

NEWARK TOWNSHIP ZONING RESOLUTION

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PREAMBLE

A resolution of the Township of Newark, Licking County, Ohio enacted in accordance with the 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.

Therefore, be it resolved by the Board of Township Trustees of Newark Township, Licking County, State of Ohio:

ARTICLE 1

TITLE

NEWARK TOWNSHIP, LICKING COUNTY, OHIO ZONING RESOLUTION: This resolution shall be known and may be cited and referred to as the "Newark Township, Licking County, Ohio, Zoning Resolution."

ARTICLE 2

MINIMUM REQUIREMENTS AND SEPERABILITY

Section 2.0 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 2.1 Separability Clause

Should any section or provision 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 declared to be unconstitutional or invalid.

Section 2.2 Repeal of Conflicting Resolution, Effective Date

All resolutions or part 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 3

DEFINITIONS

Section 3.0 Interpretations of Terms or Words

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

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

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

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, storing or sale of the produce; provided, however, that: (1.) the operations of any such accessory uses shall be secondary to that of normal agricultural activities, and (2.) The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of commercial stockyard or feed yard.

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

Alley: See Thoroughfare.

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

Apartment House: See Dwelling, Multi-Family.

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

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

Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, including repair work.

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

Basement: A story all or partly underground but having at least one-half of its height below the average level of adjoining ground. (See Figure 3).

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

Board: The Board of Zoning Appeals of the township.

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

Building: Any structure designed or intended for the support, enclosure, 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: The line beyond which no building or part thereof shall project, except as otherwise provided by this resolution. See also Setback Line.

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

Business, Convenience: Commercial 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 not 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.

Business, General: Commercial uses which generally require location on or near major thoroughfares and/or their intersections. 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, 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.

Cemetery: Land used or intended to be used for the burial of the human or animal dead 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 of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

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

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

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

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

Commission: The Township Zoning Commission.

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 of 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.

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

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

Dwelling: A permanent building used primarily for human habitation but not including facilities for the housing of transient residents nor to include mobile homes. A double wide or modular home affixed to a permanent foundation shall be deemed to be a dwelling.

1. **Dwelling, Multi-Family:** A permanent building or portion thereof providing separate living accommodations for three or more families.

2. Dwelling, Single-Family: A permanent building, separate and free standing, in itself providing living accommodations for one family.
3. Dwelling, Two-Family: A permanent building designed exclusively for occupancy by two families.

Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

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.

Easement: Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other government 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.

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

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by periodic floods. (See Figure 4).

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

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 not devoted to residential use. All dimensions shall be measured along exterior walls.

Food Processing: The preparation, storage, or processing of food products.

Garage, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of motor vehicles, travel trailers and/or boats of the occupants of the premises.

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

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

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of 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.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses 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 line voltage off the premises.

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

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

House Trailer: See Mobile Home.

Industry: Storage, repair, manufacture, preparation, or treatment of any article, substance, or commodity. (Also see Manufacturing).

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

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

Junk Motor Vehicle: Is defined as one that is:

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

Junkyard: Any open area where waste, discarded or salvaged materials of any kind are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage and equipment whether or not for commercial purposes. Also includes garbage dumps and sanitary landfills.

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

Landfill: See Junkyard.

Livable Area: The area excluding porches, breezeways, garages, carports, and other similar areas. (See Floor Area, Usable).

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

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

Lot Measurements: A lot shall be measured as follows:

1. **Depth**: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
2. **Width**: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building line.

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

Lot, Usable Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private streets.

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

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

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 are not nuisances.

Mobile Home: Any self-propelled or non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation and used or so construed as to permit its being used as a conveyance upon the public streets or highways.

Mobile Home Park or Court: Any site, or tract of land under single ownership, upon which three or more mobile 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 part of the facilities of such park.

Modular Homes: For the purpose of this resolution a "modular home" shall be defined as a structure comprised of one or more self-sufficient units, including double-wide or units in multi-parts, except for site preparation, transported on by a vehicle from the place

of manufacture to a site where it is to be occupied as a dwelling. Said modular home shall be affixed to a permanent foundation and comply with all lot area and yard requirements and floor area requirements of this resolution.

Motel: See Hotel.

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

Non-Conformities: A building, structure, use of land existing at the same time of enactment of this resolution, and which does not conform to the regulations of this district or zone in which it is situated.

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

Nursery, Plant: 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.

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

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

Performance Bond or Surety Bond: An agreement by a sub divider or developer with county or township 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.

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

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or

pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency including the furnishing of electrical, gas, rail transport, highway transport, communication, public water and sewage services.

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

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 fixture or 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 "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding, clubs, and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

Research Activities: 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 buildings.

Roadside Stand: A temporary structure designed or used for display or sales.

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. Also R.O.W.

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.

Setback Line: A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building other than an 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.

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

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

Solar Energy Accessory System: A solar collection system consisting of one or more roof-mounted and/or ground-mounted solar collector devices and solar energy equipment, which has a rated capacity of less than or equal to twenty five (25) kilowatts (for electricity) or rated storage volume of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal), and is intended to primarily reduce on-site consumption of utility

power. A system is considered to be a solar energy accessory system only if it supplies electrical or thermal power solely for on-site use except when a property upon which the system is installed also receives electrical power supplied by a utility company or excess electrical power generated and not presently needed for on-site use may be used by the utility company and/or the regional transmission organization.

Solar Energy Production System: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy and/or thermal energy. A large solar energy production system consists of one or more free-standing ground-mounted or roof-mounted solar collector devices; solar energy equipment; and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities having a rated capacity of more than twenty-five (25) kilowatts (for electricity) or a rated storage volume of the system of more than two hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal).

Solar Energy Equipment: Items including, but not limited to, a solar photovoltaic cell, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundation used for or intended to be used for the collection of solar energy.

Solar Photovoltaic (PV): The technology that uses a semiconductor to convert light directly into electricity.

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 re-numeration, 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.

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

Street: See Thoroughfare.

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

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

Substantial Completion of Improvements: A structure shall be substantially completed when all exterior and interior walls have been erected, it has been roofed, and windows installed, completely sided and all legally required permits have been approved.

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

Swimming Pool: A pool, pond, lake, or open tank containing at least 36 inches of water at any point and maintained by the owner or manager.

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

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 (See Figure 5):

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **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.
3. **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.
4. **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street:** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

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

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.

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.

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 the 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 feet or more in width, for pedestrian use only, whether along the side of a road or not.

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

1. Front Yard: The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
2. Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.
3. Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

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

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

Zoning Map: Map or maps of the township showing zoning districts together with all amendments subsequently adopted.

NOTE the following diagrams illustrated:

- 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

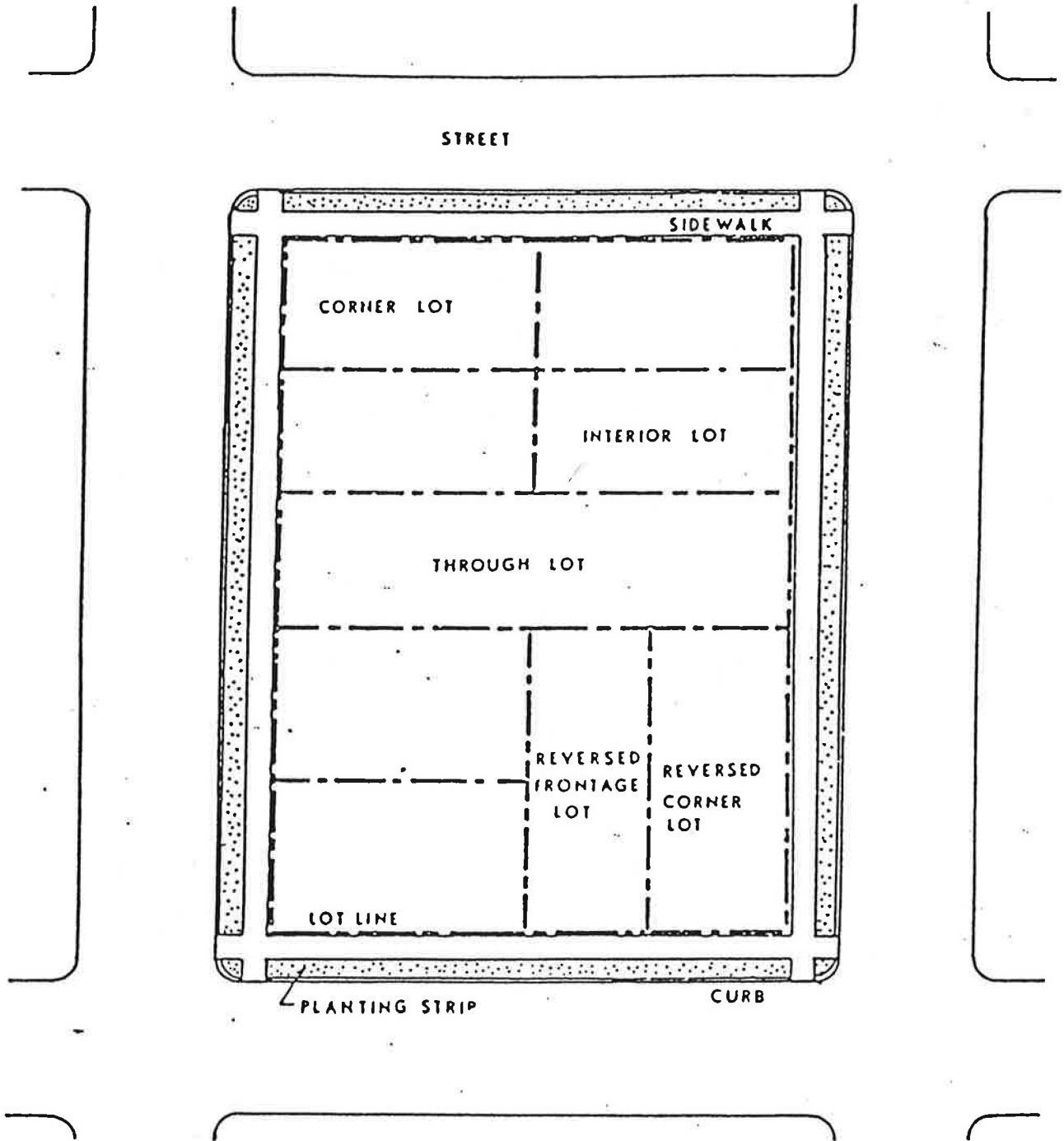
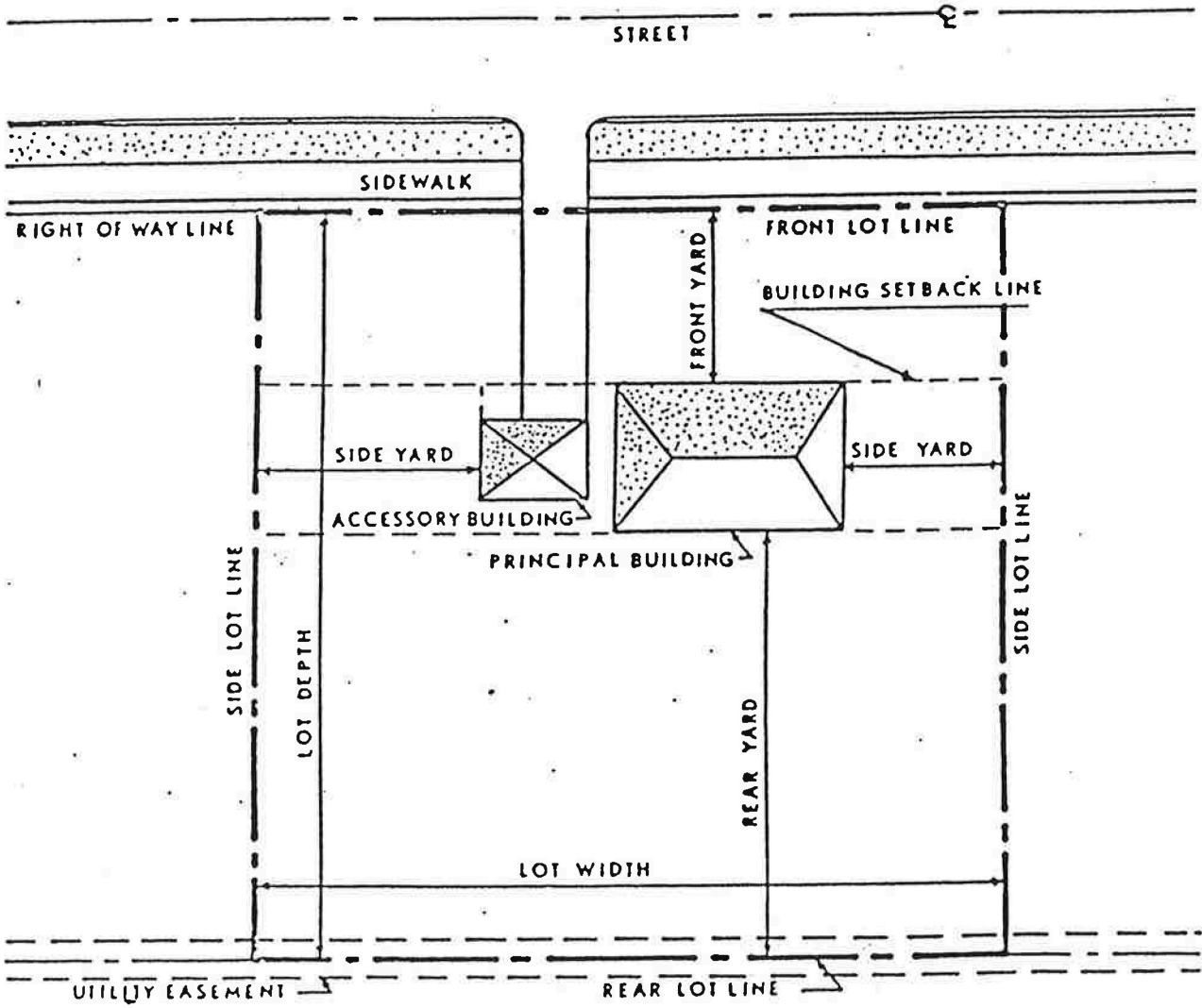


Figure 2 – Lot Terms



LOT AREA= TOTAL HORIZONTAL AREA

LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING

Figure 3 – Basement & Story

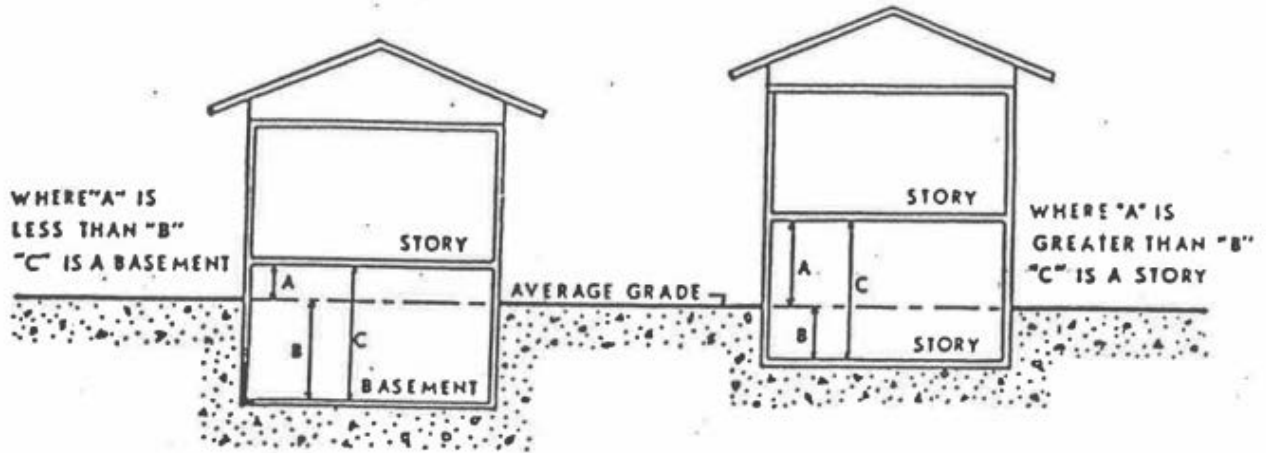


Figure 4 – Flood Plain Terms

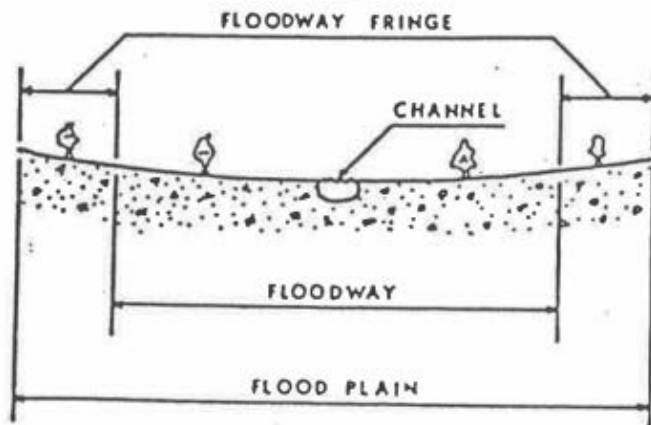
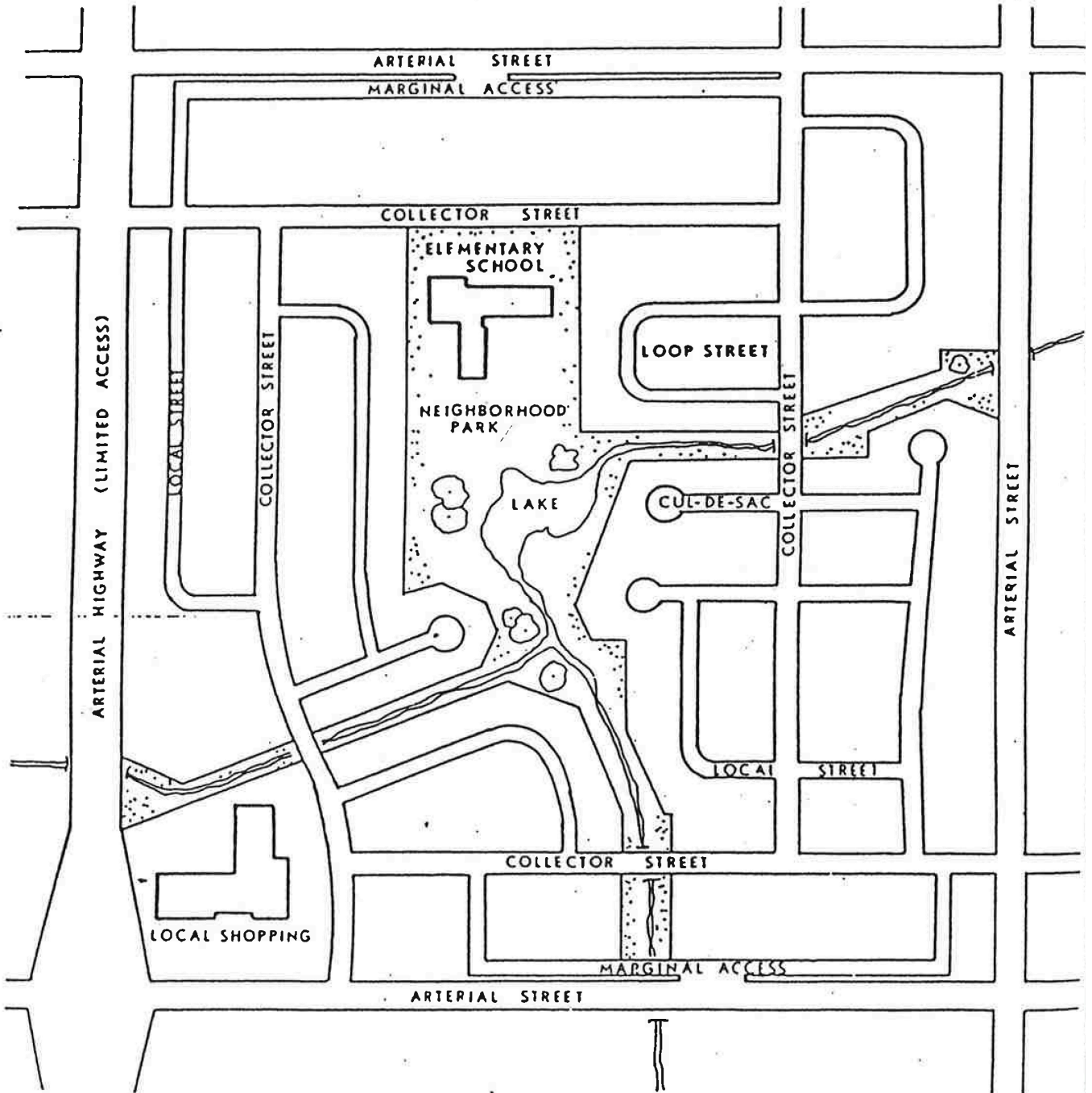


Figure 5 – Classification of the Thoroughfare System



ARTICLE 4

ADMINISTRATION

Section 4.0 Office of Zoning Inspector Created

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

Section 4.1 Duties of Zoning Inspector

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

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

Section 4.2 A Zoning Commission is Created

A Zoning Commission is hereby created, which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four, and five-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 un-expired term of the member affected.

Section 4.3 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 quarterly and at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

Section 4.4 Duties of the Zoning Commission

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

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

Section 4.5 Board of Zoning Appeals Created

A Board of Zoning Appeals is hereby created, which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four, and five 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 4.6 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 and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may request the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board

Section 4.7 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, 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 vote of three 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:

1. 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.
2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in practical difficulties, and so that the spirit of this resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 4.19 and such additional safeguards as will uphold the intent of this resolution.
4. To interpret the zoning map. Where the streets or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the zoning map, the Board, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this resolution. In case of any questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the resolution, a request for interpretation of the zoning map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

Section 4.8 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matter 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 5.9 of this resolution. Nothing in this resolution shall be interpreted to prevent any official of the township from 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 thirty (30) days of the Board's written decision.

Section 4.9 Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 4.10 through 4.19, inclusive of this resolution. As specified in Section 4.7, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 4.10 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty (30) 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 appeals from was taken.

Section 4.11 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 on due cause shown.

Section 4.12 Variance

1. Use Variance

The Board of Zoning Appeals may authorize upon appeal in specific cases a 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 non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming 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 weighted in determining whether a property owner seeking a use variance has encountered unnecessary hardship in the use of the property include, but are not limited to:

- 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 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.
- e. Owner's consent to application or satisfactory evidence showing applicant's legal or equitable interest in property. Copy of the deed showing the applicant's legal ownership of said property.
- f. Names and addresses of adjoining owners within 500 feet of property, including across the roadway. This list shall be typed or printed on mailing labels.

2. 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:

- a. Whether the property in question will yield a reasonable turn or whether there can be any beneficial use of the property without a variance.
- b. Whether a variance is substantial.
- c. 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.
- d. Whether the variance would adversely affect the delivery of governmental services, (e.g. water, sewer, garbage, medical, fire, police).
- e. Whether the property owner purchased the property with knowledge of the zoning restriction.
- f. Whether the property owner's predicament feasibly can be prevented or corrected through some method other than a variance.
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Section 4.13 Application and Standards for Variances

1. 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 Inspector and the Board of Zoning Appeals containing:

- a. Name, mailing address, and phone number of applicants.
- b. Legal description of property.
- c. Description of nature of variance requested.
- d. A narrative statement demonstrating that the requested variance conforms to the following standards:

- 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 actions of the applicant.
 - 4) That granting the variance requested will not confer on the applicant any 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 applicant's legal or equitable interest in property.
- e. Names and mailing addresses of adjoining owners within 500 feet of the property, including across the roadway. This list must be typed on mailing labels.
 - f. Fees need to be paid in accordance to "Section 5.9 Schedule of Fees, Charges, and Expenses".
 - g. Other information as specified by the Board of Zoning Appeals.

2. Basis for Granting a Variance

A variance shall not be granted unless the Board of Zoning Appeals make specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by "Article 4" of the Zoning Resolution have been met by the applicant. Variances may be granted as guided by, but not limited to, any or all of the following examples:

- a. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- b. 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.
- c. 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 be each

use does not take place at approximately the same hours of the same days of the week.

- d. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
- e. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified as a condition of the variance.
- f. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent. (See “Article 21 Off Street Parking and Loading Regulations.”)
- g. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
- h. 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.
- i. 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 4.14 Supplementary Conditions and Safeguards

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under “Section 5.8 – Penalties for Violation” of this resolution.

Section 4.15 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal, variance, or conditional use from the Zoning Inspector or an applicant.

Section 4.16 Notice of Public Hearing in Newspaper

Before holding the public hearing required in “Section 4.15 – Public Hearing by the Board of Zoning Appeals”, 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. Notice shall state who placed the notice (such as fiscal officer or chairman of the Board of Zoning Appeals).

Section 4.17 Notice to Parties in Interest

Before holding the public hearing required in “Section 4.15 – Public Hearing by the Board of Zoning Appeals”, 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 owners of property within, contiguous to, and directly across the thoroughfare from the parcel to be considered for a variance or conditional use by the Board of Zoning Appeals. The notice shall be mailed 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.

Section 4.18 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in “Section 4.15 – Public Hearing by the Board of Zoning Appeals”, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in “Section 4.14 – Supplementary Conditions and Safeguards”, or disapprove 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 4.8 – Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matter of Appeal”.

Conditional uses shall conform to the procedures and requirements of “Section 4.21 – Contents of Application for Conditional Use Permit” to “Section 4.27 – Expiration of Conditional Use Permit”, inclusive of this resolution.

Section 4.19 Procedure and Requirements for Approval of Conditional Use Permits

Conditional uses shall conform to the procedures and requirements of Sections 4.20 through 4.27, inclusive of this resolution.

Section 4.20 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 this Resolution, shall follow the procedures and requirements set forth in Sections 4.20 through 4.27, inclusive.

Section 4.21 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:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Board may require to determine that the proposed conditional use meets the intent and requirements of this resolution.
7. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property, and a discussion of the general compatibility with adjacent and other properties in the district.
8. Such other information as may be required in Section 4.23.

Section 4.22 General Standards Applicable to All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in Section 4.23, the Board shall review the particular facts and circumstances of each

proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of this resolution.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the zoning resolution.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 4.23 Specific Criteria for Conditional Uses

Following is a list of specific requirements for conditionally permitted uses as specified under the Official Schedule of District Regulations:

1. All structures and activity areas should be located at least 100 feet from all property lines.

2. Loud speakers, which cause a hazard or annoyance, shall not be permitted.
3. All points of entrance or exit should be located no closer than 200 feet from the intersection of two arterial thoroughfares or no closer than 100 feet from the intersection of an arterial streets and a local or collector streets.
4. There shall be no more than one sign oriented to each abutting street identifying the activity.
5. 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.
6. Structures should be located so as to have primary access to collector thoroughfare.
7. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
8. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses.
9. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
10. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
11. Such structures should be located adjacent to park and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
12. 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.
13. The area of use shall be completely enclosed by a six-foot fence and appropriately landscaped to be harmonious with surrounding properties.
14. Such uses should be located on an arterial thoroughfare, adjacent to non-resident uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
15. Truck parking areas, maneuvering lanes, 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.
16. Such development should be located on or immediately adjacent to state highways.
 17. 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.
 18. 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.
 19. 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.
 20. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 6:00 PM.
 21. All equipment and machinery shall be operated and maintained in such a way as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
 22. 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 feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
 23. All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:
 - a. That the excavated area shall not collect or permit to remain therein-stagnant water.
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The

banks of all excavation not backfilled shall be sloped to produce a grade which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

24. 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 the 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.
25. Any off-street parking area for more than five vehicles shall be graded for proper drainage and surfaced with a durable, dust-free, hard surface, such as concrete or asphalt.
26. For Solar Energy Systems, the Board of Zoning Appeals may require landscaping and buffering to be installed to limit the adverse impacts of the conditional use on the other permitted and conditionally permitted uses and properties within the area. Said landscaping and buffering may consist of vegetation, mounding, wall, fencing or combination thereof and may be required to be developed by a registered landscape architect within the State of Ohio.

Section 4.24 Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 5.8 of this resolution.

If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Article 9 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

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

Section 4.25 Procedures for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in Section 4.21, 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 4.15 through 4.17.

Section 4.26 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 4.25, the Board shall either approve, approve with supplementary conditions as specified in Section 4.24, 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 4.8.

Section 4.27 Expiration of Conditional Use Permit

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

ARTICLE 5
ENFORCEMENT

Section 5.0 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 5.1 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 shall be revoked if work has not begun within three (3) months or substantially completed within 1½ years or 18 months. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Lot plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.

10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.
11. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

Section 5.2 Approval of Zoning Permit

Within thirty (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 three months. 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 5.3 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within three (3) 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. If the work described in any zoning permit has not been substantially completed within 1½ years from the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 5.4 Record of Zoning Permits

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

Section 5.5 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under Section 5.8 of this resolution.

Section 5.6 Construction and Use to be as Provided in Applications, Plans, and Permits

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and agreement, 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 5.8 of this resolution.

Section 5.7 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 5.8 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 imprisoned for not more than thirty (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 5.9 Schedule of Fees, Charges, and Expenses

The Board of Township Trustees shall by 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. No action shall be taken on any application or appeal until fees are paid.

ARTICLE 6

AMENDMENTS

Section 6.0 Procedure for amendments or district changes

Utilizing the procedures specified in Sections 6.1 through 6.12, inclusive, of this resolution, may amend this resolution.

Section 6.1 General

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

Section 6.2 Initiation of Zoning Amendments

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

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

Section 6.3 Contents of Application

Applications for amendments to the Official Zoning Map adopted, as part of this resolution by Article 7 shall contain at least the following information:

1. Name, address, and phone number of applicant.
2. Proposed amended resolution.
3. Present use.
4. Present zoning district.

5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale approved by the Zoning Commission showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Commission may require.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
9. A statement on how the proposed amendment relates to the comprehensive plan.
10. A fee as established by the Board of Township Trustees according to Section 5.9.

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 6.4 Transmittal to Zoning Commission

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

Section 6.5 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 owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

Section 6.6 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, Ohio Revised Code, Section 5511.01, 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 6.7 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 6.8 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 6.7, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least ten days before the date of said hearing.

1. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - a. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
 - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning amendment.

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

This recommendation is presented in keeping with the requirements of Chapter 519.12 of the Ohio Revised Code, and the need to provide technical planning assistance to your township. This is only a recommendation, and is not binding on the township decision.

Section 6.9 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten 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 6.8.

Section 6.10 Recommendation by Zoning Commission

Within 30 days after the public hearing required by Section 6.7, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

Section 6.11 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 Sections 6.8 and 6.9 shall give notice of such public hearing in a newspaper.

Section 6.12 Action by Board of Township Trustees

Within 20 days after the public hearing required by Section 6.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

Section 6.13 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part

thereof included in the zoning plan equal to but 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.

Section 6.14 Fees

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

ARTICLE 7

PROVISIONS FOR OFFICIAL ZONING MAP

Section 7.0 Official Zoning Map

The districts established in Article 10 of this resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

Section 7.1 Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signatures of the Board of Township Trustees and attested by the Township Fiscal Officer with effective dates.

Section 7.2 Interpretation of District Boundaries

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

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

Section 7.3 Interpretation of Zoning Map

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

ARTICLE 8

NONCONFORMITIES

Section 8.0 Intent

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

Section 8.1 Incompatibility of Nonconformities

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises, or additional signs intended to be seen from off the premises, or by the addition 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 8.2 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 any 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 8.3 Single Nonconforming Lots of Record

In 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. 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.

Section 8.4 Nonconforming Use of Land

Where, at the time of adoption of this resolution, lawful uses of land, 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:

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

Section 8.5 Nonconforming Structures

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

1. No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity, unless approved by the Board of Zoning Appeals.
2. Any nonconforming buildings or structures, or one or more of a group of nonconforming buildings or structures related to one industry and under one ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or act of God, may be reconstructed and used as before, if it be done within 12 months of such calamity or if the area restored does not exceed the square foot area as it existed at the time of such calamity.
3. 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, unless approved by the Board of Zoning Appeals.

Section 8.6 Nonconforming Uses of Structures or of Structures and Land in Combination

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

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, unless approved by the Board of Zoning Appeals.
2. Any nonconforming 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, unless approved by the Board of Zoning Appeals.
3. If no structural alterations are made, any nonconforming use of a structure or structure of land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to

the regulations for the district, and the nonconforming use may not thereafter be resumed, unless approved by the Board of Zoning Appeals.

5. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two 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, unless approved by the Board of Zoning Appeals.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 8.7 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming 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 nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 8.8 Uses Under Conditional Use Provisions Not Nonconforming Uses

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

Section 8.9 Nonconformity - Performance Standards

All uses nonconforming at the time of adoption of this resolution, by reason of noncompliance with the provisions of Article 9 if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within two years of the adoption of this resolution.

ARTICLE 9

SPECIAL PROVISIONS

Section 9.0 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 9.1 through 9.10, inclusive.

Section 9.1 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.

Section 9.2 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 9.3 Noise

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

Section 9.4 Vibration

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

Section 9.5 Air Pollution

The Director of the Ohio Environmental Protection Agency shall subject to the requirements and regulations establish air pollution.

Section 9.6 Glare

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

Section 9.7 Erosion

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

Section 9.8 Water Pollution

The Director of the Ohio Environmental Protection Agency shall subject to the requirements and regulations establish water pollution.

Section 9.9 Junk Motor Vehicles

Except as provided in other regulations and approved by the Zoning Inspector, junk motor vehicles shall be housed in an enclosed garage or any structure consisting of a structurally sound roof and permanent walls, any of which may be temporarily opened, except if the person is operating a junkyard or scrap metal processing facility licensed by the authority of O.R.C. 4737.05 to 4737.12, inclusive, or, regulated by the authority of the Township. No vehicle at any time shall be in a state of major disassembly or disrepair, unless necessary for restoration, provided that such vehicle is stored in an enclosed garage or other suitable structure.

Exceptions: Auto repair facilities shall be permitted one (1) junk motor vehicle for each 400 sq. ft. of indoor service area. Licensed auto sale facilities shall be permitted any number of vehicles, provided that they are not in violation of part 3 of the definition of Junk Motor Vehicles as found in Article 3—Definitions.

Any occupant who is not the owner of a one family dwelling shall be responsible to maintain the exterior property areas in compliance with this section.

Junk Motor Vehicles: A motor vehicle which is located on private property for more than seventy two (72) hours and which meets the definition of Junk Motor Vehicles as defined in Article 3—Definitions.

The Newark Township Zoning Inspector may send notice by certified mailing, with return receipt requested as evidence, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within fourteen (14) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

Within fourteen (14) days upon receipt of this notice from the Zoning Inspector, the person or party may return in writing a letter indicating that the vehicle is being repaired. Upon proof that said repairs are occurring, the person has 60 days to complete repairs or move the vehicle into an enclosed structure.

Any person wishing to appeal the decision of the provisions of this section may appeal such decision to the Newark Township Board of Zoning Appeals in accordance with Sections 4.9 through 4.18.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than fourteen (14) days after the receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this Zoning Resolution.

Section 9.10 Medical Marijuana

Medical marijuana and the cultivation, processing, and retail dispensing of medical marijuana shall be excluded from the definition of “agriculture” for the purposes of the Newark Township Zoning Resolution. Medical marijuana cultivators, processors, and retail dispensaries are expressly prohibited from being located in the unincorporated territory of Newark Township.

Section 9.11 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.

All uses existing on the effective date of this resolution shall conform to these performance requirements within two years provided that the Board may grant an

extension of up to six months. The Board may grant extensions if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

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

Section 9.12 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 National Standards Institute, Inc., New York, the Chemical Manufacturing Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

ARTICLE 10

DISTRICT AND GENERAL PROVISIONS

Section 10.0 Districts

The township is hereby divided into nine districts known as:

- C-1 Conservation District
- AG Agricultural District
- R-1 Single-Family Residence District
- R-2 General Residence District
- R-3 Medium Density Residence District
- B-1 Local Business District
- B-2 General Business District
- M-1 General Manufacturing District
- M-2 Heavy Manufacturing District

Section 10.1 Compliance With Regulations

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

Section 10.2 Street Frontage Required

Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 40 feet on a street; and, there shall be not more than one single-family dwelling for such frontage.

Section 10.3 Traffic Visibility Across Corner Lots

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

Section 10.4 Off-Street Parking and Loading

In any district, spaces for off-street parking and for off-street loading shall be provided in accordance with the provisions of Article 21.

Section 10.5 Essential Services

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

Section 10.6 Unsafe Buildings

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

Section 10.7 Vacated Street or Alley

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

Section 10.8 Mobile Home Prohibited - Except

A mobile home, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed, remodeled, or repaired thereon, but such use shall not be continued for more than 12 months. A separate zoning certificate shall be required for the use of temporary dwelling quarters, subject to renewal by the Board.

Section 10.9 Mobile Homes/Trailers - Visitors

Not more than one mobile home or trailer 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 90 days, subject to renewal by the Board, provided that:

1. Joint application is filed with the Zoning Inspector by the aforesaid property resident and the mobile home/trailer owner within 72 hours after arrival on the property.
2. All provisions of the Licking County Health Board are complied with.
3. A fee subject to the provisions of Article 5.11 has been paid to the Zoning Inspector who may issue a "Temporary Visitor's Zoning Certificate" for a period of 90 days, subject to renewal by the Board.

Section 10.10 Territory Not Included - Annexations

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

Section 10.11 Accessory Buildings in R-Districts - AG Districts

Accessory buildings shall be distant at least ten (10) feet from any dwelling situated on the same lot unless an integrated part thereof; at least ten feet from any other accessory building and at least ten feet from any lot lines of adjoining lots which are within an R or AG District. All accessory buildings shall be properly anchored on at least all four corners with anchors as currently approved by the Licking County Building Codes Department.

Section 10.12 Drainage and Flood Plain Regulations

1. Adequate Drainage Required: No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times nor which is subject to periodic flooding, nor so that the lowest floor level is less than three feet above the highest anticipated seasonal ground water level.
2. Obstruction to Drainage Prohibited: The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the Board of Township Trustees.
3. Building Restricted Adjacent to Drainage Channels or Watercourses: No building other than a bridge, dam or revetment subject to the aforesaid approval, shall be erected, structurally altered or relocated within 20 feet of the ordinary high water line of such surface water that the lowest floor of said building is less than three

feet above the ordinary high ground water line, except with approval of the Zoning Commission and Board of Township Trustees. A recommendation from the Licking County Flood Plain Administrator must be accepted.

Section 10.13 Agricultural Exemptions

Agriculture exemptions shall be as permitted by the Ohio Revised Code, paragraphs 519.02 through 519.25, inclusive. No zoning certificate shall be required for any such building or structure that is in compliance with the Ohio Revised Code.

Section 10.14 Double Wide / Sectional Mobile Homes / Modular Homes

A doublewide mobile home will be considered to be the same as a permanent site built dwelling provided:

1. It is affixed to a permanent foundation.
2. The undercarriage, tongue and hitch are removed.
3. Within 60 days the automotive certificates of title to all parts of the double wide or sectional home be surrendered to the Clerk of Courts and the necessary procedures to convert to real estate taxing are followed. Proof of this action is to be furnished to the Zoning Inspector.

Section 10.15 Permits Required

At the time of application for permit for a temporary dwelling or accessory building, a permit for the principle structure is also required.

Section 10.16 Junkyards

Junkyards are prohibited when they are determined to be a junkyard as defined in this resolution. Any area that meets this definition requires a Conditional Use Permit as defined in Section 4.21 of this resolution. Should the Conditional Use Permit be denied, and then the area will be modified within 30 days of the date of the Conditional Use Permit denial, to a state that will be as such not to fall into the definition of a junkyard.

Section 10.17 Home, Yard, and Garages Sales

Home sales within Newark Township shall be regulated on only that property, which is, zoned R-1 (Single-Family Residence District), R-2 (General Residence District, and R-3 (Medium-Density Residence District). The township believes that home sales should be uniformly regulated throughout the township, regardless of the zoning requirements of the area upon which such sales are conducted.

"Home sales" shall mean a sale of tangible personal property to the public conducted on any portion of any residential property within the Township of Newark and shall include, but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales, moving sales, and the like.

Intent: It is the intent of this resolution to regulate, restrict, and control home sales conducted in any location within the Township of Newark. This section shall not apply to sales conducted by businesses, even though located in residential areas, and shall not apply to auction sales.

Permit Required: No person shall conduct a home sale within the Township of Newark without first obtaining a permit therefore from the Zoning Inspector, as hereinafter provided.

Permit Application: The application for the permit required in the preceding paragraph shall contain the name and residence address of the applicant, the address where the personal property is to be offered for sale, the dates on which the sale shall be conducted, a general description of all the tangible personal property to be included in the sale, and a statement as to whether or not such tangible personal property belongs exclusively to the applicant and, if not, the names and addresses of the other owners. In addition, the application shall contain a space for a written acknowledgment by the applicant that he is fully aware of the provisions of this section, that he agrees to abide by said requirements, and that he understands that he may be penalized under the provisions of Section 5.8 of this resolution for failure to comply with the requirements of said resolution.

Permits and Fees - Effective Dates of Permit: A fee shall be charged for each permit. Each home sales permit shall be valid for not more than five consecutive calendar days and shall be issued only to an adult person residing at the location of the sale or, in the case of an estate sale to the personal representative or an adult person residing at the location of the sale or, in the case of an estate sale to the personal representative or an adult heir of the decedent. No permit shall be issued for any one location more than twice in any 365 day period. No home sale may be conducted on any other property than that at which the applicant resides.

Advertising and Promoting Home Sales:

1. No person shall place or display, or permit another to place or display, any tangible personal property to be sold at a home sale in front of the building setback line of the location upon which such property is to be or is being sold. The building setback line shall be determined from the zoning laws in force at the time of the sale.
2. No person shall place, erect, or display, or permit another to place, erect, or display any sign, placard, or other advertising, which promotes or gives directions to a home sale unless all of the following are observed:
 - a. The sign, placard, or other advertising not to exceed four square feet in area shall be placed, erected, or displayed only on the property upon which the home sale is taking place, or if on property other than upon which the home sale is taking place, only with the prior written consent of the owner or owners of such other property.
 - b. The sign, placard, or other advertising shall not be placed in a public right-of-way or attached to any pole, building, or other temporary or permanent structure, device, tree, or other object within the public right-of-way.
 - c. The sign, placard, or other advertising shall be first erected no sooner than 8:00 AM on the beginning date of the home sale and shall be removed not later than 8:00 PM on the last date of said home sale as authorized under the permit issued in accordance with this resolution.

Hours and Merchandise Permitted: In no event shall any home sale be commenced earlier than 8:00 AM or last later than 8:00 PM on each day during the period for which the permit is issued. No home sale shall offer any merchandise for sale that has been purchased for purposes of resale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence of merchandise purchased for resale at such home sale.

Display of Permit: The permit required by the Permit Required paragraph shall be kept posted in a prominent place upon the premises set forth therein during the entire duration of the sale.

Constructive Knowledge of Law: Each person who conducts or attempts to conduct a home sale is deemed to have constructive knowledge of the requirements and prohibitions of this resolution.

Penalties and Appeals:

1. The Zoning Inspector shall revoke any home sale permit issued pursuant to this resolution upon determining that the permittee has falsified an application for a

home sale permit or has otherwise knowingly violated any of the provisions of the home sale section.

2. The Zoning Inspector may revoke any home sale permit issued pursuant to this resolution upon determining that the permittee has violated any of the provisions of this resolution.
3. Any person who conducts or attempts to conduct a home sale without first obtaining a permit, as required by this resolution, shall be in violation of the resolution (Section 5.8). Conducting or attempting to conduct a home sale without a permit shall constitute a separate offense for each day during which the person conducts or attempts to conduct a home sale without first obtaining the necessary permit.

ARTICLE 11

C-1, CONSERVATION DISTRICT

Section 11.0 Purpose

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

Section 11.1 Uses Permitted in the C-1 Conservation District

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

Section 11.2 Conditional Uses in the C-1 Conservation District*

1. Gun clubs, archery courts.
2. Commercial mining; in accordance with the provisions of Article 20.
3. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Commission unless the Commission finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the Commission after review by the technical staff available to the Soil and Water Conservation District.

*As approved by the Board of Zoning Appeals after recommendation by the Commission.

Section 11.3 Other Requirements

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

1. **Engineer's Report:** Whenever the Commission is required to pass on matters of protection of life and property from flood hazards, it shall request a report and recommendations thereon from the technical staff available to the Soil and Water Conservation District.
2. **Change to Non-Conservative District:** Changes of district classification from C-1 to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the C-1 District was originally established does no longer exist or has been remedied to the Licking County Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District. When deemed necessary the technical staff of the Soil and Water Conservation District will review the plan.

Section 11.4 Required Lot Area and Lot Width in the C-1 District

None, except as may be specified by the Commission; provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 50 feet to any side or rear lot line.

Section 11.5 Height Regulation in the C-1 District

No structure shall exceed 35 feet in height.

ARTICLE 12

AG, AGRICULTURAL DISTRICT

Section 12.0 Purpose

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

Section 12.1 Uses Permitted in the AG District

1. Agricultural uses, commercial grain storage.
2. One-family residential dwelling.
3. Utility and service system buildings and lands, public buildings, picnic grounds, religious and educational institutions.
4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four square feet of sign area, signs announcing meeting time and place of civic organizations.

Section 12.2 Conditional Use in the AG District*

1. Real estate, professional, and small announcement signs, subject to the provisions of Article 22.
2. Uses of land including quarrying and mining of natural resources (See Article 23).
3. Cemeteries, golf courses.
4. Private aviation field.
5. Home occupations.

*As provided by the Board of Zoning Appeals.

Section 12.3 Required Lot Area and Lot Width in the AG District for Residential Use

Each dwelling shall be located on a lot having an area of not less than 43,560 square feet, exclusive of right-of-ways and any easements, and a lot width of not less than 100 feet at the building line.

Section 12.4 Height Regulation in the AG District

No dwelling shall exceed 2½ stories or 35 feet in height.

Section 12.5 Required Yard in the AG District

All dwellings shall have the following minimum yard spaces:

- Front Yard: 40 feet*
- Side Yard: 10 feet each side
- Rear Yard: 50 feet

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

*Or 70 feet from the center of the road if no right-of-way has been established.

Section 12.6 Required Floor Area in the AG District

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

<u>Single-Family Dwelling</u>	<u>Square Feet</u>
With basement	900
Without basement	900

Single-family dwellings shall not be less than 24 feet in width or depth, whichever is the smaller dimension.

Section 12.7 Agricultural Structures: Area, Width, and Yard Requirements

Front Yard: 50 feet*
Side Yard: 15 feet on both sides
Rear Yard: 25 feet
Lot Area: None

*Or 80 feet from the center of the street if not right-of-way has been established.

Section 12.8 Reduction in Area Requirements

As provided in Article 20, Exceptions and Modifications.

ARTICLE 13

R-1, SINGLE-FAMILY RESIDENCE DISTRICT

Section 13.0 Purpose

The purpose of the Single-Family Residence District is to provide an area for rural small estate residential development; to provide an area for light agricultural pursuits; and, to conserve areas physically unsuitable for intensive development.

Section 13.1 Uses Permitted in the R-1 District

1. One-family dwelling, accessory uses.
2. Churches and other places of worship, including Sunday school buildings, located not less than 50 feet from any other lot in any R-District; regular schools and colleges for academic instructions, located not less than 50 feet from any other lot in an R-District, regular public libraries, public museums, public art galleries and similar public cultural uses, located not less than 25 feet from any other lot in any R-District or residence(s).
3. Light agricultural uses including greenhouses and raising of farm products (not including livestock); provided any lot or tract in such use should not be less than five acres in area, and provided that any greenhouse heating plant should be located not less than 200 feet distant from any lot line.
4. Public parks, playgrounds, and other similar public recreational uses; provided that any principal building or community pool shall be located not less than 50 feet from any other lot in any R-District or residence(s).
5. Essential services.
6. Agricultural uses shall be prohibited except as allowed under Ohio Revised Code, Section 519.21.

Section 13.2 Conditional Uses*

1. Country clubs, golf courses and similar uses and facilities. Community pools shall be located not less than 100 feet from any other lot in any R-District, or residence(s), and private pools shall be located not less than 25 feet from any other lot in any R-1 District or residence(s).

2. Utility substations and pump houses provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.
3. Home occupations.
4. All towers, not specifically exempted by the Ohio Revised Code, in excess of one hundred feet, provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, morals, or welfare of the residences of the area. Such structures shall be within the nearest residential property line by a distance no less than two times the vertical dimension of the structure, and there shall be no occupied dwelling within the "Free Fall" zone of the structures. Any entity applying for this conditionally use must comply with the current requirements of Ohio Revised Code 519.211.

*As approved by the Board of Zoning Appeals.

Section 13.3 Required Lot Area and Lot Width in the R-1 District

Each residential dwelling shall be located on a lot having an area of not less than 43,560 square feet, exclusive of right-of-way and any easements, and a lot width of not less than 100 feet at the building line.

Section 13.4 Required Floor Area in the R-1 District

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

<u>Single-Family Dwelling</u>	<u>Square Feet</u>
With basement	900
Without basement	900

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

Section 13.5 Height Regulation in the R-1 District

No residential dwelling shall exceed 2½ stories or 35 feet in height.

Section 13.6 Required Yard in the R-1 District

All residential structures shall have the following minimum yard spaces:

- Front Yard: 40 feet*
- Side Yard: 10 feet each side
- Rear Yard: 50 feet

Accessory buildings in R-Districts shall be distant at least ten feet from the rear and ten feet from side lot lines. Such accessory buildings shall be permanently affixed to the ground with anchors as currently approved by the Licking County Building Codes Department.

*Or 70 feet from the center of the road if no right-of-way has been established. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Section 13.7 Reduction in Area Requirements

As provided in Article 20, Exceptions and Modifications.

ARTICLE 14

R-2, GENERAL RESIDENCE DISTRICT

Section 14.0 Purpose

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

Section 14.1 Uses Permitted in the R-2 District

1. Any use as permitted in the R-1 District.
2. One and two-family dwellings.
3. Light agricultural uses including nurseries and raising of farm products (not to include livestock). Seasonal produce may be sold on premises.
4. Churches, schools, libraries, museums, art galleries, parks, playgrounds, cemeteries, public services, and utility office buildings.
5. Accessory buildings and uses.
6. Unlighted real estate signs, nonconforming business use signs, and public building, church sign or bulletin boards pertaining to the property on which they are placed and not having over four square feet of sign area.
7. Essential services.
8. Agricultural uses shall be prohibited except as allowed under Ohio Revised Code, Section 519.21.

Section 14.2 Conditional Uses in the R-2 District*

1. Utility substations and pump houses provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.
2. Professional and business offices, home occupations.

3. Tourist homes, lodging houses, clubs, lodges, rest homes, funeral homes, clinics, child day care, and nursery schools.
4. All towers, not specifically exempted by the Ohio Revised Code, in excess of one hundred feet, provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, morals, or welfare of the residences of the area. Such structures shall be within the nearest residential property line by a distance no less than two times the vertical dimension of the structure, and there shall be no occupied dwelling within the “Free Fall” zone of the structures. Any entity applying for this conditional use must comply with the current requirements of Ohio Revised Code 519.211.

*As approved by the Board of Zoning Appeals.

Section 14.3 Required Lot Area and Lot Width

	<u>Lot Area*</u> (Square Feet)	<u>Lot Width at</u> <u>Building Line (Feet)</u>
Single-Family	43,560	100
Two-Family	43,560	150
Other Permitted Uses	43,560	150

*Exclusive of right-of-way and easement.

Section 14.4 Required Floor Area

<u>One-Family</u>	<u>Square Feet</u>
With basement	900
Without basement	900
<u>Two-Family</u>	<u>Square Feet</u>
With basement	1,800
Without basement	1,800

Section 14.5 Height Regulation

No dwelling shall exceed 2½ stories or 35 feet in height.

Section 14.6 Required Yard

All dwellings and permitted uses shall have the following minimum yard spaces:

One & Two-Family

Front Yard: 40 feet*
Side Yard: 10 feet each side
Rear Yard: 50 feet

Other Permitted Uses

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

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

*Or 70 feet from the center of the road if no right-of-way has been established. Corner lots shall have the same minimum front yards on each street side of the lot.

Section 14.7 Two-Family Dwelling Units

Two-family dwelling units must meet the County Board of Health's requirements before being issued zoning permits or the dwelling units must be supplied with public water and sewer systems.

Section 14.8 Reduction in Area Requirements

As provided in Article 20, Exceptions and Modifications.

ARTICLE 15

R-3, MEDIUM-DENSITY RESIDENCE DISTRICT

Section 15.0 Purpose

The purpose of the Medium-Density Residence District is to permit the establishment of medium density single, two, and multiple family dwellings and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve. Public utility supplies of water and sewer are required to accommodate these uses under the R-3 density.

Section 15.1 Uses Permitted in the R-3 District

1. Single-family dwelling units.
2. Two-family dwelling units.
3. Multi-family dwelling units.
4. Churches.
5. Public and private schools.
6. Public parks and playgrounds.
7. Plant cultivation.
8. Accessory uses and structures.
9. Agricultural uses shall be prohibited except as allowed under Ohio Revised Code, Section 519.21.

Section 15.2 Conditional Uses in the R-3 District*

1. Nursery schools and child day care centers.
2. Tourist home.
3. Professional activities.

4. Home occupations.
5. All towers, not specifically exempted by the Ohio Revised Code, in excess of one hundred feet, provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, morals, or welfare of the residences of the area. Such structures shall be within the nearest residential property line by a distance no less than two times the vertical dimension of the structure, and there shall be no occupied dwelling within the “Free Fall” zone of the structures. Any entity applying for this conditionally use must comply with the current requirements of Ohio Revised Code 519.211.

*As approved by the Board of Zoning Appeals.

Section 15.3 Required Lot Area and Lot Width

Every lot for a single-family dwelling shall have a minimum width of at least 60 feet and a minimum lot area of not less than 10,000 square feet; every lot or tract of land upon which there is erected a two-family dwelling or multiple-family dwelling shall have a minimum width of at least 70 feet and minimum lot area of 12,000 square feet; measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

Section 15.4 Required Floor Area/Per Dwelling Unit

<u>One-Family</u>	<u>Square Feet</u>
With basement	900
Without basement	900
<u>Two-Family</u>	<u>Square Feet</u>
With basement	900
Without basement	900
<u>Multi-Family</u>	<u>Square Feet</u>
With basement	900
Without basement	900

Section 15.5 Height Regulations

No building shall be erected or enlarged to exceed 2½ stories or 35 feet.

Section 15.6 Required Yard

One, Two, and Multi-Family

Front Yard: 35 feet*
Side Yard: 10 feet on each side
Rear Yard: 25 feet

Other Permitted Uses

Front Yard: 40 feet*
Side Yard: 20 feet
Rear Yard: 50 feet

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

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

*Or 70 feet from the center of the road if no right-of-way has been established.

Section 15.7 Signs

Signs shall be regulated in Article 22 of these regulations.

Section 15.8 Parking Requirements

Parking requirements shall be as regulated in Article 21 of these regulations.

ARTICLE 16

B-1, LOCAL BUSINESS DISTRICT

Section 16.0 Purpose

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

Section 16.1 Uses Permitted in the B-1 Local Business District

1. Any use permitted in the R-2 Districts.
2. Major Retail Outlets: Furniture, department, clothing, shoe, variety, hardware, appliances, paint, and wallpaper stores.
3. Food, Drug, and Beverage: Grocery stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail sales, restaurants, and tea rooms.
4. Specialty Shops: Gift shops, magazine, book and stationary outlets, florist shops, camera and photography shops, sporting goods, etc.
5. Service and Recreation: Laundromat, dry cleaning, and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop, places of amusement and assembly.
6. Business and Professional Offices: Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance companies and utility companies.
7. Automotive and Related Uses: New and used car sales, service and repair, gasoline filling stations excluding junkyards, however, bulk petroleum storage tanks shall not be permitted above the ground, motorcycle and bicycle shops, cab and bus stands and depots.
8. Motels and Motor Hotels: Motels and motor hotels shall have 60,000 square feet of area and a lot frontage of 200 feet.
9. Building Trades or Equipment: Building concrete, electrical, masonry, sheet metal, plumbing, and heating shops, building material establishments.

10. Accessory uses or buildings.
11. Business and advertising signs pertaining to the business on the property on which the sign is located providing that (a) illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of lights into adjacent residence districts or into the public way, (b) that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green, or amber illumination, and (c) that the provisions of Article 22 are complied with.
12. Telecommunication towers.

Section 16.2 Conditional Uses in the B-1 District*

1. Any conditional use permitted in the residential district.
2. Vehicle Drive-In and Heavy Vehicle Services: Drive-in theaters, drive-in restaurants and refreshment stands, express, cartage and trucking facilities, large item machinery or bulk sales and storage not including outdoor unfenced storage.
3. Heavy Service and Processing Facilities: Laundry and dry cleaning plants, linens, towels, diaper and similar supply services, animal pounds, kennels and veterinary establishments, however, kennels shall not be located within 200 feet of an "R", "AG", and "C" District residence(s), frozen food lockers, food processing plants, dairies.

*As approved by the Board.

Section 16.3 Required Lot Area and Lot Width in the B-1 District

1. Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum lot area and minimum lot width requirements of the R-3 Residence District.
2. Commercial Buildings: Each commercial building shall be located on a lot having a width of not less than 150 feet at the building line.

Section 16.4 Building Height Regulation in the B-1 District

No building shall exceed two stories or 35 feet in height, except as provided in Article 17.

Section 16.5 Building Yards in the B-1 District

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

2. Commercial Uses:
 - Front Yard - 25 feet*

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

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

*Or 55 feet from the center of the road if no right-of-way has been established.

Section 16.6 Landscaping or Screening Provisions

For non-residential uses abutting an "R" District or residence(s), the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be six 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 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height and properly maintained.

Section 16.7 Reduction in Lot Area and Lot Width

As provided in Section 20, Exceptions and Modifications.

Section 16.8 Signs

Signs shall be as regulated in Article 22 of these regulations.

Section 16.9 Parking Requirements

Parking requirements shall be as regulated in Article 21 of these regulations.

ARTICLE 17

B-2, GENERAL BUSINESS DISTRICT

Section 17.0 Purpose

The purpose of the B-2 General Business District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area.

Section 17.1 Uses Permitted in the B-2 General Business District

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings, except institutions.
5. All permitted uses as specified in the Local Business District.
6. General auto repair (indoor only).
7. Auto service station.
8. Auto and/or farm implement sales.
9. Taverns, restaurants or restaurants providing entertainment.
10. Hotels, motels.
11. Commercial and public entertainment fields, amusements, or establishments similar but not restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys.
12. Trade or commercial schools.
13. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
14. Public garages.
15. Boarding houses.

16. Building materials and sales, if conducted entirely in an enclosed building.
17. Accessory buildings and uses.
18. Telecommunication towers.

Section 17.2 Conditional Uses in the B-2 District*

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

*As approved by the Board of Zoning Appeals.

Section 17.3 Required Lot Area and Lot Width in the B-2 District

1. Residential Uses: Each residential use to be accommodated in the B-2 District shall meet the minimum lot area and minimum lot width requirements of the R-3 Residence District.
2. Commercial Buildings: Each commercial building shall be located on a lot having an area of not less than 45,000 square feet and a lot width of not less than 175 feet at the building line.

Section 17.4 Building Height Regulation in the B-2 District

No building shall exceed two stories or 35 feet in height, except as provided in Article 20.

Section 17.5 Building yard in the B-2 District

1. Residential Uses: Each residential use to be accommodated in the B-2 General Business District shall meet the minimum yard requirements of the R-3 Residence District.

2. Commercial Uses:
 - Front Yard - 25 feet*

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

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

*Or 55 feet from the center of the road if no right-of-way has been established.

Section 17.6 Landscaping or Screening Provisions

For non-residential uses abutting an "R" District or residence(s), the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board, is provided. Such screening shall be six 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 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height and properly maintained.

Section 17.7 Reduction in Lot Area and Lot Width

As provided in Article 20, Exceptions and Modifications.

Section 17.8 Signs

Signs shall be as regulated in Article 22 of these regulations.

Section 17.9 Parking Requirements

Parking requirements shall be as regulated in Article 21 of these regulations.

ARTICLE 18

M-1, GENERAL MANUFACTURING DISTRICT

Section 18.0 Purpose

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

Section 18.1 Uses Permitted

1. Any use permitted in the B-1 Business District.
2. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing pole-yards, building material storage, and trucking storage; however, not including junkyards or similar uses.
3. Manufacturing: Manufacturing or processing of small items.
4. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit by the Environmental Protection Agency indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration, or noise. In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals.
5. Aircraft landing storage and maintenance facilities.
6. Research and testing facilities.
7. Telecommunication towers.

Section 18.2 Conditional Uses Permitted*

1. Metal cans and containers manufacturing.
2. Lumber yards.
3. Contract construction storage of machinery and materials.

4. Building materials (general retail).

*As approved by the Board of Zoning Appeals.

Section 18.3 Required Lot Area and Lot Width

Each use to be established in the M-1 District shall provide a minimum lot area of 45,000 square feet and a minimum lot width of 150 feet at the building line.

Section 18.4 Building Height Regulations

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

Section 18.5 Yards Required

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

Front Yard - 30 feet*

Side Yard - 20 feet. Except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.

Rear Yard - 30 feet

*Or 60 feet from the center of the road if no right-of-way has been established.

Section 18.6 Screening Required Between Manufacturing and Residential Districts

Screening: Heavy industrial districts shall employ proper screening methods when such zoned districts abut any other zoned district or residence(s). Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising and other signs. Landscaping provided in lieu of such wall or fence shall consist of strip of land not less than 20 feet.

Section 18.7 Signs

Signs shall be as regulated in Article 22 of these regulations.

Section 18.8 Parking Requirements

Parking requirements shall be as regulated in Article 21 of these regulations.

Section 18.9 Reduction in Lot Area and Lot Width

As provided in Article 20, Exceptions and Modifications.

ARTICLE 19

M-2, HEAVY MANUFACTURING DISTRICT

Section 19.0 Purpose

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

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

Section 19.1 Uses Permitted

1. Any use permitted in the M-1 Business District.
2. Agriculture.
3. Public parks and playgrounds.
4. Chemical related manufacturing.
5. Physically undesirable or odorous manufacturing processes.
6. Open undesirable uses.
7. Metal, ore, and coal mining.
8. Petroleum and Natural gas extraction and refining.
9. Mining services.
10. Bulk storage.
11. Telecommunication towers.

Section 19.2 Conditional Uses Permitted*

1. Blasting.
2. Legally dangerous chemical processing.
3. Firearms and explosives manufacturing.
4. Radioactive materials manufacturing, processing, reprocessing, but not long-term storage.

Such special uses shall be subject to any requirements the Board feels necessary to further the purpose of the Manufacturing District, as stated in the preamble.

*As approved by the Board of Zoning Appeal.

Section 19.3 Required Lot Area and Lot Width

Each use to be established in the M-2 District shall provide a minimum lot area of 45,000 square feet and a minimum lot width of 200 feet at the building line.

Section 19.4 Building Height Regulations

No building in the M-2 District shall exceed 40 feet in height, or three stories.

Section 19.5 Yard Required

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

Front Yard - 50 feet*

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

Rear Yard - 40 feet

*Or 80 feet from the center of the road if no right-of-way has been established.

Section 19.6 Screening Required Between Manufacturing and Residential Districts

Screening: Heavy industrial districts shall employ proper screening methods when such zoned districts abut any other zoned district or residence(s). Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising and other signs. Landscaping provided in lieu of such wall or fence shall consist of strip of land not less than 20 in width, planted with evergreen shrubs not less than four feet in height at the time of planting, and properly maintained at all times. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection.

Section 19.7 Lot Area and Lot Requirements - Residential

Each residential use to be accommodated in the M-1 District shall comply with the lot area and yard requirements as provided in the R-2 District.

Section 19.8 Signs

Signs shall be as regulated in Article 22 of these regulations.

Section 19.9 Parking Requirements

Parking requirements shall be as regulated in Article 21 of these regulations.

ARTICLE 20

EXCEPTIONS AND MODIFICATIONS

Section 20.0 Lot of Record

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

Section 20.1 Exception to Yard Requirements

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

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

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

Section 20.2 Exception to Height Limits

The height limitations of this resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, silos, derricks, conveyors, flagpoles, radio towers, masts, aerials, and other similar uses. Unless otherwise regulated by this resolution.

Section 20.3 Reduction in Area Requirements

The lot area and frontage requirements for any residential lot served by a public water system or public sewage system may be reduced as hereinafter specified:

1. AG, R-1, R-2, and R-3 Districts

a. Sewage and Water Available

Minimum Lot Area	10,000 square feet
Minimum Lot Width*	60 feet

b. Water Available

Minimum Lot Area	43,560 square feet
Minimum Lot Width*	100 feet

c. Sewerage Available

Minimum Lot Area	43,560 square feet
Minimum Lot Width*	100 feet

2. Business and Manufacturing Districts

a. Sewerage and Water Available

Minimum Lot Area	15,000 square feet
Minimum Lot Width*	100 feet

b. Water Available

Minimum Lot Area	45,000 square feet
Minimum Lot Width*	100 feet

c. Sewerage Available

Minimum Lot Area	45,000 square feet
Minimum Lot Width*	100 feet

*At the building line.

ARTICLE 21

OFF-STREET PARKING AND LOADING REGULATIONS

Section 21.0 Off-Street Parking

Durable, dust-free, hard surfaced off-street parking, such as asphalt or concrete, shall be provided on any lot on which any of the following uses are hereafter established except single family dwellings used solely as a residence in an R-1 District; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 200 square feet per parking space shall be used.

Section 21.1 Number of Parking Spaces Required

The number of off-street parking spaces required are set forth in the following table. Where the use of the premises is not specifically mentioned, the requirements of similar uses shall apply:

<u>Use</u>	<u>Parking Spaces Required</u>
Automobile or machinery sales and service garages.	One for each 600 square of floor area.
Banks, business, and professional offices.	One for each 400 square feet of floor area.
Bowling alleys.	Seven for each alley.
Churches and schools.	One for each five seats in an auditorium or one for each 12 classroom seats; whichever is greater.
Dance halls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditoriums.	One for each 100 square feet of floor area used for assembly or dancing.
Dwellings.	Two for each family or dwelling unit.
Funeral homes and mortuaries.	Four for each parlor for each 50 square feet of floor area.

<u>Use</u>	<u>Parking Spaces Required</u>
Furniture and appliance stores, household equipment or furniture repair showroom over 1,000 square feet of floor area.	One for each 400 square feet of floor area.
Hospitals.	One for each bed.
Hotels and lodging houses.	One for each bedroom.
Libraries, museums, or art galleries.	One for each 250 square feet of floor area.
Manufacturing plants, research or testing laboratories, bottling plants, over 1,000 feet of floor area.	One for each three employees in the working shift or 1,200 square feet, whichever is greater.
Medical or dental clinics.	One for each 200 square feet of floor area.
Motels and motor hotels.	One for each living or sleeping unit.
Restaurants, beer parlors, and night clubs, of over 1,000 square feet in area.	One for each 200 square feet of floor area.
Retail stores, shops, etc., of over 2,000 square feet of floor area.	One for each 150 square feet of floor area.
Sanitariums, convalescent homes, and children's homes.	One for each two beds.
Sports arenas, auditoriums, theaters, assembly halls, other than schools.	One for each four seats.
Wholesale establishments or warehouses.	One for each three employees on maximum shift or for each 3,000 square feet of floor area, whichever greater.

Section 21.2 Development and Maintenance of Parking Areas

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

1. Screening and Landscaping: Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins premises situated in any

R-District or residence(s) by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four and six feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height and properly maintained at all times.

2. Surfacing: Any off-street parking area for more than five vehicles shall be graded for proper drainage and surfaced with a durable dust-free hard surface, such as concrete or asphalt.
3. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from joining premises in any R-District or residence(s).
4. Joint Use of Parking Areas: Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

Section 21.3 Loading Space Requirements and Dimensions

A loading space shall have minimum dimensions of not less than 12 feet in width, 65 feet in length, exclusive of driveways, aisles, and other circulation areas, and an overhead 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 21.4 Loading Space - Occupy Yard

Subject to the limitations in Article 16.5, such may occupy all or any part of any required yard.

Section 21.5 Loading Space - Distance From R-District

No loading space shall be closer than 50 feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid fence not less than six feet in height, in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height and properly maintained at all times.

Section 21.6 Minimum Distance and Setback

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen as required by Section 18.2, paragraph one. 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 feet to any established street or alley right-of-way.

ARTICLE 22

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

Section 22.0 General Provisions

1. Real estate signs not exceeding 12 square feet in area and advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted on the property.
2. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four square feet in area in AG and R-Districts and not more than eight square feet in other districts.
3. Bulletin boards and signs for a church, school, community, or public or semi-public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed 20 square feet in area.
4. Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 20 square feet.
5. Walls of existing or new buildings not adjacent to or in residential districts may be used for advertising signs or billboards.
6. Temporary signs not exceeding in the aggregate 50 square feet, announcing the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of 60 days, plus the constructing period after which the sign shall be removed from the premises.
7. Political signs not to exceed nine square feet shall not be posted more than 30 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on private property of campaign material shall remove such material within 24 hours following the Election Day.
8. Temporary signs with the exception of home sales, not exceeding in the aggregate 32 square feet, announcing special events, may be erected for a period of ten days.

Section 22.1 Business District Signs

1. Building Mounted Signs:

- a. In a business district each business shall be permitted one flat or wall mounted advertising sign. Projections of such signs shall not exceed two feet measured from the face of the main wall of the building.
- b. The area of all permanent advertising signs for any single business enterprise shall be limited according to the width of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining width, but the frontage selected shall be considered the front wall of the building for the purpose of determining maximum area of the sign.
- c. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building occupied by such enterprise, but shall not exceed a maximum area of 100 square feet.

2. Free Standing or Pole Signs:

- a. Free standing signs not over 25 feet in height, located not closer than ten feet to any street line, and not closer than 25 feet to any adjoining lot line, may be erected to serve one business or group of business establishments on one lot.
- b. One pole sign shall be permitted for each lot, provided:
 - 1) No part of such sign shall project into the right-of-way of any street or highway.
 - 2) The support of such sign shall be set back at least ten feet from any public right-of-way.
 - 3) The maximum area of any face of any such sign shall not exceed 30 square feet, and the total area of all faces of all signs shall not exceed 120 square feet.
 - 4) The pole support of the sign shall not be less than 50 feet from any lot in any AG or R-Districts or residence(s).

Section 22.2 Setback Requirements

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

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

Section 22.3 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 22.4 Surety Bond

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

Section 22.5 Fees

Fees shall be subject to the provisions of Article 5.9 of this resolution.

Section 22.6 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the 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 5.9 of this resolution.

Section 22.7 Permits Required

No person shall erect any sign without a permit other than those covered in Section 22.0, Parts 1, 7, and 8.

ARTICLE 23

EXTRACTION OF MINERALS

Section 23.0 General Requirements

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

1. Distance From Property Lines: No quarrying operation shall be carried on or stock pile placed closer than 50 feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.
2. Distance From Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right-of-way.
3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where necessary for the protection of the public safety.
4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.

Section 23.1 Applicant - Financial Ability

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

Section 23.2 Application - Contents and Procedure

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

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

Section 23.3 Public Hearing

Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of Article 4.

Section 23.4 Rehabilitation - Performance Bond

To guarantee the restoration, rehabilitation, and reclamation of mined out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the township in an amount of not less than \$10,000 and not more than \$100,000 as a guarantee that such applicant, is restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

1. **Surface Rehabilitation:** All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids, or secure:
 - a. That the excavated area shall not collect and permit to remain therein-stagnant water.
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof,

so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

2. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as above provided.
3. Banks of Excavations Not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line. Slope shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

Section 23.5 Additional Requirements

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

Section 23.6 Gas and Oil Wells

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

1. Compliance with all applicable laws of the State of Ohio.
2. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way or within 100 feet of a residential lot line.

ARTICLE 24

AUTOMOBILE SERVICE STATIONS, PARKING GARAGES, AND PARKING AREAS

Section 24.0 Entrance - Requirements

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

Section 24.1 Drainage, Etc.

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

Section 24.2 Automobile Service Station - Enclosure

Except in integrated shopping centers and in M and B-1 Districts, no automobile service station shall be erected or constructed, and no alteration or improvement shall be made to any existing nonconforming service station, unless the premises upon which such station is, or is intended to be located, shall be enclosed in the rear and on the sides by a wall approved by the Zoning Inspector not less than six feet high. The first ten-foot section of such wall, measured from the street right-of-way line, may be stepped down to two feet at said right-of-way line, following a pattern of appropriate design.

ARTICLE 25

SWIMMING POOLS

Section 25.0 General Provisions

1. **Private Swimming Pools:** A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 36 inches. No such 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 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 the occupants of the principal building of the property on which it is located and their guests.
 - b. The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than ten feet to any property line on which located.
 - c. Swimming pool enclosure requirements:
 - 1) 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 lockable, self-closing gates. Above ground swimming pools with built on fence and retractable locking steps shall be exempted from the provisions of “Part 1”.
 - 2) In place of a wall or fence as described in “Part 1)”, a swimming cover, which meets or exceeds American Society of Testing and Materials (ASTM) F1346-91 safety requirements and bearing the Underwriters Laboratory (UL) Mark, may also be used.
2. **Community or Club Swimming Pools:** A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Such swimming pools shall comply with the following:

- 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 area used by the bathers, shall not be closer than 50 feet to any property line of the property on which located.
 - c. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition, with lockable, self-closing gates.
 - d. Above ground swimming pools with built on fence and retractable locking steps shall be exempted from the provisions of Part c.
3. All swimming pools included in Article 25 shall be constructed only after a zoning permit is issued.

ARTICLE 26

MOTELS AND MOTOR HOTELS

Section 26.0 General Requirements

The following requirements shall be complied with:

1. Area and Yard Requirements: Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
2. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this resolution.
3. Entrance: No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
4. Landscaping - Unused Areas: All areas not used for access, parking circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten feet in width, shall be established and maintained along its exterior boundaries when adjoining any C-1, AG or R District or residence(s).
5. Enclosure: Motels and motor hotels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six feet high, or by a combination of landscaped screens and other suitable fences.
6. Enlargement - Permit: Any enlargement or extension to any existing motel or motor hotel shall require application for a zoning certificate, as if it were a new establishment.

ARTICLE 28

ADULT ENTERTAINMENT FACILITIES

Section 28.0 Definitions

1. "Adult Entertainment Facility" means any establishment, which is involved in one or more of the following listed categories:
 - a. Book Store: An establishment having greater than 25 percent of its display area or items for sale or 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 a capacity of 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 males or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions, which utilize activities as specified above.
2. "Specified Sexual Activities" means any of the following:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or sadomasochistic sexual abuse.
 - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

3. "Specified Anatomical Areas" means any of the following:
 - a. Less than completely covered, by non-transparent material, human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernible turgid state.
4. "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
7. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abused or represented in the context of a sexual relationship.
8. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
9. "Knowledge of Character" means having general knowledge, or reason to know; or a belief or grounds 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. Direct or circumstantial evidence or both may prove such knowledge.

10. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.
 - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
 - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way, which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
 - c. The material or performance, taken as a whole, lacks serious literary, artistic, political, education or scientific value for juveniles.

Section 28.1 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, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supports by public appropriate or which is an accredited institution supported by private funds.

Section 28.2 Location

1. Adult entertainment facilities, adult mini-motion picture theaters, adult motion picture theaters and adult entertainment facilities of any kind or type are permitted only in a M-2 zoning district under the classification of Section 19.2, Conditional Uses Permitted. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of Newark Township.
2. Adult motion picture theaters, or adult book stores, shall not be located within 1,000 feet of any residential zone, single or multiple family dwelling, church, park or school.

Section 28.3 Unlawful Exhibition or Display of Harmful Material to Juveniles

No person having custody, control, or supervision, or any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

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

Section 28.4 Violation and Penalty

Whoever violates any provisions of this article shall be guilty of a misdemeanor of the first degree.

ARTICLE 31

FENCES, WALLS & HEDGES

Section 31.0 Purpose

This section shall be intended to regulate the erection of fences on any lot(s) on which the primary use is not agricultural.

Section 31.1 Height and Acceptable Materials

Fences, walls, and hedges may be located in required yards as follows:

1. Under Thirty Inches: If not exceeding at any point thirty inches in height above the elevation of the surface of the ground at such point, such may be located in any yard.
2. Under Four Feet: If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, such may be located in any yard, provided that such fence is not located within 20 feet of any street lot line.
3. Under Six Feet: If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, such may be located in any required side yard or rear yard, provided that on a corner lot, no such fence, wall, or hedge shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.
4. Barbed-Wire Fences, or fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind whatsoever, shall be prohibited.
5. Materials & Construction: All fences or walls shall be constructed in a workmanlike manner and of materials which are not unsightly or which would cause a health or safety hazard.

ARTICLE 32

SOLAR ENERGY SYSTEMS

Section 32.0 Purpose, Authority and Powers

These regulations are established to provide a zoning tool to manage the undesired impacts of solar energy systems in accordance with Section 519.02 of the Ohio Revised Code, while promoting the benefits of these systems to reduce the on-site consumption of utility supplied electricity and the environmental benefits thereof.

In accordance with Section 519.02 of the Ohio Revised Code; in the interest of public health and safety; and in the interest of the public convenience, comfort, prosperity, or general welfare; these regulations are established for the purposes listed below in Authority and Powers of the Ohio Revised Code.

No person shall cause, allow or maintain the use of a solar energy accessory system contrary to these regulations. Failure to comply with the regulations herein shall be a violation of the Newark Township Zoning Resolution and enforceable pursuant to Section 5.8 Penalties for Violations of the Newark Township Zoning Resolution.

1. Authority and Powers of the Ohio Revised Code

Section 519.02 of the Ohio Revised Code provides townships the authority to regulate the following based on the following purposes and basis:

Authority & Powers of ORC 519.02	
Required Purposes & Basis of the Rules (In the interest of...)	Allowable Types of Rules Based Upon Preceding Purpose (Trustees may regulate...)
Public Health & Safety for All Uses	<ul style="list-style-type: none">• Location, height, bulk, number of stories, and size of buildings and structures• Percentage of lot area occupied• Setback Building Lines• Sizes of yards, courts, and other open spaces• Density of population• Uses of buildings and structures• Uses of land

Public Convenience, Comfort, Prosperity, or General Welfare for All Uses	<ul style="list-style-type: none"> • Location of buildings and structures • Setback lines for buildings and structures • Uses of buildings and structures • Uses of land • Landscaping & Architectural Standards
Public Convenience, Comfort, Prosperity, or General Welfare for Nonresidential Uses	<ul style="list-style-type: none"> • Height, bulk, number of stories, and size of buildings and structures • Percentage of lot area occupied • Sizes of yards, courts, and other open spaces • Density of population

Section 32.1 Requirements for Solar Energy Accessory Systems

All solar energy accessory systems shall meet the following requirements:

1. A solar energy accessory system shall be used for the generation of power to reduce on-site consumption of utility power and/or provide power to a structure that is not connected to utility service. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company and/or the regional transmission organization. Written authorization from the local utility company shall be provided acknowledging and approving any such connection.
 - a. A roof/structure mounted solar energy accessory system:
 - 1) Shall be a conditional use in a conservation district subject to all requirements of this article as well as Article 4: Administration, Section 4.21: Contents of Application for Conditional use Permit, 4.22: General Standards Applicable to all Conditional Uses, and 4.23: Specific Criteria for Conditional Uses, and, shall be a permitted use in all other districts.
 - 2) May be mounted to a principal or accessory structure.
 - 3) Combined height of the solar energy accessory system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
 - b. A ground/pole mounted solar energy accessory system:
 - 1) Shall not be allowed in a conservation district and will be a permitted use in all other districts.
 - 2) Shall not exceed fifteen (15) feet in height.

- 3) Shall be permitted in the rear or side yard only.
- 4) The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage. Not to exceed ten (10) percent of lot size.
- 5) The minimum setback distance from the property lines for ground/ pole mounted solar energy accessory systems and their related equipment shall be whatever the current zoning code requirement is for that district or twenty (20) feet, whichever is greater.
- 6) Ground/pole mounted solar energy accessory systems shall not be constructed until all applicable zoning and building permits have been approved and issued.
- 7) Ground/pole mounted solar energy accessory systems that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are no longer producing electricity. Any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be returned to natural condition within thirty (30) days of removal or as soon as weather permits.
- 8) Any changes in layout, capacity, or style of the solar modules would require a notice be given to the Zoning Inspector for review prior to final issuance of zoning permit.

Section 32.2 Requirements for Solar Energy Production Systems

1. A solar energy production system shall be used for the generation of power to reduce consumption of utility power by the applicant and/or provide power to a structure that is not connected to utility service. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company and/or regional transmission organization.
2. A solar energy production system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
3. A solar energy production system shall not be permitted in the Conservation District or Floodplain Overlay District, but will be a conditional use in all other districts and subject to all requirements of this article as well as Article 4: Administration, Section 4.21: Contents of Application for Conditional use Permit, 4.22: General Standards Applicable to all Conditional Uses, and 4.23: Specific Criteria for Conditional Uses.

4. No person shall cause, allow or maintain the use of a solar energy production system without first having obtained a zoning permit from the zoning inspector. All solar energy production facilities shall meet the following requirements:
 - a. For purposes of determining lot coverage, the total surface area of all ground-mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified with the underlying zoning district. Ground mounted solar energy equipment is not to exceed forty (40) percent of the total lot size.
 - b. Ground-mounted solar energy production systems are not to exceed fifteen (15) feet in height.
 - c. All on-site utility and transmission lines installed as part of the solar energy production system shall be placed underground.
 - d. Screen requirements: All solar energy equipment shall be in compliance with Newark Township Zoning Resolution 4.23: Specific Criteria for Conditional Uses.
 - e. In order to assure there are no adverse impacts to aviation due to glare from the solar energy accessory system, a statement from the Federal Aviation Administration (FAA) stating whether or not a permit is required from the FAA for the solar energy system to be installed as proposed. If a permit is required, said permit shall be issued prior to a zoning permit being issued by the Newark Township Zoning Inspector. As of 2016, the State of Ohio is within the Federal Aviation Administration (FAA) Great Lakes Region Airports Division, Detroit Airports District Office.
 - f. All mechanical equipment of solar energy systems (including any structure for batteries or storage cells) shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
 - g. The minimum setback distance from the property lines for solar energy production systems and their above ground related equipment shall be whatever the current zoning code requirement is for that district or 100 feet, whichever is greater.
 - h. Solar energy production systems that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be returned to natural condition within thirty (30) days or as soon as weather permits.

- i. A site plan to scale shall be submitted at the time of application and shall include:
 - 1) Property lines and physical dimensions of the site.
 - 2) Location of solar energy production system(s) and all related equipment, setbacks from property lines, easements, and any structures on the property.
 - 3) Location of any required signage.
 - 4) Elevation above adjacent grade of proposed solar energy production system(s) at its maximum tilt.
 - 5) Design specifications of the proposed solar energy equipment in sufficient detail to demonstrate compliance with the requirements of this section, which shall be updated prior to the final issuance of the zoning permit.
 - 6) The scale used shall be no smaller than 1"=100'.
 - 7) A Screening plan: Such screening shall be a masonry wall, solid fence, or chain link fence with privacy screen between four (4) and eight (8) feet high and maintained in good condition and free of any signs or advertising. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width, planted with evergreen shrubs, not less than four (4) feet high at the time of planting, and properly maintained at all times.
- j. Any changes in layout, capacity or style of the solar modules would require a written notification to be given to the Zoning Inspector for review prior to final issuance of zoning permit.

SUMMARY OF AMENDMENTS

The following amendments, changes and deletions recommended by the Zoning Commission were approved at a Public Hearing by the Board of Trustees.

<u>Approved</u>	<u>Article or Article Section Amended</u>
4-22-1993	Article 27 was deleted. (Filed 5-28-1993)
12-29-1994	Article 25, Swimming Pools, 25.1, 25.2c Sections 21.0, 21.2.2, 4.23, 10.13, 13.1.6, 14.1.8, 15.1.9, 5.1 Definitions (Filed 2-24-1995 with changes made in Revised 2000 copy with the exception of 25.2c)
5-14-1998	Sections 16.1, 17.1, 18.1, 19.1, adding telecommunications towers Article 29, Dish-Type Satellite, deleted (Filed 5-14-1998 with Article 29 removed from Revised 2000 copy; however, no corrections were made in Sections 16.1, 17.1, 18.1, and 19.1)
11-11-2000	Article 4, Sections 4.7.2, 4.12, 4.13.4, Area Variances (Minutes indicate amendment to be filed with Recorder's Office; however, no changes were on file or made in the Resolution copy).
12-10-2001	Section 10.11, Accessory Buildings in R-Districts – AG Districts Article 31, Section 31.2, Fences, Walls & Hedges. (Filed 12-12- 2001)
5-13-2004	Article 9, Section 9.9, Junk Motor Vehicles. (Filed 6-11-2004)
12-13-2007	Reaffirm prior approved corrections and recommend incorporation into corrected Resolution edition. Article 30, R-100, Special Residential District, deleted.
5-24-2012	Article 4, Sections 4.12 through 4.18. (Filed 5-29-2012)
5-23-2013	Article 22, Section 22.1, Business District Signs. (Filed 5-28-2013)
5-11-2017	Article 3 Definitions, Article 4, Section 4.23.26 and addition of Article 32 Solar Energy Systems. (Filed 6-13-2017)

