

FRANKLIN TOWNSHIP

ZONING RESOLUTION

LICKING COUNTY, OHIO

PREPARED BY FRANKLIN TOWNSHIP

ZONING COMMISSION

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PREFACE

Modern American man is highly dependent on his fellows. This is the source of both much of his strength and many of his weaknesses. He no longer produces the basic necessities of his daily existence--his food, his clothes, his house--but these necessities are supplied to him more abundantly than ever before.

Growing interdependence, technological advances, and accelerated migration to cities, and the involved structure of modern society becomes increasingly complex. With complexity mounting, with isolated independent giving way to urban interdependence, an inevitable result is the need for regulation by government of a sizable number of activities. It becomes necessary to limit some rights of property in order that the general welfare may be protected.

Zoning, a tool of modern planning, is one of innumerable dramatic manifestations of growth of government controls in response to urban needs. The power to zone arises from the policy power--the power of government to protect the citizens. The need to zone arises because humanity clustered in areas demands a form of protection.

In the present phase of zoning--and it is still in its infancy--regulation takes the form of dividing the area into districts, and within each district limiting the height, bulk, and use of buildings and other structures, the density of population, the use of which land may be put, and other matters. Such regulations must be in accordance with a comprehensive plan. Zoning is thus the subordination of personal interests to what is determined, through procedures established by law, to be the public interest.

Zoning is increasingly under attack as a form of unnecessarily rigid regulation rooted in outmoded tradition and inhibiting desirable change and experimentation. Planners make many of these criticisms. The fault, however, does not lie with zoning, which can be a very flexible instrument, but with failure to take advantage of its flexibility. Attacks are generally against zoning of 30 years ago, which still remains in effect, rather than against zoning as it could, and should, be. Planning and zoning commissions, professional planning staff members, consultants, and administrative officials cling to past forms because they are familiar, tested, and comfortable. Makeshift change is piled on makeshift change to make the least adjustment possible to keep the antiquated machinery running somehow; there are not really enough complete overhauls.

When areas have zoned, they have far too often adopted a zoning ordinance lamentably deficient in many respects. Some ordinances have been copies from sources whose chief recommendation has been that they were available from a nearby area. Many ordinances now in effect are invalid in large or small part because the basic enabling act was ignored or its provisions altered out of recognizable shape. A large number of ordinances show poor original organization and draftsmanship, drip unnecessary and confusing language, and are patched, amended, and padded to the point where even those who administer them do not know what some sections mean.

There is plenty of reason to believe that most of the errors in drafting, substance, and administration of zoning ordinances are not errors of intent or venality. Rather they arise, usually, from a failure to try to get correct information or an absolutely baffling tendency to copy the worth practices in nearby areas. The errors remain because of an obstinate reluctance to rock the boat by making the needed changes or performing the necessary drastic overhaul.

Model zoning regulations is a basic but comprehensive format, which local officials can adopt to fit the needs of each unique community. Because it is designed to be adapted rather than adopted, there is

a great emphasis on administration and proper procedure than actual regulation through specific requirements for each district. The emphasis on administration is also recognition that this area is a critically weak link in the zoning process.

The term "comprehensive plan" very probably meant in the early days of zoning only that there should not be piecemeal zoning--that the ordinance should be geographically comprehensive in the sense that all of the area of the political jurisdiction should be zoned. More recently some courts have been persuaded that a "comprehensive plan" is the studied document prepared by planners setting forth a balanced pattern of objectives and policies for future development. Our "Optimum Land Use Policy and Plan" is such a study, and the following guide does attempt to compliment its policies and objectives for future development.¹

¹ American Society of Planning Officials, The Text of a Model Zoning Ordinance. Library of Congress Catalog Card No. 60-14648, Third Edition (ASPO, 1966), Page 1-2

HISTORY OF FRANKLIN TOWNSHIP ZONING

This zoning resolution, first adopted, May 19, 1974, has been prepared by your township Zoning Commission. The Commission received technical planning assistance from the Licking County Planning Commission.

The Franklin Township Zoning Commission carefully reviewed the current zoning resolution and map. Based on the Zoning Commission's and Zoning Inspector's experience with the administration of zoning over the past years, together with the Licking County Planning Commission's help in presenting new ideas and material on zoning, this updated zoning resolution has been written.

The Zoning Commission recognizes that Franklin Township is an important part of the Licking County region. Social interaction between our township and the surrounding townships and counties is a common fact of life to us all. To provide for future growth patterns and land uses which will be more compatible with our neighboring communities, the Zoning Commission has reviewed the Regional Land Use Plan as adopted by the Licking County Regional Planning Commission. This document is called the Optimum Land Use Policy and Plan, 1976. Care has been taken by the Zoning Commission to set up our township zoning to compliment the Regional Plan to the extent possible for the unique aspects of our community. The County Regional plan has helped the Zoning Commission to better evaluate some new district classifications, lot areas, as well as future township land use proposals. The Licking County Planning Commission currently uses the Regional Plan when township zoning amendments are sent to it for a review and recommendation.

The Zoning Commission also recognizes that it is not ever humanly possible to draft a complicated zoning law, which will answer every conceivable question or problem, which would potentially arise. Hopefully, by using this updated zoning resolution, the normal range of zoning questions and typical problems can be more easily resolved and understood by us all. We believe the updated version offers some superiority over our current regulations in respect to matters of clarity and ease in interpretation.

The Franklin Township Zoning Commission, for the convenience of the public, the Trustees, the Appeals Board and itself, has included the following sections in the zoning book. These sections are designed to correspond to each major article of the zoning resolution, and they are intended to compliment each legal article, by way of explanation. In this respect, the explanation sections will help to clarify the legal contents of the zoning resolution. The public is urged to consult this material to better understand the reasoning behind the updated parts of the zoning resolution. Questions which remain unanswered by the sections of explanation should be referred to the Zoning Inspector or Zoning Commission.

PREAMBLE

A resolution of the Township of Franklin, Licking County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, dividing the unincorporated portion of the township into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-way; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this resolution, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this resolution of any amendment thereto, all for the purpose of protecting the public health, safety, comfort, and general welfare; and for the repeal thereof.

ARTICLE I

COMMENTARY AND INTRODUCTION

The preamble summarizes the contents and purpose of the zoning resolution, and indicates the intent of the drafters in enacting it. As a result, the preamble can be an educational guide to the people of the community generally, and specifically, a guide to the courts in interpreting the resolution.

Section 101 basically states that all the requirements of the resolution are minimum requirements, and if the requirements of this resolution are in variance to the provisions of other laws, the most restrictive or higher standards shall govern.

Section 102 states that if one section of the resolution is held to be invalid by a court, only that section can be declared invalid and the rest of the zoning resolution validity will not be affected.

Section 103 reinforces Section 101 by repealing other resolutions “to the extent necessary” to give the new zoning resolution full force.

ARTICLE I

COMMENTARY AND INTRODUCTION

Section 100 Title

This resolution shall be known and may be cited to as the "Franklin 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, and the general welfare. Wherever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

Section 102 Separability Clause

Should any section or provisions of this resolution be declared by the courts to be unconstitutional or 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 Repeal of Conflicting Resolution, Effective Date

All resolutions or parts of resolutions in conflict with this 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 II

COMMENTARY AND INTRODUCTION ON ENFORCEMENT

According to Section 200, no building or structure may be erected, moved, or altered without a zoning permit issued by the Zoning Inspector. Zoning permits may only be issued by the Zoning Inspector when in conformance with all provisions of the resolution. Too often the Zoning Inspector grants minor variances for yard regulations or other minor acts which are clearly outside his area of responsibility. All variances must be granted, even if of a minor nature, by the Board of Zoning Appeals. Zoning permits must also be issued for approved appeals, variances, and conditional uses. In these instances, the Zoning Inspector may not issue such a permit until ordered to do so by the Board of Zoning Appeals.

Zoning permits and the certificates of zoning compliance discussed in Section 205 and 206 are really two parts of the zoning inspection and enforcement process. Ideally, they should be a two-part form. The zoning permit section is issued when construction begins; the remainder of the form should be completed when the work is finished and the Zoning Inspector is satisfied that all regulations of the zoning resolution have been complied with.

The items listed under Section 201 cover only general information that should be submitted with the application for a zoning permit. The term building permit is sometimes used instead of zoning permit. Zoning permits are frequently mixed up with the permit required under the building code or for assessment purposes. It is, however, highly recommended that an integration of zoning and building inspections be accomplished if at all possible. Form No. 1 is a sample Application for a Zoning Permit.

Section 202 stresses the idea that the Zoning Inspector can only act in conformance with the provisions of the resolution.

Referral of certain zoning permit applications of the Director of the Ohio Department of Transportation is often overlooked in zoning administration. This referral may save the taxpayer considerable amounts of money by halting building in areas that may in the near future have to be purchased for highway right-of-way. It must be pointed out, however, that the Zoning Inspector may only refuse to issue the zoning permit if the Director has already initiated proceedings to acquire the land within 120 days. The term "initiate proceedings to acquire the land" as used in Section 5511.01 of the Ohio Revised Code, should be interpreted to mean that the Director has already filed an eminent domain action to appropriate the land. It should not be interpreted as being satisfactory if the Director has merely entered into certain negotiations with the property owner. The case of State, Ex. Rel. Dille Laboratories Corporation vs. Woditsch, 106 Ohio App. 541 (1958), makes it quite clear that a public authority cannot restrain an individual from using his land in a lawful manner simply because it intends at some future date to acquire the land for a public purpose. The public authority must either proceed immediately to acquire the land or else permit the owner to improve it in any lawful manner which he desires." Section 203 covers this aspect of zoning permit issuance.

The intent of Section 204 is to assure that construction will not linger on over a long period of time, but will be carried on diligently until completion. If the time limits specified in this section are not met, the zoning permit may be revoked. The permit may, however, be renewed upon re-application.

A certificate of occupancy for zoning purposes must be issued by the Zoning Inspector before any structure may be occupied or utilized. The Zoning Inspector must inspect the premises to determine if the work has been completed in compliance with the approved zoning permit and the resolution. This should not be confused with a certificate of occupancy issued under the building code, although, it is recommended that these two functions might effectively be combined. Form No. 4 is a sample Application for Certificate of Occupancy. Section 205 of this article specifies the requirements. (See also Ohio Revised Code 519.16).

Temporary occupancy certificates may be issued when the work is not entirely completed. However, the temporary certificate shall be good for no longer than six (6) months. Section 206 details this provision.

Section 210 states that failure to obtain a zoning permit or certificate of occupancy constitutes a violation, and is punishable under Section 211. In addition, construction proceedings in a manner different from the manner portrayed in the approved zoning permit is a violation and punishable under Section 211.

For zoning to be effective, citizen concern and support is needed. Every citizen, in effect, should become a zoning inspector. Section 210 sets forth this idea. When citizens observe violations to the resolution, they should report these to the Zoning Inspector and should file a signed written complaint. The written complaint form should also specify that the party will testify in court if requested. Frequently the complaining person fails to follow through with the complaint, and testimony is not available should litigation result. Form No. 5 is a follow through with the complaint, and testimony is not available should litigation result. Form No. 5 is a sample form that may be used for written complaints.

Section 211 sets forth the penalties for violation of this resolution. It also specifies that the various conditions and safeguards that may be required for variances, conditional uses, planned unit developments, or other uses shall have the same force of law as does any other requirement of the resolution. Non-compliance with these conditions is also a violation and punishable. (See also Ohio Revised Code 519.99).

Many township zoning resolutions establish a schedule of fees as part of the resolution. However, if specific fees are specified in the text, it is necessary to go through the zoning amendment procedure each time fees are to be changed. This process is lengthy and unneeded. The following article simply gives the legislative authority power to establish and amend fees from time to time by separate resolution without having to hold public hearings as required for zoning amendments. A schedule of current fees must be posted in the office of the Zoning Inspector.

Fee amounts must be reasonable in terms of the township, cost of inspections, investigations of title, legal advertising, postage, materials and all other related expenses. Zoning fees should generate sufficient revenue to cover the cost of zoning administration. Fees should not be designed to be discriminatory to low or moderate-income groups, and fees should not be calculated to be "money makers". See Section 212 for the recommended regulation for fees.

ARTICLE II

ENFORCEMENT

Section 200 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.

Section 201 Contents of Application for Zoning Permit

The application for zoning permit shall be signed by the owner or 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 within six (6) months or completed within two and one-half (2 1/2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Existing use.
- D. Proposed use.
- E. Zoning district
- F. A plan 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.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths.
 - I. Number of dwelling units.
- J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.

Section 202 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 (6) months. The Zoning Inspector shall return one copy of the plans to the applicant; after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The Zoning Inspector shall retain one copy of plans, similarly marked. 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 203 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, a highway for which changes are proposed (as described in 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 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 204 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; the Zoning Inspector shall revoke it; and written notice thereof shall be given to the persons affected. The work described in the zoning permit must be completed within 18 months from the date of issuance of the permit. If not, 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 cancelled permit shall not proceed. No extension may be granted. If construction is not completed, the applicant shall apply for a new zoning permit and pay all applicable fees.

Section 205 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued thereof by the Zoning Inspector stating that the proposed use of the building of land conforms to the requirements of this resolution. This shall be issued upon completion of the permitted use.

Section 206 Record of Zoning Permits and Certificate of Occupancy

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.

Section 207 Failure to Obtain a Zoning Permit or Certificate of Occupancy

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this resolution and punishable under Section 210 of this resolution.

Section 208 Construction and Use to be as provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy 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 210 of this resolution.

Section 209 Complaints Regarding Violations

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

Section 210 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 fails 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 after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 211 Schedule of Fees, Charges, and Expenses

The Board of Township Trustees shall by a resolution, separate and independent from the Franklin Township Zoning 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 all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal..

ARTICLE III

COMMENTARY AND INTRODUCTION ON NON-CONFORMITIES

No matter how carefully district boundaries have been drawn, certain uses, buildings, lands, or structures will not meet the district requirements. Subsequent zoning amendments or district changes will also render certain uses non-conforming. Such uses, buildings, lands, or structures must be allowed to remain; however, their use should be regulated, and ultimately be eliminated. Notice should be taken of the fact that this article is entitled “non-conformities”, and not “non-conforming uses”. In the past, problems with non-conformities often stemmed from a lack of understanding and separation of the different types of non-conformities. This article attempts to remedy these problems by reorganizing the various types of non-conformities into:

- A. Non-conforming lots.
- B. Non-conforming uses of land.
- C. Non-conforming structures.
- D. Non-conforming uses of structures and land in combination.

Section 300 classifies the various types of non-conformities in the resolution. Non-conformities are permitted to continue, but their continuance is not encouraged. Non-conformities are not allowed to be expanded or enlarged. This is different from the way non-conformities have been traditionally handled. Often they are permitted to expand by a certain percentage. This practice is outdated and should be stopped. Such a provision tends to get out of hand and is very difficult for a township to enforce.

One of the duties of the Zoning Inspector should be to maintain an accurate list of all non-conformities in the community. This inventory, taken when the zoning resolution is enacted, is extremely useful in determining which uses were actually in existence at the time of passage and which uses and structures have been created since that time. Obviously, the latter are not non-conformities but violations of the resolution.

Section 301 states more emphatically than Section 300 that non-conformities are incompatible with permitted uses. This provision also breaks with tradition by allowing no enlargement or expansion in non-conforming uses.

It is not the intent of Section 302 to require a change in plans, construction, or anticipated use where actual construction has begun prior to the adoption or subsequent amendment of the resolution. The definition of actual construction should be carefully noted.

Sections 303 and 304 deal with non-conforming lots of record. A lot of record that does not meet the minimum requirements for lot width or lot area may be used for single-family dwellings- with usual accessory buildings provided that all other provisions of the district are met. However, if a series of lots below the requirements are owned, there must be a combination of lots in an effort to reach the minimum lot width and/or area required in the district. Lots of this nature may be numerous in some recreation-oriented, lake front communities. If all other provisions of the resolution are met, the provision of allowing single-family dwellings on individual substandard lots may actually exclude the use of a small lot of record. For example, a 35-foot wide lot of record in a district that requires ten (10) foot side yards could not be built upon because the side yard

requirements would leave only 15 feet to build on. Problems of this nature, however, would have to be solved by the Board of Zoning Appeals through the variance procedure in Section 409 through 419.

Non-conforming uses of land may be continued, according to Section 305, with four (4) conditions set forth. Item No. C specifies that if a non-conforming use of land is voluntarily discontinued for a period of more than two (2) years, any subsequent use must conform to the requirements of the district in which it is located.

Restrictions on non-conforming structures are specified under Section 306. Zoning Resolutions often specify that if a non-conforming structure is destroyed in excess of 50 percent of its replacement cost, it shall not be replaced except in conformity with the requirements of the district in which the structure is located.

Item No. C of Section 307 empowers the Board of Zoning Appeals to allow the substitution of a non-conforming use for an existing non-conformity use if the proposed use is equally as appropriate or more appropriate than the existing non-conforming use. The appeal procedure outlined in Sections 408 through 418 requires that the request for substitution be made first to the Zoning Inspector, who must deny the zoning permit. The appeal is then taken to the Board of Appeals for final examination.

Repairs and maintenance of non-conforming structures should generally be limited to those that will cover normal upkeep and maintenance. Minor alterations and modernization are also permitted as long as the cubic content is not increased. Section 308 states the regulations for upkeep and maintenance of non-conformities.

ARTICLE III

NON-CONFORMITIES

Section 300 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 non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

Section 301 Incompatibility of Non-Conformities

Non-conformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming 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 302 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of and building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Section 303 Single Non-Conforming Lots of Record

If any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, or the lot shall conform to the regulations for the district in which such lot is located. Variances or requirements listed in Article VIII and IX 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 409 and 419.

Section 304 Non-Conforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this resolution.

Section 305 Non-Conforming 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 so long as they remain otherwise lawful, provided:

- A. No such non-conforming 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.
- B. No such non-conforming 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.
- C. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of land shall conform to the regulations specified by this resolution for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming uses of land.

Section 306 Non-Conforming 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 unlawful, subject to the following provisions:

- A. No such non-conforming 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 non-conformity.
- B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 307 Non-Conforming Uses of Structures or of Structure 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:

- A. 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.
- B. 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.
- C. 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 shall find that the proposed use is equally appropriate or 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.
- D. Any structure, or structure and land in combination, in or on which non-conforming use is superceded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- E. 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.
- F. 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 308 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 not 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 309 Uses Under Conditional Use Provisions Not Non-Conforming Uses

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

ARTICLE IV

COMMENTARY AND INTRODUCTION ON ADMINISTRATION

One of the major problems with zoning in Ohio is with its administration. For this reason, special attention has been given to the administration. Experience has shown that in many rural areas, members of the Zoning Commission, Board of Zoning Appeals, and the legislative authority are often not clear on their administrative responsibilities.

The purpose of this article is to attempt to clearly define the authorities and responsibilities of all administrative officials and groups normally involved in township zoning.

The key individual in the administration of zoning is the Zoning Inspector. As the chief administrative and enforcement official, this is the person the public will most directly associate with zoning. He/she must therefore be carefully chosen. Section 400 sets forth the details on the creation of the office of the Zoning Inspector. (See also Ohio Revised Code 519.161).

Although a good Zoning Inspector is vital, he/she may only assume those functions while he is empowered by law to assume. Section 401 sets forth the limitations of powers of a Zoning Inspector. The basic duties lie in the administration and enforcement of zoning. The Zoning Inspector may not in any way alter the zoning law or in any way deviate from the strict provisions of the zoning resolution. Some Zoning Inspectors through their "administrative" actions are actually granting what amounts to variances or amendments. This is illegal and should be halted. These are matters that must be decided by the Board of Zoning Appeals or the legislative authority. (See also Section 200 and 207, which emphasize the enforcement aspects of zoning administration). If the Zoning Inspector knows of a zoning violation, he/she must notify the violator in writing. In addition, a Zoning Violation Placard that may be posted on the premises when the owner cannot be reached by mail or telephoned. It should be noted that zoning violation cases have been thrown out of court because a written notice of the violation was not sent to the violator.

The Commission only has authority to make recommendations to the legislative authority in the area of amendments and planned unit developments. However, prior to the original adoption of zoning, the Commission is the agency with the responsibility to formulate the resolution and the zoning map. It must be stressed that the Commission has only advisory powers. Section 404 lists the duties of the Zoning Commission.

The creation of and the proceeding of the Board of Zoning Appeals is as required under Section 519.13 and 519.15 of the Ohio Revised Code. Sections 405 and 406 elaborate the details of this aspect of the Board of Appeals.

The powers of the Board of Zoning Appeals are very similar to those of the courts. Under the Ohio Revised Code, the Board of Zoning Appeals is given three (3) basic powers.

1. To hear and decide appeals.
2. To grant variances.
3. To grant conditional zoning permits.

Section 407 lists these specific three (3) Board of Zoning Appeals functions.

According to Section 408, the Board of Zoning Appeals is directly presented applications for only conditional uses upon which they have original jurisdiction. All other matters (appeals and variances) go to the Board of Zoning Appeals only after an applicant is refused a zoning permit by the Zoning Inspector.

The only recourse to a decision made by the Board of Zoning Appeals is to the courts and not to the legislative authority. The power of the legislative authority is strictly limited to adopting or rejecting amendments, repealing the resolution and establishing fees. The legal limits of the legislative authority are set in the Ohio Revised Code.

The processing of appeals is one of the main specific duties of the Board of Zoning Appeals as specified in Section 407. An appeal usually involves administrative or interpretive aspects of the resolution by the Zoning Inspector. Appeals usually involve different interpretations of one or several clauses of the resolution by the applicant and the Zoning Inspector. If the Zoning Inspector refuses to issue a zoning permit, and the applicant feels that the Inspector has misinterpreted the resolution, the application may appeal to the Board of Zoning Appeals. The Board of Zoning Appeals then review the case to see if the Zoning Inspector has acted in conformance with the provisions of the resolution. If the Board of Zoning Appeals finds that the Zoning Inspector was justified in refusing to grant the permit, they shall uphold their decision. If, on the other hand, the Board of Zoning Appeals finds that the Zoning Inspector was in error, they shall issue an order for the Zoning Inspector to issue a zoning permit. If the Board of Zoning Appeals acts in the former manner, the applicant may request a variance under a separate application. A citizen can also appeal to the Board of Zoning Appeals a decision of the Inspector to grant a zoning permit where the citizen believes that the permit should not have been granted. Form No. 6 is a sample Application for Appeal, and it is contained after the recommended Article IV.

Variances are a type of appeal whereby the applicant requests a relaxation of the strict terms of the resolution. Variances generally apply only to a specific parcel of property and “where owing to the special conditions, a literal enforcement of the resolution will result on unnecessary hardship, and so that the spirit of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed, and substantial justice done”. Section 512 states this principle so that everyone can be informed about the purpose of the variance.

The granting of variances is one of the most abused powers of zoning. If granted too liberally, variances may destroy the basic intent of the resolution. The Board of Zoning Appeals may never act arbitrarily, but must always be guided in its action by standards of guidelines. Standards for variances are established in Section 413 (4). In granting variances, the Board of Zoning Appeals may also specify conditions and safeguards (Section 414) to assure that the basic intent of the resolution will be upheld. Such conditions and safeguards must be reasonable in scope. The following are some items the Board of Zoning Appeals should consider before final determination of a variance.

- A. The Board of Zoning Appeals must clearly recognize the special conditions in existence for the lot or use in question that would create an undue hardship for the particular case. The hardship should not be self-imposed from previous actions in any way, should not be purely a financial hardship, and must not simply be for the convenience of the applicant.
- B. Before granting any variance, the Board of Zoning Appeals must make sure that the variance will not in any way deviate from any purpose of the resolution, nor will the variance cause any substantial detriment to the public interest.
- C. The Board of Zoning Appeals must realize that by granting a variance they will establish a precedent, and should therefore, have evidence that extraordinary circumstances do exist, which will not frequently recur.
- D. As a general rule, if rezoning of the property in question may be proper and would make a variance unnecessary, the variance should be denied.
- E. Any variance approved by the Board of Zoning Appeals should represent the least variance possible; to insure that the hardship will not be extreme, and that proper and just relief will result.
- F. Most importantly a variance must not be granted to allow a use, which would otherwise be prohibited in the zoning district involved. A variance of this type is not a variance at all, but is in reality an amendment to the zoning map. The Zoning Commission may make amendments only after a recommendation and action by the legislative authority as outlined in Article V.

Section 413 lists the items recommended to be included in the application for variances. These items are only for illustrative purposes and are not meant to be all-inclusive. Special note should be taken of the items listed under (4) of this section. The Board must find that all of these items are true for the specific case before any variance can be granted. Form No. 7 is a sample Application for Variance, and it follows the recommended Article IV.

In addition to authorizing conditions and safeguards to be specified for appeals and variances, Section 414 reinforces Section 412 by stating that the granting of any appeal or variance shall not have the effect of allowing a use not permitted under the district regulations. Such a granting would be an amendment which is a legislative act and not within the authority of the Board of Zoning Appeals.

Form No. 10 is a sample Notice of Public Hearing to Newspaper, which can be sent to the newspaper for publication. Form No. 11 is a sample Notice of Public Hearing to Parties in Interest. These forms follow the recommended Article IV.

The Board of Zoning Appeals also has the responsibility to issue conditional zoning permits for those uses specifically provided for in the resolution. In effect, a conditional use is a permitted use with various restrictions. Conditional uses generally possess special or unique characteristics and must, therefore, be considered individually. The Board of Zoning Appeals has appellate jurisdiction on appeals and variances, and it has original jurisdiction on conditional uses. Section 420 and the following sections illustrate these powers and authorities.

The items recommended under Section 422 to be included in the application for a conditional use permit are only for illustrative purpose and are not meant to be all-inclusive. Form No. 8 is a sample Application for Conditional Use Permit, and it follows the recommended Article IV.

As stated in the comments on Section 412, the Board of Zoning Appeals may not act arbitrarily, but has power only within the limits of identifiable standards or guidelines. Section 423 sets forth general standards that may be used in the review and eventual determination of all conditional uses.

In addition to the general standards for conditional uses specified in Section 423, Section 424 offers a variety of detailed and specific criteria for conditional uses. These specific provisions are not all inclusive. Many of the criteria may apply to more than one conditionally permitted use. Conditionally permitted uses should be listed under the Official Schedule of District Regulations.

The Board of Zoning Appeals (Section 405) may request additional information, if, during the review of the case, they find such conditions to be necessary and consistent with the intent of the resolution. Additional requirements should be derived from the general standards specified in Section 423. Violations of these additional conditions or requirements shall be deemed a violation of the resolution and shall be punishable under Section 210.

A public hearing must be held for conditional uses. The same procedures and forms can be used for conditional uses as for variances and appeals. Section 425 states the requirements.

Once a conditional use permit has been approved by the Board of Zoning Appeals, it is not transferable to another use. If an approved conditional use ceases to exist for more than one (1) year the permit automatically expires. (See Section 427).

ARTICLE IV

ADMINISTRATION

Section 400 Office of Zoning Inspector Created

A Zoning Inspector appointed by the Board of Township Trustees shall administer and enforce this resolution. The inspector 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/her duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

Section 401 Duties of Zoning Inspector

For the purpose of this resolution, the Zoning Inspector shall have the following duties:

- A. Issuance of applicable permits
- B. 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.
- C. Order discontinuance of illegal uses of land, buildings, or structures.
- D. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- E. Order discontinuance of any illegal work being done.
- F. 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 any action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Section 402 Township Zoning Commission

The Board of Township Trustees of any township proceeding under Sections 519.01 to 519.99, inclusive, of the Revised Code, shall create and establish a township Zoning Commission. The Commission shall be composed of five (5) members and two (2) alternates who reside in the unincorporated area of the township, to be appointed by the Board, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the Board may appoint qualified members of such Commission to serve on the township Zoning Commission. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the un-expired term.

Section 403 Proceedings of 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 not less than four (4) times a year, and at such other times as the Commission may determine. All meetings shall be open to the public. The Board shall abide by the Sunshine Law and all other applicable Ohio Laws. Meetings shall be conducted in accordance with Robert's Rules of Order. The Board shall keep minutes of its proceedings showing the vote of each member, regular or alternate, 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.

Section 404 Duties of Zoning Commission

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

- A. Initiate proposed amendments to this resolution.
- B. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article V.
- C. Review all planned unit developments and make recommendations to the Board of Township Trustees.
- D. Review all proposed changes to the Zoning Resolution.

Section 405 Board of Zoning Appeals Created

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members and two (2) alternates to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the township. Members of the Board 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 unexpired term of the member affected.

Section 406 Proceedings of the Board of Zoning Appeals

The Board 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 not less than four (4) times a year, and at such other times as the Board may determine. 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 abide by the Sunshine Law and all other Ohio Laws. Meetings shall be conducted in accordance with Robert's Rules of Order. The Board shall keep minutes of its proceedings, showing the vote of each member, regular or alternate, upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records or 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 407 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, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring quorum vote of three (3) out of five (5) members of the Board 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. For the purpose of this resolution the Board has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
- B. 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, a literal enforcement of this resolution will result in unnecessary hardship for use variances or practical difficulties for area variances, and so that the spirit of this resolution shall be observed and substantial justice done.
- C. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article VIII of such additional safeguards as will uphold the intent of this resolution.
- D. To interpret the zoning map and resolution upon appeal of the Zoning Inspector's decision by any person aggrieved or by any officer of the township affected by said decision.
- E. 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 of Zoning Appeals, 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 within the text of the zoning resolution, a question may be made to the Board of Zoning Appeals and said Board shall make a determination.

Section 408 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 211 of this resolution. Nothing in this resolution shall be interpreted to prevent any official of the township for appealing a decision of the Board to the courts 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 as specified in Section 519.15 of the Ohio Revised Code.

Section 409 Procedures and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 410-419,

inclusive, of this resolution. As specified in Section 407, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 410 Appeal

Any person aggrieved by or any officer of the Township affected by any decision of the Zoning Inspector may file an application for appeal to the Board of Zoning Appeals concerning interpretation or administration of this resolution. 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 411 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 412 Variance

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

The factors to be considered and weighed in determining whether a property owner seeking an use variance has encountered unnecessary hardship in the use of the property include; but are not limited to:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
2. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.
3. That special conditions and circumstances do not result from the applicant.
4. That granting the variance requested will not confer on the applicant by special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.

B. Area Variance

The Board of Zoning Appeals in regards to lot area, lot width and setbacks 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 practical difficulties. The Board of Zoning Appeals shall not grant a variance from the terms of this resolution unless and until practical difficulty is proven. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of the property include; but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
2. Whether a variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services, (e.g. water, sewer, garbage, medical, fire, police);
5. Whether the property owner purchased the property with knowledge of the zoning restriction;
6. Whether the property owner's predicament feasibly can be prevented or corrected through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

Section 413 Application and Standards for Variances

A. Application Contents

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 Clerk containing the following information:

1. Name, mailing address, and phone number of applicants.
2. Legal description of property.
3. Description of nature of variance requested.
4. 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 properties in the same district under the terms of this resolution.
 - c. That special conditions and circumstances do not result from the applicant.
 - d. That granting the variance requested would not confer on the applicant by special privilege that is denied by this resolution to other lands, structures, or buildings in

the same district.

5. Owner's consent to application or satisfactory evidence showing applicants legal or equitable interest in property.
6. Names and mailing addresses of adjoining owners, within 500 feet of property, including across the roadway. This list must be typed on mailing labels.
7. Fees need to be paid in accordance to **Section 2.11 Schedule of Fees, Charges, and Expenses.**
8. Other information as specified by the Board of Zoning Appeals.
9. See application form in Forms Section .

B. Basis for Granting a Variance

A variance shall not be granted unless the Board of Zoning Appeals 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 4 of this section have been met by the applicant. Variances may be granted as guided by, but not limited to, any 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 (2) or more uses, provided that substantial use of such facility by each use 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
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.
9. Under no circumstance shall a variance be granted due to personal hardship. Variances are granted for reasons associated with difficulties with the land only (i.e. topographical, floodplain, soils, natural feature, and the like).

Section 414 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 an 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 210 of this resolution.

Section 415 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 416 Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 415, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least ten (10) 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.

Section 417 Notice to Parties in Interest

Before holding the public hearing required in Section 415, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 416.

Section 418 Action by Board of Zoning Appeals

Within 30 days after the public hearing required in Section 415, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 414, or disapproved the request for appeal or variance. The Board of Zoning Appeals shall further make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 408.

Section 419 Procedure and Requirements for Approval of Conditional Use Permits

Conditional uses shall conform to the procedures and requirements of Sections 420-427, inclusive of this resolution.

Section 420 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article VIII, shall follow the procedures and requirements set forth in Sections 420-427, inclusive.

Section 421 Contents of Application for Conditional Use Permit

At least one owner or lessee of property for which such conditional use is proposed shall file an application for conditional use permit with the Chairman of the Board of Zoning Appeals. At a

minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Zoning district.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine the proposed conditional use meeting the intent and requirements of this resolution.
- G. 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. Such other information as may be required in Section 423.
- H. Names and mailing addresses of adjoining property owners within 500 feet of property, including across the roadway. This list must be typed on mailing labels.
- I. A fee as established by the Board of Township Trustees according to Section 211, Schedule of Fees, Charges, and Expenses.

Section 422 General Standards Applicable to All Conditional Uses

In addition to the guide lines for conditionally permitted uses as specified in Section 423, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of Article VIII, and appears on the Official Schedule of District Regulations adopted by Article VIII for the zoning district involved.
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the township's comprehensive plan and/or the zoning resolution.
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. 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.
- F. 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.
- G. Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
- H. Will have vehicular approaches to the property, which will be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 423 Specific Criteria for Conditional Uses

Following is a list of guidelines for conditionally permitted uses as specified under the Official Schedule of District Regulations.

- A. All structures and activity areas should be located at least 100 feet from all property lines.
- B. Loud speakers, which cause a hazard or annoyance, shall not be permitted.
- C. All points of entrance or exists should be located no closer than 550 feet from the intersection of two arterial thoroughfares or no closer than 550 feet from the intersection of an arterial street and a local or collector street.
- D. There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
- E. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
- F. Structures should have primary access to a collector thoroughfare.
- G. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
- H. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses.
- I. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- J. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- K. 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.
- L. 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.
- M. The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties.
- N. 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.
- O. 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.
- P. Such development should be located on or immediately adjacent to state highways.
- Q. Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
- R. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
- S. 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.
- T. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 5:00 PM.
- U. All equipment and machinery shall be operated and maintained in such as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or the Township Trustees may specify other treatment as deemed necessary.
- V. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final

topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees, shrubs, or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.

- W. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below and low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids to secure:
1. That the excavated area shall not collect and permit water to remain stagnant within the excavated area.
 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 (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- X. There shall be filed with the Board of Township Trustees a bond, payable to the township and conditioned on the faithful performance of all requirements contained in and approved restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

Section 424 Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution, or any other conditions or safeguards that will protect the public health, safety, comfort, and general welfare of the township. Violations of such conditions and safeguards, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 211 of this resolution.

Section 425 Procedure for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in Section 420, 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 Sections 415 through 417.

Section 426 Action by the Board of Zoning Appeals

Within 30 days after the public hearing required in Section 425, the Board shall either approve, approve with supplementary conditions as specified in Section 424, 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 Board disapproves the application, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 408.

Section 427 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 (1) year.

ARTICLE V

COMMENTARY AND INTRODUCTION TO AMENDMENTS

This article sets forth administrative procedures for zoning amendments. Very often zoning resolutions simply refer to the appropriate sections of the Ohio Revised Code for procedures. In some townships, practice has led to total disregard for procedural requirements and often direct violation of Ohio law.

A warning is in order to township zoning agencies. The procedure of the Ohio Revised Code must be closely followed. Many township zoning agencies, even when they are aware of correct procedural requirements, show little regard for these requirements. The steps for zoning action are for the protection of the application or the property owner as much as for the protection of the general public. If zoning agencies try to stall applicants and disregard the Ohio Revised Code, the possibility exists that the courts will find in favor of the applicant because of such disregard for proper administrative procedures.

Amendments and district changes may be initiated in three (3) ways. In addition to an application from a property owner, amendments may also be started by the Commission or by the Township Trustees. The last two (2) methods are often overlooked, although it is a very important function of the Commission and Township Trustees. Changes are bound to occur in any community through time, and to meet these changing conditions, amendments should be initiated from time to time by the township zoning agencies. Section 502 elaborates on this information.

Section 503 was drafted with the intention that Items 2 through 6 would be included in a resolution drafted by the applicant and approved as to form by the County Prosecutor. These items are also included in Form No. 11, a sample Application for Zoning Amendment. Applications for amendments to change the text rather than a zoning district on the map need only include Items 1,2, 9, and 10. Form No. 11 is included after Article V.

The notification of the Director of the Ohio Department of Transportation is often overlooked. Section 506 indicates when the Director must be notified as specified in Section 5511.01, of the Ohio Revised Code. The requirements contained in these sections are for the Commission to

proceed, after notifying the Director, but for the legislative authority to take no action until notified by the Director. This requirement is based on the premise that, after original notification of the proposed new highway or change, state highway division proposals have been reflected in local land use plans and zoning maps. For more detail on this requirement, refer to the comments on Section 203.

Township Zoning Commissions are required by the Ohio Revised Code to hold a public hearing on all amendments. The hearing requirement includes publishing notice in a newspaper (Section 508). Form No. 12 is a sample Notice of Public Hearing to Newspaper that can be sent to the newspaper for publication. Form No. 13 is a sample Notice of Public Hearing to Parties in Interest. (See Article V Commentary). Section 511 presents information about this notice.

The legislative authority has final approval of all amendments. However, for the Board of Township Trustees to deviate from the recommendation made by the Commission, the unanimous vote of the Board of Trustees is required.

FRANKLIN TOWNSHIP ZONING AMENDMENT PROCEDURE

Section 519.12 of the Ohio Revised Code specifies the process for which zoning amendments must follow.

The Licking County Regional Planning Commission in 1977 instituted a policy concerning recommendations on zoning amendments from townships. Each proposed rezoning amendment will be presented to the full Commission at the regularly scheduled Planning Commission meeting (the fourth Monday of each month except November, December, and May when it is held the third Monday due to holidays).

The staff of the Planning Commission will visit the site of the proposed rezoning and will prepare a report and recommendation to be presented to the Planning Commission membership. The zoning amendment will be decided on by the membership, and a recommendation will be mailed to your township Zoning Commission the day after the meeting, to be considered at the Zoning Commission public hearing. The Zoning Inspector and the Township Clerk will also receive copies of our recommendation. The procedure which the Licking County Planning Commission recommends is outlined below:

- A. When your township accepts a petition for a zoning amendment, a date should be set for a public hearing by the Zoning Commission. This hearing must not be less than 20 days, nor more than 40 days from the date of acceptance of the amendment from the petitioner. (Ohio Revised Code 519.12).
- B. Within five (5) days of the acceptance of a petition for zoning amendment, the township shall transmit a copy, together with the text and map to the Licking County Planning Commission. The Licking County Planning Commission will hear the amendment at its next regularly scheduled meeting provided it is received at least 12 working days before the next meeting. Twelve (12) days are necessary because the Planning Commission will list the rezoning on the agenda, which is mailed out the Monday before the regular meeting. The 12-day period also gives the staff a chance to visit the area and study the situation prior to the meeting. In the event a rezoning is received after the Planning Commission agenda is mailed out, the amendment will be heard at the following months regular meeting.

The 20-40 day period for the scheduling of the township Zoning Commission hearing allows time to submit the petition to the Licking County Planning Commission so that the Planning Commission recommendation can be reviewed at the township public hearing. The Planning Commission meeting is the fourth Monday of each month.

EXAMPLE:

- A. Petition accepted by township on July 7, and sent to Planning Commission by the 11th of July.
- B. Township has 20-40 days for Zoning Commission hearing. The 26th day of July is the soonest date, and August 9 is the last date for the hearing.
- C. The Planning Commission meets on the fourth Monday of each month, July 26.
- D. Since July 26 is the first day available for the public hearing, and it is also the date of the regular Planning Commission meeting, the township hearing should be set for the first week of August 2 through August 6 so that time is allowed for receipt of the Planning Commission recommendation.

- E. Within 30 days after the hearing, the Zoning Commission shall transmit to the Trustees its recommendation, the Planning Commission recommendation and copies of all maps, descriptions, and applications relevant to the rezoning.
- F. After the Trustees receive the material from the Zoning Commission, they must have a public hearing within 30 days. Within 20 days after the hearing, the Trustees must make a decision. The decision becomes effective 30 days after the Trustees decide, unless an initiative petition is presented to the Trustees. In the case of the initiative petition submitted by at least 8 percent of the qualified voters, the rezoning will not be effective until decided at the next general or special election.

The procedures outlined above, which are mostly taken directly from the Ohio Revised Code, Chapter 519.12, are complicated and somewhat cumbersome to follow. However, these requirements are the law, and all zoning agencies must follow the law as carefully and as conscientiously as possible so that individual and public rights are protected. Failure to follow procedures, and failure to keep accurate records is a cause often cited by the courts in Ohio when township zoning decisions are reversed.

ARTICLE V

AMENDMENT

Section 500 Procedure for Amendment or District Changes

Utilizing the procedures specified in Sections 501-513, inclusive of this resolution, may amend this resolution.

Section 501 General

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

Section 502 Initiation of Zoning Amendments

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

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution by the Board of Township Trustees.
- C. 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 503 Contents of Application

Applicants for amendments to the official zoning map adopted as part of this resolution by Section 600 shall contain at least the following information:

- A. Name, address, and phone number of applicant.
- B. Proposed amended resolution, approved as to form by the County Prosecutor.
- C. Present use.
- D. Present zoning district.
- E. Proposed use.
- F. Proposed zoning district.
- G. 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.
- H. A list of all property owners and their mailing addresses who are within 500 feet, 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 (10) parcels are to be rezoned.
- I. A statement on how the proposed amendment relates to the comprehensive plan.
- J. A fee as established by the Board of Township Trustees according to Section 212.

Applications 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 504 Transmittal to Zoning Commission

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

Section 505 Submission to County 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 Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission and forwarded onto the Board of Trustees along with recommendation of the Zoning Commission. The recommendation of the planning commission along with that of the zoning commission shall be considered at the public hearing held by said Board of Trustees.

Section 506 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the 120-day period of 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 507 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 508 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 507, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of

the township at least ten (10) days before the date of said hearing.

- A. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 1. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
 2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
 4. The name of the person responsible for giving notice of the public hearing by publication.
 5. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

- B. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published shall set for the time, date, and place of the public hearing, and shall include all of the following:
 1. The name of the Zoning Commission that will be conducting the public hearing.
 2. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of the owners of these properties, as they appear on the County Auditor's tax list.
 4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
 5. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least 15 days prior to the public hearing.
 6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
 7. Any other information required and or requested by the Zoning Commission.
 8. A statement that after the conclusion of such hearing, the matter will be submitted to the Board for its action.

Section 509 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) 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 10 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 to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The 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 508.

Section 510 Recommendation by Zoning Commission

Within 30 days after the public hearing required by Section 507, 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 511 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. The Board of Township Trustees as specified in Section 508 and 509 shall give notice of such public hearing in a newspaper.

Section 512 Action by Board of Township Trustees

Within 20 days after the public hearing required by Section 511, 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 513 Effective Date and Referendum

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

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

For additional information please see ORC Section 519.

ARTICLE VI

COMMENTARY AND INTRODUCTION TO THE OFFICIAL ZONING MAP

It should be noted that this section does not simply make the zoning district map part of the resolution by reference, but makes it an actual part of the body of the resolution. Although adoption by reference is administratively convenient, legal problems have arisen in the past when disputes arise over exactly which map is the official map.

Responsibility for maintaining the zoning map should be given to the Zoning Inspector or some other administrative official. The map should be up-to-date, include all map amendments, annexations, and other significant changes. If an accurate base map is not already available, one should perhaps be prepared before zoning is enacted. One important feature for the map to show is property lines for both acreage and subdivision.

Most townships in Licking County rely on the Planning Commission to keep their zoning map up-to-date. In the past, the Planning Commission has experienced problems in keeping maps current, because the townships do not inform the Planning Commission of their zoning amendment decisions. The Planning Commission will not alter an official map, unless it is informed to do so by the township. A sample form for notification of action on a zoning amendment is included at the end of this section. The Township Zoning Clerk, Zoning Inspector, or the Secretary to the Zoning Commission should take responsibility for sending in this form as soon as a decision becomes effective.

ARTICLE VI

PROVISIONS FOR OFFICIAL ZONING MAP

Section 600 Official Zoning Map

The districts established in Article VI 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. An updated zoning map is located at the Franklin Township Office.

Section 601 Identification of the Official Zoning Map

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

Section 602 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:

- A. Where district boundaries are indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they approximately parallel to the centerlines or street lines of street, or the centerlines or right-of-way liens of highways, such boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- D. 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.
- E. 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 government unless otherwise indicated.

ARTICLE VII

COMMENTARY AND INTRODUCTION ON ESTABLISHMENT AND PURPOSE OF DISTRICT

The districts offered in the following article have been carefully determined and chosen for the model-zoning guide. Again, there are more districts offered than your township may need, but there are as many offered, as a township should ever need for updated zoning resolutions.

The district regulations have been designed to follow the objectives, policies, and recommendations of the Optimum Land Use Policy and Plan.

There are four (4) residential districts to choose from ranging from one (1) dwelling unit per two (2) gross acres to four (4) dwelling units per one (1) gross acre. Yard requirements, dwelling bulk, parking requirements, and sign requirements have been taken from the State Model Zoning Regulations. Minimum lot area, width, and depth have been designed with consideration of the Optimum Land Use Policy and Plan as well as the Board of Health's lot size requirements. Building height restrictions have taken into account the various township's fire department equipment available for fire protection.

Although townships very seldom have a need for business district zoning, the model offers a wide variety of business or commercial zoning districts. The district names were taken from the State Model Code, and the districts should cover everything that might be needed in township business areas.

Section 724 – Special Districts, is of utmost importance. The agricultural district and the conservation district both fall under this category, as they both require a unique approach under the zoning. With urbanized areas increasing constantly, there is an urgent need to regulate suburban sprawl and to protect the ever-decreasing amount of agricultural land. Agricultural ideas are taken from the State Model Guide, which promotes the protection of agricultural lands, and is also consistent with the Optimum Land Use Policy and Plan recommendations concerning prime agricultural land.

Franklin Township does have federally identified flood plains within the township boundaries. The flood plain district is also very important, and its regulations must be very precise in order to protect the public interest. The prohibition of any new residential construction within a known flood plain is highly encouraged. Flood plains can and should be used for other acceptable uses. This guideline stipulates the restrictions on the acceptable flood plain uses, and any development or alteration, which is in the process of occurring, must be discussed with and approved by the County Flood Plain Administrator.

Even though Franklin Township has identified flood plains located within the township's boundaries, they have additionally chosen to establish a Conservation District (C-1). See Article VII and VIII for details.

The County Flood Plain Administrator must be informed, and a valid permit obtained, whenever a lot owner proposes to develop or conduct earth-disturbing activities within the special flood hazard area. Recently, the Licking County Flood Plain Administrator issued a set of official flood plain maps to each township in Licking County. All zoned townships received instructions to have their Zoning Inspector check these maps prior to the issuance of a zoning permit. All development in the 100-year frequency flood plain area must be separately approved by the Licking County Flood Plain Administrator, and all such applicants should be referred to that office by the township Zoning Inspector.

Several zoned townships may want to consider the possibility of adding flood plain districts. The Licking County Planning Commission and the County Flood Plain Administrator now have the official flood mapping and other data necessary to assist your township in this amendment process.

All townships should note that the districts included in this model have been designed to encompass all possible zoning activities throughout Licking County. Individual townships rushing to add new districts should consult with the Licking County Planning Commission for specific technical assistance, which may not be specified in this model.

ARTICLE VII

ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 700 Intent

The following zoning districts are hereby established for the Township of Franklin, Licking County, Ohio. For the interpretation of this the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this resolution. In addition, the specific purposes of each zoning district shall be as stated.

Section 701 Residential Districts

Residential districts are established to meet the purposes set forth in Section 702-704, inclusive.

Section 702 Low-Density Residential District (R-1)

The purpose of the R-1 District is to encourage the establishment of low-density single-family dwellings not to exceed one (1) dwelling unit per gross acre. Centralized water and sewer facilities are required.

Section 703 Medium-Low Density Residential District (R-2)

The purpose of the R-2 District is to encourage the establishment of medium-low density single and two family dwellings not to exceed two (2) dwelling units per gross acre. Centralized water and sewer are required.

Section 704 Medium-Density Residential District (R-3)

The purpose of the R-3 District is to permit the establishment of medium density single, two, and multiple family dwellings not to exceed four (4) dwelling units per gross acre. Centralized water and sewer facilities are required.

Section 705 Manufactured Home Park District (MHP)

The purpose of the MHP District is to encourage the development of manufactured home parks in a well-planned environment. Such districts shall abut upon an arterial or collector thoroughfare as identified on the Major Thoroughfare Plan. Manufactured home parks shall comply with regulations of Chapter HE-27 of the Ohio Sanitary Code.

Section 706 Business District

Business districts are established to meet the purposes set forth in Sections 707-710, inclusive.

Section 707 Local Business District (LB)

The purpose of the LB District is to encourage the establishment of areas for convenience business uses, which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare as specified in the Major Thoroughfare Plan. Marginal strip development shall be prohibited. Centralized water and sewer are required.

Section 708 General Business District (GB)

The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. GB Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan. Centralized water and sewer are required.

Section 709 Manufacturing Districts

Manufacturing district is established to meet the purpose set forth in Section 710.

Section 710 Light Manufacturing District (M-1)

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses. Centralized water and sewer are required.

Section 711 Special Districts

The special districts are established to meet the purposes set forth in Sections 712-714.

Section 712 Agricultural District (AG)

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas, which adversely affects the agricultural operators.

Section 713 Flood Plain District (FP)

The purpose of the Flood Plain District is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational, and agricultural land uses and shall not hinder the movement of floodwaters.

Section 714 Conservation / Natural Recreation District (CN)

The purpose of the CN district is to preserve and protect public and private lands, significant forests and wildlife areas, steep slopes, open spaces, scenic vistas, and outdoor recreational areas for the welfare and enjoyment of the township residents. It is important that significant natural resources and open spaces be conserved for the benefit of current and future residents.

Section 715 Professional – Research – Office District (PRO)

The purpose of the PRO District is to encourage the establishment of groups or professional, research, executive, administrative, accounting, clerical, stenographic, and similar uses. Because such uses are generally large generators of traffic, this district must abut upon an arterial or collector thoroughfare as specified on the County Major Thoroughfare Plan. The PRO District is also designed to act as a buffer between other more intense non-residential uses and high density residential uses and is thus a transitional use. Centralized water and sewer are required.

Section 716 Amendments

Nothing in Article VII shall be interpreted in such a manner as to preclude amendment of the district regulations as provided under the Ohio Revised Code, Chapter 519.12.

ARTICLE VIII
**COMMENTARY AND INTRODUCTION TO THE OFFICIAL SCHEDULE
OF DISTRICT REGULATIONS**

Article VIII provides the township with an Official Schedule of District Regulations. This schedule requires a general classification of uses rather than a detailed listing of individual uses. Frequently, utilizing the individual use approach, uses may be overlooked because it is virtually impossible to list all the uses that could be proposed by an applicant. A general use classification usually helps to minimize this problem and allows for an easy cross-reference of the districts.

Article VII defined each proposed district, and Article VIII lists the permitted uses, conditionally permitted uses, height limitations, lot areas, dwelling bulk, and other items.

Please note the districts are designed for general county use. Not all of the districts may apply to each township. Study and judgment are needed in order to make this determination. Any township wishing to modify their current schedule of district regulations is encouraged first to study this model and then to contact the Licking County Planning Commission to discuss the proposed revisions.

Article VIII contains a new approach to agricultural zoning and three (3) districts are presented which can be used to protect and promote agricultural activities. The county land use plan suggests a zoning district with a minimum lot size of five (5) acres to protect prime agricultural lands in Licking County. The plan also suggests minimum lot sizes of one (1) and two (2) acres as additional ways to protect agricultural areas classified as less than prime. This article contains an agricultural district (five (5) acres minimum lot size), a suburban estate residential district (minimum lot size of two (2) acres), and an R-1, single-family district, with a one (1) acre minimum lot size. The model presents three (3) low-density districts as recommended districts, which can be considered by townships wishing to maintain agricultural activities. The reader should not interpret this article to mean that agricultural zoning mandates a five (5) acre minimum lot size. Agricultural zoning objectives may be met with a minimum lot size of one (1) to two (2) acres depending on the township objectives.

Franklin Township does have federally identified flood plains within the township boundaries. Article VIII also contains a flood plain district, which prohibits permanent expensive structural locations in flood plains. Licking County residents recently became qualified for the sale and benefits for Federal Flood Insurance. In return for these benefits, the county must make assurances to the Federal Government that development in areas subject to a 100-year frequency flood will be properly regulated in an effort to reduce flood damage to life and property. The County Flood Plain Administrator has copies of the 100-year frequency flood hazard areas available to all townships in the county. These flood maps are used to identify a flood plain district for inclusion on the township-zoning map.

ARTICLE VIII

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:

- A. 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 of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk.
 - 2. To accommodate or house a greater number of families.
 - 3. To occupy a greater percentage of lot area.
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
- C. 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 or 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 be a part of this resolution and in Article IX of this resolution "Supplementary District Regulations", Article X, "Off Street Parking and Loading Facilities", and Article XI, "Signs".

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, the 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 are governed by Article VIII, Article IX, 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 VII of these regulations.

Section 803 Low Density Residential District (R-1)

Permitted uses, dimensional requirements, and other regulations of the R-1, Low-Density Residential District. The following regulations shall apply:

- A. Permitted Uses
 - 1. Single-family dwellings
 - 2. Churches

3. Public and Private schools
4. Public parks and playgrounds
5. Governmental buildings
6. Private swimming pools as an accessory use
7. Accessory uses and structures
8. Public utilities and supplies of water and sewer are required to accommodate these under (R-1) Density.

B. Conditionally Permitted Uses

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

1. Home Occupations
2. Cemeteries
3. Clubs, golf courses
4. Nursery – plant materials and sales
5. Churches
6. Public and Private Schools
7. Private Stables as an accessory use

C. General Requirements

1. Height Limit
No building shall be erected or enlarged to exceed 35 feet.
2. Lot Area, Width, and Depth
Every lot shall have a minimum width and road frontage of 150 feet throughout the lot, and a minimum lot area of 1.6 acres exclusive of road right-of-way and inclusive of easements of record.
3. Setbacks
 - a. Front Yard: There shall be a front yard of not less than 40 feet in depth as measured from the road right of way.
 - b. Side Yard: There shall be a side yard of not less than 20 feet on each side.
 - c. Rear Yard: There shall be a rear yard of not less than 50 feet.
4. Dwelling Bulk
 - a. Dwellings or structures shall have a minimum area of 1,200 square feet or living space by outside dimensions, exclusive of porches, garages, cellars or basements.
 - b. Single-family dwelling shall not be less than 25 feet in width or depth, whichever is the smaller dimension.
5. Parking Requirements
Parking requirements shall be as regulated in Article X of these regulations.
6. Signs

Signs shall be as regulated in Article XI of these regulations.

Section 804 Medium-Low Density Residential District (R-2)

Permitted uses, dimensional requirements, and other regulations of the (R-2), Medium-Low Density Residential District – the following regulations shall apply:

A. Permitted Uses

1. Single-family dwellings
2. Two family dwellings
3. Public and private playgrounds
4. Governmental buildings
5. Accessory uses and structures
6. Public utility supplies of water and sewer are required to accommodate these under R-2 Density.

B. Conditionally Permitted Uses

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

1. Home occupations
2. Institutions, nursery, nursing homes
3. Clubs, golf courses
4. Nursery – plant materials and sales
5. Churches
6. Public and Private Swimming Pools

C. General Requirements

1. Height Limit
No building shall be erected or enlarged to exceed 35 feet.
2. Lot Area, Width, and Depth
Every lot shall have a minimum lot width and road frontage of 150 feet throughout the lot and a minimum lot area of 1.6 acres exclusive of road right-of-way and inclusive of easements of record.
3. Setbacks
 - a. Front Yard: There shall be a front yard of not less than 40 feet in depth as measured from the road right of way.
 - b. Side Yard: Side yards shall not be less than 20 feet on each side.
 - c. Rear Yard: There shall be a rear yard of not less than 45 feet.
4. Dwelling Bulk
 - b. Residential structures shall have a minimum area of 1,200 square feet of living space by outside dimensions, exclusive of porches, garages, breezeways, cellars, or basements.

- c. Single-family dwellings shall be not less than 25 feet in width or depth, whichever is the smaller dimension.
- 5. Parking Requirements
Parking requirements shall be as regulated in Article X of these regulations.
- 6. Signs
Signs shall be as regulated in Article XI of these regulations.

Section 805 Medium Density Residential District (R-3)

Permitted uses, dimensional requirements, and other regulations of the (R-3), Medium Density Residential District – the following regulations shall apply:

A. Permitted Uses

- 1. Single-family dwelling units
- 2. Two-family dwelling units
- 3. Multi-family dwelling units
- 4. Public parks and playgrounds
- 5. Governmental buildings
- 6. Accessory uses and structures

B. Conditionally Permitted Uses

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

- 1. Churches
- 2. Public and Private Schools and

Public utility supplies of water and sewer are required to accommodate these uses under R-density.

C. General Requirements

- 1. Height Limit
No building shall be erected or enlarged to exceed 35 feet.
- 2. Lot Area, Width, and Depth
Every lot for a single-family dwelling shall have a minimum width of at least 80 feet and a minimum lot area of not less than 20,000 square feet, every lot or tract of land upon which there is erected a two-family dwelling or multi-family dwelling shall have a minimum width of at least 70 feet and a minimum lot area of not less than 22,000 square feet. All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.
- 3. Setbacks
 - a. Front Yard: There shall be a front yard of not less than 35 feet.
 - b. Side Yard: There shall be a side yard of not less than five (5) feet on each side.

- c. Rear Yard: There shall be a rear yard of not less than 25 feet.
- 4. Dwelling Bulk
Single-family dwellings or structures shall have a minimum area of 850 square feet. Two-family and multi-family dwelling units shall have a minimum area of 600 square feet of living space. All dwelling bulk requirements for the R-3 District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.
- 5. Parking Requirements
Parking requirements shall be as regulated in Article X of these regulations.
- 6. Signs
Signs shall be as regulated in Article XI of these regulations.

Section 806 Manufactured Home Park District (MHP)

A. Purpose

The purpose of the MHP District is to permit the development of mobile home parks in a well – planned environment. Such districts shall abut upon an arterial or collector thoroughfare as identified on the Major Thoroughfare Plan. Mobile home parks shall comply with regulations of Chapter HE-27 of the Ohio Sanitary Code, and Licking County Subdivision Regulations.

B. Permitted Uses

- 1. Mobile homes permitted in mobile home parks only;
- 2. Buildings or permanent type structures used exclusively to provide services for occupants of the park, such as recreation buildings, swimming pools, laundry facility, manufactured home park office, storage rooms, and the like.
- 3. Accessory buildings or structures that are clearly incidental and attached to a mobile home; such as a carport, cabana, sun-room, and the like;
- 4. Advertising signs subject to all the following provisions:
 - a. One identification type sign advertising the mobile home park upon which it is located may be erected provided that no portion of the sign or its supports shall be within the required front yard area. Such sign may be double face, and may be lighted if lighting is arranged in such manner that it will not distract or temporarily blind a motorist on the adjacent public and private streets, or existing point of access. The thirty-two (32) square feet maximum shall be total of sq. ft. of sign face. The maximum area of the sign, including any boarder around it, shall be not more than one square foot for each lineal foot of frontage of the mobile home park with 32 square feet maximum, whichever is less. The maximum height of the sign shall not exceed fifteen (15) feet above the ground. **See Article 11 Signs.**
 - b. Directional signs as approved necessary by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed

two square feet.

C. Prohibited Uses

Within a mobile home park only these uses specifically listed as permitted uses shall be authorized, and all other uses including but not necessarily limited to the following shall be prohibited:

1. Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.
2. Repair and/or sale of vehicles of any type, including mobile homes, except for the repair or sale of any individual vehicle by the owner or occupant thereof.
3. Buildings or permanent type structures for uses other than those listed as permitted uses.
4. Any advertising sign other than that listed as a permitted use.

D. General Requirements

1. Park Size - A mobile home park shall contain a minimum of ten acres of land area.
2. Density, Width and Depth - The minimum density shall be as established by the State of Ohio Department of Health Regulations. The minimum width of the mobile home development shall not be less than 300 feet. The ratio of width to depth shall not exceed 1:5.
3. Perimeter Setbacks
No structure shall be located closer than the perimeter setback as follows:
 - c. Front Yard Setback: 50 Feet
 - d. Side Yard Setback: 50 Feet
 - e. Rear Yard Setback: 50 Feet
 - f. Perimeter Setback shall be the minimum setback from the perimeter property lines of the original parcel prior to development.

E. Approval from Appropriate Authority

The Ohio Department of Health, Licking County Health Department, Ohio Environmental Protection Agency, and Licking County Planning or any other authority or department prior to construction shall approve the mobile home park.

F. Safety and Welfare

1. Buffering
The perimeter boundaries of a manufactured home park, including public roadways shall contain and include a twenty (20) feet landscaped buffer zone. Said buffer zone may be located within the required perimeter yard setback. The landscape material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity between one foot above finished grade level to the top of the required planting, hedge, fence, wall or earth mound within four years after installation.

The landscaped buffer zone shall be composed of one (1) tree every forty (40) feet of lineal boundary, in addition to a continuous six (6) foot high evergreen planting, hedge, fence and/or earth mound. Said continuous evergreen planting, shall be staggered so that plantings are not in a row and will fill in to allow for the needed buffering from the adjoining lot. No evergreen planting shall be more than fifteen (15) feet from any other evergreen planting. This shall be measured from the center point of the tree trunk to center point of the tree trunk. Construction of buffering must be completed within six (6) months of development of Mobile Home Park. *Note: If a triangle is formed where each point of the triangle is fifteen (15) feet from any other point on the triangle, and the points of the triangle represent the center point of the tree trunk, this shall meet the intent of the spacing of evergreen plantings.* This will be carried along all lot lines.

2. Storm Drainage

All areas of a manufactured home park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties or watercourses. Runoff onto adjoining properties shall not be at a greater rate than that which occurs prior to development.

3. Garbage and Refuse Storage

The storage and collection of garbage and refuse within each manufacture home park shall be conducted so as to create no hazard, ground or air pollution. All garbage shall be stored in fly-tight, rodent proof containers. These containers shall be located no more than 150 feet from any lot, and shall be collected at a minimum of once a week.

4. Tornado Shelter/Safe Room

The Mobile Home Park shall provide a Tornado Shelter/Safe Room in a central location within the Mobile Home Park, according to Safe Room Standards of Federal Emergency Management Agency (FEMA) and shall provide a centralized emergency warning system. See subsection (G) Severe Weather/Tornado Shelters and Warning Systems herein.

G. Severe Weather/Tornado Shelters and Warning Systems

1. Purpose

The purpose of this section is to provide for the public health, safety and well being, by providing shelter and a warning system for those residents who live in manufactured home parks where individual structures are not provided with below grade basement living space capable of providing shelter for said structures occupancy level, that would offer protection during a severe storm or tornado event. By providing for such structures and warning systems it is the intent of this chapter of the Franklin Township Zoning Resolution to attempt to protect the lives of those individuals who so choose to live in a manufactured home park community. In no way does the provision of a tornado shelter and warning system or the requirement thereof by Franklin Township guarantee the safety, health and well being during an actual tornado event for those whom choose to live within a manufactured home park.

2. Applicability

This chapter and subsequent sections shall apply to any mobile home park and

manufactured home park of ten (10) acres or more where dwelling units do not contain a below grade living space that may be used as shelter in the event of severe weather.

3. Performance Criteria

a. All shelters shall be constructed to the National Performance Criteria for Tornado Shelters, Federal Emergency Management Agency, Mitigation Directorate, Washington, D.C. First Edition, May 28, 1999 and any subsequent revisions thereof. Shelters constructed to these performance criteria are expected to withstand the effects of the high winds and debris generated by tornadoes such that all occupants of the shelter during a tornado will be protected without injury. These performance criteria are provided by the Federal Emergency Management Agency (FEMA). These performance criteria are to be used by design professionals, shelter manufacturers, building officials, and emergency management officials to ensure that shelters constructed in accordance with these criteria provide a consistently high level of protection. Additionally, all structures shall be constructed to American With Disabilities Act (ADA) Standards For Accessible Design and shall be certified as such.

b. Emergency Management Considerations for Shelters

I. Shelter Refuge Plan

Each shelter shall have a tornado emergency refuge plan; this is to be exercised at least twice per year. Shelter Refuge Plan

II. Safety Equipment Required

Shelter space shall contain, at a minimum, the following safety equipment:

- a. Fire extinguisher surface mounted on the shelter wall near each entrance door. In no case shall a fire extinguisher cabinet or enclosure be recessed into interior face of the exterior wall of the shelter;
- b. Flashlights with continuously charging batteries. Minimum of one per five (5) dwelling units within the park;
- c. First aid kit rated for the shelter occupancy;
- d. Drinking water in sufficient quantity to meet the drinking needs of the shelter rated occupancy for 8 hours;
- e. A NOAA weather radio with continuously charging batteries;
- f. The shelter must contain a continuously charged battery-powered radio transmitter(s) or a signal emitting device to signal the location of the shelter to local emergency personnel should occupants in the shelter become trapped due to debris blocking the shelter access door.

III. Identification of Shelter

The following placards and identification shall be installed:

- a. Any door providing access to the shelter shall have a permanently mounted placard measuring 30" X 30" with yellow

background and reflective lettering and/or graphic(s), identifying the shelter as a Tornado and Severe Weather Shelter mounted next to it on the wall opposite the hinged side of the door or if double door so as the placard is visible while the door(s) is open or closed.

- b. A placard shall be permanently mounted on the inside of the shelter adjacent to the any door allowing access to the shelter instructing occupants of the shelter on how to properly secure the shelter door(s).

IV. Additional Requirements for Below Grade Shelters

- a. The shelter must be watertight and resist flotation due to buoyancy from saturated soil.

V. Multi-Hazard Mitigation Issues

- a. No shelter shall be located in a Special Flood Hazard area as identified on the Federal Emergency Management Flood Hazard Maps.

c. Section 10.00.E.5a Establishment of warning device

A warning siren shall be installed within the mobile home park or manufactured home park to alert residents of potential life threatening weather. The approved radio transmitter shall connect this system to the Licking County Emergency Management Agency's 911 system so that the siren may be activated in the event of severe weather.

- II. Only sirens that are approved by the Licking County Emergency Management Agency may be utilized.
- III. Only sirens and transmitters with battery backups may be utilized.
- iv. The warning siren must produce enough sound to overcome attenuation with distance, to exceed the background noise, and to attract attention of those within and at the farthest reaches of the development.

4. Obtaining Necessary Permits

- a. Prior to beginning construction of the storm shelter, all necessary state and local building and other permits shall be obtained and clearly posted on the job site.
- b. No zoning permit shall be issued for any dwelling in the Mobile Home Park or Manufactured Home Park until said storm shelter and warning system are constructed, operational, and approved by the appropriate permitting authorities.

5. Warning and Disclaimer of Responsibility

The minimum degree of protection and provision of a warning system as required by this resolution is considered reasonable for regulatory purposes. This resolution does not imply or guarantee the safety of those living within a manufactured home park. This resolution shall not create liability on the part of Franklin Township, Licking County, or any officer or employee thereof for any loss of life or damages the result from reliance of this article or any administrative decision lawfully made there under.

Section 807 Local Business District (LB)

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

A. Permitted Uses

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Cemeteries.
6. Local retail business or service including: grocery, fruit vegetable store, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station; Laundromat, shoe store, mortician and the like, supplying commodities or performing services primarily for the resident of a local community.
7. Lodge and fraternal organizations.
8. Nursery (plant materials), and or greenhouse.
9. Accessory uses and structures.
10. Public utilities and sewer.

B. Conditionally Permitted Uses

After obtaining valid conditional use permit in accordance with Article IV, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Hospital, clinic, nursery, nursing home
2. Public swimming pool

C. General Requirements

1. Height Limit
No building shall be erected or enlarged to exceed 35 feet.
2. Lot Area, Width, and Depth
Every lot shall have a minimum width of 200 feet throughout the lot and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right-of-way and shall be in addition to any easement of record.
3. Setbacks
 - a. Front Yard: There shall be a front yard of not less than 50 feet in depth.
 - b. Rear Yard: There shall be a rear yard of not less than 50 feet.
 - c. Side Yard: There shall be a side yard of not less than 40 feet.
4. Parking Requirements
Parking requirements shall be as regulated in Article X of these regulations.
5. Signs
Signs shall be as regulated in Article XI of these regulations.

Section 808 General Business District (GB)

Permitted uses, dimensional requirements, and other regulations of the GB, General Business District – the following regulations shall apply:

A. Permitted Uses

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. All permitted uses as specified in the Local Business District.
6. General auto repair (indoor only).
7. Auto and/or farm implement sales.
8. Taverns, restaurants, or restaurants providing entertainment.
9. Hotels, motels.
10. Commercial and public entertainment fields restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys.
11. Trade or commercial schools.
12. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
13. Public garages.
14. Boarding houses.
15. Building materials and sales, if conducted entirely in an enclosed building.
16. Accessory buildings and uses.
17. General retail sales, service and repair including businesses such as clothing, shoes, jewelry, household products, safety equipment, and catalogue or mail order sales.
The limited assembly of general retail goods sold from premises is permitted.
18. Recreational facilities for both active and passive sports.
19. Public Utilities etc.

B. Conditionally Permitted Uses

After obtaining valid conditional use permit in accordance with Article IV, and the provisions of these regulations, the following uses may be conditionally permitted.

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-helicopters (private and governmental).
6. Private recreational camps.

C. General Requirements

1. Height Limit
No building shall be erected or enlarged to exceed 35 feet.

2. Lot Area, Width, and Depth
Every lot shall have a minimum width of 200 feet throughout the lot and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right-of-way and shall be in addition to any easement of record.
3. Setbacks
 - a. Front Yard: There shall be a front yard of not less than 50 feet in depth.
 - b. Side Yard: There shall be a side yard of not less than 20 feet.
 - c. Rear Yard: There shall be a rear yard of not less than 50 feet.
4. Parking Requirements
Parking requirements shall be as regulated in Article X of these regulations.
5. Signs
Signs shall be as regulated in Article XI of these regulations.

Section 809 Light Manufacturing District (M-1)

Permitted uses, dimensional requirements, and other regulations of the M-1, Light Manufacturing District – the following requirements shall apply:

A. Permitted Uses

1. Agriculture.
2. Public parks and playgrounds.
3. Small item manufacturing conducted entirely in enclosed building.
4. Paper, printing, and associated products.
5. Cleaning, dyeing, and similar services.
6. Food Products.
7. Poultry, horticulture, and forestry facilities.
8. Machinery, office equipment, and furniture manufacturing.
9. Fiber and clothing goods manufacturing.
10. Utility facilities.
11. Non-metallic goods manufacturing.
12. Household appliances and vehicle services, and maintenance.
13. Public utilities.

B. Conditionally Permitted Uses

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

1. Metal cans and container manufacturing.
2. Lumber yards.
3. Contract construction storage of machinery and materials.
4. Buildings materials (general retail).
5. Adult entertainment facilities.

C. General Requirements

1. Height Limit
No building shall be erected or enlarged to exceed 35 feet.
2. Lot Area, Width, and Depth
Every lot shall have a minimum width of 100 feet and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right of way and shall be in addition to any easement of record.
3. Setbacks
 - a. Front Yard: There shall be a front yard of not less than 50 feet in depth.
 - b. Side Yard: There shall be a side yard of not less than 40 feet.
 - c. Rear Yard: There shall be a rear yard of not less than 40 feet.
4. Parking Requirements
Parking requirements shall be as regulated in Article X of these regulations.
5. Signs
Signs shall be as regulated in Article XI of these regulations.

Section 810 Agricultural District (AG)

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

A. Permitted Uses

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Accessory uses and structures.
5. Private swimming pools.
6. Cemeteries.
7. Nursery-plant materials and sales.

B. Conditionally Permitted Uses

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

1. Clubs, golf courses.
2. Home occupations.
3. Public and private schools.
4. Churches.
5. Commercial grain storage.
6. Sawmills.
7. Lawn and garden implement repair.
8. Agricultural implement repair.

C. General Requirements

1. Height Limit
No building shall be erected or enlarged to exceed 35 feet.
2. Lot Area, Width, and Depth
Every lot shall have a minimum width of 250 feet of continuous road frontage along a public road and a minimum lot area of not less than four (4) acres, exclusive of road right-of-way and shall be in addition to any easements of record.
3. Setbacks
 - a. Front Yard: There shall be a front yard of not less than 80 feet in depth for all structures. All front yards are measured from the centerline of the road.
 - b. Side Yard: There shall be a side yard of not less than 20 feet (each side) for dwelling structures. All non-dwelling structures require 10 feet of side yard on each side.
 - c. Rear Yard: There shall be a rear yard of not less than 50 feet for dwelling structures. All non-dwelling structures require not less than 10 feet of rear yard.
 - d. Cul-de-Sac Lots: Lots on a cul-de-sac shall have a minimum of 40 feet of continuous road frontage exclusive of road right of way, and must have a minimum of 200 feet width at 80 feet back from the edge of the road. The dimension of the cul-de-sac must be no less than 84 feet in diameter.
4. Dwelling Bulk
Dwellings or structures shall have a minimum area of 1,200 square feet of living space for single-family residence. Living space will be measured from outside dimensions, exclusive of porches, garages, breezeways, and cellars or basements. All dwellings shall not be less than 24 feet in width or depth, whichever is the small dimension. All plans must meet this requirement prior to start of construction, and must meet this requirement prior to occupancy.
5. Parking Requirements
Parking requirements shall be as regulated in Article X of these regulations.
6. Signs
Signs shall be as regulated in Article XI of these regulations.

Section 811 Flood Plain District (FP)

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

A. Permitted Uses

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, and wild crop harvesting. No structures are permitted.
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 natural preserves, target ranges, trap and skeet ranges, hiking and horseback trails. No structures are permitted.
3. Residential areas limited to lawns, gardens, parking areas, and play areas.

B. Conditionally Permitted Uses

1. Industrial- commercial uses such as loading areas, parking areas, and airport landing strips
2. Circus, carnival, and similar non-permanent, temporary, and/ or transient use of the flood plain.

C. General 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.

In addition to the regulations specified within section 811 herein, all development within the FP district is subject to any other regulations contained within the Franklin Township Zoning Resolution as applicable.

Section 812 Conservation / Natural Recreation District (CN)

Permitted uses, dimensional requirements, and other regulations of the CN, Conservation / Natural Recreation District – the following regulations shall apply:

A. Permitted Uses

1. Agricultural uses including general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, and wild crop harvesting.
2. Recreational facilities such as parks, arboretums, hiking and/or equestrian trails, bike paths, fishing, picnic grounds, swimming areas, and boat launching ramps.
3. Water conservation works including water supply works, flood control and watershed protection, fish and game hatcheries and preserves.
4. Nature and wildlife preserves, and botanical gardens.
5. Residential uses limited to lawns, gardens, play areas, and necessary parking. Structures are permitted if township zoning approved.
6. Conservation/museum buildings for education about and preservation of the land.
7. Accessory use and building(s).

B. Conditionally Permitted Uses

1. Hunting Club (without target or skeet trap ranges), archery ranges.
2. Golf courses and/or driving ranges, baseball diamonds, football and/or soccer fields, tennis and/or volleyball courts.
3. Dwelling for habitation by the person employed to care for the land.

C. General Requirements

1. Height Limit

No structure shall be erected or enlarged to exceed thirty-five (35) feet in height or structure.

2. Required Lot Area and Lot Width

If a dwelling or principal structure for a person employed to care for the land is located on the lot, there must be a minimum of useable acres of ground acceptable to the Licking County Health Department, Ohio Environmental Protection Agency (O.E.P.A.) or the appropriate approving authority at the time of improvement. New lots must be equal to or greater than four (4) acres and must meet a 3:1 depth to width ratio (i.e. no lot may exceed a depth that is greater than 3 times it's width as measured at the edge of the road right-of-way.) The Licking County Health Department may require more lot area based on the use of principal structure. Licking County Subdivision Regulations for minimum lot size and frontage must be met. No accessory structure shall be located closer than thirty-five (35) feet to any proposed public right-of-way, and not closer than fifty (50) feet to any side or rear lot line.

3. Other Regulations As Specified

In addition to the regulations specified within Section 812 herein, all development within the CN district is subject to any other regulations contained within the Franklin Township Zoning Resolution as applicable.

Section 813 Professional-Research Office District (PRO)

Permitted uses, dimensional requirements, and other regulations of the PRO, Professional – Research – Office District – the following regulations shall apply:

A. Permitted Uses

1. Doctor's parks, offices, or clinics.
2. Vision and hearing clinics.
3. Dental offices and clinics.
4. Law offices.
5. Insurance and real estate offices.
6. Banks and finance establishments.
7. Utility companies.
8. Research facilities and/or laboratories.
9. Governmental offices.
10. Planning, architect, or engineering offices.

11. Day care centers.
12. Veterinary clinics and offices.
13. Other professional office.

B. Conditionally Permitted Uses

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

1. Nursing homes (extended care)
2. Hospitals (extended care)

C. General Requirements

1. Height Limit

No building shall be erected or enlarged to exceed 35 feet.

2. Lot Area, Width, and Depth

Every lot shall have a minimum width of 100 feet throughout at a dedicated street and 100 feet at the building setback line and a minimum lot area of not less than one (1) acre (43,560 square feet). All lot measurements shall be exclusive of road right-of-way, and inclusive of easements of record.

3. Setbacks

- a. Front Yard: There shall be a front yard of not less than 50 feet in depth.
- b. Side Yard: There shall be a side yard of not less than 25 feet (each side) in depth.
- c. Rear Yard: There shall be a rear yard of not less than 50 feet in depth.

4. Parking Requirements

Parking requirements shall be as regulated in Article X of these regulations.

5. Signs

Signs shall be as regulated in Article XI of these regulations.

6. Open Space and Landscaping Requirements

See Section 905.

ARTICLE IX

COMMENTARY ON SUPPLEMENTARY DISTRICT REGULATIONS

A common problem for many owners of large older family homes is the excessive maintenance costs for such buildings. Section 901 makes provisions allowing the conversion to a larger number of dwelling units if all yard requirements are maintained, if the lot area per family or unit is not below the requirements of the resolution.

Corner lots covered under Section 911 must maintain front yards on both streets according to Section 912, visibility at intersections can be maintained by allowing no projection vertically between two and one-half (2 ½) and ten (10) in height shall be located in the triangular area of 50 ft. by 50 ft at point of intersection.

The purpose of this requirement is to allow drivers to see oncoming traffic and small children at intersections.

The architectural projections listed in Section 911 must also meet all yard requirements. In the past, certain architectural projections such as open porches, have been permitted to protrude into required yards, but this practice may lead to requests for enclosing such structures which destroy the intent of yard requirements.

Article IX also deals with such important and difficult issues including:

1. Swimming pools, public and private.
2. Temporary buildings.
3. Parking and storage of vehicles without current license tags.
4. Special provisions for commercial and industrial uses.
5. Adult entertainment facilities.

ARTICLE IX

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 Dwellings to More Units

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

- A. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in the district for which the lot is zoned.
- B. The lot area per family equals the lot area requirements for new structures in that district.
- C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in the district for which the lot is zoned.
- D. The conversion is in compliance with all other relevant codes and resolutions, and this resolution.

Section 902 Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements.

- A. The Pool is intended and is to be used solely for the enjoyment of occupants of the principal use of the property on which it is located.
- B. It may not be located closer than ten (10) feet to any property line.
- C. The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a gate and lock.

Section 903 Community or Club Swimming Pools

Community and club swimming pools where permitted shall comply with the following conditions and requirements:

- A. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.
- C. The swimming pool and all of the area used by the bathers shall be walled or fenced to

prevent uncontrolled access. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

Section 904 Temporary Dwellings

Temporary dwellings are permitted, with a zoning permit, in any district where dwellings are permitted and may be occupied during the construction or reconstruction of the principal dwelling for a period not to exceed eighteen (18) months. After a said eighteen (18) month period the temporary structure shall be vacated and removed from the lot. Requests for extensions shall be considered a variance and referred to the Board of Zoning Appeals.

Section 905 Temporary Storage and Parking

In any district, for the purpose of moving and/or construction, a portable storage unit, construction trailer/mobile office may be utilized as follows:

- A. Portable storage units
May be located upon the property for which it is to receive or deliver stored items for a period of no more than one week.
- B. Construction trailer/mobile office
May be located upon a property in which the active construction is occurring for the duration of active construction project. Said construction trailer/mobile office must be removed within one week of completion of the project or during any extended period of non-active construction. Non-active constructions shall include circumstances of inactivity due to lack of funding to complete a project, periods of time between construction of phases of a project, or any other reason in which construction does not occur for a period of six months or longer.
- C. General Requirements
All portable storage units and/or construction trailers/mobile offices shall meet the yard setback requirements of the district in which they are located.
POD's, trailers, semi- tractor trailers or other portable structures shall not be used for storage except as noted in Section 903 above.

Section 906 Required Trash Areas

All commercial, industrial, 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 six (6) feet in height 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 907 Supplementary Yard and Height Regulations

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the provisions of Section 909-912, inclusive shall be used for interpretation and clarification.

Section 908 Setback Requirements for Corner Buildings

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

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) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

Section 910 Yard Requirements for Multi-Family Dwellings

Multi-family dwellings shall be considered as one (1) structure for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwelling in the appropriate district. See also Section 907 "Setback Requirements for Corner Buildings". In addition to these requirements, each individual structure shall have a minimum set back of one and one half (1 1/2) times the height of the structure from all other structures on the lot.

Section 911 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Non-residential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirements if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen shrub not less than four (4) feet in height at the time of planting to provide one hundred percent year round opacity. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection.

Section 912 Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, 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 913 Exceptions to Height Regulations

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structure will constitute a hazard to the safe landing and take-off of aircraft

at an established airport.

Section 914 Special Provisions for Commercial and Industrial Uses

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could 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 and objectionable conditions to acceptable limits as established by the performance requirements in Sections 916-923, inclusive.

Section 915 Fire Hazards

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 involved and shall meet all requirements of the Ohio Fire Code and Ohio Building Code.

Section 916 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 917 Vibration

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

Section 918 Air Pollution

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

Section 919 Glare

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

Section 920 Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

Section 921 Enforcement Provisions

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. This statement will describe how the business or operation will meet the environmental and nuisance requirements of township zoning and state and federal regulations.

Section 922 Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., Washington D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

Section 923 Recreational Vehicles – Visitors

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

- A. Joint application is filed with the Zoning Inspector by the aforesaid property resident and the Recreational Vehicle owned within 72 hours after arrival of the property.
- B. All provisions of the Licking County Health Department are complied with.

Section 924 Temporary Residence

A recreational vehicle may be used as a temporary residence, upon receipt of a zoning permit, during the construction of a permanent residential structure for a period of 18-months. Said recreational vehicle shall meet all yard setbacks for the zoning district for which it is located within and have a valid permit from the Licking County Health Department to dispose wastewater into the septic system to be used for the permanent residential structure. The recreational vehicle shall be removed or stored in accordance with this resolution by the first day of the 19-month. Said permit may be renewed by the zoning inspector for a period of time up to and including 12-months from the date of expiration. Said permit may only be renewed upon evidence that the residential structure is actively under construction (materials are on site and labor is actively assembling said materials), that the property owner has a valid building permit from the building code department with jurisdiction, and said property is not in violation of any portion of this zoning resolution. No other structures may be used as a temporary residence.

Section 925 Accessory Building in R-Districts and AG-Districts

Accessory buildings shall comply with all front yard requirements in any district. Any accessory buildings containing more than 144 square feet shall require a zoning permit. All permanent accessory buildings and fixtures shall be at least 10 feet from any lot line, and at least 80 feet from the center of a public road.

Section 926 Adult Entertainment Facilities

A. Definitions

1. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories:
 - a. Adult Book Store – An establishment having greater than 25 percent of its display area or items for sale of its stock in trade, books, magazines, and other periodicals which are 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 capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 - c. Adult Motion Picture Theater – A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 - d. Adult Entertainment Business – Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation 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 base.
 - 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 region, buttocks, and female breasts above a point immediately above the top of the areola.
 - b. Human male genitals in a discernible turgid state.
4. "Persons" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. "Fine Art Gallery" means any display or artwork which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner which present 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 areas 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. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes, sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.
10. "Harmful to Juveniles" means any materials or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which
 - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
 - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.

B. Exceptions

Nothing in this article shall be construed to pertain to:

1. The purchase, distribution, exhibition, and/or loan of any work or 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, tableaux, 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.

C. Location

Adult entertainment facilities, adult mini-motion picture theaters, adult entertainment facilities of any kind or type are limited to conditionally permitted uses in the Light Manufacturing Districts (M-2) in Franklin Township; provided further, that no such facilities shall be located within 1,000 feet of any residential (R) district or any church or school.

Section 927 Street Frontage Required

Except as required by other provisions of these regulations, no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. Only one principal structure shall be permitted on any lot. The minimum road frontage requirement

for lot frontage on a cul-de-sac shall be 40 feet.

Section 928 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 property other than in completely enclosed buildings, unless property is zoned for business and holds a current auto sales license. However, one boat and one travel trailer may be stored in the rear yard if the vehicles have a current license. Said boat or travel trailer shall be under the ownership of the current resident of the property.

Section 929 Prohibition of Junk Vehicles

Intent

It is the intent of this Article to regulate junk motor vehicles.

Definition of Junk Motor Vehicles

As used in this Article, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

1. Three model years old, or older;
2. Apparently inoperable;
3. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Notification of Property Owner

After determining that a motor vehicle fits the definitions stated in Section 930, the zoning inspector shall notify the person having the right to the possession of the property on which the junk motor vehicle is located that a violation has occurred. The notification may be delivered in person, or may be sent by certified mail with return receipt requested. The notice shall state that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in an enclosed garage or other suitable structure, or shall be removed from the property.

Property Owners Right of Appeal

Any person wishing to appeal the decision made by the zoning inspector under the provisions of this Article may appeal such decision to the Franklin Township Board of Zoning Appeals in accordance with Sections 409- 413.

Enforcement

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this article. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice and with the provisions of this Zoning Resolution.

In the instance that the problem continues to exist for greater than ten (10) days after receipt of the notice, the matter will be referred to the Sheriff's Office and to the Law Director's Office for review and a determination of whether or not prosecution of the violation should

proceed.

In addition to other remedies provided by law, the board of township trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this Article.

Collector's Vehicle

This Article is not intended to prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.

Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the criteria contained in Section 929. If a collector's vehicle meets all of the criteria contained in Section 930 01, Franklin Township may regulate the storage of that motor vehicle on private or public property in the same manner that the storage of any other junk motor vehicle is regulated.

Section 930 Limitation of the number of principal structures per lot.

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

ARTICLE X

COMMENTARY ON OFF-STREET PARKING AND LOADING FACILITIES

This article establishes and describes in detail the general and specific requirements for off-street parking. Since one of the basic fundamentals of zoning is to protect the public health and safety through the prevention or lessening of traffic congestion, then it is appropriate that the subject of off-street parking be included in a zoning resolution.

Off-street parking is of concern to developing areas, since new intensive land uses often cater to the

motoring public. For safety reasons, and just as importantly, for the successful operation of a new business, off-street parking must be reasonably provided by the land use activity.

**OFF-STREET PARKING DESIGN REQUIREMENTS TABLE OF OFF-STREET
PARKING DIMENSIONS TABLE**

		45 Degrees	60 Degrees	90 Degrees	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

ARTICLE X

OFF-STREET PARKING AND LOADING FACILITIES

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

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

Section 1000 General Requirements

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution.
- B. 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.
- C. 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 (9) feet in length for 90 degrees parking, nine (9) feet in width and 23 feet in length for parallel parking, ten (10) feet in width and 19 feet in length for 45 degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulations areas. The number of required off-street parking spaces is established in Section 1016 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 separate occupancy requiring delivery of 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 Section 1002 and 1016, 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

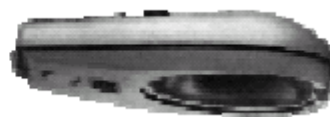
All parking areas, which are intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and make use of fully shielded fixtures to limit light pollution. All lighting except security lights must be turned off 1 hour after the close of business.

How to Recognize Fully Shielded Fixtures

Figure 3



Unshielded Fixture



Fully Shielded Fixture

Fully shielded fixtures are technically or photometrically defined as lights that emit no light above the horizontal plane, but in practice such fixtures are usually easily recognizable from catalog drawings or pictures without requiring or interpreting photometric specifications. Such fixtures almost always have a flat, horizontally oriented lens and opaque (usually metal) sides. They are often described as "shoe box" luminaries if the luminary has a predominantly rectangular form, but they come in many shapes and sizes.

If you can see the lamp or any optical part (a reflector, prismatic lens or even a clear non-prismatic lens) from the side of the luminary (or any angle above); it is almost certainly not fully shielded.

Beware of some fixtures that either have reflecting surfaces located below the lamp and visible from the side or above, and fixtures that can be mounted such that the shielding is ineffective. Also beware of claims for shielding based on the appearance of the word "shield", "shielded", "cutoff" or similar in the description if the luminary does not also look obviously fully shielded as described here.

Section 1007 Location of Parking Space

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

- A. Parking space for all detached residential uses shall be located on the same lot as the use, which they are intended to serve and must be a minimum of 30 feet from the center of the road.
- B. Parking spaces for commercial, industrial, or 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 adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet or more than six (6) 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 Minimum Distance and Setbacks

No part of any parking area for more than ten (10) 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 living screen which must be a staggered planting, six (6) feet in height, and which provides one hundred (100) percent year round opacity. 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 four (4) feet to any established street or alley right-of-way.

Section 1010 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. Said agreement shall be recorded with the Licking County Recorder's Office.

Section 1011 Wheel Blocks

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be

installed to prevent any part of a parked vehicle from extending beyond the property line.

Section 1012 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 ½ feet wide for 60 degree parking, and 13 feet wide for 45 degree parking.

Section 1013 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 a 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 1014 Width of Access Driveway

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads 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 1015 Striping

All parking areas with a capacity over 12 vehicles shall be striped with double lines six (6) inches on both sides of center) between stalls to facilitate the movement into and out of the parking stalls.

Section 1016 Parking Space Requirements

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

TYPE OF USE

RESIDENTIAL

MINIMUM PARKING SPACES REQUIRED

- | | |
|---|---|
| 1. Single-family or two-family dwelling | Two for each unit |
| 2. Apartments, or multi-family dwellings | Two for each sleeping room or two for each permanent occupant |
| 3. Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms | Two for each unit |

4. Manufactured Homes Two for each unit

COMMERCIAL

- | | |
|--|---|
| 1. Automobile service garage which also provide repair | Two for each gasoline pump and four for each service bay |
| 2. Hotels, motels | Two per 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 rooms, parlors or service rooms |

RECREATIONAL OR ENTERTAINMENT

MINIMUM PARKING SPACES REQUIRED

- | | |
|--|--|
| 1. Dance floors, skating rinks | One for each five person capacity, plus one for each four seats or one for each 30 square feet of floor area used for seating purposes, whichever is greater |
| 2. Outdoor swimming pools, public, community, or club | One for each four seats |
| 3. Auditoriums, sports arenas, theaters and similar uses | One for each 250 square feet of floor area |
| 4. Retail stores | One for each 200 square feet of floor area |
| 5. Banks, financial institutions and similar uses | One for each 400 square feet of floor area |
| 6. Offices, public or professional administration, or service buildings | One for each 300 square feet of floor area |
| 7. All other types of business or commercial uses permitted in any business district | |

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 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 School | Two for each classroom and one for every eight seat 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, nursery schools, and similar uses | Two for each classroom but less than six for the building. One for each 100 sq feet of floor area used for the activity. |

MANUFACTURING

1. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district.
2. Cartage, express, parcel delivery, and freight terminals.

MINIMUM PARKING SPACES REQUIRED

- | | |
|---|--|
| 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 for each motor vehicle used in the business. |
| 2. Cartage, express, parcel delivery, and freight terminals. | One for every two employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises. |

ARTICLE XI

COMMENTARY ON SIGN REGULATIONS

Signs, billboards, and other forms of outdoor graphics often affect the beauty and safety of a community. Early in the beginning history of zoning, the course of the land upheld the right of local zoning authorities to regulate the spacing, height, location, and area of outdoor signs and advertising as a legitimate exercise of the local police power.

Article XI presents information on signs including methods of calculation of area, method of defining signs for permit issuance, setbacks, and violations. Careful consideration should be given to the meaning of each section and to its adaptability to the township situation. In some cases it may be desirable to modify various sections or add new ones as appropriate.

The first step for any community wanting to include sign control regulations within the zoning resolution is to conduct an inventory of existing signs. The inventory helps to pinpoint most of the conditions, which need to be taken into consideration in developing sign regulations and show the way to other steps necessary for improving quality in signs. The inventory also will provide a basic tool for determining conformance or non-conformance after the zoning regulations are adopted. This inventory should distinguish between on-premises and off-premises signs.

Modifications can be made in the provisions to adopt them to unique township situations. For example, special regulations may be developed for other exceptional urban conditions. Agricultural areas, historic districts, and other special zones or areas may require special sign treatment. It may be desirable from a community standpoint to prohibit signs in some districts altogether.

Enforcement of sign regulations is primarily a matter of local public sentiment combined with the diligence of the township Zoning Inspector. Enforcement is also a matter for the courts since the sign regulations may be subjected to a judicial test of reasonableness. If the regulations are arbitrary, capricious, discriminatory, or unreasonable, a court will most likely declare them invalid. Recent court cases seem to indicate that future court tests of particular sign regulations will be decided on whether or not the objectives aimed at achieving an attractive, efficiently functioning, and prosperous community are reasonable, including, the consideration of aesthetic objectives.

Article XI makes a distinction between signs which are on-premises, that is, signs relative to a business or service being conducted on the premises, and signs which are off-premises and which advertise a product or service. Off-premises signs are generally of two (2) types – poster panels which are 12 feet by 25 feet (300 square feet), and painted bulletins which may range from 500 to 1,600 or more square feet.

ARTICLE XI

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 signs of all types. It is intended to protect property values, create a more attractive 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, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, 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.

- A. Any illuminated sign or lighting device shall employ only light emitting a light of 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.
- B. All writing, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Local and/ or State Building/ Electric Code.
- C. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than four (4) feet, including those projecting from the face of any theater, hotel, or motel marquee.
- D. 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.
- E. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, 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.
- F. 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.
- G. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning

- Inspector, within ten (10) days, to put such sign in a safe and secure condition or remove the sign.
- H. No sign shall be placed in any 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.
 - I. All off-premises advertising devices erected or maintained under Chapter 5516.10 of the Ohio Revised Code. Must also comply with Section 1103, 1105, and 1106 of this resolution.
 - J. The following are prohibited:
 - 1. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
 - 2. Advertising devices, which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching of merging traffic.
 - 3. Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, and device.
 - 4. 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.
 - 5. Advertising devices such as portable changeable copy signs.
 - 6. Signs and/or banners placed on semi trailers, busses, motor vehicles, or any other device for the purpose of advertising. This does not include vehicles with company names that belong to a company being used on a daily basis and does not include vehicles that are patrons of a business which are at the business for less than twenty-four (24) hours. This type of signage is strictly prohibited in agricultural and residential zoning districts.
 - K. 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 twenty (20) feet of a side or rear lot line.
 - L. All signs shall be constructed of natural materials or material made to look natural.

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

- A. 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 (6) square feet.
- B. Professional nameplates or home occupation signs not exceeding four (4) square

- feet in area and not exceeding one (1) sign per home or business.
- C. Non-farm signs denoting the name and address of the occupant of the premises, not exceeding four (4) square feet in area; and not exceeding one (1) sign per home or business.
 - D. 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.
 - E. 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 and which shall be located on the premises of such institutions and shall be setback from all street lot lines at least 12 feet.
 - F. Entrance and exit signs containing only directional signs.
 - G. Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two (2) weeks of the completion of the event or project.
 - H. Political signs provided such signs be removed within two (2) weeks following Election Day.

Section 1105 Signs Permitted in Districts – Permits Required

- A. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed four (4) feet measured from the face of the main building, nor ten (10) square feet on any one (1) face of the sign. The area of all permanent on-premises signs for any single business enterprise may be equivalent to one and one half (1 1/2) square feet of sign area for each linear foot of the front building façade width, occupied by such enterprise but shall not exceed a maximum area of 100 square feet.
- B. In addition to the above, each business or industry shall be permitted one (1) on-premises ground sign provided all parts of the sign shall be set back ten (10) feet from the street right-of-way. The maximum area of such sign shall not exceed 30 square feet on any face of the sign. The sign must be permanently attached to the ground.
- C. In addition to the above, each business or industry shall be permitted two (2) on-premises free standing signs not exceeding eight (8) feet in height or 12 square feet in area on any face of the sign. Such signs shall not be located closer than 20 feet from any right-of-way line. Such signs shall not exceed 25 feet in height.
- D. In lieu of the permitted ground signs as permitted in Item 2 above, groups of establishments of four (4) or more businesses shall be permitted on larger ground sign for all businesses. Such sign shall not exceed 80 square feet on any face not exceed 30 feet in height and shall be setback at least 20 feet from the street right-of-way.
- E. 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 accord 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 Outdoor Advertising Displays and/or Billboard

- A. Outdoor advertising shall be classified as a business use and be permitted in all commercial and industrial districts and/or lands used for agricultural purposes subject to the following regulations:
1. Such signs or structures shall not be located within fifty (50) feet of any street (or road) right-of-way.
 2. Such signs or structure shall not be located within one thousand (1,000) feet of any other outdoor advertising display or billboard on the same side of the street, except in commercial and industrial districts such distance may be reduced to one hundred (100) feet.
 3. Such signs or structures shall not be located on or within one hundred (100) feet of any building, except signs painted on barns. Occupied or Unoccupied Residential are not permitted.
 4. Such signs or structures shall not be located on or within one hundred (100) square feet on one (1) face and/or two hundred (200) square feet for two (2) or more faces, and in no case shall more than one hundred (100) square feet of display or sign area be visible from any road or street. These size limitations may be increased by 100 percent in commercial and industrial areas.
- B. Advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code – Sections 5516.01 to 5516.13 and 5531.07 as amended shall be permitted in accordance with those State laws.

Section 1107 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 (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection. Limit of one (1) sign per realtor and/or business advertisement (four (4) square feet per side) per deeded lot of record.

Section 1108 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 20 feet of a side or rear lot line.

Section 1109 Limitation

For the purpose 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 1110 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of

their 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 211 of this resolution. Political signs posted in violation of Section 1104 of this resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 1104 has been given.

ARTICLE XIII

LANDSCAPING AND BUFFERING

Section 1300 Purpose

The purpose of this Article is to improve the appearance of vehicular use areas and property abutting public rights of way; to require buffering between non-compatible land uses; and to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

It is further the purpose of this article to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscape as a buffer between certain land uses to minimize the opportunities of nuisance.

Section 1301 Applicability

A. New Sites

No certificate of zoning compliance or building permit shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use area except where landscaping for such development, construction, or improvements has been approved as required by the provisions of this article.

B. Existing Sites

No building, structure, or vehicular use area shall be constructed or expanded unless the minimum landscaping required by the provisions of this article is provided to the property to the extent of its alteration or expansion. In the case of a substantial expansion, the entire site must be brought into compliance with the minimum requirements of this article. An alteration or expansion to an existing property shall be considered substantial when:

1. In the case of a building or structure expansion which does not involve the additional land, the square footage of the alteration or expansion exceeds 25% of the square footage of the existing building exclusive of the alteration or expansion.
2. In the case of an alteration or expansion involving both an existing building or structure and additional land, and, if applicable, additional structures or buildings, the area or square footage of the expanded or altered land or structure or building, respectively, exceeds 25% of the area or square footage of the existing land or structure or building respectively, exclusive of the alteration or expansion.
3. "Land," as used herein, includes land used for space, parking, or building purposes.

- C. Agricultural Uses as defined in Appendix I of this Resolution, and in **Section 519.21 of the Ohio Revised Code** are exempt from these requirements.

Section 1302 Minimum Landscape Requirements

This section describes the minimum requirements that shall be met in regards to perimeter landscape for non-compatible land use areas, landscape for service areas, and interior landscape for businesses, buildings, structures or other new developments of land.

A. Perimeter Landscape Requirements

Unless otherwise provided, landscape material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity between one foot above finished grade level to the top of the required planting, hedge, fence, wall or earth mound within four years after installation. The required landscape shall be provided either in easements in certain zones or adjacent to vehicular use areas.

1. Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.
2. Trees do not have to be equally spaced but may be grouped in a manner to allow for mature growth, yet allow for flexibility in design. However, the number of trees to meet the required 1 tree per X number of lineal feet of boundary must be maintained.
3. A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks landscape strips, etc. does not eliminate adjacency.
4. Property Perimeter Requirements
Table T-3 below identifies the landscaping requirements for the districts within this resolution. To identify the requirement for the appropriate district, identify your district in Column (A) and (B) and then follow the requirements in Column (C) and (D).

Property Perimeter TABLE T-3

Property Perimeter TABLE T-3			
A	B	C	D
When the following:	Adjoins the following or vice versa:	The minimum buffer yard shall be:	The minimum landscaping requirements shall be:
1 Any Residential Zone and Agricultural Zone.	Mobile Home Park/ Manufactured Home Park	10 ft., adjacent to all common boundaries including street frontage.	1 tree every 40 ft. of lineal boundary ² , plus continuous 6 ft. high planting, hedge, fence and/or earth mound.
2 Any Residential Zone and Agricultural Zone.	Any Office Use	10 ft. adjacent to all common boundaries except street frontage	1 tree every 40 ft. of lineal boundary ² , Continuous 6 ft. high planting, hedge, fence, wall and/or earth mound.
3 Any Residential Zone and Agricultural Zone.	Any Commercial Use	10 ft. adjacent to all common boundaries except street frontage	Same as 2-D
4 Any Residential Zone and Agricultural Zone.	Any Industrial Use	15 ft. adjacent to all common boundaries except street frontage	Same as 2-D
5 Any Office or Commercial Use	Any Industrial Use	15 ft. adjacent to all common boundaries except street frontage	Same as 2-D

Property Perimeter TABLE T-3 – Continued

Property Perimeter TABLE T-3 – Continued			
A	B	C	D
When the following:	Adjoins the following or vice versa:	The minimum buffer yard shall be:	The minimum landscaping requirements shall be:
6 Any Zone (unless the property within the zone is used for vehicular sales or service) except agricultural zone	A freeway or arterial street	20 ft. width for residential zones and 10 ft. width for all other zones adjacent to freeway or arterial	1 tree every 30 ft. of lineal boundary ² , plus continuous 6ft. high planting, hedge, wall, fence and/or earth mound.
7 Any Zone except Agricultural and Industrial Zones	Railroad (except spur tracks)	20 ft. adjacent to railroad boundaries	Same as 6-D
8 Any Zone	Any vehicular use area (except loading and unloading areas) in CB or CCC zones.	3ft. strip adjacent to portion of vehicular use area that faces a public or private street right-of-way.	3.5 ft. average height continuous planting, hedge, fence or wall.
9 Any property boundary, including road or street right-of-ways	Utility sub-station, sewage plants or similar uses	15 ft. adjacent to all boundaries except only 5 ft. for utility substations measured adjacent to the enclosure	Same as 6-D
10 Any property used for vehicular sales or service	A freeway or arterial	10 ft. adjacent to freeway or arterial	1 tree every 50 ft. plus 1 low shrub every 10 ft. of lineal boundary ² (opacity requirements do not apply)

B. Vehicular Use Perimeter Requirements

Table T-4 below identifies the landscaping requirements for the uses permitted within districts, within this resolution. To identify the requirement for the appropriate use, identify your use in Column (A) and (B) and then follow the requirements in Column (C) and (D).

Vehicular Use Area Perimeter TABLE T-4			
A	B	C	D
When the following:	Adjoins the following or vice versa:	The minimum buffer yard shall be:	The minimum landscaping requirements shall be:
1 Any property in any zone except R – 1 and R – 2.	Any vehicular use areas ¹ on any adjacent property.	4 ft. minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for other areas, adjacent to portion of vehicular use area that faces building on adjacent property.	1 tree every 40 ft. of lineal boundary of vehicular use area ¹ , plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound.
2 Any public or private street right-of-way or service road, except freeways.	Any vehicular use area, (except vehicular sales or service facility) in any zone.	Same as 1-C above except applies to VUA portion facing public or private street or road.	1 tree every 40 ft. ³ , plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound.
3 Any public or private street right-of-way or service road, except freeways.	Any vehicular sales or service area.	Same as 2-C above.	1 tree every 50 ft. ³ , plus 1 low shrub every 10 ft. ³ , (opacity requirements do not apply).

1. A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including but not limited to parking lots, loading and unloading areas, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to a public street or road or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.
2. Grass or ground cover shall be planted on all portions of easements not occupied by other landscape material.
3. Trees do not have to be equally spaced but may be grouped in a manner to allow for mature growth, yet allow for flexibility in design. However, the number of trees to meet the required 1 tree per X number of lineal feet of boundary must be maintained.

C. Landscape Buffer Zone

The landscape buffer zone and material required adjacent to any street under this Article shall be provided by the property owner adjoining street unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscape buffer zone and materials:

1. May be placed on either adjoining lot, or astride the boundary, if both owned and being processed by the same owner; or
2. Shall generally be placed on the activity listed under Property Perimeter Requirement Chart, Column B and Vehicular Use Area Perimeter Table T-3, Column B when adjoining lots have different owners; or
3. Shall be placed on the activity or lot being processed when adjoining property is already developed with the exception of Property Perimeter Requirement Table T-4`1, lines 6 and 7; or
4. Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property in fulfillment of the requirements of this Article;
 - i.

D. Requirements Conflict

Whenever a lot or activity falls under two or more of the categories listed in the tables, the most stringent requirements shall be enforced.

E. Landscape and Buffer Conflict

The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet, and wheel stops or curbs shall be required.

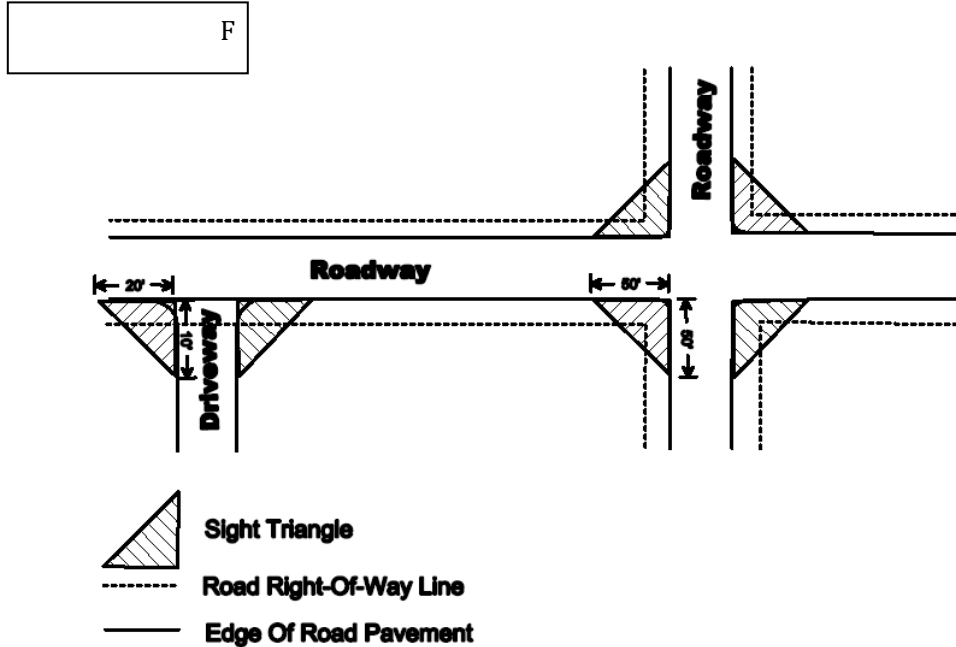
F. Existing Landscape Material

Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the appropriate Township zoning official, such material meets the requirements and achieves the objectives of this Article.

G. Landscape At Driveway and Street Intersections

To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets.

See Figure 4



Within this sight triangle, no landscape material, except for required grass or ground cover no fence or wall, no parked vehicles shall be permitted. The sight triangle is defined in the following sections:

1. Driveway intersection triangle
At the intersection of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge and by measuring from this point a distance of ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point and connecting these points. See Figure 4
2. Street intersection sight triangle
At the street intersections, the sight triangle shall be formed by measuring at least fifty feet (50') along curb lines or edge of pavement and connecting these points.

Section 1303 Interior landscape for Vehicular Use Areas

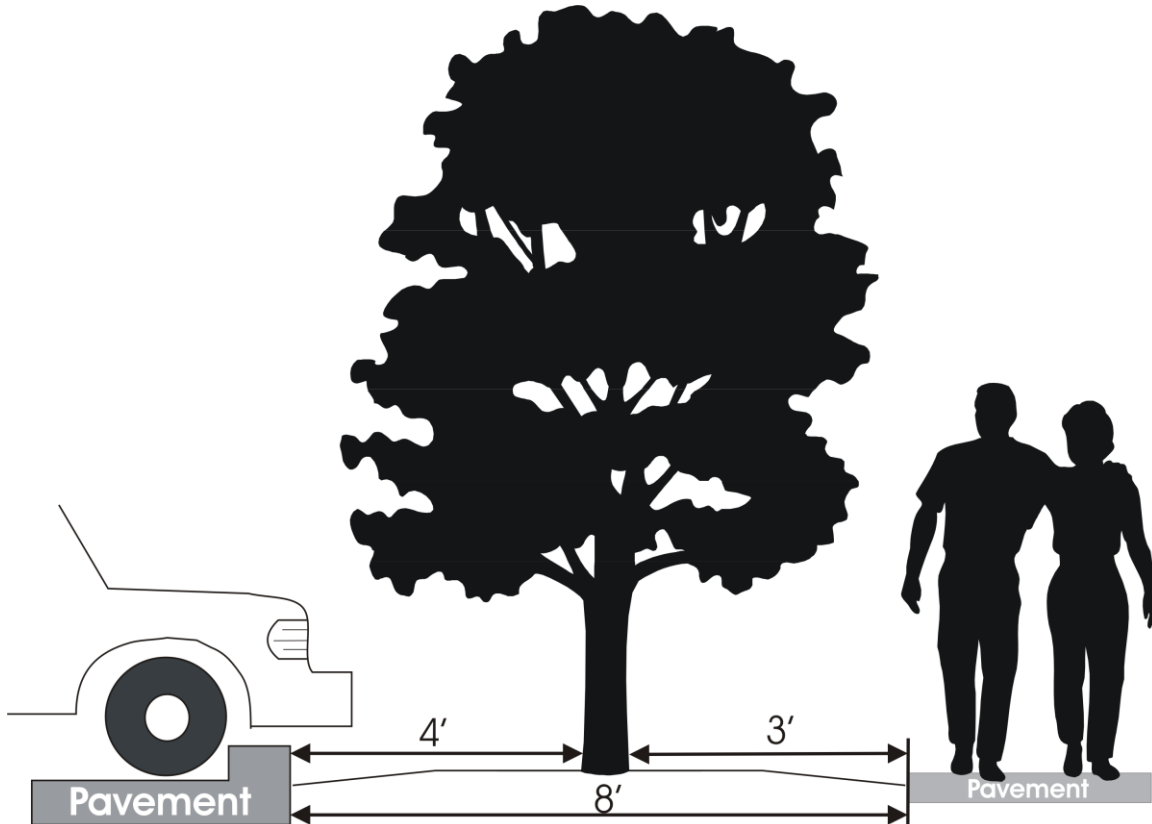
Any open vehicular use area excluding loading and unloading and storage areas in an industrial zone or business zone and containing more than 6,000 square feet of area or twenty or more vehicular parking spaces shall provide interior landscape in addition to the previously required perimeter landscape. Interior landscape may be peninsular or island types.

A. Purpose
It is the purpose of this section to break up large areas of impervious surfaces in order to provide shade and heat abatement, and enhance the appearance of the community.

B. Landscape Area
For each 100 square feet or fraction thereof of vehicular use area, a minimum total of five square feet of landscaped area shall be provided.

1. Minimum Area

The minimum landscape area permitted shall be 112 square feet with a minimum inside dimension width of eight (8) feet, and a three (3) foot minimum dimension to all trees from edge of pavement and a four (4) foot minimum dimension to all trees from edge of pavement where vehicles overhang. See Figure 5.



2. **Maximum contiguous area**
 In order to encourage the required landscaped areas to be properly dispersed throughout, no individual landscape areas shall be larger than 350 square feet in size, with the exception of vehicular use areas over thirty thousand (30,000) square feet where the maximum landscape area shall not exceed one thousand eighty (1,080) square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from the edge of pavement where vehicles overhang (8' x 8' square or 8' diameter). Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
3. **Minimum Trees**
 The following minimums are required based upon total ground coverage of structures and vehicular use areas:
 - a. A minimum of one tree per 4,000 square feet of ground coverage and a total tree planting equal to 1 1/2 inches in caliber.
 - b. Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs or ground cover not to exceed two feet in height.
4. **Vehicular Overhang**
 Parked vehicles may hang over the interior landscape area no more than two and one-half feet, as long as concrete or other wheel stops are provided to insure no greater overhang of the landscape area.

Section 1304 Landscape for Services Structures

Any service structure, accessory use, shall be screened whenever located in any residential zone, commercial zone, or when located on property abutting any residential zone, freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures.

- A. **Location of screening**
 A continuous (having one hundred percent (100%) opacity) planting hedge fence, wall of earth, which would enclose any service structure on all but one side, is required. The average height of the screening material shall be one foot more than the height of the enclosed structure but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, perimeter landscape material or vehicular use area landscape material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscape. No interior landscape shall be required within an area screened for service structures.
- B. **Curbs to protect screening material**
 Whenever screening material is placed around any trash unit or waste collection unit, which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides

where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.

C. Interior Landscape for All New Developments

All new developments regardless of type and all alterations or expansions to existing developments shall provide interior landscape in addition to the previously required perimeter landscape. Interior landscape shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.

1. Preservation of existing landscape materials

All trees having trunk diameter of six inches or greater as measured twenty-four inches from ground level shall be preserved unless such trees are exempted as follows:

- a. Trees within public right-of-ways or utility easements or a temporary construction easement or easement of ingress/egress.
- b. Trees within the ground coverage of proposed structures or within twelve feet of the perimeter of such structure or approved recreational area.
- c. Trees within the driveway access to parking or service areas or proposed areas to service a single family home.
- d. Trees that in the judgment of the Township Officials with consultation from the Ohio Department Of Natural Resources (O.D.N.R) that are determined to be damaged, diseased, or over mature, or will interfere with utility lines or are an inappropriate or undesirable species in that specific location.
- e. It is encouraged that exempted trees subject to destruction be preserved by recycling and replanting of such trees.

2. Preservation of wooded areas

It shall be required that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets; lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further required that, whenever possible, heavily wooded areas be designated as park reserves.

3. Planned / Residential Uses

- a. For all new development, the following landscape requirements shall apply:

NEW DEVELOPMENT LANDSCAPE REQUIREMENTS TABLE T-5

<u>Use</u>	<u>Requirements</u>
Residential Uses	There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lot lines of each structure.
Business and Community	In addition to the requirements of Section (B) hereinbefore for vehicular use areas, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building ground coverage area or fraction thereof. Such landscape area shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other material designed and located in a manner complementary to the overall architecture of the surrounding buildings.
Office – Institutional Uses	In addition to the requirements of Section (B) hereinbefore for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 1,500 square feet of building ground coverage or fraction thereof.
Industrial Uses	In addition to the requirements of Section (B) hereinbefore for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

- b. Parking Lots
See Section 1200.04 hereinbefore.
- c. No new tree planting shall be required if existing trees and the total mass of trunk sizes of such trees meet or exceed the requirements as set forth in this Article, and providing that such trees are evenly distributed throughout the developed area and not confined either to out-of-the-way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than one and one-half inch in trunk diameter.

- d. For new development or construction, if new tree plantings are required for conformance to the landscape requirements of this Article, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such trees landscape plan is approved, the applicant or owner shall plant such trees. See Section B & C for required planting schedule and time frame.

Section 1305 Street Tree Planting Requirements

The following are street tree planting requirements for all zoning districts:

A. Requirements

It shall be required that all sub-dividers or developers plant trees along public streets of their developments in such a manner, type, quantity and location as approved by the appropriate Township Officials and as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of development.

1. The tree to be planted is not an undesirable tree species as defined in the preferred Township Tree List maintained by the Zoning Inspector. See *Appendix C Preferred Tree List*.
2. The minimum, spacing between this and other trees is forty-five feet for large trees, thirty-five feet for medium trees and twenty-five feet for small trees. See **Section 2300.06.01G**.
3. The tree location is to be at least twenty feet from street intersections and ten feet from fire hydrants or utility poles.
4. A small tree is to be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten to twenty lateral feet of overhead utility wires.
5. The developer shall be required to maintain the trees for one year after the trees are planted and to replace any tree, which dies within such one-year guarantee period. Upon completion of a tree planting, the landscape contractor shall contact the Township Zoning Inspector for a preliminary inspection. The guarantee period shall begin after approval of the Zoning Department. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Township Zoning Inspector with consultation from the Ohio Department of Natural Resources (O.D.N.R.), shall be promptly replaced at the expense of the developer.
6. The minimum trunk size measured at 4.5 inches above the ground for all street trees shall be no less than one and one-half inches.
7. Tree sizes, in height, are defined as:
 - a. Large tree means any tree species, which normally attains a full-grown height in excess of fifty feet. Shall have a minimum of 8' tree lawn.
 - b. Medium tree means any tree species, which normally attains a full-grown height between twenty-five and fifty feet. Shall have a minimum of 5' tree lawn.
 - c. Small tree means any tree species, which normally attains a full-grown height of under twenty-five feet. Shall have a minimum of 4' tree lawn.

B. Tree Topping

No person shall, as a normal practice, top any tree within the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown and/or to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this Subsection.

C. Height of Limbs Over Sidewalks and Streets

Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven feet above sidewalk. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with normal traffic flow.

D. Tree Lawn

No person shall by any type of construction reduce the size of the tree lawn without first obtaining permission from the Board of Zoning Appeals.

E. Violations

A person who removes, damages or causes to be removed a public tree from the tree lawn or other public place shall be required to replace the tree at his / her expense with a tree having the minimum diameter of two and one-half inches.

Section 1306 Plan Submission and Approval

Whenever any property except Farm Residential – Single Family is affected by these landscape requirements, the property owner or developer shall prepare a plan. Where such plans are part of an application for rezoning, variance, conditional use or other matters which must be approved by the Township Zoning Commission or Township Board of Zoning Appeals, such plans shall be submitted as part of the required application and other required plans. The Township Technical Review Committee shall approve all other landscape plans.

A. Plan Content

The contents of the plan shall include the following:

1. Plot plan, drawn to an easily readable scale no smaller than one inch equals twenty feet; showing and labeling by name and dimensions all existing and proposed property lines, easements, buildings and other structures, vehicular use areas including parking stalls, driveways, service areas square footage, etc., location of structures on adjoining lots, water outlets and landscape materials, including botanical names and common names, installation sizes, on center planting dimensions where applicable, and quantities for all plants used and all existing trees.
2. Typical elevations and/or cross sections as may be required.
3. Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orient plan so that the north is to top of plan and zoning district.

B. Zoning Permit and certificate of Occupancy

Where landscape is required, no zoning permit shall be issued until the required landscape plan has been submitted and approved, and no certificate of occupancy shall be issued until landscape plan has been submitted and approved, and no certificate of occupancy shall be issued until landscape is completed as certified by an on-site inspection by the Zoning Inspector unless performance bond or irrevocable letter of credit from a banking institution has been posted. If the required landscape has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.

C. Posting of Bond or Irrevocable Letter of Credit

After a bond or irrevocable letter of credit has been posted, the landscape material required in the approved landscape plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Zoning Inspector upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather or unavailability of required plant material. No more than three such one-month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscape plans have not been compiled with by the end of the approved planting period.

D. Conflict

When a conflict arises in sections 2300.06.01.E and 2300.05.03A.4, a certified arborist shall be hired *by the Township and reimbursed by the developer. Said re-imbusement shall be made prior to zoning permit(s) being issued.*

APPENDIX I

COMMENTARY AND INTRODUCTION ON DEFINITIONS

Accurate and precise definitions are an essential part of any zoning resolution. Many times words in common usage with a broad meaning will have a very narrow, and very precise meaning when applied to zoning. For instance, the word “structure” as used in the model regulations includes fences and signs; the word “construction” includes many words and phrases that are not in common usage at all; terms like “conditional use” and “home occupation” are totally unfamiliar to the zoning “novice”. Definitions are, of course, important.

There has been an attempt in drafting the model regulations to define only those terms actually used in the regulations. Of the over 100 defined terms, many have been included to meet the unique needs of individual communities. In adapting the model regulations for local use, care should be taken to include only those definitions actually used in the resolution.

The definitions article also carefully defines some troublesome words and concepts including dwelling, dwelling units, manufactured home, gas station, auto repair, and garage.

The illustrations on the following pages help to present graphic examples of some of the more complex definitions. In sequence, the diagrams illustrate:

Figure 1 – Types of Lots

Figure 2 – Lot Terms

Figure 3 – Basement and Story

Figure 4 – Flood Plain Terms

Figure 5 – Classification of the Thoroughfare System

FIGURE 1 – TYPES OF LOTS

FIGURE 2 – LOT TERMS

FIGURE 3 – BASEMENT & STORY

FIGURE 4 - FLOOD PLAIN TERMS

FIGURE 5 – CLASSIFICATION OF THE THOROUGHFARE SYSTEM

APPENDIX I

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:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Acquired situs: With respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

Adult Entertainment Facilities: Refer to Article XIII, Section 1130.

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:

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- B. 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.

Agricultural Tractor and Traction Engine: Any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

Airport: Any runway, land area, or other facilities 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.

Apportionable Vehicle: Any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

- A. Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;
- B. Is a power unit having three or more axles, regardless of the gross vehicle weight;
- C. Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds. "Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

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, travel trailers, or farm implements.

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

Basement: A story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

Bicycle: Every device, other than a tricycle that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which any person may ride, and that has either two tandem wheels, or one wheel in front and two wheels in the rear, any of which is more than fourteen inches in diameter.

Billboard: A sign erected for the purpose of displaying advertising media.

Building: Any structure designed or intended for the support, enclosures, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to 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 roofs.

Building Line: See Setback Line.

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

Bus: Any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

Business, Convenience: 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, convenience uses include, but need to be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Use in this classification tends to serve a day-to-day need in the neighborhood.

Business, General: Commercial uses which generally require location on or near major thoroughfares and/or their 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 uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department 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, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

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 occupations 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, Retail: A building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.

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 a business service.

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

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

Chartered Party: A group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

Chauffeur: Any operator who operates a motor vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than a taxicab, who operates such vehicle for transporting, for gain, compensation, or profit, either persons or property owned by another. Any operator of a motor vehicle who is voluntarily involved in a ridesharing arrangement is not considered an employee for hire or operating such vehicle for gain, compensation, or profit.

Chauffeured Limousine: A motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

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

Collector's Vehicle: Any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

Combined Gross Vehicle Weight: With regard to any combination of a commercial car, trailer, and semitrailer, that is taxed at the rates established under section 4503.042 of the Revised Code, means the total unladen weight of the combination of vehicles fully equipped plus the maximum weight of the load to be carried on that combination of vehicles.

Commercial Car or Truck: Any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

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.

Commercial Tractor: Means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Regional 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 based on residents input.

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

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.

County Planning Commission: The Licking County Planning Commission.

Cul-de-Sac: See Thoroughfare.

Dead-End Street: See Thoroughfare.

Density: A unit of measurement; the number of dwelling units per acre of land.

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

Distributor: Any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

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

Dwelling: Any building or structure (except a house trailer or manufactured home as defined by Ohio

Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

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 of necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

Dwelling, Manufactured Home: Any non-self-propelled vehicle transportable in one or more sections, and when erected on site, is 320 or more square feet, and is built on a permanent chassis and designed to be used as a dwelling, and is connected to the required utilities which include plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions, measured at the largest horizontal projection when erected on the site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

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

Dwelling, Rooming House (Board House, Lodging House, 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 only, separated from other dwelling units by open space.

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

Dwelling Units: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Easements: Legal authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Electronic: Includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

Electronic Motor Vehicle Dealer: A motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic motor vehicle dealers and designates as an electronic motor vehicle dealer under that section.

Electric Personal Assistive Mobility Device: A self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

Electronic Record: A record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

Electronic Signature: A signature in electronic form attached to or logically associated with an electronic record.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or 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 Machinery: All machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

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

Financial Transaction Device: Has the same meaning as in division (A) of section 113.40 of the Revised Code.

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 reasonably 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 Non-Residential Building (To be Used in Calculating Parking Requirements):

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar uses.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas, garage areas, roofed porches, terraces, and breezeways. All dimensions shall be measured along exterior walls.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior walls.

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

Forestry: The science of developing, caring of, or cultivating forest. The management of growing timber.

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 and wherein:

- A. Not more than one space is rented for parking to person not resident on the premises.
- B. No more than one commercial vehicle permitted that does not exceed two tons capacity.

Garage, Public: A principal or accessory building other than private garage, used for parking or temporary storage or passenger automobiles, and in which no service shall be provided for remuneration.

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

- A. Sales and services of spark plugs, batteries, distributors, and parts.
- B. Tire servicing and repair, but not recapped or re-grooving.
- C. 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.
- D. Radiator cleaning and flushing.
- E. Washing, polishing, and sale of washing and polishing material.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
- K. Sales of cold drinks, packaging food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.

- L. Provisions of road maps and other informational material to customers, provision of restroom facilities.
- M. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, 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 a repair garage or a body shop.

Gross Vehicle Weight: With regard to any commercial car, trailer, semitrailer, or bus that is taxed at the rates established under section 4503.042 of the Revised Code, means the unladen weight of the vehicle fully equipped plus the maximum weight of the load to be carried on the vehicle.

Historical Motor Vehicle: Any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

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

- A. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the 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.
- C. 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 (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- D. No traffic shall be generated by such home occupation in greater volume that would 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.
- E. No equipment or process shall be used in such home occupation, which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense off 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 the line voltage off the premises.

Hospital: An institution licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients (housed overnight, fed and provided nursing care), suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities..

Hotel, Motel, Apartment Hotel, and Bed and Breakfast: 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: A facility that provides a public service and is operated by a federal, state, or local government, public or private school or college, church, public agency, or tax-exempt organization. Building and /or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other corrective services.

International registration plan: A reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions.

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

Kennel: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold. Kennels may not be established in a residential district.

Limited Driving Privileges: The privilege to operate a motor vehicle that a court grants under Section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

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 spaces are filled. Required off-street loading space is not to be included as off-street parking spaces 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 this resolution, 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 frontage on an improved public street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest 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.

Lot Measurements: A lot shall be measured as follows:

- A. **Depth:** The distance between the mid-points of straight lines connecting the foremost point of the side lot lines in front and rearmost points of the side lot lines in the rearmost points of the side lot lines in the rear.
- B. **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 inclusive of any easements of record.

Lot of Record: A lot, which is part of a subdivision recorded in the office of the County Recorder, or a lot described by a metes and bounds description (see also definition of metes and bounds description), which has been so recorded by means of a deed being filed and recorded in the office of the County Recorder.

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

- A. **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.
- B. **Interior Lot:** A lot with only one frontage on a street.
- C. **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 double frontage lots.
- D. **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.

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

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

Manufactured Home: Has the same meaning as in division (C)(4) of Section 3781.06 of the Revised Code.

Manufactured Home Park: Any site, or tract of land under single ownership, upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Manufacturer and Dealer: Include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles by means of used parts, if such departments are operated for the purpose of furthering and assisting in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. Places of business or departments in a place of business used to dismantle, salvage, or rebuild motor vehicles by means of using used parts are not considered as being maintained for the purpose of assisting or furthering the manufacturing, selling, displaying, and offering for sale or dealing in motor vehicles.

Manufacturer's Number: The manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resources.

Manufacturing, Heavy: Processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service 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 or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and not nuisances.

Metes and Bounds Description: A series of lines around the perimeter of an area; metes means bearing and distances and bounds refers to monument both physical and legal. Said description is prepared by a state registered land surveyor.

Mobile home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of Section 3781.06 of the Revised Code.

Motor Number: The manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle.

Motor Vehicle: Any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles such as motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

Motorized Bicycle: Any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

Noncommercial Motor Vehicle: Any motor vehicle, including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

Noncommercial Trailer: Any trailer, except a travel trailer or trailer that is used to transport a boat that has a gross weight of no more than three thousand pounds, and that is used exclusively for purposes other than engaging in business for a profit.

Non-Conformities: 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 this district or zone in which it is situated.

Nuisance Motor Vehicle: A motor vehicle that constitutes a nuisance by not meeting township regulations.

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 the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Opacity: The ability of material to stop light so that images cannot be seen through it. Not transparent. An imaginary vertical plane extending from the established grade to a required height of which a required percent of the vertical plane shall be visually screened from adjacent property use.

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 permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Operator: Includes any person who drives or operates a motor vehicle upon the public highways.

Owner: Includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, “owner” includes in addition manufacturers and dealers.

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.

Passenger Car: Any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

Performance Bond or Surety Bond: An agreement by a sub divider or developer with County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub divider’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.

Pneumatic Tires: Tires of rubber and fabric or tires of similar material, that are inflated with air.

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

Professional Activities: medical practitioners, lawyers, architects, and engineers, and similar professions provide the use of offices and related spaces for such professional services as.

Public roads and highways: For vehicles, includes all public thoroughfares, bridges, and culverts.

Public Service Facility: The erection, construction, construction, alteration, operation, or maintenance of buildings, power plants, or sub-stations, 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, communications, 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 of 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 schools, parochial schools, colleges, hospitals, and other

facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Quorum: The minimum number of members who must be present at an assembly before it can validly transact business. For the purpose of this resolution, three members of the Board of Zoning Appeals or Zoning Commission, including the alternates, if seated, shall be necessary to constitute a quorum to conduct business, and two members of the Board of Trustees.

Recreational Vehicle: A vehicular portable structure that meets all of the following conditions:

- A. It is designed for the sole purpose of recreational travel.
- B. It is not used for the purpose of engaging in business for profit.
- C. It is not used for the purpose of engaging in intrastate commerce.
- D. It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.
- E. It is not regulated by the public utilities commission pursuant to Chapter 4919., 4921., or 4923. of the Revised Code.
- F. It is classed as one of the following:
 1. "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.
 2. "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
 3. "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
 4. "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
 5. "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

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.

Recreation Facilities: Public or private facilities that may be classified as either “passive” or “active” depending upon the scope of services offered and the extent of use. Passive recreation facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks, active recreation facilities generally require less land and include, but need not be limited to, ball diamonds, tennis courts, swimming pools and the like.

Recreation – Active: Leisure activities usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term active recreation includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Recreation – Passive: Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Residence: Refer to dwelling.

Restricted Plate: A license plate that has a restriction of time, geographic area, mileage, or commodity, and includes license plates issued to farm trucks under division (J) of section 4503.04 of the Revised Code.

Ridesharing Arrangement: The transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products to be removed at the end of seasonal use.

Right-of-Way: A strip of land taken or dedicated for use as 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 spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

Semitrailer: Any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

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, accessory building, 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.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

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 not on the premises on which the sign is located.

- A. **Signs, On-Premises:** Any sign related to a business or profession conducted, or to a
- B. **Sign, Off-Premises:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises which such sign is located.
- C. **Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- D. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- E. **Sign, Projecting:** Any sign, which projects from the exterior of the building.

Solid Tires: Tires of rubber or similar elastic material that are not dependent upon confined air for support of the load.

Solid Tire Vehicle: Any vehicle that is equipped with two or more solid tires.

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

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

Start of Construction: The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns. Permanent construction does include land preparation, such as grading and filling, excavation for a basement, footings, piers or foundations, the erection of temporary forms, and would include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State: Includes the territories and federal districts of the United States, and the provinces of

Canada.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

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 include buildings, manufactured homes, walls, fences, and billboards.

Substantial Completion of Improvements: A new residential structure shall be substantially completed when all exterior and interior walls have been erected, it has been roofed, windows installed, completely sided and all required health permits have been approved, such as water, plumbing, and sewage.

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

Swimming Pools: A pool, or open tank containing at least five (5) feet of water at any point and maintained by the owner or manager.

- A. **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 hotel; and accessory use.
- B. **Community:** Operated with a charge for admission; a primary use.

Temporary Dwelling Structure: A building placed on a lot for the specific purpose which is to be removed within a specified time period. Examples of temporary dwelling structures include mobile home and recreational camping coach.

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:

- A. **Alley:** A minor street used primarily for vehicular services access to the back or side of properties abutting on another street.
- B. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.
- D. **Cul-de-Sac:** A local street or relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. **Dead-End Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- F. **Local Street:** A street primarily for providing access to residential or other abutting property.
- G. **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 at the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.

H. 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 see Frontage Street).

Through Lot: See Lot Types.

Trailer: Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer.

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

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

Utility Vehicle: A self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities. "Utility vehicle" includes a vehicle with a maximum attainable speed of twenty miles per hour or less that is used exclusively within the boundaries of state parks by state park employees or volunteers for the operation or maintenance of state park facilities.

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

Vehicles: Everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions.

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 forth by dimensions or other means, the relationship of a proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the lot line to the front of a principal building.
- B. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- C. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Permits: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

