 Glare**

No direct or reflected glare shall be permitted which is visible from any street or property outside a manufacturing district.

### **Section 918 Erosion**

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties. All requirements as outlined in Article 6 of the Licking County Subdivision Regulations and/or all State laws pertaining to erosion control must be adhered to.

### **Section 919 Water Pollution**

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency as well as those outlined in the State of Ohio's Wellhead Protection Guidelines.

### **Section 920 Enforcement Provisions**

The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statement and plan indicating the manner in which elements creating a danger or nuisance involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

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 of Zoning Appeals.

### **Section 921 Measurement Procedures**

Methods and procedures for the determination of the existence of any elements, which are dangerous or create a nuisance shall conform to applicable standard measurement procedure published by the American Standards Institute, Inc., New York, Chemical Manufacturers' Association, Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

### **Section 922 Towers, Antennas, or Similar Structures or Appurtenances**

Microwave, or radio transmission towers for cellular telephone and/or other similar communication systems, including radar and satellite receiving devices, or any other type of antenna, tower or other man-made structures built for any private or public utility purposes, that are more than 75 feet in height, shall be located in a business or manufacturing district. For the purposes of this section, all districts other than business or manufacturing are considered to be used for residential purposes for which such towers, antennas or similar structures shall be excluded under Section 519.211 of the Ohio Revised Code.

### **Section 923 Adult Entertainment Facilities**

#### **Definitions**

1. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories:
  - a. Adult Book of Video-Book Store - an establishment having any of its display area of items for sale of its stock in trade, books, videos, magazines, and other periodicals which are 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.
- sexual patrons
- 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 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 of 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" means 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" means any of the following:
    - a. Less than completely covered human genitals, pubic regions, 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 artwork, which is individually crafted and signed by, the artist to 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 in such position or manner, which present or expose such nudity to prominent, focal or obvious viewing attention.
  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 the 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 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. 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 thought 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 a 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 a whole, lacks serious literary, artistic, political, educational or scientific value for juveniles.

### Exceptions

Nothing in this article shall be constructed 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 of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

### Location

Adult entertainment facilities, adult mini-motion picture theaters, adult entertainment facilities of any kind or type are limited to the Manufacturing District in Burlington Township as a conditional use provided further, that no such facilities shall be located within 1,500 feet of any church, school or residence.

### Unlawful Exhibition or Display of Harmful Material to Juveniles

No person having custody, control, or supervision or any business or commercial



establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

- a. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent of lawful guardian to enter or remain on premises if in that part of the premises where the juveniles is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefore, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
- b. Visibly display, exhibit, or otherwise expose to view, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
- c. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead, or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

#### Violation and Penalty

Whomever violates any provision of this Article shall be subject to the provisions of Section 312 as well as loss of any conditional use granted for said premises.

## ARTICLE 10

### **OFF-STREET PARKING AND LOADING FACILITIES**

#### **Section 1000 General Requirements**

1. No building or structure shall be erected, substantially altered, or its uses changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution.
2. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution.
3. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of 50 percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### **Section 1001 Parking Space Dimensions**

A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 19 feet in length for 90 degree parking, nine feet in width and 23 feet in length for parallel parking, ten feet in width and 19 feet in length for 60 degree parking, and 12 feet in width and 19 feet in length for 45 degree parking. All dimensions shall

be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1017 of this resolution.

### **Section 1002 Loading Space Requirements and Dimensions**

A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. One off-street loading space shall be provided and maintained on the same lot for every occupancy requiring delivery or goods and having a modified gross floor area of up to 5,000 square feet. One loading space shall be provided for each additional 10,000 square feet or fraction thereof.

### **Section 1003 Paving**

The required number of parking and loading spaces as set forth in Sections 1002 and 1017, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

### **Section 1004 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

### **Section 1005 Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

### **Section 1006 Lighting**

All parking areas which are intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be shaded and so arranged as to reflect the light away from the adjoining property and right-of-way.

### **Section 1007 Location of Parking Spaces**

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use, which they are intended to serve.

2. Parking spaces for commercial, industrial, institutional uses shall be located not more than 700 feet from the principal use.

### **Section 1008 Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoining or face any property used for residential purposes, by an acceptably designed wall, a fence that is 75% opaque (made of natural material, or material that appears to be natural), landscaped berm, or planting screen. Such fence, wall or planting screen shall be not less than four feet not more than six feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

### **Section 1009 Disabled Vehicles**

The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

### **Section 1010 Minimum Distance and Setback**

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than ten feet to any established street or alley right-of-way.

### **Section 1011 Joint Use**

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

### **Section 1012 Wheel Blocks**

Whenever a parking lot extends to a property line, wheel blocks shall be installed to prevent any part of a parking vehicle from extending beyond the property lines.

**Section 1013 Width of Driveway Aisle**

Driveways serving individual parking spaces shall be not less than 25 feet wide for 90 degree parking, 12 feet wide for parallel parking, 17 and one-half (17 ½) feet for 60 degree parking, and 13 feet for 45 degree parking.

**Section 1014 Access**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

**Section 1015 Width of Access Driveway**

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access road shall maintain the following minimum standards: for one-way traffic the minimum width of 14 feet except for 45 degree parking in which case the minimum width of the access road shall be 17 feet. Access roads for two-way traffic shall have a minimum width of 24 feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

**Section 1016 Striping**

All parking areas with a capacity over 12 vehicles shall be striped with double line (six inches both sides or center) between stalls to facilitate the movement into and out of the parking stalls.

**Section 1017 Parking Space Requirements**

For the purpose of this resolution, the following minimum parking space requirements shall apply:

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
<u>RESIDENTIAL</u>	
1. Single family or two family dwelling.	Two for each unit.
2. Apartments or multi-family dwellings.	Two for each unit.

- |    |   |   |
|----|---|---|
| 3. | Boarding houses, rooming houses, two for each dormitories, and fraternity houses which have sleeping rooms. | One for each sleeping room or permanent occupant. |
| 4. | Manufactured homes.   | Two for each unit.                                |

COMMERCIAL

- |    |   |  |
|----|---|--|
| 1. | Automobile service garage which also provides repair. | Two for each gasoline pump and two each service bay.                                   |
| 2. | Hotels, motels.                                       | One for each sleeping room plus one space for each two employees.                      |
| 3. | Funeral parlors, mortuaries, and similar type uses.   | One for each 100 square feet of floor area in slumber room, parlors, or service rooms. |

RECREATIONAL OR ENTERTAINMENT

- |    |  |  |
|----|--|--|
| 1. | Dining rooms, restaurants, taverns, night clubs, etc.              | One for each 200 square feet of floor area.  |
| 2. | Bowling alleys.  | Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use. |
| 3. | Dance floors, skating rinks.                                       | One for each 100 square feet of floor area used for the activity.  |
| 4. | Outdoor swimming pools, public or capacity plus community or club. | One for each five persons one for each four seats or one for each 30 square feet floor area for seating purposes whichever is used greater.      |
| 5. | Auditoriums, sport arenas, theaters, and similar uses.             | One for each four seats.   |

- |    |  |   |
|----|--|---|
| 6. | Retail store.  | One for each 250 square feet of floor area. |
| 7. | Banks, financial institutions and similar uses.                                    | One for each 200 square feet of floor area. |
| 8. | Offices, public or professional administration, or service building.               | One for each 400 square feet of floor area. |
| 9. | All other types of business or commercial uses permitted in any business district. | One for each 300 square feet of floor area. |

INSTITUTIONAL

- |    |   |  |
|----|---|--|
| 1. | Churches and other places of religious assembly.                          | One for each five seats.   |
| 2. | Hospitals.  | One for each bed.  |
| 3. | Sanitariums, home for the aged, nursing homes, asylums, and similar uses. | One for each two beds.   |
| 4. | Medical and dental clinics.   | One for every 200 square feet area of examination, treating room office, and waiting room. |
| 5. | Libraries, museums, and art galleries.                                    | One for each 400 square feet of floor area.  |

SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)

- |    |  |   |
|----|--|---|
| 1. | Elementary and junior high schools.    | Two for each classroom and one for every eight seats in auditorium or assembly halls. |
| 2. | High schools.                          | One for every ten students and one for each teacher and employee.                     |
| 3. | Business, technical and trade schools. | One for each two students.  |
| 4. | Colleges, universities.                | One for each four students.   |

5. Kindergartens, child care centers, but less nursery schools and similar uses.

Two for each classroom  
than six for the building

### MANUFACTURING

1. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district.

One for every two employees on the largest shift for which the building is designed plus one for each motor vehicle used in the business.

2. Cartage, express, parcel delivery, and freight terminals.

One for every two employees on largest shift for which the building is designed and one for each motor vehicle maintained on the premises.

### Section 1018 General Interpretation of Article 10

In the interpretation of Article 10, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Board upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Inspector.



## **ARTICLE 11**

### **SIGNS**

#### **Section 1100 Intent**

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types, which are to be used for the purposes of identification, navigation, and information. It is intended to protect property values, create a more attractive, un-intrusive, fair local economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, impairing motorist ability to see pedestrians, other vehicles, obstacles or to read traffic signs, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb any deterioration of the natural environment, prevent signs from becoming a nuisance to surrounding properties and community, and enhance community development.

#### **Section 1101 Governmental Signs Excluded**

For the purpose of this resolution "sign" does not include signs erected and maintained

pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations.

### **Section 1102 General Requirements for All Signs and Districts**

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light on constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Local or State Electric Code.
3. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than four feet, including those projecting from the face of any theater, hotel, or motel marquee.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1104 herein.
5. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinner, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
6. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
7. Should any sign be or become unsafe or be in danger of failing, the owner there or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
8. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
9. All off-premises advertising devices erected or maintained under Chapter 5516.10 of the Ohio Revised code.
10. The following are prohibited:
  - a. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
  - b. Advertising devices, which prevent the driver of a vehicle from having a

clear and unobstructed view of official signs and approaching or merging traffic.

- c. Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, or device.
- d. Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with imitate or resemble an official sign, signal, or device.

### **Section 1103 Measurement of Sign Area**

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

### **Section 1104 Signs Permitted in All Districts - No Permit Required**

- 1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six square feet.
- 2. Non-farm signs denoting the name and address of the occupant of the premises, professional or home occupation signs not exceeding six square feet in area; and not exceeding one sign per home or business.
- 3. Farm signs, denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership or organizations not to exceed 25 square feet of sign face area per farm.
- 4. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed 20 square feet in area which shall be located on the premises of such institutions and shall be setback from all street right-of-ways at least 12 feet.
- 5. Entrance and exit signs containing only directional signs.
- 6. Temporary signs not exceeding in the aggregate 40 square feet announcing special events, the erection of a building, or signs for similar uses. Such signs shall be removed within two weeks of the completion of the event or project.
- 7. Political signs, not exceeding in the aggregate 9 square feet, provided such signs are not posted more than 30 days before election day and removed within two weeks following election day.

### **Section 1105 Signs Permitted in Districts - Review of all sign proposals are required to be reviewed by the Zoning Inspector before required permit will be issued.**

1. In a commercial or manufacturing district, each business shall be permitted those signs as described in Table 1105-A and B which requires that applicants select either Option A or Option B.

**TABLE 1105-A BUSINESS AND MANUFACTURING SIGN REQUIREMENTS**  
(Signs required a permit from Zoning Inspector after approval from B.Z.A.)

Option A

	Wall	Structure Signs Swinging	Canopy	Ground Sign
Max. Hgt.	15'	15'	18'	15'
Projection of sign from wall	1'			
Sign length				6'
Sign width		4'		
Min. Setback (from road right-of-way)				10'
Qty..				

	1 of each provided that the total sq. ft. does not exceed the <u>total sign area</u> (see below)	1
Sign Area		32 sq ft
Total Sign Area	1 ½ sq. ft. of sign area for each foot of building width (or part of the building occupied by given enterprise). Maximum area shall not exceed 80 sq. ft.	

TABLE  
105-B BUSINESS AND MANUFACTURING SIGN REQUIREMENTS  
(Signs requiring a permit from Zoning Inspector after approval from B.Z.A.)

Option B	Larger Ground Sign
Max. Hgt.	15'
Min. Setback (from road right-of-way)	20'
Qty..	1
Sign Area	80 sq. ft.

2. Larger signs or advertising devices for business or industries adjacent to the interstate and primary highways as regulated by the Ohio Revised code, Section 5516.07, as amended shall be permitted in accordance with those state laws. such signs shall not be subject to the above regulations but shall require a permit from the township zoning inspector and the owner or agent of such sign and must show proof of having obtained the required State of Ohio approval.

**Section 1106 Setbacks for Public and Quasi public Signs**

Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.

**Section 1107 Special Yard Provisions**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 50 feet of a side or rear lot line.

**Section 1108 Limitation**

For the purposes of this resolution, outdoor advertising off premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or

business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised code, Chapter 5516 and the regulations adopted pursuant thereto.

### **Section 1109 Abandoned Signs**

A sign shall be considered abandoned:

- a) When the sign is associated with an abandoned use.
- b) When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least ninety consecutive days. Seasonal businesses are exempt from this determination.
- c) When the sign on its immediate premises is not adequately maintained and the repairs or maintenance as required by the B.Z.A. are not effected within the specified time.
- d) When the sign does not conform to the provisions of this section.
- e) When the sign does not have a permit, or no exemption is available.

Abandonment shall be determined by the Burlington Township Zoning Inspector. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Inspector or his designee shall issue an order for the sign to be removed within thirty days. Any abandoned sign still standing after thirty days following an order for removal may be appealed to Township B.Z.A., and procedures of Article 5 shall be followed. The owner of such sign(s) shall be subject to decision of the B.Z.A.. If no appeal is filed within the required time period, the Zoning Inspector shall proceed with the proper violation procedures.

### **Section 1110 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of these terms of this resolution, the zoning inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under Section 311 of this resolution. Political signs posted in violation of Section 1104 of this resolution are subject to removal by the zoning inspector five days after written notice of violation of Section 1104 has been given.

### **Section 1111 Surety Bond**

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

## ARTICLE 12

### EXTRACTION OF MINERALS

#### Section 1200 General Requirements

Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any Flood Plain or Agricultural Districts may file with the Commission 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:

#### Distance from Property Lines

No quarrying operation shall be carried on or any stock pile placed closer than fifty feet to any property line unless a greater distance is specified by the Commission where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five feet by written consent of the owner or owners of the abutting property.

#### Distance from Public Right-of-Way

In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way.

#### Fencing

Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the commission such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Commission.

#### 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 conditions by surfacing or other treatment.

#### Processing

The crushing, washing and refining or other similar processing may be authorized by



the commission 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 1201 Applicant - Financial Ability**

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

### **Section 1202 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 applicant making request for such permit.
3. Name of the person or corporation conducting the actual removal operation.
4. Location, description and size of the area from which removal is to be made.
5. Location of processing plant used.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mined area.

### **Section 1203 Public Hearing**

Upon receipt of such application, the Commission shall set the matter for a public hearing following the procedures as shown in Article 6.

### **Section 1204 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 Commission 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-inflammable and non-combustible solids, or 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 as hereinabove 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 1205 Additional Requirements**

In addition to the foregoing the Commission 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 Commission 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 Commission prior to issuance of the permit.

### **Section 1206 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. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within fifty feet of any public right-of-way nor within one hundred feet of a residential lot line.

## ARTICLE 13

### **PLANNED UNIT DEVELOPMENT**

#### **Section 1300 Purpose**

The Township officials, concerned with property development, shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizable developments, and that certain latitude, flexibility, and freedom in the execution of the design and layout of a project should be suggested or otherwise permitted by the Township so as to encourage and provide amenities which are unique to the community.

#### **Section 1301 General**

Planned unit developments may be commercial or industrial developments, or they may be a combination of the two. The minimum site area for a commercial development shall be ten acres, and for an industrial development, thirty acres. If a combination of uses is proposed, a minimum area shall be forty acres. In combination developments, the amount of land devoted to commercial usage shall not exceed twelve and one percent of the total land area of the development.

#### **Section 1302 Submittal to Township Trustees**

Such a development plan shall be submitted to the Trustees and shall be referred to the Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article 6 for hearings on changes and amendments.

#### **Section 1303 Required Plans and Actions by the Commission**

1. In order for the Commission to better determine that the planned unit development meets all requirements, the developer shall furnish a preliminary plan for the entire tract showing topography, roads, lot lines, lot areas, easements, encumbrances, and other relevant data. The plans shall include the location of existing structures, areas of shrubs and/or trees of ten-inch diameter or more, existing contours and the proposed grading plan.
2. Upon determination by the Commission that the proposed planned unit

development project as shown by the preliminary plan conforms to the requirements of all applicable provisions of this resolution, the proponent shall prepare and submit a final development plan, and such plan shall incorporate any changes or modifications required by the Commission.

3. Upon approval by the Commission, the plans shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Commission shall be based on the following general conditions:
  - a). The Plan is consistent with the intent and purpose of this resolution to promote public health, safety, morals and general welfare.
  - b). The use of the land shall be similar to the uses permitted in the district in which the plan is located.

### **Section 1304 Acceptance by Action by the Township Trustees**

1. Following a public hearing, the Trustees may modify the plan, consistent with the intent and meaning of this resolution, and may rezone the property to the classification permitting the proposal, for development in substantial conformity with the final plan as approved by the Trustees.
2. After the final development plan has been approved by the Trustees and in carrying out this plan, adjustment or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by proponents, and provided such requests conform to the standards established by the final development plan and this resolution, such adjustments or rearrangements may be authorized by the Commission.
3. Planned unit developments shall be encouraged, but they shall conform to the regulations of this resolution or to the following modifications of the regulations found elsewhere in this resolution.

### **Section 1305 Commercial Planned Unit Developments**

In Business Districts, a planned unit development may be permitted in accordance with the following provisions if the Commission is satisfied (1) that the proponents of the development are financially able to carry out the proposed project, (2) that they intend to start construction within one year of the approval of the project and necessary change in zoning, (3) that they intend to complete it within a reasonable time as determined by the Commission, and (4) that the need for the proposed development has been demonstrated by means of market studies and such other evidence as the Commission may require.

1. Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in

order to reduce the number of potential accident locations at intersections with thoroughfares. In planning these groups of buildings or establishments, no yard space will be required between uses with the groups; however, the yard requirements must be observed at the edge of the complete development. Planting screens or fences as provided elsewhere in this resolution shall be required.

2. Off-street parking and loading requirements shall be observed as required. Group parking facilities shall provide spaces equal to the number of spaces required for each use to be developed.
3. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for Internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing or potential developments.
4. The ground area occupied by all the buildings shall not exceed in the aggregate twenty-five percent of the total area of the lot or tract.

### **Section 1306 Industrial Planned Unit Developments**

In Manufacturing Districts, a planned unit development may be permitted as follows:

1. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares, which are constructed, may be built to the highest possible standards.
2. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
3. Off-street parking and loading areas shall conform to the provisions of this resolution and all screening requirements shall be observed.
4. Yards: No building shall be less than seventy-five feet distant from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between

buildings, drives, parking areas and improved areas shall be landscaped with trees and planting and properly maintained at all times.