

UNION TOWNSHIP

LICKING COUNTY, OHIO

ZONING RESOLUTION



Adopted: May 18, 1987

Effective: November 16, 1987

Most Recent Amendment Adopted: February 21, 2011

Most Recent Amendment Effective: March 21, 2011

UNION TOWNSHIP

LICKING COUNTY, OHIO

ZONING RESOLUTION

1963 Zoning Established

AMENDMENTS

(Amendments to this resolution will be listed here as they are passed in accordance with Article 5 – Amendments of this zoning resolution.)

Amendment Date:	Amendment Effective Date:	Article(s)/Section(s) Amended:	Resolution #
May 18, 1987	November 16, 1987	Entire Resolution	See Minutes
March 20, 2006	April 20, 2006	Sec. 904, 905, 914	See Minutes
March 2009	April 2009	Preamble and Article 1 Were amended; Article 2 Became Appendix A. Articles 3-6 became Articles 2-5 respectively.	See Minutes
June 21, 2010	July 21-2010	Article 10 became Article 15, 16, 17, 18; Article 11 became Article 19; and Article 21 was added. Articles revised.	See Minutes
August 16, 2010	September 16, 2010	Article 12 became Article 20 Article revised.	See Minutes
February 21, 2011	March 21, 2011	Article 7 became Article 6, Article 8 became Article 7, Article 9 became Articles 8, 9, 10, 11, 12, 13 and 14. Articles revised. Appendix B-D added.	See Minutes

As this resolution is amended, please note the amendment date of articles and sections after the text that has been amended in addition to listing the amendments above. Example:

Section 9.00.B.9 (Removed by Resolution Number [Insert Number], July 20, 2011.)

Section 9.00.B.10 Auto Body Repair Shops (Amended by Resolution Number [Insert Number], July 20, 2011)

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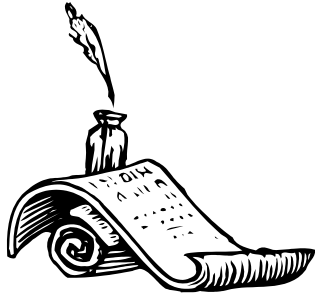
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PREAMBLE



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

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

ARTICLE 1 ~ PURPOSE AND SCOPE



Section 1.00 Title

This resolution shall be known and may be cited to as the "Union Township, Licking County, Ohio, Zoning Resolution."

Section 1.01 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, convenience, comfort, prosperity, and general welfare. Wherever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, Resolutions, or resolutions, the most restrictive, or that imposing the higher standard, shall govern.

Section 1.02 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 to declared to be constitutional or invalid.

Section 1.03 Repeal of Conflicting Resolution, Effective Date

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

ARTICLE 2 ~ ENFORCEMENT



<u>Section 2.00</u>	Zoning Permits Required
<u>Section 2.01</u>	Contents of Application for Zoning Permit
<u>Section 2.02</u>	Approval of Zoning Permit
<u>Section 2.03</u>	Submission to Director of Transportation
<u>Section 2.04</u>	Building Permits Required
<u>Section 2.05</u>	Expiration of Zoning Permit
<u>Section 2.06</u>	Records of Zoning Permits
<u>Section 2.07</u>	Failure to Obtain a Zoning Permit
<u>Section 2.08</u>	Construction and Use to Be as Provided in Applications, Plans, and Permits
<u>Section 2.09</u>	Complaints Regarding Violations
<u>Section 2.10</u>	Penalties for Violation
<u>Section 2.11</u>	Schedule of Fees, Charges, and Expenses

Section 2.00 Zoning Permits Required

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

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

Section 2.01 Contents of Application for Zoning Permit

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or completed within two and one half (2 1/2) years. At a minimum, the application shall contain the following information:

Section 2.01.A Name, address, and phone number of applicant.

Section 2.01.B Legal description of property/address of project.

Section 2.01.C Existing use.

Section 2.01.D Proposed use.

Section 2.01.E Zoning district.

Section 2.01.F Site plans in duplicate drawn to scale, showing the following:

Section 2.01.F.1 Actual dimensions and the shape of the lot to be built upon;

Section 2.01.F.2 Exact size and location of existing structure(s) on the lot, if any;

Section 2.01.F.3 Location and dimensions of the proposed structure(s) or alteration to structure.

Section 2.01.G Floor plans in duplicate drawn to scale of the proposed structures.

Section 2.01.H Current Tax Map of entire parcel and surrounding parcels from the Licking County Engineer's Office.

Section 2.01.I Building height.

Section 2.01.J Number of off street parking spaces or loading berths.

Section 2.01.K Number of dwelling units.

Section 2.01.L Water and sewer approval from the appropriate authority.

Section 2.01.M Such other matters as may be necessary to determine conformance with and provide for the enforcement of this resolution.

Section 2.01.N Structures in the General Business and Manufacturing must submit landscaping plans, according to Article 12.

Section 2.01.O Owner's consent, or owner's consent through power of attorney to application or satisfactory showing of applicant's legal or equitable interest in said property. Copy of deed showing applicant's legal ownership of said property.

Section 2.01.P Owner's signature on the application.

Section 2.01.Q All applicable fees.

Section 2.02 Approval of Zoning Permit

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall be conditional upon the commencement of work within one year. The Zoning Inspector shall retain one copy of the plans. 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 2.03 Submission to Ohio Director of Transportation

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new state highway, or a state highway for which changes are proposed as described in the certification to local officials by the Ohio Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any state highway, the Zoning Inspector shall give notice by registered mail to the Ohio Director of Transportation that he shall not issue a zoning permit for 120 days from the date the notice is received by the Ohio Director of Transportation. If the Ohio Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land

needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Ohio Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the 120 day period of any extension thereof agreed upon by the Ohio Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this resolution, issue the zoning permit.

Section 2.04 Building Permits Required

A building permit is required from the Building Code Department of Licking County before construction can begin on any commercial, industrial, or multi-family structures, or any one, two, or three family dwellings or room additions(s), as permitted by this resolution. Building permits shall be issued in conformance with the Building Code of Licking County, Ohio.

To apply for a building permit, the applicant shall first apply for and obtain an approved zoning permit, and then submit appropriate materials and fees, as specified by the Building Code Department of Licking County, Ohio. Building permits will be granted in accordance with the applicable building code. Upon submittal of application and any other necessary information, the applicant will be notified of the status of his or her application in accordance with the applicable building code.

Section 2.05 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within two and one half (2 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Construction shall be considered complete upon being issued an occupancy permit by the Licking County Building Code Department.

Section 2.06 Records of Zoning Permits

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person. The Township shall maintain a record of all zoning permits which shall become part of the Union Township Record.”

Section 2.07 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under **Section 2.10 - Penalties for Violation** of this resolution.

Section 2.08 Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits issued on the basis of plans and applications approved by the zoning inspector authorize only the use and arrangement, set forth in such approved plans and

applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 2.10 of this resolution.

Section 2.09 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 properly record such a complaint, immediately investigate, and take action thereon as provided by this resolution.

Section 2.10 Penalties for Violation

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution or failure to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisonment for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues 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 2.11 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. Until all fees have been paid no action shall be taken on any application or appeal.

ARTICLE 3 ~ NON-CONFORMITIES



<u>Section 3.00</u>	Intent
<u>Section 3.01</u>	Incompatibility of Non-conformities
<u>Section 3.02</u>	Existing Non-conforming uses – Continuation
<u>Section 3.03</u>	Avoidance of Undue Hardship
<u>Section 3.04</u>	Single Non-conforming Lots of Record
<u>Section 3.05</u>	Non-conforming Lots of Record in Combination
<u>Section 3.06</u>	Non-conforming Use of Land
<u>Section 3.07</u>	Non-conforming Structures
<u>Section 3.08</u>	Non-conforming Uses of Structures or of Structures of Land in Combination
<u>Section 3.09</u>	Repairs and Maintenance
<u>Section 3.10</u>	Uses Under Conditional Use Provisions Not Non-conforming Uses
<u>Section 3.11</u>	Non-conforming Lot of Record Yard Requirements
<u>Section 3.12</u>	Non-conforming Certificate

Section 3.00 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 3.01 Incompatibility of Non-conformities

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

Section 3.02 Existing Non-conforming uses – Continuation

Except as hereinafter specified, the lawful use of a building or premises existing at the time the adoption or amendment of this resolution may be continued, although such use, building, or structure does not conform with the provisions of this resolution for the district in which it is located, so long as it meets the requirements of **Sections 3.06 – Non-conforming Use of Land through 3.09 Repairs and Maintenance** herein.

Section 3.03 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 (see also definition of “beginning of construction”). 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 work shall be carried out diligently.

Section 3.04 Single Non-conforming Lots of Record

In any district in which a structure/use is permitted, a structure and customary accessory building may be erected or permitted on any single non-conforming lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other square footage requirements. This provision shall apply even though such lot(s) fails to meet the requirements for area or width, or both for the district in which such lot(s) are located. Variances of requirements listed in **Articles 7 – Establishment and**

Purpose of the Official Schedule of District Regulations through Article 21 - Landscaping and Buffering of this resolution other than lot area or lot width and yard requirement, (see Section 3.11 – Non-conforming Lot of Record Yard Requirements) shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 4.08 – Procedures and Requirements for Appeals and Variances through 4.17 Action by Board of Zoning Appeals.

Section 3.05 Non-conforming Lots of Record in Combination

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

Section 3.06 Non-conforming Use of Land

Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, the uses may be continued so long as they remain otherwise lawful, provided:

Section 3.06.A

No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this resolution;

Section 3.06.B

No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution;

Section 3.06.C

If any such non-conforming uses of land are discontinued or abandoned for two years or more (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;

Section 3.06.D

No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land;

Section 3.07 Non-conforming Structures

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

Section 3.07.A

No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

Section 3.07.B

Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution;

Section 3.07.C

Should such structure be moved by any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 3.08 Non-conforming Uses of Structures or of Structures of Land in Combination

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

Section 3.08.A No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

Section 3.08.B If no structural alterations are made, any nonconforming use of a structure or structures may, upon approval by the Board of Zoning Appeals, be changed to a more restrictive non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is more appropriate to the district than the existing nonconforming use, that the proposed use will not have a greater adverse impact on the neighborhood, and that it will not prolong the natural life of the nonconformity (i.e., costly improvements are indicators that the natural life use will be extended). In permitting such change, the Board of Zoning Appeals may require

appropriate conditions and safeguards in accordance with other provisions of this resolution and any or all of the following:

Section 3.08.B.01 The non-conforming structure or use shall not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located;

Section 3.08.B.02 The non-conforming structure or use shall not contribute substantially to increasing congestion of streets or create a traffic hazard;

Section 3.08.B.03 The proper number of parking and loading spaces shall be required to the maximum extent possible;

Section 3.08.B.04 The existing drainage, sewage, and street systems are not overburdened and the necessary improvements are provided to accommodate the use or structure;

Section 3.08.B.05 The existing drainage, sewage, and street systems are not overburdened and the necessary improvements are provided to accommodate the use or structure;

Section 3.08.B.06 Sufficient buffers to protect conforming uses are provided in accordance with the following requirements and subject to existing yard limitations:

Section 3.08.B.06.a Perimeter of a Lot Abutting Residential Property

Section 3.08.B.06.a.1 On the perimeter of a lot abutting residential land use, a continuous barrier is required for the purpose of buffering loading, unloading, and other service areas, garbage and trash receptacles, and off-street parking or other vehicular use areas exposed to abutting property.

Section 3.08.B.06.a.2 The barrier shall be a minimum of six (6) feet in height consisting of opaque material such as a wood fence, an earth beam, an opaque hedge, or any combination thereof. If the barrier consists totally or in part of plant materials, such materials shall be planted in a strip of evergreen shrubs not less than ten (10) feet in width and four (4) feet in height.

Section 3.08.B.06.b Parking

Section 3.08.B.06.b.1 All vehicular use areas, including parking lots, shall be buffered from view of public rights-of-way by a barrier, consisting of an earth beam, hedge, wall, or any combination thereof, consisting of a minimum of thirty (30) inches in height.

Section 3.08.B.06.b.2 All vehicular use areas, including parking spaces, drives and service drives will be constructed in accordance with ODOT'S Construction and Materials Specifications Handbook.

Section 3.08.B.06.b.3 The buffer standards contained within this subsection shall not apply to non-conforming single family and two family dwellings.

Section 3.08.B.06.b.4 All applicable County, State, and Federal codes shall be met.

Section 3.08.B.06.b.5 The applicant shall have one (1) year to obtain a building permit and zoning permit to restore the structure, building or use from the effective date of the resolution approved by the Board of Zoning Appeals.

Section 3.08.C Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

Section 3.08.D When a non-conforming use of a structure or structure and land in combination is discontinued or abandoned for two years or more for any reason, the structure or structure and land in combination shall not thereafter be used except in conformity with regulations of the district in which it is located.

Section 3.08.E Reasonable expansion of a non-conforming use shall be reviewed by the BZA in accordance with these standards established in Sections 4.21- General Standards Applicable to all Conditional Uses and 4.22 – Specific Criteria for Conditional Uses.

Section 3.09 Repairs and Maintenance

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

Section 3.10 Uses Under Conditional Use Provisions Not Non-conforming Uses

Any use that 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 3.11 Non-conforming Lot of Record Yard Requirements

The yard requirements for lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible. When it is not possible to meet the existing yard requirements, and when the lot of record is located in an area where lots are developed or improved having yards with a variation of not more than ten (10) feet in depth, the average of such developed/improved yards shall establish the yard requirements for the lot of record, except as provided elsewhere in these regulations.

Section 3.12 Non-conforming Certificate

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

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

The purpose of this section is to protect the owners of land or structures that are to become non-conforming by certifying that their property and/or use is, in fact, non-conforming. Once certified, the owner is entitled to all rights and regulations as defined in **Section 519.19 of the Ohio Revised Code** and **Article 3 – Non-conformities** of the Union Township Zoning Resolution. There may be properties and/or uses that are non-conforming whose owners do not have certificates. A fee may be charged for a certificate as determined by the Township Trustees **(see Appendix C “Fee Schedule”)**.

One copy of the certificate shall be returned to the owner and the Township Zoning Clerk, who shall maintain a file of all such certificates as public record, and shall retain one copy.

ARTICLE 4 ~ ADMINISTRATION



<u>Section 4.00</u>	Office of Zoning Inspector Created
<u>Section 4.01</u>	Duties of Zoning Inspector
<u>Section 4.02</u>	Boards of Zoning Appeals and Zoning Commission Created
<u>Section 4.03</u>	Proceedings of Zoning Commission
<u>Section 4.04</u>	Duties of Zoning Commission
<u>Section 4.05</u>	Proceedings of the Board of Zoning Appeals
<u>Section 4.06</u>	Duties of the Board of Zoning Appeals
<u>Section 4.07</u>	Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters or Appeal
<u>Section 4.08</u>	Procedures and Requirements for Appeals and Variances
<u>Section 4.09</u>	Appeals
<u>Section 4.10</u>	Stay of Proceedings
<u>Section 4.11</u>	Variance
<u>Section 4.12</u>	Application and Standards for Variances
<u>Section 4.13</u>	Supplementary Conditions and Safeguards
<u>Section 4.14</u>	Public Hearing by the Board of Zoning Appeals
<u>Section 4.15</u>	Notice of Public Hearing in Newspaper
<u>Section 4.16</u>	Notice to Parties in Interest
<u>Section 4.17</u>	Action by Board of Zoning Appeals
<u>Section 4.18</u>	Procedure and Requirements for Approval of Conditional Use Permits
<u>Section 4.19</u>	General
<u>Section 4.20</u>	Contents of Application for Conditional Use Permit
<u>Section 4.21</u>	General Standards Applicable to All Conditional Uses
<u>Section 4.22</u>	Specific Criteria for Conditional Uses
<u>Section 4.23</u>	Supplementary Conditions and Safeguards
<u>Section 4.24</u>	Procedure for Hearing, Notice
<u>Section 4.25</u>	Action by the Board of Zoning Appeals
<u>Section 4.26</u>	Expiration of Conditional Use Permit

Section 4.00 Office of Zoning Inspector Created

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

Section 4.01 Duties of Zoning Inspector

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

Section 4.01.A Upon finding that any of the provisions of this resolution are being violated, the Zoning Inspector shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.

Section 4.01.B Order discontinuance of illegal uses of land, buildings, or structures.

Section 4.01.C Order removal of illegal buildings or structures or illegal additions or structural alterations.

Section 4.01.D Order discontinuance of any illegal work being done.

Section 4.01.E Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and action on zoning permits and such similar administrative duties as are permissible under the law.

Section 4.02 Boards of Zoning Appeals and Zoning Commission Created

A Board of Zoning Appeals and a Zoning Commission are hereby created, both of which shall consist of five members and two alternates for each board, each to be appointed by the Board of Township Trustees for a term of five years, except that the initial appointments of regular members 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 of Zoning Appeals or the Zoning Commission may be removed from office by the Board of Township Trustees for cause, upon written charges and after a public hearing. The Board of Township Trustees shall fill vacancies through appointment for the un-expired term of the member vacating the position.

The Alternate Members shall meet the same appointment criteria as Regular Members, and shall take the place of an absent Regular Member at any meeting of the Board of

Zoning Commission and the Board of Zoning Appeals. An Alternate Member may vote on any matter on which the absent Member is authorized to vote. Alternate Members of the Board(s) may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing as provided in O.R.C. 519.04. Vacancies shall be filled by appointment by the Board of Township Trustees for the un-expired term of the member affected.

The commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings shall be open to the public. The Commission shall abide by the Sunshine Law and all other applicable Ohio Laws. Meetings shall be conducted in accordance with Robert's Rules of order (which are hereby adopted and incorporated by reference herein). 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 filling in the office of the commission.

Section 4.04 Duties of Zoning Commission

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

Section 4.04.A Initiate proposed amendments to this resolution.

Section 4.04.B Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in **Article 5 - Amendment**.

Section 4.04.C Review all Planned Unit Developments and make recommendations to the Board of Township Trustees as provided in **Article 14 – Planned Rural Residential Development District (PRRD)**.

Section 4.04.D Review all proposed changes to official Zoning Map and make recommendations to the Board of Township Trustees.

Section 4.05 Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this resolution. Three members of the Board of Zoning Appeals shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Board of Zoning Appeals present to form a quorum shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The board shall keep

minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

Section 4.06 Duties of the Board of Zoning Appeals

In exercising its duties, the board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. A majority vote of those members of the Board of Zoning Appeals present to form a quorum 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:

Section 4.06.A

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the zoning inspector.

Section 4.06.B

To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardships, and so that the spirit of this resolution shall be observed and substantial justice done.

Section 4.06.C

To grant conditional use permits as specified in Article 7 – Establishment and Purpose of the Official Schedule of District Regulations through Article 21 - Landscaping and Buffering and such additional safeguards as will uphold the intent of this resolution.

Section 4.06.D

To interpret the zoning map and resolution upon appeal of the Zoning Inspector's decision.

Section 4.06.E

Where the streets or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the zoning map, the Board of Zoning Appeals, after written 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 a question may be made to the Board of Zoning Appeals and a determination shall be made by said Board.

Section 4.07 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters or 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 2.13 - Schedule of Fees, Charges, and Expenses 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 days of the board's written decision.

Section 4.08 Procedures and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 4.08 – Procedures and Requirements for Appeals and Variances to 4.19 – General, inclusive of this resolution. As specified in Section 4.09 – Appeals, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 4.09 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the township affected by any decision of the zoning inspector. Such appeal shall be taken within ~~30~~ **20** days after the decision by filing a notice of appeal that specifies the grounds upon which the appeal is being taken with the Zoning Inspector and the Board of Zoning Appeals. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 4.10 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 4.11 Variance

Section 4.11.A 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 weighed 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:

Section 4.11.A.01 That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.

Section 4.11.A.02 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.

Section 4.11.A.03 That special conditions and circumstances do not result from the applicant.

Section 4.11.A.04 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.

Section 4.11.A.05 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.

Section 4.11.A.06 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.

Section 4.11.B Area Variance

The Board of Zoning Appeals in regards to lot area, lot width and setbacks may authorize upon appeal in specific cases such variance from the terms of this

resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this resolution would result in practical difficulties. The Board of Zoning Appeals shall not grant a variance from the terms of this resolution unless and until practical difficulty is proven. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of the property include; but are not limited to:

Section 4.11.B.01 Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

Section 4.11.B.02 Whether a variance is substantial;

Section 4.11.B.03 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;

Section 4.11.B.04 Whether the variance would adversely affect the delivery of governmental services, (e.g. water, sewer, garbage, medical, fire, police.);

Section 4.11.B.05 Whether the property owner purchased the property with knowledge of the zoning restriction;

Section 4.11.B.06 Whether the property owner's predicament feasibly can be prevented or corrected through some method other than a variance; and

Section 4.11.B.07 Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Section 4.12 Application and Standards for Variances

Section 4.12.A Application Contents

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

Section 4.12.A.01 Name, mailing address, and phone number of applicants.

Section 4.12.A.02 Legal description of property.

Section 4.12.A.03 Description of nature of variance requested.

Section 4.12.A.04 A narrative statement demonstrating that the requested variance conforms to the following standards:

Section 4.12.A.04.a That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.

Section 4.12.A.04.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.

Section 4.12.A.04.c That special conditions and circumstances do not result from actions of the applicant.

Section 4.12.A.04.d 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.

Section 4.12.A.04.e Owner's consent to application or satisfactory evidence showing applicant's legal or equitable interest in property.

Section 4.12.A.05 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.

Section 4.12.A.06 Fees need to be paid in accordance to **Section 2.13** Schedule of Fees, Charges, and Expenses.

Section 4.12.A.07 Other information as specified by the Board of Zoning Appeals.

Section 512.04.08 See application form in **Appendix B – Application Forms**.

Section 4.12.B Basis for Granting a Variance

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

Section 4.12.B.01 To permit any yard or setback less than the yard or setback required by the applicable regulations.

Section 4.12.B.02 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.

Section 4.12.B.03 To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such

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

Section 4.12.B.04 To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.

Section 4.12.B.05 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.

Section 4.12.B.06 To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent. (See Section 19.08 - Location of Parking Spaces and 19.09 - Screening and/or Landscaping.)

Section 4.12.B.07 To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.

Section 4.12.B.08 To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

Section 4.12.B.09 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 4.13 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 2.12 – Penalties for Violation** of this resolution.

Section 4.14 Public Hearing by the Board of Zoning Appeals

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

Section 4.15 Notice of Public Hearing in Newspaper

Before holding the public hearing required in **Section 4.14 – 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 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Notice shall state who placed the notice (such as clerk or chairman of the Board of Zoning Appeals).

Section 4.16 Notice to Parties in Interest

Before holding the public hearing required in **Section 4.14 – 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 4.17 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in **Section 4.14 – Public Hearing by the Board of Zoning Appeals**, the Board of Zoning appeals shall approve, approve with supplementary conditions as specified in **Section 4.13 - 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 4.09 - Appeals**.

Conditional uses shall conform to the procedures and requirements of **Section 4.20 - Contents of Application for Conditional Use Permit to Section 4.26 – Expiration of Conditional Use Permit**, inclusive of this resolution.

Section 4.19 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9 shall follow the procedures and requirements set forth in **Section 4.20 - Contents of Application for Conditional Use Permit to Section 4.26 – Expiration of Conditional Use Permit**, inclusive. The Board of Zoning Appeals may not permit a use that is dissimilar to the surrounding uses.

Section 4.20 Contents of Application for Conditional Use Permit

Section 4.20.A An application for conditional use permit shall be filed with the Zoning Inspector by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

Section 4.20.A.01 Name, address, and phone number of applicant.

Section 4.20.A.02 Legal description of the property.

Section 4.20.A.03 Description of existing use.

Section 4.20.A.04 Zoning district.

Section 4.20.A.05 Description of proposed conditional uses.

Section 4.20.A.06 A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine the proposed conditional use meets the intent and requirements of this resolution; a copy of the tax map certified by the County Engineer's office showing the property in question and surrounding areas.

Section 4.20.A.07 A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

Section 4.20.A.08 Names and addresses of all legal owners of property within, contiguous to, and directly across the thoroughfare from such parcel to be considered for a variance or conditional use by the Board of Zoning Appeals. The address of such owners shall be obtained from the list of names 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. These names and addresses shall be typed on mailing labels.

Section 4.20.A.09 Such other information as may be required in **4.23 - Supplementary Conditions and Safeguards**, including legal owner's consent if applicant is not the legal owner or satisfactory showing of applicant's legal or equitable interest.

Section 4.20.A.10 A fee as established by the Board of Township Trustees according to **Section 2.13 – Schedule of Fees, Charges and Expenses - (See Appendix B - Schedule of Fees)**.

Section 4.21 General Standards Applicable to All Conditional Uses

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

Section 4.21.A Is in fact a conditional use as established under the provisions of Article 8 and appears on the Official Schedule of District Regulations adopted by Section 802 for the zoning district involved.

Section 4.21.B Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or the zoning resolution.

Section 4.21.C Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

Section 4.21.D Will not be hazardous or disturbing to existing or future neighboring uses.

Section 4.21.E Will be served adequately by essential public facilities and services such as highways, streets, 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.

Section 4.21.F Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Section 4.21.G Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.

Section 4.21.H Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 4.21.I Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 4.22 Specific Criteria for Conditional Uses

The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations. In addition, several conditionally permitted uses listed under the various districts of **Article 8 – Agriculture and Conservation Districts to Article 14 – Planned Rural Residential Development District (PRRD)** specifically refer to one or more of the following conditions as a probable requirement for approval. The Board of Zoning Appeals should review the following items to determine if any of these should be a condition of approval of any proposed conditional use. The Board of Zoning Appeals may also add other conditions to the following list in order to protect and promote the public health, safety, and morals. Said conditions shall be transmitted to the Zoning Commission for consideration to be incorporated into the zoning resolution in accordance with Section 22 – Zoning Commission (amendments) of this resolution. In this manner, the condition shall become an option for future considerations and the Board of Zoning Appeals will not be acting in an arbitrary and capricious manner.

Section 4.22.A Protection of Surrounding Properties and Neighborhoods

(The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)

Section 4.22.A.01 Such uses, if not in a residential district, 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.

Section 4.22.A.02 All structures and activity areas should be located at least 100 feet from all property lines.

Section 4.22.A.03 Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.

Section 4.22.A.04 Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.

Section 4.22.A.05 Such uses should be properly landscaped to be harmonious with surrounding residential uses in accordance with **Article 21 - Landscaping**.

Section 4.22.A.06 The area of use shall be completely enclosed by a fence sufficient for screening and appropriately landscaped to be harmonious with surrounding properties.

Section 4.22.A.07 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.

Section 4.22.A.08 There shall be no more than one (1) sign oriented to each abutting street and identifying the activity. Furthermore the requirements of Article 20 - Signs must be met.

Section 4.22.A.09 All lighting and lighting used for advertising purposes shall be directed away from surrounding and nearby residential properties by a suitable screen of evergreen shrubs of at least twenty (20) feet in width and six (6) feet in height above finished grade, a wall at least six (6) feet in height above finished grade or a combination thereof.

Section 4.22.A.10 Sound from loud speakers, which can be detected beyond the premises, shall not be permitted.

Section 4.22.A.11 The buildings shall be designed so as to conform to the architectural character of the neighborhood.

Section 422.B Specific Performance Standards (The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)

Section 4.22.B.01 Lighting shall not create a nuisance and shall in no way impair safe movement of traffic on any street or highway.

Section 4.22.B.02 Hours may be limited further depending upon the surrounding land uses.

Section 4.22.B.03 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.

Section 4.22.B.04 The facility shall be operated so that a guest resides at the residential structure for not longer than one continuous week.

Section 4.22.B.05 The facility shall contain not more than four (4) sleeping rooms for guests.

Section 4.22.B.06 Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.

Section 4.22.B.07 Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.

Section 4.22.B.08 The applicant shall submit a written statement showing the measures and practices he or she will use to reduce the noise level in the design of the building and the management or rotation of animals and outdoor exercise runs.

Section 4.22.B.09 No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

Section 4.22.B.10 Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design of which, shall be approved by the Board of Zoning Appeals.

Section 4.22.C Excavation Standards (The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)

Section 4.22.C.01 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.

Section 4.22.C.02 All excavations 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:

Section 4.22.C.02.a That the excavating area shall not allow water to collect or remain stagnant therein.

Section 4.22.C.02.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 not adversely impact the adjoining land area. The banks of all excavations not back filled shall be sloped, which shall not be less than four (4) feet horizontal to one (1) foot vertical, and said bank shall be seeded to establish permanent vegetation.

Section 4.22.D Mining Standards (The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)

Section 4.22.D.01 There shall be filed with the Board of Zoning Appeals 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 not greater interval than five feet, the type and number per acre of trees, shrubs, or grass to be planted, and the location of future roads. Drives, drainage courses, or other improvements contemplated.

Section 4.22.D.02 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.

Section 4.22.D.03 All equipment and machinery shall be operated and maintained in such a manner 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.

Section 4.22.E Access Standards (The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)

Section 4.22.E.01 All points of entrance or exit should be located no closer than 500 feet from the intersection of two arterial thoroughfares, or no closer than 250 feet from the intersection of an arterial street and a local or collector street.

Section 4.22.E.02 Structures should have primary access to a collector thoroughfare.

Section 4.22.E.03 Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.

Section 4.22.E.04 Such uses should be located on an arterial thoroughfare, adjacent to sparsely settled residential uses.

Section 4.22.E.05 Such developments should be located on or immediately adjacent to state highways.

Section 4.22.E.06 Truck parking areas, maneuvering lands, and access ways to public thoroughfares shall be designed to cause no interference with 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.

Section 4.22.E.07 Such use should be subject to the restrictions outlined in Section 13.01 -Transportation Corridor Overlay District.

Section 4.22.E.08 The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall, if applicable, provide a safe drop off point for pedestrians that will not impede other traffic..

Section 4.22.F Animal Shelter/Humane Society/Kennel-Commercial/Kennel-Agriculture Conditions

The following conditions shall be applicable to any animal shelter, humane society, or kennel-commercial land use:

Section 4.22.F.01 Applicability

In accordance with Section 519.21 of the Ohio Revised Code, a township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

1. Agriculture on lots of one acre or less;
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height, and size;
3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Ohio Revised Code. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code.

Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

Based on Ohio Case Law and Ohio Attorney General Opinion (OAG), Animal Shelters, Humane Society, Kennels-Commercial and Kennels-Agriculture shall be classified as animal husbandry for the purposes of Section 519.21 of the Ohio Revised Code. Therefore, except as provided above, kennels-commercial and kennels-agriculture shall be exempt from zoning. Any Animal Shelter, Humane Society, Kennel-Commercial or Kennel-Agriculture that is subject to zoning in accordance with Section 519.21 of the Ohio Revised Code noted above, may be conditionally permitted as noted in the Union Township Zoning Resolution district regulations upon complying with the following conditions (standards).

Ohio Case Law:

- [Harris v. Rootstown Township Zoning Board of Appeals](#), 44 Ohio St. 2d 144, syl. pt.1, 73 O.O.2d 451, 338 N.E.2d 763 (1975).
- [Mentor Lagoons v. Zoning Board of Appeals Mentor Township](#), 168 Ohio St. 113, syl. pt. 3, 5 O.O.2d 372, 151 N.E.2d 533 (1958)
- [Singh v. Pierce Township Board of Zoning Appeals](#), 1987 Ohio App. LEXIS 7001, at p.3 (Ct. App., Twelfth District, Clermont).

Ohio Attorney General Opinions

- OAG 2010-009
- OAG 94-040
- OAG 89-067

Section 4.22.F.01 Setbacks

- Structure including accessory structures.
 - Side = 50 feet as measured from the lot line.
 - Rear = 50 feet as measured from the lot line.
 - Front = 50 feet as measured from the road right-of-way.
 - Any animal shelter, humane society or kennel-commercial shall maintain a 200 foot setback from any lot that is zoned as a residential district or has a residential use. Said setback shall be measured from the lot line.
 - Note: If the zoning district within which an animal shelter, humane society or kennel-commercial is conditionally permitted has a greater setback standard than permitted above, the setback standard for the district shall supercede the standard above. Otherwise the above standard may supercede the district standard to provide additional protections of adjoining lot owners from the adverse impacts of this type of land use.
- Outdoor Runs = 300 feet as measured from any lot line and road right-of-way. Said runs shall be located at the rear of the principal structure.

Section 4.22.F.02 Buffer

The perimeter of a lot of record upon which a animal shelter, humane society or kennel-commercial is located upon shall provide a landscape buffer in accordance with Section 21.03.A.01: Property Perimeter Requirements. Said buffer shall exceed the standards in Section 21.03.A.01: Property Perimeter Requirements by providing 100% year round opacity. This shall require the use of mixed evergreens and deciduous plant materials to obtain this goal. In part, the buffer is to provide a means to reduce noise levels from barking dogs, which is considered a nuisance within Union Township.

Section 4.22.F.03 Indoor Kennels

Indoor kennels with access to outdoor runs shall have solid doors between the indoor and outdoor areas that are closed between the hours of 8:00 p.m. and 8:00 a.m. and all other non-business hours. All kennels shall be contained within the principal structure and shall be separated from the exterior of the building by a solid wall and door. The purpose for this requirement is to reduce noise levels from barking dogs, which is considered a nuisance within Union Township.

Section 4.22.F.04 Outdoor Kennels

Outdoor Kennels are prohibited. The purpose for this requirement is to reduce noise levels from barking dogs, which is considered a nuisance within Union Township.

Section 4.22.F.05 Outdoor runs

- All outdoor runs shall be closed between the hours of 8:00 p.m. and 8:00 a.m. and all other non-business hours. All animals shall be housed inside the principal structure during these hours. The purpose for this requirement is to reduce noise levels from barking dogs, which is considered a nuisance within Union Township.
- All outdoor runs shall be separated by a solid eight (8) foot wall, so as an animal in one outdoor run does not see an animal in another. The purpose of this is to reduce the tendency of animals to bark or fight with other animals in adjoining runs, and to reduce noise levels from barking dogs, which is considered a nuisance within Union Township.

Section 4.22.F.06 Stables & Pasture

Stables and pasture areas for large domestic animals (horses, mules, cows, buffalo, llamas, goats, sheep, and the like) shall be considered agriculture use and shall comply with the setback and buffering standards within this Section 4.22.F unless otherwise exempt as an agriculture use as stated in Section 4.22.F.01 Applicability.

Section 4.22.F.06 Disposal of animal waste

The disposal of waste shall be in compliance with applicable State of Ohio Laws. No such waste shall be detectable by odor or visually seen from any adjoining lot of record. Proper measures shall be taken to ensure such waste does not affect any well water of adjoining lots of record and any surface water (i.e. streams, ponds, lakes, drainage channels, etc.)

Section 4.22.F.07 Disposal of deceased animals from Animal Shelter, Humane Society, Kennel-Commercial and Kennel-Agriculture

The disposal of animal carcass from any Animal Shelter, Humane Society, Kennel-Commercial or Kennel-Agriculture within Union Township shall be strictly prohibited. This shall include burial, incineration, decomposition, etc. Any and all deceased animals shall be buried, incinerated, or otherwise destroyed in a facility specifically approved and licensed for such use in accordance with State of Ohio and local laws. Prior to issuing a conditional use permit, the zoning inspector may require documentation of compliance with any applicable State of Ohio Law and local laws. This may be in the form of a permit or letter from the regulating agency.

THIS SUBSECTION IS A CONDITION FOR ANIMAL SHELTER, HUMANE SOCIETY, KENNEL-COMMERCIAL AND KENNEL-AGRICULTURE WHEN SUCH LAND USE IS SUBJECT TO TOWNSHIP ZONING. THIS SUBSECTION IN NO WAY APPLIES TO A LOT OWNER OF A SINGLE-FAMILY HOME WHO WANTS TO BURY A DECEASED FAMILY PET IN THE YARD OR AN AGRICULTURE LAND USE OTHERWISE EXEMPT THAT MAY NEED TO BURY DECEASED LIVESTOCK ON OCCASION. THE PURPOSE IS TO PREVENT THE ADVERSE AFFECTS OF LARGE VOLUMES OF DECEASED ANIMALS THAT ARE NOT PROPERLY DISPOSED OF.

Section 4.22.F.08 Perimeter fencing

A six (6) foot tall perimeter fence shall be constructed to prevent any animal being picked up or dropped off that may get away from its handler from escaping the premises, running out onto the public roadway, or onto adjoining properties. Said fence shall be constructed of solid durable materials. Chain link fence with materials woven into the fencing are not permitted. The Board of Zoning Appeals may determine the area for the perimeter fencing based upon the area of use. Said perimeter fencing shall encompass all parking and loading areas, areas between structures, outdoor runs, and other areas where animals may be outside, either restrained or unrestrained.

Section 4.22.F.09 Parking

All parking, pickup and drop off areas shall be at the rear of the structure.

All parking, pickup and drop off areas shall have a solid durable surface such as pavement, concrete, concrete pavers, paving bricks, and the like. Gravel and compacted sand shall not be construed as a solid durable surface. The use of porous pavement and other “green” parking lots may be considered provided their nature and construction will not contribute to dust.

The number of parking spaces for an animal shelter, humane society or kennel shall equal one space for each individual employed and one space for every 200 square feet of floor area, excluding areas designated for kennel use only.

Section 4.22.F.10 Lighting

All parking areas and entrances shall be adequately lit by fully shielded lighting fixtures (see also Section 19.07: Lighting for an example of a fully shielded lighting fixture). Said lighting shall be turned off within thirty (30) minutes of closing. Security lighting may be used after hours provided that said lighting makes use of fully shielded fixtures and does not create any glare onto any horizontal or vertical plane on any adjoining lot of record. Lighting shall be considered security lighting when said lighting is intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an entrance to a structure.

Section 4.23 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 2.12 – Penalties for Violation of this resolution.

Section 4.24 Procedure for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in **Section 4.20 – Contents of Application for Conditional Use Permit**, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in **Section 4.14 – Public Hearing by the Board of Zoning Appeals through 4.16 – Notice to Parties in Interest**.

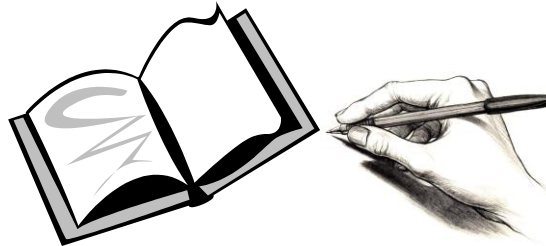
Section 4.25 Action by the Board of Zoning Appeals

Within 30 days after the public hearing required in **Section 4.24 – Procedure for Hearing, Notice**, the Board shall either approve, approve with supplementary conditions as specified in **Section 4.23 – Supplementary Conditions and Safeguards**, 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 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 4.09 - Appeals**.

Section 4.26 Expiration of Conditional Use Permit

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

ARTICLE 5 ~ AMENDMENT



<u>Section 5.00</u>	Procedure for Amendments for District Changes
<u>Section 5.01</u>	General
<u>Section 5.02</u>	Initiation of Zoning Amendments
<u>Section 5.03</u>	Contents of Application
<u>Section 5.04</u>	General Standards for All Zoning Amendments
<u>Section 5.05</u>	Transmittal to Zoning Commission
<u>Section 5.06</u>	Submission to County Planning Commission
<u>Section 5.07</u>	Submission to Director of Transportation
<u>Section 5.08</u>	Notice of Public Hearing by Zoning Commission
<u>Section 5.09</u>	Notice of Public Hearing in Newspaper
<u>Section 5.10</u>	Notice to Property Owners by Zoning Commission
<u>Section 5.11</u>	Recommendation by Zoning Commission
<u>Section 5.12</u>	Public Hearing by Board of Township Trustees
<u>Section 5.13</u>	Action by Board of Township Trustees
<u>Section 5.14</u>	Effective Date and Referendum
<u>Section 5.15</u>	Updating the Zoning Resolution Text or Zoning Map
<u>Section 5.16</u>	Certification of Zoning Amendments to the Licking County Recorder's Office and the Licking County Planning Commission

Section 5.00 Procedure for Amendments for District Changes

This resolution may be amended by utilizing the procedures specified in Sections 5.01 – General to Section 5.13 – Action by the Board of Trustees, inclusive of this resolution.

Section 5.01 General

Whenever 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 5.02 Initiation of Zoning Amendments

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

Section 5.02.A By adoption of a motion by the zoning commission.

Section 5.02.B By adoption of a resolution by the Board of Township Trustees.

Section 5.02.C By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 5.03 Contents of Application

Applications for amendments to the Official Zoning Map adopted, as part of this resolution by Article 6 – Provisions For Official Zoning Map, shall contain at least the following information:

Section 5.03.A Name, address, and phone number of applicant(s) and legal owner(s).

Section 5.03.B Area in question shall be drawn on a certified map from the County Engineer's Office.

Section 5.03.C Present use.

Section 5.03.D Present zoning district.

Section 5.03.E Proposed use.

Section 5.03.F Proposed zoning district.

Section 5.03.G A written description, sufficient to identify the area in question, shall be included, as well as a legal description, including a survey, describing the area proposed to be rezoned. A copy of the deed showing the applicant's legal ownership of the lot(s) is also required.

Section 5.03.H A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.

Section 5.03.I Names and addresses of all legal owners of property within, contiguous to, and directly across the thoroughfare from such parcel to be considered for a variance or conditional use by the Board of Zoning Appeals. The address of such owners shall be obtained from the list of names 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. These names and addresses shall be typed on two sets of mailing labels.

Section 5.03.J A statement on how the proposed amendment relates to the comprehensive plan.

Section 5.03.K A fee as established by the Board of Township Trustees according to **Section 2.11 – Schedule of Fees, Charges, and Expenses**.

Section 5.03.L Owner's consent to application or satisfactory showing of the applicant's legal or equitable interest in said property.

Section 5.03.M Applications for amendments proposing to amend, supplement, change or repeal portions of this resolution other than the Official Zoning Map shall include **Items 5.03.A, 5.03.J, and 5.03.K** listed above in addition to the proposed text.

Section 5.03.N If rezoning a portion of a lot of record and not the entire lot of record, the applicant shall provide a survey and legal description of the area to be rezoned. Said survey and legal shall be recorded with the resolution adopting the zoning map amendment.

Section 5.04 General Standards for All Zoning Amendments

Section 5.04.A Will be harmonious and in accordance with the general objectives, or with any specific objective of the township comprehensive plan and/or the zoning resolution and the Licking County Subdivision Regulations.

Section 5.04.B Will be designed, constructed, operate, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

Section 5.04.C Will not be hazardous or disturbing to existing or future neighboring uses.

Section 5.04.D 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 adequately provide any such services.

Section 5.04.E 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.

Section 5.04.F Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.

Section 5.04.G Will have vehicular approaches to the property, which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.

Section 5.04.H Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 5.05 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 Zoning Commission. The Zoning Inspector or Township Clerk shall transmit the application or resolution to the Zoning Commission Chairperson within forty-eight (48) hours.

Section 5.06 Submission to County Planning Commission

Within five 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.

*Note: The LCPC regular monthly meeting is normally held on the 4th Monday of every month, except in May, November and December, when it is held the 3rd Monday (subject to change without notice in this resolution). The Zoning Commission's public hearing should be scheduled after this date, but should also comply with **Section 5.08 – Notice of Public Hearing by Zoning Commission** of this resolution.*

Section 5.07 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. If 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 5.08 Notice of 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 5.09 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in **Section 5.08 – Notice of Public Hearing by Zoning Commission**, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing.

Section 5.09.A Published Notice, Amendment to Rezone Greater Than 10 Parcels

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's

current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

Section 5.09.A.01 The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.

Section 5.09.A.02 A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.

Section 5.09.A.03 The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.

Section 5.09.A.04 The name of the person responsible for giving notice of the public hearing by publication.

Section 5.09.A.05 A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

Section 5.09.A.06 Any other information requested by the Zoning Commission.

Section 5.09.B Published Notice, Amendment To Rezone 10 Or Fewer Parcels

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

Section 5.09.B.01 The name of the Zoning Commission that will be conducting the public hearing.

Section 5.09.B.02 A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.

Section 5.09.B.03 A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment, and the names of the owners of these properties, as they appear on the County Auditor's current tax list.

Section 5.09.B.04 The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.

Section 5.09.B.05 The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.

Section 5.09.B.06 The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.

Section 5.09.B.07 Any other information requested by the Zoning Commission.

Section 5.09.B.08 A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Trustees for its action.

Section 5.10 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail as certificate of mailing, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from the parcel 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 5.09 – Notice of Public Hearing in Newspaper.

Section 5.11 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 5.08 – Notice to Property Owners by Zoning Commission, 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 5.12 Public Hearing by Board of Township Trustees

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. The Board of Township Trustees, as specified in Section 5.09 – Notice of Public Hearing in Newspaper and 5.10 – Notice of Property Owners by Zoning Commission, shall give notice of such public hearing in a newspaper and to contiguous property owners.

Section 5.13 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 5.12 – Public Hearing by the Board of Township Trustees, the Board of Township Trustees shall either adopt or deny by resolution 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 majority vote of the Board of Township Trustees is required.

Section 5.14 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption, unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by

a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan (equal to not less than 8 percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected), requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

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

Section 5.15 Updating the Zoning Resolution Text or Zoning Map

Upon the effective date (Section 5.14 – Effective Date and Referendum) of a zoning text amendment or Zoning Map amendment, the Union Township Board of Trustees shall cause the Zoning Resolution or Zoning Map to be changed to reflect the newly adopted text or map. The amended text of the zoning resolution shall be followed by the following statement “Resolution Number __INSERT NUMBER__”. This shall serve to identify the resolution in which the amendment was passed for future reference. Additionally, all amendments shall be listed under Amendments at the beginning of the Union Township Zoning Resolution.

Section 5.16 Certification of Zoning Amendments to the Licking County Recorder’s Office and the Licking County Planning Commission

Within five (5) working days after an amendment’s effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the regional or county planning commission if one exists.

The board shall file all amendments, including text and maps that are in effect on January 1, 1992, in the office of the county recorder within thirty (30) working days after that date. The board shall also file the duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

ARTICLE 6 ~ PROVISIONS FOR OFFICIAL ZONING MAP

Section 6.00 Official Zoning Map

The districts established in Article 7 of this resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

Section 6.01 Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the chairman of the Board of Township Trustees, attested by the township clerk, and bearing the seal of the township.

Section 6.02 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, such centerlines, 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 constructed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
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 on the Township Zoning Map.

Section 6.03 Certification of Zoning Amendments to the Licking County Recorder's Office and the Licking County Planning Commission

Within five (5) working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the regional or county planning commission if one exists.

The failure to file any amendment, or any text and maps of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

ARTICLE 7 ~ ESTABLISHMENT AND PURPOSE OF THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

Section 7.00 Compliance With Regulations

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

Section 7.00.A

No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

Section 7.00.B

No building or other structure shall be erected or altered:

Section 7.00.B.01 To provide for greater height or bulk;

Section 7.00.B.02 To accommodate or house a greater number of families;

Section 7.00.B.03 To occupy a greater percentage of lot area;

Section 7.00.B.04 To have narrower or smaller rear yards, front yards, side yards, or other open spaces.

Section 7.00.C

No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

Section 7.01 Official schedule of District Regulations Adopted

District regulations shall be as set forth in:

- Article 7 - Establishment and Purpose of the Official Schedule of District Regulations**
- Article 8 - Agricultural and Conservation Districts**
- Article 9 - Residential Districts**
- Article 10 - Manufactured Home District**
- Article 11 - Business/Commercial Districts**
- Article 12 - Manufacturing Districts**
- Article 13 - Overlay Districts**
- Article 14 - Planned Unit Development District**
- Article 15 - Supplementary District Regulations**

Hereby adopted and declared to be part of this resolution.

Section 7.02 Intent of District Regulations

It is the intent of these regulations to set forth within the district regulations the permitted uses, the conditionally permitted uses, and general requirements of the district, and other regulations as they pertain, in general, to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as governed by Article 4, Article 5, and other articles of these regulations. Rules, regulations, requirements, standards, resolutions, articles, and/or sections not specifically included for each district, but which are contained in these regulations and which are applicable to each district or use, shall be applied as if stated in full in Article 8 of these regulations. Uses not specifically defined or stated as permitted or conditionally permitted in any district which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances it will prevail as specified in Article 5, Administration.

ARTICLE 8 ~ AGRICULTURE AND CONSERVATION DISTRICTS



Section 8.00

Conservation/Natural Recreation District (CN)

Section 8.01

Agricultural District (AG)

Section 8.00 Conservation/Natural Recreation District (CN)

Section 8.00.A Purpose

The purpose of the CN District is to preserve and protect public and private lands, significant forests and wildlife areas, steep slopes, open spaces, scenic vistas, and outdoor recreational areas for the welfare and enjoyment of the township residents. It is important that significant natural resources and open spaces be conserved for the benefit of current and future residents. Within the (CN) District the division of property is not permitted, unless within the scope of the (CN) District.

Section 8.00.B Permitted Uses - CN District

Section 8.00.B.01

Any customary agricultural uses including:

Section 8.00.B.01.a General Farming

Section 8.00.B.01.c Pasture

Section 8.00.B.01.d Grazing

Section 8.00.B.01.e Outdoor plant nurseries

Section 8.00.B.01.f Horticulture

Section 8.00.B.01.g Viticulture

Section 8.00.B.01.h Forestry

Section 8.00.B.01.i Sod farming

Section 8.00.B.01.j Wild crop harvesting

Section 8.00.B.02

Recreational Facilities as follows:

Section 8.00.B.02.a Parks

Section 8.00.B.02.b Hiking trails

Section 8.00.B.02.c Equestrian trails

Section 8.00.B.02.d Bike paths

Section 8.00.B.2.e Fishing

Section 8.00.B.3

Water conservation works as follows:

Section 8.00.B.3.a Water supply works

Section 8.00.B.3.b Flood control and watershed protection

Section 8.00.B.3.c Fish and game hatcheries and preserves

Section 8.00.B.3.d Nature and wildlife preserves

Section 8.00.B.3.e Botanical gardens

Section 8.00.B.4

Residential uses limited to:

Section 8.00.B.4.a Lawns

Section 8.00.B.4.b Gardens

Section 8.00.B.4.c Play areas

Section 8.00.B.4.d Necessary parking for any permitted or conditionally permitted use.

Section 8.00.B.5

Conservation/museum structures for education about and preservation of the land;

Section 8.00.B.6

Accessory use and structures(s);

Section 8.00.B.7

Essential services.

Section 8.00.C Conditionally Permitted Uses - CN District

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 8.00.C.1

Special Event(s);

Section 8.00.C.2

Gun clubs, target ranges, archery ranges;

Section 8.00.C.3

Golf courses and/or driving ranges;

Section 8.00.C.4

Active Recreation;

Section 8.00.C.5

Swimming areas;

Section 8.00.C.6

Boat launching ramps;

Section 8.00.C.7

Dwelling for habitation of the person employed to care for the land.

Section 8.00.D Agriculture Exemption

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

Section 8.00.E General Requirements of the CN District

Section 8.00.E.1 Required Lot Area and Width

If a principal structure is located on the lot, there must be a minimum useable acreage that is acceptable to the Licking County Health Department, OEPA or the appropriate approving authority at the time of the improvement, to support onsite septic and well. The Licking County Health Department may require more acreage based on the use of the principal structure. Licking County Subdivision Regulations for minimum lot size and frontage must be met. No accessory structure shall be located closer than thirty-five (35) feet to any existing or proposed public right-of-way, and not closer than fifty (50) feet to any side or rear lot line.

Section 8.00.E.2 Height Limit

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

Section 8.01 Agricultural District (AG)

Section 8.01.A Purpose

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

Section 8.01.B Permitted Uses – AG District

Section 8.01.B.1 Agriculture/Agriculture Production;

Section 8.01.B.2 Single-Family Dwelling;

Section 8.01.B.3 Public Park and Playground;

Section 8.01.B.4 Farm market;

Section 8.01.B.5 Agriculture Entertainment (Agritourism);

Section 8.01.B.6 Stable-Private;

Section 8.01.B.7 Accessory use and structure including private swimming pool;

Section 8.01.B.8 Home Occupation – Principal Structure; *Refer to section 522.02.02.*

Section 8.00.B.9 Government Building;

Section 8.00.B.10 Kennel, Agriculture.

Section 8.00.C Conditionally Permitted Uses – AG District

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific**

Criteria for Conditional Uses of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 8.00.C.1 Stable-Commercial;

Section 8.00.C.2 Church-Neighborhood and Cemetery;

Section 8.00.C.3 Education-Public School and Education-Private School; *Refer to Sections 4.22.A: Protection of Surrounding Properties and Section 4.22.B: Specific Performance Standards.*

Section 8.00.C.4 Shooting Range-Outdoor, Shooting Range-Indoor; Club;

Section 8.00.C.5 Veterinary/Animal Hospital;

Section 8.00.C.6 Agriculture Sales and Service, Farm Implement Sales and Farm Implement Dealer;

Section 8.00.C.7 Agriculture-Related Business; Feed Store;

Section 8.00.C.8 Equestrian Center;

Section 8.00.C.9 Nursery Plant Material; *Refer to Sections 4.22.A: Protection of Surrounding Properties and Section 4.22.B: Specific Performance Standards.*

Section 8.00.C.10 Home Occupation – Accessory Structure;

Section 8.00.C.11 Transient uses of the land (flea markets, carnivals, or other uses involving the use of mobile, non-permanent structures), provided such land use activity ceases to exist and the non-permanent structures are removed within thirty (30) days; *Refer to Sections 4.22.A: Protection of Surrounding Properties and Section 4.22.B: Specific Performance Standards.*

Section 8.00.C.12 Animal Shelter/Humane Society/Kennel-Commercial; (Provided it complies with the standards in Section 4.21: General Standards Applicable to all Conditional Uses and Section 4.22.F: Animal Shelter/Humane Society/Kennel, Commercial Conditions.)

Section 8.00.C.13 Quarrying and mining of natural resources. *Refer to Section 4.22.C: Excavation Standards and 4.22.D: Mining Standards.*

Section 8.01.D General Requirements of the AG District

Section 8.01.D.1 Height Limit

No habitable building shall be erected or enlarged to exceed two and one-half (2 ½) stories or thirty-five (35) feet.

Section 8.01.D.2 Lot Area, Width and Depth

Every lot shall have a minimum lot area of not less than ten (10) acres, exclusive of road right-of-way, and lot width and road frontage of three hundred (300) feet throughout the lot.

Section 8.01.D.3 Setbacks

Section 8.01.D.3.a Front Yard

There shall be a front yard of not less than one hundred (100) feet in depth, for dwelling structures. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever the greater distance from the centerline.

Section 8.01.D.3.b Side Yard

There shall be side yards of not less than thirty-five (35) feet for each side yard.

Section 8.01.D.3.c Rear Yard

There shall be a rear yard of not less than seventy-five (75) feet.

Section 8.01.D.4 Notes

Section 8.01.D.4.a

For yard requirements for all lots of record, see Section 411.

Section 8.01.D.4.b

All structures placed on corner lots must meet those requirements outlined in Section 1600.08.

Section 8.01.D.5 Dwelling Bulk

Dwellings or structures shall have a minimum area of habitable space by outside dimensions, exclusive of porches, garages and cellars or basements as follows:

Section 8.01.D.5.a Two Story Structure

Two (2)-story dwelling/structure – 1200 square feet on first floor on a permanent foundation, and a total of 1600 square feet by all other levels.

Section 8.01.D.5.b Single Story Structure

Single (1) story dwelling/structure – 1600 square feet on a permanent foundation.

Section 8.01.D.6 Parking Requirements

Parking requirements shall be as regulated in Article 20 of these regulations.

Section 8.01.D.7 Signs

Signs shall be as regulated in Article 21 of these regulations.

ARTICLE 9 ~ RESIDENTIAL DISTRICTS



Section 9.00

Rural Residential – 4 (RR-4)

Section 9.01

Rural Residential – 3 (RR-3)

Section 9.02

Medium Density Residential District (R-3)

Section 9.00 Rural Residential – 4 (RR-4)

Section 9.00.A Purpose

The purpose of the RR-4 District is to encourage the establishment of low-density single-family dwellings not to exceed one dwelling unit per four (4) gross acres. The RR-4 Districts are associated with those areas to be served by collector, local, and cul-de-sac streets. In addition, it is to be associated with those areas identified in the comprehensive plan as having a minimum lot size of four (4) acres or greater as identified on the “Minimum Lot Size Based on Groundwater Pollution Potential Map.” The single-family dwelling unit must meet the Licking County Board of Health’s requirements and/or that of other authorities before being issued sewage and zoning permits.

Section 9.00.B Permitted Uses

Section 9.00.B.1 Agriculture/Agriculture Production;

Section 9.00.B.2 Single-Family Dwelling Unit;

Section 9.00.B.3 Public Park and Playground;

Section 9.00.B.4 Government Building;

Section 9.00.B.5 Accessory Use and Structure;

Section 9.00.B.6 Home Occupation – Principle Structure;

Section 9.00.B.7 Daycare Home – Child;

Section 9.00.B.8 Daycare Home – Adult.

Section 9.00.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 9.00.C.1 Institution, Nursing Home;

Section 9.00.C.2 Child Care/Daycare Center

Section 9.00.C.3 Home Occupation – Accessory Structure;

Section 9.00.C.4 Church – Community, Church – Neighborhood;

Section 9.00.C.5 Education – Public School and Education – Private School;

Section 9.00.C.6 Golf Course.

Section 9.00.D General Requirements to the RR-4 District

Section 9.00.D.1 Height Limit

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

Section 9.00.D.2 Lot Area, Width and Depth

Every lot shall have a minimum road frontage and width of 250 feet throughout the lot, and a minimum lot area of not less than four (4) acres exclusive of road right-of-way, and shall be in addition to any easements of record. In addition, lots 4.000 to 4.999 acres shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of “front yard setback”).

Section 9.00.D.3 Setbacks

Section 9.00.D.3.a Front Yard

There shall be a front yard of not less than fifty (50) feet in depth, provided however that where normal lots comprising forty (40) percent or more of the frontage along the same road are developed with a building having a front yard less than (50) feet in depth, but with a variation of not more than ten feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 9.00.D.3.b Side Yard

There shall be side yards of not less than twenty (20) feet on each side.

Section 9.00.D.3.c Rear Yard

There shall be a rear yard of not less than fifty (50) feet.

Section 9.00.D.4 Dwelling Bulk

Dwellings or structures shall have a minimum area of habitable space by outside dimensions, exclusive of porches, garages, cellars or basements as follows:

Section 9.00.D.4.a Two Story Structure

Two (2)-story dwelling/structure – 1200 square feet on first floor on a permanent foundation, and a total of 1600 square feet by all other levels.

Section 9.00.D.4.b Single Story Structure

Single (1) story dwelling/structure – 1600 square feet on a permanent foundation.

Section 9.00.D.5 Parking Requirements

Parking requirements shall be as regulated in Article 20 of these regulations.

Section 9.00.D.6 Signs

Signs shall be as regulated in Article 21 of these regulations

Section 9.01 Rural Residential – 3 (RR-3)

Section 9.01.A Purpose:

The purpose of the RR-3 District is to encourage the establishment of low-density single-family dwellings not to exceed one dwelling unit per three (3) gross acres. The RR-3 Districts are associated with those areas to be served by collector, local, and cul-de-sac streets. In addition, it is to be associated with those areas identified in the comprehensive plan as having a minimum lot size of three (3) acres as identified on the “Minimum Lot Size Based on Groundwater Pollution Potential Map.” The single-family dwelling unit must meet the Licking County Board of Health’s requirements and/or that of other authorities before being issued sewage and zoning permits.

Section 9.01.B Permitted Uses

Section 9.01.B.1 Agriculture/Agriculture Production;

Section 9.01.B.2 Single-Family Dwelling Unit;

Section 9.01.B.3 Public Park and Playground;

Section 9.01.B.4 Government Building;

Section 9.01.B.5 Accessory Use and Structure;

Section 9.01.B.6 Home Occupation – Principle Structure;

Section 9.01.B.7 Daycare Home – Child;

Section 9.01.B.8 Daycare Home – Adult.

Section 9.01.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 9.01.C.1 Institution, Nursing Home;

Section 9.01.C.2 Child Care/Daycare Center

Section 9.01.C.3 Home Occupation – Accessory Structure;

Section 9.01.C.4 Church – Community, Church – Neighborhood;

Section 9.01.C.5 Education – Public School and Education – Private School;

Section 9.01.C.6 Golf Course.

Section 9.01.D General Requirements to the RR-3 District

Section 9.01.D.1 Height Limit

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

Section 9.01.D.2 Lot Area, Width and Depth

Every lot shall have a minimum road frontage and width of 225 feet throughout the lot and a minimum lot area of not less than three (3) acres exclusive of road right-of-way, and shall be in addition to any easements of record. In addition, lots 3.000 to 4.999 acres shall not exceed a maximum depth to width ratio of 3:1. The depth to width ratio is measured from the front yard setback (see definition of “front yard setback”).

Section 9.01.D.3 Setbacks

Section 9.01.D.3.a Front Yard

There shall be a front yard of not less than fifty (50) feet in depth, provided, however, that where normal lots comprising forty (40) percent or more of the frontage along the same road are developed with a building having a front yard less than (50) feet in depth, but with a variation of not more than ten feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 9.01.D.3.b Side Yard

There shall be side yards of not less than twenty (20) feet on each side.

Section 9.01.D.3.c Rear Yard

There shall be a rear yard of not less than fifty (50) feet.

Section 9.01.D.4 Dwelling Bulk

Dwellings or structures shall have a minimum area of habitable space by outside dimensions, exclusive of porches, garages, cellars or basements as follows:

Section 9.01.D.4.a Two-Story Structure

Two (2)-story dwelling/structure – 1200 square feet on first floor on a permanent foundation, and a total of 1600 square feet by all other levels.

Section 9.01.D.4.b Single-Story Structure

Single (1) story dwelling/structure – 1600 square feet on a permanent foundation.

Section 9.01.D.5 Parking Requirements

Parking requirements shall be as regulated in **Article 20** of these regulations.

Section 9.01.D.6 Signs

Signs shall be as regulated in **Article 21** of these regulations.

Section 9.02 Medium Density Residential District (R-3)

Section 9.02.A Purpose:

The purpose of the R-3 District is to permit the establishment of medium-density single, two- and multiple-family dwellings not to exceed four dwelling units per gross acre. **Public water and wastewater facilities are required** for the utilization of all the permitted and conditional uses listed below, excluding Agriculture.

Section 9.02.B Permitted Uses

Section 9.02.B.1 Agriculture/Agriculture Production;

Section 9.02.B.2 Single-Family Dwelling Unit;

Section 9.02.B.3 Two-Family Dwelling Unit;

Section 9.02.B.4 Multi-family Dwelling Unit;

Section 9.02.B.5 Church – Community, Church – Neighborhood;

Section 9.02.B.6 Education – Public School and Education – Private School;

Section 9.02.B.7 Public Park and Playground;

Section 9.02.B.8 Governmental Building;

Section 9.02.B.9 Accessory Use and Structure;

Section 9.02.B.10 Home Occupation – Principal Structure.

Section 9.02.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

(Reserved For Future Use)

Section 9.02.D General Requirements of the R-3 District

Section 9.02.D.1 Height Limit

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

Section 9.02.C.2 Lot Area, Width and Depth

Every lot for a single-family dwelling shall have a minimum width of at least 90 feet and a minimum lot area of not less than ½ acre (21,780 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 ninety (90) feet and a minimum lot area of not less than ½ acre (21,780 square feet). Every lot shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of “front yard setback”). All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement or record.

Section 9.02.D.3 Setbacks

Section 9.02.D.3.a Front Yard

There shall be a front yard of not less than thirty-five (35) feet. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 9.02.D.3.b Side Yard

There shall be a side yard of not less than twenty-five (25) feet.

Section 9.02.D.3.c Rear Yard

There shall be a rear yard of not less than twenty-five (25) feet.

Section 9.02.D.4 Dwelling Bulk

Section 9.02.D.4.a Single Family Dwellings and Structures

Dwellings or structures shall have a minimum area of habitable space by outside dimensions, exclusive of porches, garages, cellars or basements as follows:

Section 9.02.D.4.a.1 Two-Story Structure

Two (2)-story dwelling/structure – 1,200 square feet on first floor on a permanent foundation, and a total of 1,600 square feet by all other levels.

Section 9.02.D.4.a.2 Single-Story Structure

Single (1) story dwelling/structure – 1,600 square feet on a permanent foundation;

Section 9.02.D.4.b Two-Family and Multi-family Dwellings and Structures

Two-family and multifamily dwelling units shall have a minimum area of 1,000 square feet of living space per family unit.

Section 9.02.D.4.c Measurements

All dwelling bulk requirements for the R-3 District are to be determined from outside dimensions, exclusive of porches, garages, cellars or basements.

Section 9.02.D.5 Parking Requirements

Parking requirements shall be as regulated in **Article 20** of these regulations.

Section 9.02.D.6 Signs

Signs shall be as regulated in **Article 21** of these regulations.

ARTICLE 10 ~ MANUFACTURED HOME PARK DISTRICT



Section 10.00.A

Purpose

Section 10.00.B

Permitted Uses

Section 10.00.C

Prohibited Uses

Section 10.00.D

General Requirements of the MHP District

Section 10.00.E

Severe Weather/Tornado Shelters and Warning Systems

Section 10.00.A Purpose

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

Section 10.00.B Permitted Uses

Section 10.00.B.1 Mobile homes permitted in mobile home parks only;

Section 10.00.B.2 Buildings or permanent-type structures used exclusively to provide services for occupants of the park, such as recreation buildings, swimming pools, laundry facility, manufactured home park office, storage rooms and the like.

Section 10.00.B.3 Accessory buildings or structures that are clearly incidental and attached to a mobile home, such as a carport, cabana, sun-room and the like;

Section 10.00.B.4 Advertising signs subject to all the following provisions:

Section 10.00.B.4.a

One identification-type sign advertising the mobile home park upon which it is located may be erected, provided that no portion of the sign or its supports shall be within the required front yard area. Such sign may be double face, and may be lighted if lighting is arranged in such a manner that it will not distract or temporarily blind a motorist on the adjacent public and private streets or existing point of access. The thirty-two (32) square feet maximum shall be total of sq. ft. of sign face. The maximum area of the sign, including any border around it, shall be not more than one square foot for each lineal foot of frontage of the mobile home park with 32 square feet maximum, whichever is less. The maximum height of the sign shall not exceed fifteen (15) feet above the ground. *See Article 21 Signs.*

Section 10.00.B.4.b

Directional signs as approved necessary by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed two square feet.

Section 10.00.C Prohibited Uses

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

Section 10.00.C.1 Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.

Section 10.00.C.2 Repair and/or sale of vehicles of any type, including mobile homes, except for the repair or sale of any individual vehicle by the owner or occupant thereof.

Section 10.00.C.3 Buildings or permanent-type structures for uses other than those listed as permitted uses.

Section 10.00.C.4 Any advertising sign other than that listed as a permitted use.

Section 10.00.D General Requirements of the MHP District

Section 10.00.D.1 Park Size

A mobile home park shall contain a minimum of ten acres of land area.

Section 10.00.D.2 Density, Width and Depth

The minimum density shall be as established by the State of Ohio Department of Health Regulations. The minimum width of the mobile home development shall not be less than 300 feet. The ratio of width to depth shall not exceed 1:5.

Section 10.00.D.3 Perimeter Setbacks

No structure shall be located closer than the perimeter setback as follows:

Section 10.00.D.3.a Front Yard Setback – 50 Feet

Section 10.00.D.3.b Side Yard Setback – 50 Feet

Section 10.00.D.3.c Rear Yard Setback – 50 Feet

Section 10.00.D.3.d Perimeter Setback shall be the minimum setback from the perimeter property lines of the original parcel prior to development.

Section 10.00.D.4 Approval from Appropriate Authority

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

Section 10.00.D.5 Safety and Welfare

The Mobile Home Park will provide a Tornado Shelter/Safe Room in a central location within the Mobile Home Park, according to Safe Room Standards of the Federal Emergency Management Agency (FEMA), and shall provide a centralized emergency warning system.

Section 10.00.D.6 Buffering

Landscaping and buffering shall meet the requirements of Article 22: Landscaping and Buffering of this resolution. Construction of buffering must be completed within one year of development of a Mobile Home Park.

Section 10.00.E Severe Weather/Tornado Shelters and Warning Systems

Section 10.00.E.1 Purpose

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

Section 10.00.E.2 Applicability

This chapter and subsequent sections shall apply to any mobile home park and manufactured home park of ten (10) acres or more where dwelling units do not contain a below-grade living space that may be used as shelter in the event of severe weather.

Section 10.00.E.3 Performance Criteria

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

structures shall be constructed to American With Disabilities Act (ADA) Standards For Accessible Design and shall be certified as such.

Section 10.00.E.4 Emergency Management Considerations for Shelters

Section 10.00.E.4.a Shelter Refuge Plan

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

Section 10.00.E.4.b Safety Equipment Required

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

Section 10.00.E.4.b.1 Fire extinguisher surface mounted on the shelter wall near each entrance door. In no case shall a fire extinguisher cabinet or enclosure be recessed into interior face of the exterior wall of the shelter;

Section 10.00.E.4.b.2 Flashlights with continuously charging batteries. Minimum of one per five (5) dwelling units within the park;

Section 10.00.E.4.b.3 First-aid kit rated for the shelter occupancy;

Section 10.00.E.4.b.4 Drinking water in sufficient quantity to meet the drinking needs of the shelter rated occupancy for eight (8) hours;

Section 10.00.E.4.b.5 A NOAA weather radio with continuously charging batteries;

Section 10.00.E.4.b.6 The shelter must contain a continuously charged battery-powered radio transmitter(s) or a signal emitting device to signal the location of the shelter to local emergency personnel should occupants in the shelter become trapped due to debris blocking the shelter access door.

Section 10.00.E.4.c Identification of Shelter

The following placards and identification shall be installed:

Section 10.00.E.4.c.1 Any door providing access to the shelter shall have a permanently mounted placard measuring 30" X 30" with yellow background and reflective lettering and/or graphic(s), identifying the shelter as a Tornado and Severe Weather Shelter mounted next to it on the wall opposite the hinged side of the door, or if double door so as the placard is visible while the door(s) is open or closed.

Section 10.00.E.4.c.2 A placard shall be permanently mounted on the inside of the shelter adjacent to the any door allowing access to the shelter instructing occupants of the shelter on how to properly secure the shelter door(s).

Section 10.00.E.4.d Additional Requirements for Below-Grade Shelters

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

Section 10.00.E.4.d.1 Multi-Hazard Mitigation Issues

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

Section 10.00.E.5 Warning System

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

Section 10.00.E.5a.1

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

Section 10.00.E.5a.2

Only sirens that are approved by the Licking County Emergency Management Agency may be utilized.

Section 10.00.E.5a.3

Only sirens and transmitters with battery backups may be utilized.

Section 10.00.E.5b Coverage

The warning siren must produce enough sound to overcome attenuation with distance, to exceed the background noise, and to attract attention of those within and at the farthest reaches of the development.

Section 10.00.E.6 Obtaining Necessary Permits

Section 10.00.E.6.a Prior to beginning construction of the storm shelter, all necessary state and local building and other permits shall be obtained and clearly posted on the job site.

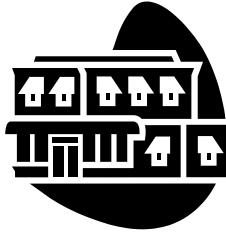
Section 10.00.E.6.b No zoning permit shall be issued for any dwelling in the Mobile Home Park or Manufactured Home Park until said storm shelter and warning system are constructed, operational, and approved by the appropriate permitting authorities.

Section 10.00.E.07 Warning and Disclaimer of Responsibility

The minimum degree of protection and provision of a warning system as required by this resolution is considered reasonable for regulatory proposes. This resolution does not imply or guarantee the safety of those living within a manufactured home park. This resolution shall not create liability on the part of

Union Township, Licking County, or any officer or employee thereof for any loss of life or damages that result from reliance of this article or any administrative decision lawfully made there under.

ARTICLE 11 ~ BUSINESS/COMMERICAL DISTRICTS



Section 11.00 Professional – Research – Office District (PRO)

Section 11.01 Local Business District (LB)

Section 11.02 General Business District (GB)

Section 11.03 Interstate Business District (IB)

Section 11.04 Sports And Entertainment District (SE)

Section 11.00 Professional – Research – Office District (PRO)

Section 11.00.A Purpose

The purpose of the PRO District is to encourage the establishment of groups of professional, research, executive, administrative, accounting, clerical, stenographic, and similar uses. Research uses shall not involve heavy testing operations of any kind. Because such uses are generally large generators of traffic, this district must abut upon an arterial or collector thoroughfare as specified in the County Major Thoroughfare Plan. The PRO District is also designed to act as a buffer between other more intense non-residential uses and high density residential uses, and is thus a transitional use.

Section 11.00.B Permitted Uses

Section 11.00.B.01 Doctor's Park, Office, or Clinic;

Section 11.00.B.02 Child Care/Daycare Center, Daycare Facility - Adult, Daycare Facility – Child;

Section 11.00.B.03 Vision and Hearing clinic;

Section 11.00.B.04 Dental Offices and Clinic;

Section 11.00.B.05 Law Office;

Section 11.00.B.06 Insurance and Real Estate Office;

Section 11.00.B.07 Planning, Architect, or Engineering Office;

Section 11.00.B.08 Bank and Financial Institution;

Section 11.00.B.09 Utility Company (office only, not to include storage, maintenance yards, or parking of service fleets);

Section 11.00.B.10 Research Laboratory; Research Activities;

Section 11.00.B.11 Government Building;

Section 11.00.B.12 Data Processing Center;

Section 11.00.B.13 Veterinary Clinic and Office.

Section 11.00.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the

proposed use is consistent with those general standards outlined in Section 4.21: General Standards Applicable to All Conditional Uses and Section 4.22: Specific Criteria for Conditional Uses of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 11.00.C.01 Nursing homes;

Section 11.00.C.02 Hospital.

Section 11.00.D General Requirements of the PRO District

Section 11.00.D.01 Height Limit

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

Section 11.00.D.02 Lot Area, Width and Depth

Every lot shall have a minimum width of 200 feet throughout the lot and a minimum lot area of not less than one acre (43,560 square feet), unless public utility supplies of water and sewer utilities are available to provide service. Additionally, every lot 1.000 to 4.999 acres shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of "front yard setback"). All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

Section 11.00.D.2.a Permitted Reduction If Public Water and Wastewater Services are Available

If public water and wastewater services are available to the use permitted or conditionally permitted under Section 12.00, the minimum lot area may be reduced to not less than 21,780 square feet and the minimum lot width may be reduced to not less than 130 feet throughout the lot.

Section 11.00.D.2.b All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

Section 11.00.D.3 Setbacks

Section 11.00.D.3.a Front Yard

There shall be a front yard of not less than fifty (50) feet in depth. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 11.00.D.3.b Side Yard

There shall be side yards with a combined total of no less than forty (40) feet, with no one yard being less than fifteen (15) feet.

Section 11.00.D.3.c Rear Yard

There shall be a rear yard of not less than fifty (50) feet in depth.

Section 11.00.D.04 Structure Bulk

Structures shall have a minimum area of habitable space by outside dimensions, exclusive of porches, garages, basements, and mechanical areas, of 1,600 square feet.

Section 11.00.D.05 Parking Requirements

Parking requirements shall be as regulated in Article 20 of these regulations.

Section 11.00.D.06 Signs

Signs shall be as regulated in Article 21 of these regulations.

Section 11.01 Local Business District (LB)

Section 11.01.A Purpose

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

Section 11.01.B Permitted Uses

Section 11.01.B.01 Church – Neighborhood;

Section 11.01.B.02 Education – Public School and Education – Private School;

Section 11.01.B.03 Child Care/Daycare Center, Daycare Facility - Adult, Daycare Facility – Child;

Section 11.01.B.04 Public Park and Playground;

Section 11.01.B.05 Government Building;

Section 11.01.B.06 Funeral Home, Mortuary;

Section 11.01.B.07 Business – Local;

Section 11.01.B.08 Personal Services;

Section 11.01.B.09 Restaurant - Sit Down, Tavern;

Section 11.01.B.10 Bookstore;

Section 11.01.B.11 Nursery – Plant Materials, and/or Greenhouse – Commercial;

Section 11.01.B.12 Private Club;

Section 11.01.B.13 Accessory uses and structures.

Section 11.01.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 11.01.C.01 Hospital, clinic, daycare facility, nursing home;

Section 11.01.C.02 Public swimming pool.

Section 11.01.D General Requirements of the LB District

Section 11.01.D.01 Height Limit

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

Section 11.01.D.02 Lot Area, Width and Depth

Every lot shall have a minimum width of 200 feet throughout the lot and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easement of record. Additionally, every lot 1.000 to 4.999 acres shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of "front yard setback").

Section 11.01.D.03 Setbacks

Section 11.01.D.03.a Front Yard

There shall be a front yard of not less than fifty (50) feet in depth. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 11.01.D.03.b Side Yard

There shall be a side yard of not less than forty (40) feet.

Section 11.01.D.03.c Rear Yard

There shall be a rear yard of not less than fifty (50) feet.

Section 11.01.D.04 Structure Bulk

All structures shall be constructed on a permanent foundation and have a minimum area of habitable space by outside dimensions, exclusive of porches, garages, basements, and mechanical areas, of 1,600 square feet.

Section 11.01.D.05 Parking Requirements

Parking requirements shall be as regulated in **Article 20** of these regulations.

Section 11.01.D.06 Signs

Signs shall be as regulated in **Article 21** of these regulations.

Section 11.02 General Business District (GB)

Section 11.02.A Purpose

The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space users, and the customers using such facilities generally do not make frequent purchases. GB Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan.

Section 11.02.B Permitted Uses

Section 11.02.B.01 All permitted uses as specified in the Local Business (LB) District and Professional Research Office (PRO) District;

Section 11.02.B.02 Automobile Parts/Supply Retail, Automobile Dealership/Sales, Automotive Service Station, Automobile Storage, Automobile Repair/Service (Indoor Only), Automobile Sales Lot;

Section 11.02.B.03 Motor vehicle service station; Motor Vehicle Body Shop (Indoor Only), Motor Vehicle Dealership, Motor Vehicle General Repair and Service (Indoor Only);

Section 11.02.B.04 Gas Station, Gas Station – Mini Market, Garage – Service Station;

Section 11.02.B.05 Farm Implement Dealer, Farm Implement Sales;

Section 11.02.B.06 Bakery Retail;

Section 11.02.B.07 Tavern, Bar, Restaurant – Sit Down, Restaurant – Carry Out, Restaurant - Entertainment;

Section 11.02.B.08 Retail Store/Business, Chain Store, Convenience Store;

Section 11.02.B.09 Home Improvement Center; Lumber Yard (within a fenced enclosure of sufficient height as to shield from view any inventory or storage devices [shelves, racks, and the like] with 100% opacity);

Section 11.02.B.10 Print Shop Establishment;

Section 11.02.B.11 Hotel or Motel;

Section 11.02.B.12 Trade or commercial schools;

Section 11.02.B.13 Public garages;

Section 11.02.B.14 Boarding houses;

Section 11.02.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 11.02.C.01 Veterinary hospital clinic, kennel and/or cattery;

Section 11.02.C.02 Watercraft and/or recreational vehicle storage/sales;

Section 11.02.C.03 Radio or television broadcasting station and towers, (applies to commercial stations and equipment only);

Section 11.02.C.04 Airports/heliports (private and governmental);

Section 11.02.C.05 Private recreational camps;

Section 11.02.C.06 Entertainment – Commercial Indoor, Recreation Facilities (excluding motor cross, dirt bike tracks, amusement parks, and stadiums); **this does not permit Sports Stadium Indoor or Sports Stadium Outdoor.**

Section 11.02.C.07 Self Service Storage Facility within an enclosed structure. Outdoor storage is not permitted.

Section 11.02.C.08 Animal Shelter/Humane Society/Kennel-Commercial (Provided it complies with the standards in **Section 4.21: General Standards Applicable to all Conditional Uses** and **Section 4.22.F: Animal Shelter/Humane Society/Kennel, Commercial Conditions.**)

Section 11.02.D General Requirements of the GB District

Section 11.02.D.01 Height Limit

No building shall be erected or enlarged to exceed two and one half (2 1/2) stories, or thirty-five (35) feet.

Section 11.02.D.02 Lot Area, Width and Depth

Every lot shall have a minimum width of 200 feet throughout the lot and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easement of record.

Additionally, every lot 1.000 to 4.999 acres shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of “front yard setback”).

Section 112.02.D.03 Setbacks

Section 11.02.D.03.a Front Yard

There shall be a front yard of not less than fifty (50) feet in depth. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 11.02.D.03.b Side Yard

There shall be a side yard of not less than forty (40) feet.

Section 12.02.D.03.c Rear Yard

There shall be a rear yard of not less than fifty (50) feet.

Section 11.02.D.04 Structure Bulk

All structures shall be constructed on a permanent foundation and have a minimum area of habitable space by outside dimensions, exclusive of porches, garages, basements, and mechanical areas of 1600 square feet.

Section 11.02.D.05 Parking Requirements

Parking requirements shall be as regulated in **Article 20** of these regulations.

Section 11.02.D.06 Signs

Signs shall be as regulated in **Article 21** of these regulations.

Section 11.03 Interstate Business District (IB)

Section 11.03.A Purpose

The purpose of the IB District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to serve the motoring public. IB Districts are generally associated with interchange areas along the major limited access highways. In Union Township, Interstate 70 is the major limited access highway traversing the township.

Section 11.03.B Permitted Uses

Section 11.03.B.01 All permitted uses in the Professional Research Office (PRO) District, Local Business (LB) District and General Business (GB) District.

Section 11.03.B.02 Truck stop with or without restaurant and truck service and/or repair;

Section 11.03.B.03 Restaurant – Drive In, Restaurant – Drive Thru/Fast Food;

Section 11.03.B.04 Gift shops;

Section 11.03.B.05 Car Wash – Self Serve, Car Wash – Industrial;

Section 11.03.B.06 Farm Open Air Market.

Section 11.03.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 11.03.C.01 Public garages;

Section 11.03.C.02 Watercraft and/or recreational vehicle sales and/or service;

Section 11.03.C.03 Manufactured home, recreational vehicle, sales and/or service lots;

Section 11.03.C.04 Business, Service.

Section 11.03.D General Requirements of the IB District

Section 11.03.D.01 Height Limit

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

Section 11.03.D.02 Lot Area, Width and Depth

Every lot shall have a minimum width of 200 feet throughout the lot and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easement of record.

Additionally, every lot 1.000 to 4.999 acres shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of "front yard setback").

Section 11.03.D.02.a Permitted Reduction If Public Water and Wastewater Services Are Available

If public water and wastewater services are available to the use permitted or conditionally permitted under Section 12.03, the minimum lot area may be reduced to not less than 21,780 square feet and the minimum lot width may be reduced to not less than 130 feet throughout the lot.

Section 11.03.D.02.b Lot Measurements

All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

Section 11.03.D.03 Setbacks

Section 11.03.D.03.a Front Yard

There shall be a front yard of not less than fifty (50) feet in depth. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 11.03.D.03.b Side Yard

There shall be a side yard of not less than thirty (30) feet.

Section 11.03.D.03.c Rear Yard

There shall be a rear yard of not less than fifty (50) feet.

Section 11.03.D.04 Structure Bulk

All structures shall be constructed on a permanent foundation and have a minimum area of habitable space by outside dimensions, exclusive of porches, garages, basements, and mechanical areas of 1600 square feet.

Section 11.03.D.05 Parking Requirements

Parking requirements shall be as regulated in Article 20 of these regulations.

Section 11.03.D.06 Signs

Signs shall be as regulated in Article 21 of these regulations.

Section 11.04 Sports and Entertainment District (SE)

Section 11.04.A Purpose

The purpose of the Sports and Entertainment District is to provide an area for large venue sports and entertainment land uses. Said land uses generally attract large crowds and have large volumes of traffic from a regional area, and require large facilities. Therefore, said land uses shall be located along arterial roadways that are improved or may be improved by the developer, using preferred access management tools, to handle the increase demands caused by the land use. Additionally, said land uses shall be located in areas where the ground water can support the land use and not adversely impact the supply to surrounding land uses.

Section 11.04.B Permitted Uses

Section 11.04.B.1 Active Recreation

Section 11.04.B.2 Indoor Concert Venue

Section 11.04.B.3 Motor Vehicle Racing Track

Section 11.04.B.4 Sports Stadium Indoor

Section 11.04.B.5 Sports Stadium Outdoor

Section 11.04.C: Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in Section 4.21: **General Standards Applicable to All Conditional Uses** and Section 4.22: **Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 11.04.C.1 Dirt Track (Provided it complies with Section 4.21: General Standards Applicable to All Conditional Uses and Section 4.22: Specific Criteria For Conditional Uses.)

Section 11.04.D: Prohibited Uses

Section 11.04.D.1 Outdoor Concert Facilities

Section 11.04.E Minimum Lot Standards

Section 11.04.E.1 Outdoor Land Uses

Section 11.04.E.1.a Minimum Lot Area: 200 acres

Section 11.04.E.1.b Minimum Lot Width: 2,000 feet

Section 11.04.E.1.c Yard Setbacks

Section 11.04.E.1.c.i Front: 100'

Section 11.04.E.1.c.ii Side: 200'

Section 11.04.E.1.c.iii Rear: 200'

Section 11.04.E.1.d Residential Zoning District and/or Use Setback

The yard setback from any lot zoned and/or used for residential use shall be 1000' from any lot line of said lot zoned and/or used for residential use. Any sport entertainment district that is proposed to be part of a mixed use, urban development is encouraged to utilize a planned unit development zoning tool. This will allow for pedestrian-oriented development with mixed land uses and varied setbacks.

Section 11.04.E.2 Indoor Land Uses

Section 11.04.E.2.a Minimum Lot Area: 50 acres

Section 11.04.E.2.b Minimum Lot Width: 500 feet

Section 11.04.E.2.c Yard Setbacks

Section 11.04.E.2.c.i Front: 75 feet

Section 11.04.E.2.c.ii Side: 75 feet

Section 11.04.E.2.c.iii Rear: 75 feet

Section 11.04.E.2.d The yard setback from any lot zoned and/or used for residential use shall be 500' from any lot line of said lot zoned and/or used for residential use. Any sport entertainment district that is proposed to be part of a mixed use, urban development is encouraged to utilize a planned unit development zoning tool. This will allow for pedestrian-oriented development with mixed land uses and varied setbacks.

Section 11.04.F Landscaping and Buffering

See Article 21: Landscaping and Buffering. In addition to the standards within Article 21, any stadium shall provide a 50-foot landscape buffer along the entire lot line of any stadium land use and any adjoining lot zoned for or used for residential land use. The entire fifty-foot buffer shall be planted with a combination of evergreen and deciduous trees to create a 100% year round opacity to muffle noise, and to provide a barrier from dust and debris that may blow from the playing surfaces and parking areas of the stadium.

Section 11.04.G Parking

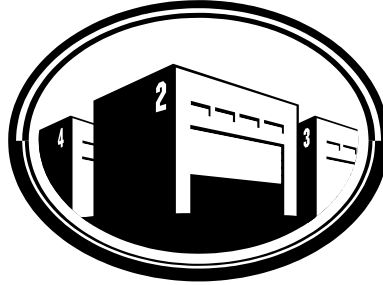
See Article 19: Off-Street Parking and Loading Facilities. All parking shall be on-site, upon property owned by the sport or entertainment business. The required number of parking spaces shall be one space for every four seats, one space for every six (6) lineal feet of bench seating, or if no fixed seating is provided, then one space for every four persons of

maximum capacity for the facility. All parking and parking lots shall be designed to allow motor vehicles to clear the public road right-of-way prior to waiting to pay to park, or to park. This may require the construction of long access driveways to allow vehicles to stack and wait till they may park. At no time shall vehicles be parked on a public road or road right-of-way or stopped on the public road waiting to turn into the sport or entertainment facility.

Section 11.04.H Lighting

See Section 16.24: Glare and Appendix A: Definitions. All outdoor lighting fixtures shall be fully shielded light fixtures. The exception to this requirement is the playing field and/or when due to player safety, the lighting fixtures must have a location, intensity, quantity, height, shielding and aim to allow for safe use of the playing field. All stadium lighting shall be turned off no later than 11 p.m., including parking and pedestrian areas. This means said events shall close in a timely manner to allow all patrons to vacate the site prior to the lights being turned off.

ARTICLE 12 ~ MANUFACTURING DISTRICTS



Section 12.00 **Light Manufacturing District (M-1)**

Section 12.01 **Heavy Manufacturing District (M-2)**

Section 12.00 Light Manufacturing District (M-1)

Section 12.00.A Purpose

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments, which focus on production of a finished product rather than raw good manufacturing and are clean, quiet, and free of hazardous or objectionable elements which would create a nuisance or are hazardous such as noise, vibration, gas, fumes, odor, dust, smoke, or glare; fire hazard, dangerous radiation or other injurious or obnoxious conditions; shall operate entirely within enclosed structures and generate minimum industrial traffic. This district is further designed to act as a transitional use between general manufacturing uses and other less intense business and residential uses.

Section 12.00.B Permitted Uses

Section 12.00.B.1 Agriculture/Agriculture Production;

Section 12.00.B.2 Public park and playground;

Section 12.00.B.3 Nursery – Plant Materials, Greenhouse – Commercial;

Section 12.00.B.4 Clothing goods, apparel, and accessories involving no on-site tanning or dyeing;

Section 12.00.B.5 Canning and preserving fruits and vegetables;

Section 12.00.B.6 Bakery – Wholesale;

Section 12.00.B.7 Candy and other confectionery products processing;

Section 12.00.B.8 Fur goods manufacturing and/or personal leather goods manufacturing involving no on-site tanning or dyeing;

Section 12.00.B.9 Publishing and/or printing of periodicals, newspapers, greeting cards and books;

Section 12.00.B.10 Commercial printing;

Section 12.00.B.11 Book binding and related industries;

Section 12.00.B.12 Glass products manufacturing, made of purchased glass;

Section 12.00.B.13 Cleaning, dyeing, and similar services;

Section 12.00.B.14 Machinery, office equipment, and furniture manufacturing;

Section 12.00.B.15 Utility facilities;

Section 12.00.B.16 Electronic components, computers, accessories, and communication equipment manufacturing;

Section 12.00.B.17 Engineering, laboratory, scientific and research instruments and associated equipment manufacturing;

Section 12.00.B.18 Surgical, medical, optical, and dental instruments and supplies manufacturing;

Section 12.00.B.19 Watches, clocks, clockwork operated devices and parts manufacturing;

Section 12.00.B.20 Photographic equipment and supplies manufacturing;

Section 12.00.B.21 Sign manufacturing;

Section 12.00.B.22 Non-metallic goods manufacturing;

Section 12.00.B.23 Household appliances manufacturing.

Section 12.00.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 12.00.C.1 Metal Can and Container Manufacturing;

Section 12.00.C.2 Lumber Yard;

Section 12.00.C.3 Outdoor Storage of Machinery and materials within a enclosed eight (8) foot fence;

Section 12.00.C.4 Building materials (general retail);

Section 12.00.C.5 Warehouse; Business Wholesale;

Section 12.00.C.6 General warehousing (excluding combustible, toxic, or explosive materials);

Section 12.00.C.7 Sheet Metal work;

Section 12.00.C.8 Machine shops, jobbing, and repair;

Section 12.00.C.9 Household appliance manufacturing;

Section 12.00.C.10 Electric lighting and wiring manufacturing;

Section 12.00.C.11 Miscellaneous electrical machinery, equipment, and supplies;

Section 12.00.C.12 Musical instruments and parts;

Section 12.00.C.13 Toys, amusements, sporting and athletic goods;

Section 12.00.C.14 Pens, pencils, and other office and artist material;

Section 12.00.C.15 Farm equipment manufacturing;

Section 12.00.C.16 Beverage industries.

Section 12.00.C.17 Animal Shelter/Humane Society/Kennel-Commercial (Provided it complies with the standards in Section 4.21: General Standards Applicable to all Conditional Uses and Section 4.22.F: Animal Shelter/Humane Society/Kennel, Commercial Conditions.)

Section 12.00.D General Requirements of the M-I District

Section 12.00.D.1 Height Limit

No building shall be erected or enlarged to exceed two and one half (2 1/2) stories or 35 feet; or 65 feet for an unoccupied structure.

Section 12.00.D.2 Lot Area, Width and Depth

Every lot shall have a minimum width of 200 feet throughout and a minimum lot area of not less than two (2) acres (87,120 square feet) in area, exclusive of road right-of-way, and shall be in addition to any easements of record. Additionally, every lot 2.000 to 4.999 acres shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of "front yard setback").

Section 12.00.D.3 Setbacks

Section 12.00.D.3.a Front Yard

There shall be a front yard of not less than fifty (50) feet. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance.

Section 12.00.D.3.b Side Yard

There shall be a side yard of not less than forty (40) feet.

Section 12.00.D.3.d Rear Yard

There shall be a rear yard of not less than fifty (50) feet.

Section 12.00.D.4 Structure Bulk

All structures shall be constructed on a permanent foundation and have a minimum area of habitable space by outside dimensions, exclusive of garages and mechanical areas, of 1,600 square feet.

Section 12.00.D.4 Parking Requirements

Parking requirements shall be as regulated in **Article 20** of these regulations.

Section 12.00.D.5 Signs

Signs shall be as regulated in **Article 21** of these regulations.

Section 12.01 Heavy Manufacturing District (M-2)

Section 12.01.A Purpose

The purpose of the M-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares; they may have extensive open storage and service areas, generate heavy traffic but shall be prohibited if they create nuisances beyond the limitations set up by this resolution. Mining, processing, and storage are within this district.

Section 12.01.B Permitted Uses

Section 12.01.B.1 Agriculture/Agriculture Production;

Section 12.01.B.2 Chemical related manufacturing;

Section 12.01.B.3 Metal, ore, and coal mining;

Section 12.01.B.4 Petroleum and natural gas extraction and refining;

Section 12.01.B.5 Mining services;

Section 12.01.B.6 Bulk storage.

Section 12.01.C Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5 and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general standards outlined in **Section 4.21: General Standards Applicable to All Conditional Uses** and **Section 4.22: Specific Criteria for Conditional Uses** of this resolution, or other conditions as required by the Board of Zoning Appeals, or as noted in the following descriptions:

Section 12.01.C.1 Physically undesirable or odorous manufacturing processes;

Section 12.01.C.2 Open undesirable uses;

Section 12.01.C.3 Concrete/Asphalt facilities;

Section 12.01.C.4 Gravel supply yards;

Section 12.01.C.5 Vehicle storage, impound lot and salvage lot, provided they are completely surrounded by an eight (8) eight foot high fence with 95% opacity, and landscape buffer as required in Article 21;

Section 12.01.C.6 Public park and playground.

Section 12.01.D General Requirements of the M-2 District

Section 12.01.D.1 Height Limit

No building shall be erected or enlarged to exceed three stories or forty (40) feet, or sixty-five (65) feet for an unoccupied structure.

Section 12.01.D.2 Lot Area, Width and Depth

Every lot shall have a minimum width of 500 feet throughout the lot and a minimum lot area of not less than two (2) acres (87,120 square feet), exclusive of road right-of way, and shall be in addition to any easements of record. Additionally, every lot 2.000 to 4.999 acres shall not exceed a maximum depth-to-width ratio of 3:1. The depth-to-width ratio is measured from the front yard setback (see definition of "front yard setback").

Section 12.01.D.2 Setbacks

Section 12.01.D.2.a Front Yard

There shall be a front yard of not less than 100' feet in depth. Measurements shall be made from the road right-of-way or thirty (30) feet from the centerline of the road, whichever is a greater distance from the centerline.

Section 12.01.D.2.b Side Yard

There shall be a side yard of not less than 100 feet.

Section 12.01.D.2.c Rear Yard

There shall be a rear yard of not less than 100 feet.

Section 12.01.D.3 Screening

Heavy industrial districts shall employ proper screening methods when such zoned districts abut any different zoning classification. Such screening shall be a landscaped strip of land not less than twenty (20) feet in width, planted with evergreen shrubs not less than six (6) feet in height at the time of planting, no greater than nine (9) feet between planting from tree trunk to tree trunk and earth mounds. Said screening shall not obscure traffic visibility within fifty (50) feet of an intersection and provide 100% year round visual buffer from the ground elevation to a height of nine (9) feet.

Section 12.01.D.4 Structure Bulk

All structures shall be constructed on a permanent foundation and have a minimum area of habitable space by outside dimensions, exclusive of garages and mechanical areas, of 1,600 square feet.

Section 12.01.D.6 Parking Requirements

Parking requirements shall be as regulated in Article 20 of these regulations.

Section 12.01.D.7 Signs

Signs shall be as regulated in Article 21 of these regulations.

ARTICLE 13 ~ OVERLAY DISTRICTS



Section 13.00

Flood Plain Overlay District (FP)

Section 13.01

Transportation Corridor Overlay District (TC)

Section 13.02

Airport Hazard Zone Overlay District (AHZ)

Section 13.00 Flood Plain Overlay District (FP)

Section 13.00.A Purpose

It is the purpose of this overlay district to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of floodwaters in Union Township. This overlay district restricts or prohibits uses that are dangerous to the health of the public and the safety of property in times of flooding, or uses which cause excessive increases in flood height or velocities. It requires that uses vulnerable to floods be protected from flood damage at the time of initial construction, and controls the filling, grading, dredging, and other development in this area that may increase flood damage. In addition, it restricts the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Section 13.00.B Finding of Fact

The flood hazard areas of Union Township are subject to period inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by:

Section 13.00.B.1 The cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.

Section 13.00.B.2 The occupancy of flood hazard areas by uses vulnerable to floods that are not adequately elevated or protected from flood damage.

Section 13.00.C Applicable Lands

This section shall apply to all lands within the township boundaries shown on the Official Zoning Map within the boundaries of the 100 year floodplains identified by the Federal Emergency Management Agency on the FIRM and Floodway Map Nos. 390328-0025B and 390328-0100B, dated Dec. 1, 1983, and any revision thereto as adopted by reference and declared to be a part of this resolution. Overlay District Designation:

Section 13.00.C.1

The areas of 100-year floodplain identified on the Official Zoning Map shall be shown as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

Section 13.00.C.2

Those areas within the Flood Plain Overlay District designated as floodplain on the Official Zoning Map shall be subject to all the requirements of the Flood Plain Overlay District, as well as those specific sections that address the floodplain.

Section 13.00.C.3

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning Map. The underlying zoning district, as shown on the Official Zoning Map, shall hereafter be called the base district. The base district shall determine uses and minimum requirements. However, if the provisions and requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this article shall supersede those of the base district.

Section 13.00.D Interpretation of Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District or the 100-year floodplain, those boundaries shall be interpreted to be the boundaries of the 100-year floodplain as shown on the Flood Insurance Maps and Floodway Map Nos. 390328-0025B and 390328-0100B, dated Dec. 1, 1983, and any revisions thereto. Disagreement as to boundaries of the flood hazard areas will be resolved by the procedures outlined in the Licking County Flood Damage Regulations, and not the Union Township Board of Zoning Appeals.

Section 13.00.E Warning and Disclaimer of Responsibility

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This resolution does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damages. This resolution shall not create liability on the part of Union Township, Licking County, or any officer or employee thereof for any flood damages that result from reliance of this article or any administrative decision lawfully made there under.

Section 13.00.F Compliance

Unless specifically exempted as stated in Section 4.2 of the Licking County Flood Damage Prevention Regulations, no structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable Resolutions or resolutions of Union Township and Licking County.

Section 13.00.G Abrogation

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 13.00.H Flood Plain Development Permit

Section 13.00.H.1

A flood plain development permit shall be obtained before the start of construction or development of land in the Flood Plain Overlay District. This permit shall be in addition to the zoning permit required in Section 300 of this resolution. Application for a flood plain development permit shall be made to the Licking County Planning Commission's Flood Plain Administrator, 20 South Second Street, Newark, Ohio 43055, (740) 670-5200. This permit will be applied for and approved by the Flood Plain Administrator of the Licking County Planning Commission prior to the zoning permit being applied for and approved. The Zoning Inspector must receive a copy of the flood plain development permit before the zoning permit is issued.

Section 13.00.H.2

All structures or uses to be located in the Flood Plain Overlay District shall comply with the requirements of the Union Township Zoning Resolution and the Licking County Flood Damage Prevention Regulations and any amendment or revisions.

Section 13.01 Transportation Corridor Overlay District (TC)

Section 13.01.A Purpose

The purpose of the Transportation Corridor Overlay District is to provide overlay requirements to ensure that existing and anticipated corridor land uses and traffic improvements within the district will be developed in a manner that protects the health and safety of the residents of Union Township. The importance of maintaining traffic flow and accessibility so as to reduce potential traffic hazards, encourage compatible land uses, better comply with the Clean Air Act Amendment of 1990, and to protect property values requires that special emphasis on traffic planning and frontage treatment be achieved through the use of an overlay district. The TC Overlay District shall also require uniform signage, adequate screening, and landscaping in an effort to establish visual harmony and promote aesthetic design in development within the district.

Section 13.01.B Jurisdictional Boundaries

The Transportation Overlay District is defined as all land that has frontage on or access through an easement or driveway to:

- Interstate 70 (I-70)
- National Road (U.S 40)
- Hebron Road (S.R. 79)
- Lancaster Road (S.R. 37)
- Thornwood Drive

Section 13.01.C Permitted Uses

Any permitted use allowed in the underlying zoning district, except where the requirements of this section are in conflict with the permitted uses or regulations of the underlying zoning district, the regulations set forth in this section shall control.

Section 13.01.C.1 Design Standards

Section 13.01.C.1.a Traffic Safety Measures

One or more of the following traffic safety measures shall be required in an effort to aid access and traffic management:

Section 13.01.C.1.a-1 Access Road/Driveway Requirements

Access roads, provided that they meet state and federal regulations and are designed for one-way traffic or setback to create double frontage lots, shall be utilized, when possible, to service commercial development located along the corridor. Such roads will help prevent traffic interruptions on the thoroughfare.

Section 13.01.C.1.a-2 Left Turn Lanes

Left turn lanes, which provide stacking lanes for those cars preparing to turn left, shall be utilized when possible in an effort to prevent traffic slowdown and traffic hazards.

Section 13.01.C.1.a-3 Acceleration/Deceleration Lanes (right-turn lanes)

The use of acceleration/deceleration lanes (right-turn lanes) shall be utilized whenever possible to help prevent traffic slowdown and general interruptions, thereby avoiding potential traffic hazards.

Section 13.01.C.1.a-4 Driveway Spacing

Access points along arterial highways shall be separated by a minimum distance of 550 feet (from edge to edge of driveway cuts) along U.S.40, S.R. 37, and S.R. 79, and shall be adjusted accordingly for other roads included in the TC Overlay District based on their given speed limits by the American Association of State Highway Transportation Officials (AASHTO). They must also meet the requirements of Article 8: Congestion Prevention in the Licking County Subdivision Regulations.

Section 13.01.C.1.a-5 Access Roads/Points of Access off Major Thoroughfare

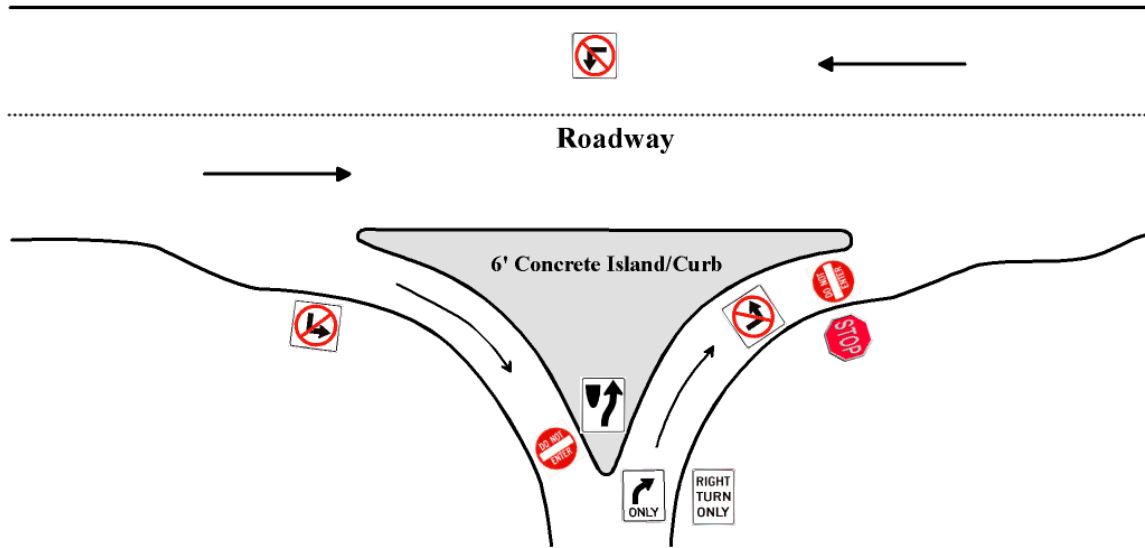
The utilization of access roads and alternative points of access from the major thoroughfare shall be utilized when possible to help prevent traffic slowdown and interruptions along the corridor, thus preventing traffic hazards.

Section 13.01.C.1.a-6 Right-in/ Right-out only turns

Points of access that allow only right-in/right-out access to major thoroughfares shall be utilized in an effort to prevent traffic slowdown and additional points of traffic conflicts.

Figure -1

RIGHT IN-RIGHT OUT DETAIL



Section 13.01.C.1.b Setback Requirements

All new structures and accessory structures must be set back 115 feet from the edge of current right-of-way line of the designated corridor highway or road.

Section 13.01.C.1.c Loading Areas

Commercial loading areas shall be located to the rear of buildings and screened from adjacent uses.

Section 13.01.C.1.d Storage Areas

Storage areas and trash storage receptacles shall be enclosed by structures or opaque fences and be located to the rear of the building.

Section 13.01.C.1.e Utility and Transmission Lines

New or upgraded utility and transmission lines located within the corridor overlay district (including those located along the rear property line) shall be located underground and be designed and located in such a manner that they will have minimum adverse visual and physical impact on the natural or rural character of the roadside.

Section 13.01.C.1.f Pedestrian Access

Sidewalks shall be provided where pedestrian traffic between sites is expected and shall be designed to minimize conflict with automobiles. Where central sewer systems are required, sidewalks shall be required on both sides

of all streets within the development and along the adjacent side of all existing roadways that abut or pass through the site. Where sidewalks are required, these sidewalks shall be constructed to the American With Disabilities Act (ADA) standards for accessibility. In areas of high pedestrian traffic, such as within one (1) mile of a school, major park, playground, shopping center, transportation hub, or community facility (measured from the nearest point of the proposed development to the nearest point of the place of pedestrian activity), sidewalks shall be required.

Section 13.01.C.1.g Corridor Landscaping/Buffers/Screening

Section 13.01.C.1.g.1 Parking

All parking areas constructed within the Transportation Corridor (TC) shall, in addition to these requirements, meet those requirements specified in Article 19: Off Street Parking and Loading Facilities and Article 20: Landscaping and Buffering of this Resolution. When there are conflicting requirements, the stricter requirement shall apply.

Section 13.01.C.1.g.2 Landscaping/ Design Requirements

Section 13.01.C.1.g.2.a Distance between parking area and building

A minimum distance of eight (8) feet shall be maintained between any building, including any walkway immediately adjacent thereto, and the parking area. This space is to be reserved for plant material, either existing or planned (see article 21).

Section 13.01.C.1.g.2.b Interior plantings

In addition to all other requirements, all commercial, business, institutional, or industrial parking areas for more than twenty (20) vehicles (excluding parking structures) shall provide and maintain a minimum of a 300 square foot planting area with minimum dimensions of seven (7) feet for every eight (8) parking spaces (including handicapped spaces) located within the parking area. Planting areas shall:

Section 13.01.C.1.g.2.b.1 Contain at least two (2) "shade trees" that are at least eight (8) feet in height and six (6) inches and 1/4 inches in circumference (two [2] inches in diameter) measured at 1/2 feet above grade for new planted trees and measured at four (4) 1/2 feet above grade for existing trees. ("Shade trees" as used herein to mean any tree, evergreen, or deciduous, whose mature height of its species can be expected to exceed thirty-five [35] feet and which has an expected crown spread of thirty [30] feet or more, or is considered a

shade tree in accordance with the American Association of Nurserymen.)

Section 13.01.C.1.g.2.b.2 Contain ground covering sufficient to cover otherwise exposed planting surface so that soil erosion will be minimized.

Section 13.01.C.1.g.2.b.3 Be located within the parking area as tree islands, at the end of parking bays, inside seven (7) foot wide or greater medians, between rows of cars, or as part of a continuous street or transitional protective yards. No vehicular parking space shall be separated from a shade tree by an intervening building and be located farther than fifty (50) feet from the tree trunk of a planting area. Landscaped planting areas shall be distributed in a uniform manner as to provide shade yet should also be positioned within the parking area in accordance with sound landscape design and parking lot circulation principles.

Section 13.01.C.1.g.2.C Berms

Earthen berms or sloped ground may be provided, substituted, or combined with the above buffer requirements. Any berms used to comply with this requirement shall have a minimum height of one and one half (1½) feet, a minimum crown width of two (2) feet, and a total minimum width of seven (7) feet, and shall be planted with a locally adapted species of shrubs, which conform to the spirit of [Section 1401.03.01G](#). However, shrubs may have a lesser height provided that the combined height of the berm and the plantings after three (3) years is at least thirty (30) inches (2.5 feet) high.

Section 13.01.C.1.g.3 Screening

Any area used for service yards, utility meters, above-ground tanks, and other such equipment shall be screened through landscaping (which could include a berm or a fence constructed of natural material if necessary) so that such facilities are not visible from the highway/road or neighboring properties and shall be located not less than ten (10) feet from the side and/or rear property lines.

Section 13.01.C.1.g.4 Signs

All signs shall meet those requirements specified in [Article 21](#) of this resolution in addition to the following standards:

Section 13.01.C.1.g.4.a Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering.

Section 13.01.C.1.g.4.b The various parts of a sign shall have the same name and message on all used faces.

Section 13.01.C.1.g.4.c Any multi-faced sign shall have the same name and same message on all used faces.

Section 13.01.C.1.g.4.d All signs shall be of standard geometric shapes.

Section 13.01.C.1.g.4.e All lighted signs shall be lit with capped, exterior white ground lights that have a steady, stationary light of reasonable intensity, and all direct light must be shielded from all adjacent streets and residential buildings.

Section 13.01.C.1.g.4.f All signs must be constructed of natural materials or material made to look natural.

Section 13.01.C.1.g.4.g All commercial, institutional, and industrial structures shall be limited to the following advertising signs:

Section 13.01.C.1.g.4.g.1 A wall sign, a projected swinging sign, awning or canopy sign with a total area of all such signs not to exceed eighty (80) square feet, not more than fifteen (15) feet in height, setback at least ten (10) feet from the road right-of-way.

Section 13.01.C.1.g.4.g.2 A ground sign, with a total area not to exceed thirty-two (32) square feet per side and not more than fifteen (15) feet in height, which shall be set back at least ten (10) feet from the road right-of-way.

Section 13.01.C.1.g.4.g.3 All signs must not interfere with safe-sight distance of motorists.

Section 13.01.C.1.g.5 Site Design Submittal Requirements

Before a zoning permit is issued in the TC District by the Union Township Zoning Inspector, the developer shall submit seven copies of the plans, drawn to an appropriate scale, to the Union Township Technical Review Committee as appointed by the Township Trustees (to be comprised of two [2] members from the Union Township Zoning Commission, two [2] members from the Union Township Zoning Board of Appeals, and the Chairperson of the Union Township Zoning Commission, with the Union Township Zoning Inspector in an advisory capacity for recommendations and approval). The Union Township Technical Review Committee may, at its discretion, request additional studies or outside assistance from the Licking County Planning

Commission Staff or others, at the expense of the developer, in its effort to review the development plan in an appropriate manner.

Section 13.01.C.1.g.5 Application Contents

Seven copies of the following plans shall be submitted by the developer to the Union Township TRC for review:

Section 13.01.C.1.g.5.a Site Plan

The Site Plan shall show the following:

Section 13.01.C.1.g.5.a.1 The boundaries and dimensions of the lot.

Section 13.01.C.1.g.5.a.2 The size and location of existing and proposed structures.

Section 13.01.C.1.g.5.a.3 The proposed use of all parts of the lot and structures.

Section 13.01.C.1.g.5.a.4 All reserve parcels and anticipated development phases.

Section 13.01.C.1.g.5.a.5 The use of land and location of structures on adjacent property.

Section 13.01.C.1.g.5.a.6 Existing tree stands that are six (6) inches in diameter located within the site.

Section 13.01.C.1.g.5.b Development Plan

The Development Plan shall show the following:

Section 13.01.C.1.g.5.b.1 Structures

All proposed structures shall be located, showing square footage for each structure, expected entrance(s), service, and pedestrian areas for the first phase of the development plan. Structures planned for subsequent phases shall be schematically indicated.

Section 13.01.C.1.g.5.b.2 Traffic Concept

All points of ingress and egress onto public roadways and the overall traffic distribution scheme shall be shown, indicating traffic flow patterns and traffic control points. The criteria must include one or more of the "Traffic Safety Measures" as described in **Section 1401.03.01A of this Resolution**.

Section 13.01.C.1.g.5.b.3 Parking Layout

A parking layout must be shown to include the following:

- Access points and expected movement for all transportation modes through and between separate parking lot areas;
- Expected pedestrian access routes from parking areas and bus stops to structures.

Section 13.01.C.1.g.5.C Landscaping

All proposed site landscaping, screening, and buffering shall be indicated as to type and size of material to be used, proposed locations, berming and other features in accordance with Section 1401.03.01G of this Resolution.

Section 13.01.C.1.g.5.d Proposed location and design of signs

Section 13.02 Airport Hazard Zone Overlay District (AHZ)

Section 13.02.A Purpose

It is the purpose of this article to promote the public health, safety, and general welfare by minimizing the hazards to life and property.

Section 13.02.B Applicable Lands

This section shall apply to all lands within the identified Airport Hazard Zones as prescribed by the Ohio Revised Code Chapter 4563 and the Newark-Heath Airport Airspace Zoning Resolution and depicted on the official Union Township Zoning Map.

Section 13.02.C Rationale/Objective

The Airport Hazard Zones are areas in which, due to the approach and takeoff of aircraft from the Newark-Heath Airport, the height of structures, objects, and objects of natural growth may pose a hazard to those utilizing the airport and to the property owner. Therefore, this resolution shall attempt to minimize these hazards by ensuring structures, objects, and objects of natural growth do not pose a hazard to those utilizing the Newark-Heath Airport and surrounding property owners.

Section 13.02.D Permit Requirements

No building, object of natural growth, or object, which is located in an identified Airport Hazard Zone Overlay District, as identified on the Union Township Zoning Map, shall be erected until a permit or letter stating "No permit required" is received from the Licking County Airport Zoning Commission (Licking County Planning Commission).

Section 13.02.E Enforcement

It shall be the duty of the Union Township Zoning Inspector to ensure that all structures and objects of natural growth comply with the height requirements of the Newark-Heath Airport Airspace Zoning Resolution. This shall be determined by the applicant obtaining a Newark-Heath Airport Airspace Zoning Permit or a letter from the Licking County Airport Zoning Commission (Licking County Planning Commission) stating that no permit is required and submitting a copy to the Union Township Zoning Inspector prior to any permit being issued. Should a permit not be issued by the Licking County Airport Zoning Commission, the Zoning Inspector shall not approve any zoning permit for any proposed structure or object of natural growth, as said structure shall be considered in violation of this section.

ARTICLE 14 ~ PLANNED RURAL RESIDENTIAL DEVELOPMENT DISTRICT (PRRD)



Section 14.01	Authority
Section 14.01	Purpose
Section 14.03	General Requirements To Establish A PUD
Section 14.04	Planned Unit Development Process
Section 14.05	PUD Text Submittal/Text Amendment
Section 14.06	PUD Text Standards And Guidelines
Section 14.07	PUD Zoning Map Amendment
Section 14.08	PUD Plans And Submission General
Section 14.09	PUD Site Review
Section 14.10	PUD PRE-Development Plan
Section 14.11	PUD Final Development Plan
Section 14.12	PUD Plan Submittals, Review By Township
Section 14.13	Expiration of Approvals
Section 14.14	Extension Of Time Or Modification Of A Pre-Development Plan Or Final Development Plan
Section 14.15	Terms and Definitions

Section 14.01 AUTHORITY

The Ohio Revised Code (ORC) Section 519.21 (B) authorizes townships to establish and regulate Planned Unit Development Districts (PUD), which require both a Zoning Text Amendment and Zoning Map Amendment, applicable solely to the adopted PUD District, the passage of which and the amendment or modification thereto are subject to referendum pursuant to Section 519.12 of the Ohio Revised Code.

Section 14.02 PURPOSE

The purpose of the Planned Unit Development (PUD) District is to achieve, to the greatest degree possible, land development that is responsive to the natural and environmental assets and liabilities of a given site, and to keep land undeveloped in perpetuity without affecting overall densities. A PUD shall promote the general public welfare by encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development. A PUD shall be a well-integrated development in terms of land uses and major design elements, such as roads, internal circulation, connectivity to existing developments and adjoining properties, pedestrian corridors and walkways, drainage systems, utilities, recreation facilities, open space and undeveloped land. Within a PUD development, the township zoning regulations, where applicable, need not be uniform, but may vary in order to accommodate a unified development and promote the public health, safety, morals and other purposes of this resolution. In part to accomplish this, the PUD affords greater design flexibility so that concentrating development on more suitable or less environmentally sensitive areas may protect natural features. Ultimately the PUD shall promote the public health, safety, morals and the other purposes of this resolution.

The purpose of this article is not to provide a zoning tool to establish higher density development. Higher-density development shall only be permitted when it can clearly be shown that it is subordinate to the effort to preserve natural and environmental assets and promote high quality design that will in turn promote the public health, safety, morals and other purposes of this resolution.

Section 14.02 EXAMPLES

Section 14.02.A Figure A - Preferred Design Alternative (DESIRED)



- Original Parcel Prior To Development
- Single Family Residential Building Footprint
- - - Individual Fee Simple Lot
- Nature Trail / Walking Path
- Public Road Right Of Way

Section 14.02.B Figure B - Traditional Development Alternative (NOT DESIRED)



- Original Parcel Prior To Development
- Single Family Residential Building Footprint
- - - Individual Fee Simple Lot
- Public Road Right Of Way

Section 14.03 GENERAL REQUIREMENTS TO ESTABLISH A PUD

Section 14.03.1 Project Location

A PUD may be located in any area of Union Township where the applicant can demonstrate that his proposal will meet the objectives of this Article and the Union Township Comprehensive Plan.

Section 14.03.2 Project Area

The minimum gross project area shall be twenty (20) contiguous acres in size. Smaller parcels may be considered if contiguous to an existing PUD and/or in conjunction with another proposed PUD. However, said development shall meet all requirements within this article within the gross project area of the proposed development. A development shall not rely on another development for open space, setbacks, buffers and the like.

Section 14.04 PLANNED UNIT DEVELOPMENT PROCESS OVERVIEW

To establish a PUD at the election of a property owner, the following process shall be followed:

Section 14.04.01 Pre-Submission Conference Overview

A pre-submission conference is strongly recommended prior to submitting the PUD text for consideration and review. The purpose of the pre-submission conference shall be to introduce the township to the proposed project, give the township a preliminary review period, and allow the township to present some preliminary concerns and suggestions that the developer may not have considered so that the developer may have an opportunity to make changes prior to the official submittal when the township will be required to make an official decision of approval, approval with modifications, or denial of the proposal. This is an informal process; the township shall take no official action during these meetings, nor shall any binding decisions be made. The developer may request more than one pre-submission conference to resolve as many issues as possible prior to the official submittal.

Said meeting is a public meeting and subject to notification requirements as outlined in Section 5.09: Notice Of Public Hearing, or may be held during a regularly scheduled meeting in which notice has been previously given and the agenda is prepared prior to the meeting stating it will be discussed, or is amended at the beginning of the meeting to reflect the issue being discussed.

Section 14.04.02 Submission of Text Amendment Overview

Submit the PUD Text for consideration and review. This step shall follow the procedures outlined in **Article 6 – Amendment of this resolution**, and is subject to referendum.

Section 14.04.03 Submission of Map Amendment Overview

Submit application to amend the Union Township Zoning Map. This step shall follow the procedures outline in **Article 6 – Amendment of this resolution**, and is subject to referendum.

Section 14.04.04 Action By Board of Trustees/Zoning Commission Overview

Steps outlined in sections 14.04.02: Submission of Text Amendment and 14.04.03: Submission of Map Amendment shall be filed and proceed simultaneously, however, the township must act upon the PUD text prior to acting upon the application to amend the Union Township Zoning Map. The text amendment and map amendment shall each require a motion by the zoning commission board. Additionally, if the PUD text is not approved, the township cannot approve the map amendment. In this instance, the township shall either deny the application for map amendment or the applicant may withdraw the application (application fees are non-refundable).

Section 14.04.05 Pre-Development Plan Submittal Overview

After the effective date of the PUD text and amendment to the Union Township Zoning Map (30 days after the adoption date), the property owner may submit the Pre-Development Plan Application to the township. ***PLEASE NOTE: The Pre-Development Plan Application will not be accepted by the township for consideration until the effective date of the PUD text and amendment to the zoning map has occurred and the potential for referendum has passed.***

Section 14.04.05.A LCPC Sketch Plan Application Submittal Requirement

Simultaneously with the submittal of the Pre-Development Plan Application to the township, the property owner shall submit Sketch Plan Application to the Licking County Planning Commission, according to the Licking County Subdivision Regulations.

Section 14.04.06 Final Development Plan Submittal Overview

After approval of the Pre-Development Plan Application, the property owner shall submit the Final Development Plan Application to the township.

Section 14.04.06.A L.C.P.C. Preliminary Plan Application Submittal Requirement

Simultaneously with the submittal of the Final Development Plan Application to the township, the property owner shall submit a Preliminary Plan Application to

the Licking County Planning Commission, according to the Licking County Subdivision Regulations.

Section 14.04.07 LCPC Final Plat Application Submittal Requirement Overview

After approval of the Final Development Plan Application by the township and the Preliminary Plan Application by the Licking County Planning Commission, the property owner shall submit the Final Plat Application to the Licking County Planning Commission in accordance with the Licking County Subdivision Regulations.

Section 14.04.08 Substantial Change To Require Re-Submission of Pre-Development or Final Development Plans Overview

At any point in the review process where the Licking County Planning Commission, Licking County Engineers Office, Licking County Health Department, Licking County Board of Commissioners, or other government body with jurisdiction shall require a substantial change (lot layout, configuration, etc.) in the plans, the property owner/developer shall be required to resubmit and obtain approvals from the township for the step (i.e. Pre-Development Plan or Final Development Plan) for which the change occurred.

Section #14.04.09 Appeal Overview

Steps outlined in sections 14.04.04 - Action By Board of Trustees/Zoning Commission Overview and 14.04.05 - Pre-Development Plan Submittal Overview are not subject to referendum or a variance, but are subject to appeal as outlined in Article 5 – Administration, Section 509 – Appeals of This Resolution. Upon completion of the township appeal process as outlined in Section 509-Appeals, said person aggrieved may make application for administrative appeal to the Licking County Court of Common Pleas.

Section 14.05 PUD TEXT SUBMITTAL/TEXT AMENDMENT

Section 14.05.01 Development of Text

The PUD text shall be developed by the property owner or legal representative of the property owner, either of which may be the developer of the property (hereinafter, referred to as property owner or developer), and shall follow the standards and guidelines as outlined in Section 14.06 - PUD Text Standards And Guidelines of this Article.

Section 14.05.02 Procedure for Application and Review

The PUD text shall follow the application and review requirements of Article 6 – Amendment of this Resolution.

Section 14.05.03 Subject to Referendum

The PUD text submittal is subject to referendum as specified in Sections 519.021 (B) and Section 519.12 of the Ohio Revised Code.

Section 14.06 PUD TEXT STANDARDS AND GUIDLINES

Section 14.06.A Preface

The standards and guidelines listed within this section shall be the minimum to guide the developer and township official(s) in developing and reviewing the PUD text. It should be noted that these standards and guidelines are not all encompassing, and unexpected or optional standards and techniques exist. These issues shall be considered and negotiated between the developer and the township officials. Such deviations and/or considerations shall only be considered if:

- They promote public health, safety, morals and general welfare;
- They will not detriment any adjoining property, including but not limited to drainage, noise, glare, dust, or other noxious effects;
- They will create a well-designed, environmentally sensitive development, which is conservative of riparian corridors, wetlands, large/mature wooded areas, wildlife habitats and other scenic and environmental sensitive areas;
- They will create a quantity and quality interconnected network of open space that abuts and is accessible to each proposed lot within said development;
- They will promote exemplary use of access management and road design to minimize the affects of the increased traffic from the proposed development;
- They will promote and maintain the rural character, aesthetics, and appeal of the township.

Section 14.06.B General Outline of Required Elements of the PUD Text

Lot Area Requirements	Recreational Facilities – Active Recreation and Passive Recreation
Lot Width Requirements	Environmental Preservation – Specify in quantity, type and how it is to be preserved
Structure Bulk Requirements	Sanitary Sewer and Water disposal systems
Structure Height Requirements	Storm Water Management
Structure Setback Requirements	Deed Restrictions and Restrictive Covenants
Buffer Requirements	
Open Space Requirements	
Access Management	

Section 14.06.C Specific Requirements of the PUD Text

Section 14.06.C.1 Maximum Density

The maximum gross density shall be one (1) dwelling unit per two (2) gross acres. This may be decreased upon determination that the proposed site is unable to sustain said density based upon ground water availability and its ability to support on-site wastewater systems. In this situation, the township shall rely on reports and documentation from but not limited to the Ohio Department of Natural Resources, the Ohio Environmental Protection Agency, the Licking County Health Department and any engineering firm from which the township has sought professional services.

Section 14.06.C.1.a Density Bonus For Design

Additionally, density may be increased by 10% if the developer has proposed and committed to a high quality design which substantially exceeded the standards and design criteria in Section 14.06.C: Specific Requirements of the PUD Text, and Section 14.06.D: Design Features Required of the PUD. Note: this may be in addition to the 10% in Section 14.06.1.b: Density Bonus For Increased Open Space if the proposal qualifies for the increase in said section (see Table #).

Section 14.06.C.1.b Density Bonus For Increased Open Space

An additional density bonus may be given for open space, which is dedicated in perpetuity and remains in a natural state with only the potential for passive recreation (i.e. no structures or active recreation facilities). Said open space shall be contiguous to required open space, shall be accessible to all residents and shall be of such size as to be useful and beneficial to the community. Increased open space acreage above the minimum required shall allow an equal increased percentage of density up to 10%. Note: this may be in addition to the 10% in Section 14.06.C.1.a: Density Bonus For Design, if the proposal qualifies for the increase in said section (see Table 14.1).

TABLE 14.1			
Multiplication Factor to Determine Permitted Number of Dwelling Units In a Proposed PUD Development.			
	1 Dwelling Per 2 Gross Acres	With 10% Density Bonus	With 20% Density Bonus
Multiply Gross Acres By	.5	.55	.6

Section 14.06.C.2 Net Developable Area

The net developable area shall be determined by the following formula:

GROSS PROJECT AREA	
LESS:	15% of the subdivision's gross acreage for streets and utilities;
LESS:	Jurisdictional wetlands, as defined by U.S. Army Corps of Engineers;
LESS:	Areas within the 100-year floodplain as shown on FEMA Flood Insurance Rate Maps, and/or those areas not studied by FEMA but identified as 100-year floodplain through the Licking County Subdivision Regulations;
LESS:	Slopes 15% or greater;
LESS:	Existing utility easements and/or right-of-ways;
LESS:	Required Open Space (see Section 14.06.C.4: Required Open Space).
TO EQUAL:	NET DEVELOPABLE AREA

Section 14.06.C.3 Exclusions From Building Sites/Lots

No portion of a building site/lot shall be located within any area identified as a 100 year floodplain, jurisdictional wetland, having slopes of 15% or greater or easements for utilities or access which do not serve the lot itself.

Section 14.06.C.4 Required Open Space

A minimum of fifty percent (50%) of the gross site area shall be set aside as open space and shall remain undeveloped land in perpetuity for the enjoyment of the residents of the township.

Section 14.06.C.4.a Areas Not Permitted to Count Towards Open Space

Section 14.06.C.4.a.1 Open space shall not be areas of individual fee simple lots conveyed to homeowners;

Section 14.06.C.4.a.2 Private roads and public road right-of-ways;

Section 14.06.C.4.a.3 Parking areas, access ways (small strips of land to allow access to open space), and driveways;

Section 14.06.C.4.a.4 Other small fragmented or isolated open space areas that have a dimension of less than 100 feet in any direction.

Section 14.06.C.4.b Permitted uses of required open space

Section 14.06.C.4.b.1 Preserved in natural state.

Section 14.06.C.4.b.2 Utilized for agriculture when authorized in a conservation easement and/or in the association's covenants and restrictions;

Section 14.06.C.4.b.3 Sewage service and/or water supply facilities may be located partially or entirely within the required open space areas. Where such facilities are so located, easements satisfactory to the Licking County Health Department shall be established to require and enable maintenance of such facilities by the appropriate parties.

Section 14.06.C.4.b.4 A portion of the required open space may be used for active recreation; said portion shall not exceed twenty percent (20%) of the required open space. Said active recreation facilities shall not be located in or disturb any wooded areas; the areas of the subdivision dedicated as public right-of-way for streets and utilities; Jurisdictional Wetlands as defined by U.S. Army Corps of Engineers; areas within the 100-year floodplain as shown on FEMA Flood Insurance Rate Maps, and/or those areas not studied by FEMA but identified as 100-year floodplain through the Licking County Subdivision Regulations; areas with slopes 15% or greater and any existing utility easements and/or right-of-ways; and any area of natural habitat for an endangered, threatened, or special concern species as identified by the Ohio Department of Natural Resources.

Section 14.06.C.4.c Ownership of Required Open Space

Required open space land may be owned by one of the following entities, provided the land is permanently and irrevocably dedicated as open space:

- Homeowners Association
- Public conservation organization
- Land trust
- Township Board of Trustees (upon willingness and passage of a resolution by the Township Board of Trustees to accept the land).
- Third party if protected by an open space easement, which permanently and irrevocably transfers the development rights to one of the above mentioned entities.

Section 14.06.C.5 Lot Area

The minimum lot area for individual lots within the PUD shall be determined as follows:

Section 14.06.C5.a Lots should be clustered along the edges of the conservation (open space) areas and arranged to maximize homeowners' views of open space areas and access to public amenities (see Figure A).

Section 14.06.C5.b Every lot shall be of appropriate size to meet the requirements of the Licking County Health Department or Ohio Environmental Protection Agency (OEPA) for on-site water and wastewater or other approving authority at the time of the improvements to support a water and wastewater system. This requirement may be waived if the wastewater systems are located within the common areas with appropriate easements and approved by the Ohio Environmental Protection Agency and Licking County Health Department.

Section 14.06.C5.c Every lot shall be of appropriate size to accommodate the proposed dwelling bulks, yard setbacks, and lot coverage requirements.

Section 14.06.C5.d Every lot shall be of appropriate size to be supported by a natural aquifer for well water, unless said site is served by central water and sewer.

Section 14.06.C.6 Lot Width

The proposed lot width shall be of sufficient size to meet the proposed structure bulks, yard setbacks, septic and well setbacks and locations. Every lot shall not exceed a 3:1 depth to width ratio. The width shall be measured along the edge of the road right-of-way line for any existing or proposed roadway, and the depth shall be measured from the building front yard setback line for any existing or proposed lots. (Example: A proposed lot has 100' of width at the road right-of-way line and a front yard setback of 50.' In this case, the 3:1 ratio would allow for the 100' width lot to have a depth of 350.')

Section 14.06.C.7 Setbacks

Section 14.06.C.7.a Perimeter Setbacks

The setback from existing public road right-of-way shall take into consideration the average setbacks of existing homes, whether the front of the main structure or the rear will be facing the roadway, and whether there is substantial natural vegetation located along the street to provide a visual buffer (75% opacity) of the structure on a year round basis.

The setback from perimeter lot lines, which should serve the same function as the rear yard setback for the standard subdivision, shall be set. Said setbacks shall take into consideration adjoining zoning classifications and land use. Greater setbacks shall be expected for differing uses (ex. residential being developed next to a commercial zoned property).

Section 14.06.C.7.b Internal Setbacks

Every lot shall specify the following setbacks:

- Front Yard
- Side Yard
- Rear Yard

Said setbacks shall be for any structure developed on said site.

Section 14.06.C.7.c Setbacks Generally

Said setbacks shall take into consideration concepts of providing adequate buffers from unlike and dissimilar uses; providing adequate area for future property owners to utilize said lot; providing adequate buffering from adjoining properties so that noise, glare, and other nuisances from adjoining properties are minimized if not eliminated; and providing adequate setbacks to prevent the spread of, or damage from a structure fire (unless fire suppression systems are used) in the event one should occur.

Section 14.06.C.8 Water and Wastewater

Section 14.06.C.8.a Every lot shall meet the requirements of the Licking County Health Department or Ohio Environmental Protection Agency (OEPA) or other approving authority at the time for on-site septic and well.

Section 14.06.C.8.b Off site septic wastewater systems may be utilized within the required open space with appropriate easements if they are approved by the Licking County Health Department and/or OEPA. Proposals with such systems shall have a water and wastewater management plan, including maintenance, inspections and funding for repairs developed and stated in the Homeowners Association Agreement. Said management plan shall be reviewed and approved by the Licking County Health Department.

Section 14.06.C.9 Fire Protection

The PUD Text shall specify how fire protection will be provided to the residents and structures developed on the site. In the event public sewer and water service is available, this shall be in the form of fire hydrants and the design and layout thereof. In the event public sewer and water is not available, this shall be in the form of dry hydrants and the placement and design thereof. Any development which has or develops a pooled body of water (pond, lake, detention pond and the like) shall be required to establish a dry hydrant within said development to provide for the public safety of those within said development. Where pooled water (pond, lake, detention pond and the like) exist in multiples and are in various locations throughout the development (i.e. not clustered), multiple dry hydrants shall be required by the township, especially if the development is of significant size. The design of a dry hydrant shall be approved by the local fire district and the Licking County Soil and Water Conservation District. Testing prior to acceptance of the final plat by Licking County shall be required to ensure the dry hydrants function properly. The township shall provide notice of this requirement at the Licking County Technical Review Committee Meeting and request it be a condition of approval for the final plat.

Section 14.06.D Design Features Required of the PUD

The development plan shall incorporate the following standards:

Section 14.06.D.1 Open space shall be distributed throughout the development as part of a unified open space system. To the greatest extent possible every lot shall abut open space, and linkages to open space within the development and to open space outside the development shall be made. Said system shall serve to unify the development visually and functionally, and buffer surrounding land uses while preserving environmentally significant resources, habitats and vistas.

Section 14.06.D.2 No buildings shall be constructed within any area identified as a 100-year floodplain or wetlands.

Section 14.06.D.3 No cut/fill operations shall occur in any area identified as a 100-year floodplain or wetlands.

Section 14.06.D.4 No storm drainage structures such as retention or detention ponds shall be designed or located within any area identified as a 100-year floodplain or wetlands.

Section 14.06.D.5 Passive recreation facilities such as walking paths and bike trails shall be encouraged within the open space throughout the development. Said trails shall provide an interconnected network of paths throughout the development and to adjoining existing networks should they exist.

Section 14.06.D.6 Moderate to thick coverage by trees and natural undergrowth is desirable to most intended functions of the open space. Where such foliage exists naturally, it should be retained. Where adequate foliage does not exist, the township shall require establishment of such tree cover or other foliage as necessary to achieve the purpose of the open space and the buffer of adjacent uses.

Section 14.06.D.7 Scenic areas and views shall be preserved to the maximum extent possible, including views from the adjacent road.

Section 14.06.D.8 Open spaces may be used for the natural disposal of storm drainage. No features should be designed which are likely to cause erosion or flooding of the proposed or existing houses.

Section 14.06.D.9 Improvements within the PUD shall conform to the Licking County Subdivision Regulations, in addition to this resolution. In instances of conflict, the more strict standard shall apply.

Section 14.06.D.10 Wetlands, steep slopes (15% or greater), forests, 100-year floodplains, ravines and noted wildlife habitat shall be preserved.

Section 14.06.D.11 Landscaping shall be designed to compliment the surrounding natural environment and rural character of Union Township, in addition to providing both visual and acoustic buffering. It is strongly encouraged that the developer work with a landscape architect in the designs of landscaped areas.

Section 14.06.D.12 Streetscapes shall be encouraged that create visually appealing roadways that are pedestrian friendly and promote traffic calming and overall safety. This may include but is not limited to street trees, varied pavement material at intersections or mid-block crossings, roundabouts, bike lanes, sidewalks, speed islands, boulevard designs, etc.

Section 14.06.D.13 The use of cul-de-sacs and dead end roadways shall be discouraged, and the use of an interconnected network (loop roads, grid, square, etc.) of roadways shall be encouraged. This allows the local government to provide such services as snow removal, emergency and fire protection more efficiently without concern of being able to maneuver large emergency and snow removal equipment down and turn around in a no-outlet roadway. Additionally, it provides for safety of the residents along said roadway, as they have multiple points of ingress and egress in the event that a roadway becomes blocked or under repair.

Cul-de-sacs shall only be considered when due to reasons of topography, environmentally sensitive areas, and/or other environmental concerns. The establishment of through streets is not environmentally feasible.

Section 14.06.D.14 Dwellings should generally be located along the edges of fields as seen from existing public roads, rather than in the center of the field to reduce visual impact. (Note: This may require varied setbacks for certain lots to encourage homes to be located in such locations.)

Section 14.06.D.15 Retain or replant any disturbed areas of vegetation adjacent to wetlands and/or surface waters.

Section 14.06.D.16 Avoid new construction on prominent hilltops and ridges.

Section 14.06.D.17 Preserve historic or archaeological sites (i.e. earthworks, burial grounds). Additionally, adequate buffering shall be provided to protect such sites.

Section 14.06.D.18 Access to individual lots shall be from internal roads and not existing state, county, or township roads.

Section 14.06.D.19 Buffers shall be established along the perimeter of the development to shield adjoining properties from the affects of the development. Said buffers shall be of sufficient size to limit if not eliminate (preferable) the affects of noise, glare, dust, and other nuisances. Said buffers shall provide 100% opacity if abutting a multifamily, commercial or industrial zoned or use

property, and 75% opacity if abutting a single family zoned or use property. Developments adjoining agricultural lands shall consider the type of agricultural use occurring. Many agricultural uses require significant setbacks from residential uses. For example, livestock uses require 300' to 1,000' setbacks from wellheads due to potential animal waste infiltration hazards. Row crops may require 100' or greater setback from wellheads depending on the chemicals used (this is determined by warning labels on the products). It is encouraged that the developer contact the adjoining land owners to determine the agricultural practices and potential chemicals they may use and the recommended distances they may need to be from residential developments and wellheads.

Section 14.06.D.20 It shall be the property owner's responsibility to prove that the proposed PUD text regulations are sufficient to uphold the requirements and intent of this resolution and promote public health, safety, convenience, comfort, prosperity and general welfare. In the event that any or all township officials are in disagreement that a proposal will uphold these regulations, the intent of these regulations, and/or promote public health, safety and general welfare, the property owner and/or township shall have the right to obtain and bring forth factual information in support or opposition to the proposal.

Section 14.07 PUD ZONING MAP AMENDMENT

Section 1500.07.A Procedure for Application and Review

The PUD Map Amendment shall follow the application and review requirements of Article 6 - Amendment of this Resolution.

Section 1500.07.B Subject to Referendum

The PUD Map Amendment submittal is subject to referendum, as specified in Section 519.12 and Sections 519.021 (B) of the Ohio Revised Code.

Section 14.08 PUD PLANS AND SUBMISSION GENERAL

For any plan submission, the following shall be submitted as part of the application:

Section 14.08.A Application Form

Application form as provided by Union Township;

Section 14.08.A.1 Minimum Information to be included on form;

Section 14.08.A.1.a Name of the development;

Section 14.08.A.1.b Location of the development;

Section 14.08.A.1.c Name, mailing address, phone number, e-mail address, and fax number of applicant;

Section 14.08.A.1.d Name, mailing address, phone number, e-mail address and fax number of registered surveyor, registered civil engineer, and/or landscape architect assisting in the preparation of the predevelopment plan;

Section 14.08.A.1.e Name, mailing address, phone number, e-mail address, and fax number of current property owner;

Section 14.08.A.1.f Name, mailing address, phone number, e-mail address, and fax number of primary contact;

Section 14.08.A.1.g Any other information as deemed necessary and appropriate by the township.

Section 14.08.B Application Contents

The PUD development plan and application shall include the following:

Section 14.08.B.1 Plans

Plans drawn to a scale of 1" = 100' as required in Section 1500.09: PUD Pre-Development Plan or Section 1500.10: PUD Final Development Plan.

Section 14.08.B.2 Number of Copies

The applicant shall submit eight (8) copies of a PUD Development Plan and text to the Township Zoning Inspector along with the required application fee.

Section 14.08.B.3 Fees

The applicant shall submit a fee, by certified check, according to the Union Township Zoning Fee Schedule. If the township expends more funds than the established fee, the applicant will be billed by Union Township for any additional expenses. No zoning permits will be issued until the additional fee has been paid in full. All fees must be submitted at the time of application and in order for an application to be considered complete. Fees are not refundable.

Section 14.08.B.4 Additional Fees

Such expenses may include items such as the cost of professional services, including legal fees and the fees of other professionals; such as geologists, landscape architects, planners, engineers, environmental scientists, and architects; incurred in connection with reviewing the plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses attributable to the review of the plans.

Section 14.08.B.5 Requirement of any Plan Submission

All plans submitted shall be in compliance with the adopted PUD Text for said development and the Union Township Zoning Resolution.

Section 14.09 PUD SITE REVIEW

Prior to any formal application, the developer shall schedule an informal on-site walkabout and review of the proposed project. The purpose of such review shall be to identify areas

for conservation, identify areas where buffering of adjoining parcels may be needed, discuss general layout concepts, and familiarize the township and those involved in the project with the site prior to any formal submittal. No binding decisions or votes are made during this review, it is merely to provide open dialogue between the applicant and the township to establish general concepts prior to formal application. Upon completion of the on-site review, the developer may make a formal Pre-development Plan application based upon comments from the PUD site review.

This is an official public meeting pursuant to the Ohio Revised Code and Ohio Sunshine Law, therefore notice of such hearing shall be given by the Union Township Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 10 days before the date of said meeting.

Section 14.10 PUD PRE-DEVELOPMENT PLAN

Section 14.10.A Application Contents

The following application materials, in addition to those specified in Section 1500.08 must be submitted at the time of submittal:

Section 14.10.A.1 Legal description of property to be developed.

Section 14.10.A.2 Copy of recorded property deed(s).

Section 14.10.A.3 Present use(s).

Section 14.10.A.4 Written statement that offers a conceptual overview of the proposed development. This statement shall include a description of the nature of the proposed development, proposed land uses, including specific types (e.g. two-family dwellings, local businesses, recreational facilities, etc.), and the clientele for which it is to serve (e.g. public, residents only, etc.)

Section 14.10.A.5 Description of proposed provisions for utilities, including water, sewage disposal, power, cable and telephone service. A list of all utility companies to serve the proposed development, including contact persons, mailing addresses and telephone numbers shall also accompany the application.

Section 14.10.A.6 A statement describing the proposed ownership and maintenance of open spaces, parking areas, and any amenities shown to be a part of the development.

Section 14.10.A.7 Evidence that the applicant has sufficient control over the land in question, and the financial capability to begin the project within one year and complete the project in accordance with the applicant's proposed timetable.

Section 14.10.A.8 An estimated timetable for project completion.

Section 14.10.A.9 Should the applicant propose any type of phasing of the development, a description and graphic representation of how this is to be accomplished shall be provided.

Section 14.10.A.10 The names and mailing addresses of all owners of property any portion of which lies within 500 feet of the boundary of the subject property. These names and addresses shall be submitted on mailing labels, and two sets of these labels shall be provided. This information shall be obtained from 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 14.10.A.11 Certification that all information in the application is true and correct.

Section 14.10.A.12 The specific description of principally permitted, conditionally permitted and accessory uses to be allowed in each area of the development.

Section 14.10.A.13 A specific description of all other proposed requirements that would differ from the typical zoning regulations of Union Township.

Section 14.10.A.14 Any proposed deed restrictions and conservation easements.

Section 14.10.A.15 Any other information determined necessary by the Union Township Officials.

Section 14.10.B Plan Drawing

The following information shall be submitted and shown on drawings of the site:

Section 14.10.B.1 A vicinity map showing the general relationship of the proposed development to the surrounding areas, with access roads referenced to the intersection of the nearest State Routes. Reference distances shall be shown in feet if less than 1,000', and in miles or tenths of a mile greater than 1,000'.

Section 14.10.B.2 A table showing the amount of gross acreage to be dedicated to each type of proposed land use, density for each type of proposed use, and the amount of land as a percent of the whole devoted to each land use.

Section 14.10.B.3 Location, type, and density of residential development.

Section 14.10.B.4 Conceptual drainage plan.

Section 14.10.B.5 Natural features (wetlands, major wooded area, streams, 100-year floodplain, areas of habitat for endangered, threatened, or special consideration species, etc.).

Section 14.10.B.6 Location and type of undeveloped land.

Section 14.10.B.7 Buffers between land uses and activities.

Section 14.10.B.8 Proposed street system layout/circulation pattern.

Section 14.10.B.9 Proposed pedestrian circulation system.

Section 14.10.B.10 Any existing buildings or potential environmental hazards (underground storage tanks, former industrial dumpsite, etc.).

Section 14.10.B.11 Proposed driveways.

Section 14.10.B.12 Any proposed off-site improvements (e.g. deceleration lanes, stoplight, road widening, intersection improvements, etc.).

Section 14.10.B.13 Overlay maps showing topography (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil and Water Conservation District.

Section 14.11 PUD FINAL DEVELOPMENT PLAN

Section 14.11.A Application Contents

The following application materials, in addition to those specified in **Section 14.08**: PUD Plans and Submission General and **14.10 PUD**: Pre-Development Plan, must be submitted at the time of submittal:

Section 14.11.A.1 A survey of the proposed development site, showing dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.

Section 14.11.A.2 The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching field area.

Section 14.11.A.3 Engineering drawings and plans of sewer and water facilities, as well as street and drainage systems.

Section 14.11.A.4 Landscaping plan for all buffers and other common areas.

Section 14.11.A.5 Architectural guidelines to apply throughout the development.

Section 14.11.A.6 The proposed names of all interior streets proposed for the development.

Section 14.11.A.7 Layout and dimensions of all parking and loading areas, along with an indication of what they are to be built to serve.

Section 14.11.A.8 A layout designating all undeveloped land, including green space, conservation areas and wetlands. A plan for maintenance and administration of such undeveloped space.

Section 14.11.A.9 Layout and dimensions of all fire protection devices (i.e. fire hydrants or dry hydrants) on the site plan. In addition, detailed drawings of the design of such device shall be submitted.

Section 14.11.A.10 The Union Township Officials, at their option, may require additional information such as maps, data, or studies (e.g. environmental impact statements, traffic impact analyses, etc.).

Section 14.12 PUD PLAN SUBMITTALS, REVIEW BY TOWNSHIP

The following requirements shall apply to the Pre-Development Plan and Final Development Plan submittals review:

Section 14.12.A Scheduling of Public Hearing

Upon submittal of a complete application, the Union Township Zoning Commission /Board of Trustees shall schedule a public hearing in which to review and vote on the approval of said plan. Said public hearing shall be scheduled within 30 days from the date the application is submitted, and the hearing shall be a quasi-judicial hearing.

Section 14.12.A.1 Notice of Hearing

Notice of said hearing shall be given by published notice in a paper of general circulation within the Township at least ten (10) days prior to the hearing date.

Section 14.12.A.2 Published Notice

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

Section 14.12.A.2.a The name of the Zoning Commission/Board of Trustees that will be conducting the public hearing on the proposed amendment.

Section 14.12.A.2.b A statement indicating that application is for a PUD to be reviewed in accordance to the adopted PUD Text and the Union Township Zoning Resolution.

Section 14.12.A.2.c The time and place where the text and plans of the proposed development will be available for examination for a period of at least ten (10) days prior to the public hearing.

Section 14.12.A.2.d The name of the person responsible for giving notice of the public hearing by publication.

Section 14.12.A.2.e A statement that after the conclusion of such hearing the matter will be considered by the Zoning Commission/Board of Township Trustees for its action.

Section 14.12.A.2.f Any other information requested by the Zoning Commission Board.

Section 14.12.B Approval

An application shall only be approved by the Union Township Zoning Commission/Board of Trustees if:

Section 14.12.B.1 The proposed use complies with the PUD text;

Section 14.12.B.2 The proposed design standards and elements are in compliance with the PUD text;

Section 14.12.B.3 The proposed development is in compliance with the Union Township Comprehensive Plan;

Section 14.12.B.4 The proposed development will be adequately served by public utilities, such as but not limited to roads, walkways/pathways, police protection, fire protection, schools, drainage structures, water and wastewater facilities, etc.;

Section 14.12.B.5 The proposed development is in keeping with the existing land use character and physical development potential of the area;

Section 14.12.B.6 The proposed development promotes efficient use of land and resources, promoting greater efficiency in providing public and utility services, and innovation in the planning of the development and the buildings within the development;

Section 14.12.B.7 The proposed development promotes public health, safety, morals, and general welfare;

Section 14.12.B.8 In approving the application for Pre-Development Plan or Final Development Plan, the Zoning Commission/Board of Trustees may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district and provide for public health, safety, morals and general welfare.

Section 14.13 EXPIRATION OF APPROVALS

Section 14.13.A Pre-Development Plan

Approval of a Pre-Development Plan shall be valid for twelve (12) months. If the property owner has not filed a Final Development Plan Application within 12 months of the Pre-Development Application, said property owner shall be required to resubmit a complete Pre-Development Application, along with associated materials and fees.

Section 14.13.B Final Development Plan

Approval of a Final Development Plan shall be valid for a period of 24 months. If a PUD has not commenced construction and filed Final Plat (according to the requirements of the Licking County Subdivision Regulations) within 24 months from the date of approval, said approval shall expire.

Section 14.14 EXTENTION OF TIME OR MODIFICATION OF A PRE-DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN

Section 14.14.A Extension of Time

A one-time request for an extension of time for a Pre-Development Plan or Final Development Plan may be granted by the Zoning Commission/Board of Trustees for a period up to twelve (12) months. Such extension shall require a quasi-judicial public hearing as specified in Section 14. 12: PUD Plan Submittals, Review By Township of this resolution. The applicant shall show substantial cause as to why the development has not been completed within the time frame allowed. Upon the expiration of the extension of time, the Pre-Development Plan or Final Development Plan shall be expired and considered null and void. The applicant shall be required to re-start the process with all new complete applications.

Section 14.14.A.1 Substantial cause may include:

Section 14.14.A.1.a Extreme weather conditions.

Section 14.14.A.1.b Physical issues encountered on-site that require re-engineering.

Section 14.14.A.2 Timing of Request

Said request for an extension of time shall be submitted at least 60 days prior to the expiration date of the plan and no more than 90 days prior to the expiration date of the plan.

Section 14.14.A.2 Submittal

All requests for an extension shall be submitted in writing starting the date of the request, the project name, step for which the extension is being requested (pre-development plan or final development plan), expiration date of the plan, and a justification based upon Section 14.14.A.1 - Substantial Cause May Include.

Section 14.14.B Modification of the Pre-Development Plan or Final Development Plan

Section 14.14.B.1 Minor changes shall not require a formal request to modify the Pre-Development Plan or Final Development Plan. A minor request shall be classified as any:

Section 14.14.B.1.a Changes to road names.

Section 14.14.B.1.b Development name.

Section 14.14.B.c Information within an application such as phone numbers, addresses, and the like.

Section 14.14.B.2 Any substantial change to the Pre-Development or Final Development Plan shall require a formal request for modification, and shall follow the procedures outlined in Section 14.12: PUD Plan Submittals, Review by Township. Such changes shall only be considered when they are within lawful limits of the approved PUD text. Any change that is proposed and not in compliance with the PUD text would require an approved amendment to the PUD text prior to a change to the plan being approved. A substantial change shall include but not be limited to the following:

Section 14.14.B.2.a A change of use;

Section 14.14.B.2.b An increase in density;

Section 14.14.B.2.c Any change in setback, dwelling bulk, or structure height;

Section 14.14.B.2.d A change in lot configurations;

Section 14.14.B.2.e A reduction in approved open space;

Section 14.14.B.2.f Any substantial change that may place the PUD in substantial violation of the approved PUD text.

ARTICLE 15 ~ OFFICIAL SCHEDULE OF SUPPLEMENTARY DISTRICT REGULATIONS

Section 15.00 Purpose

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

Supplementary district regulations shall be as set forth in:

Article 16 General Requirements

Article 17 Adult Entertainment Regulations

Article 18 Extraction of Natural Resources

Article 19 Off Street Parking and Loading Facilities

Article 20 Signs

Article 21 Landscaping and Buffering

Are hereby adopted and declared to be part of this resolution.

ARTICLE 16 ~ GENERAL REQUIREMENTS

<u>Section 16.00</u>	Conversion of Dwelling to More Units
<u>Section 16.01</u>	Temporary Buildings
<u>Section 16.02</u>	Exceptions to Height Regulations
<u>Section 16.03</u>	Architectural Projections
<u>Section 16.04</u>	Yard Requirements for Multifamily Dwellings
<u>Section 16.05</u>	Side and Rear Yard Requirements For Non-residential Uses Abutting Residential Districts
<u>Section 16.06</u>	Side and Rear Yard Requirements for Accessory Buildings and Structures
<u>Section 16.07</u>	Setback Requirements for Corner Lots
<u>Section 16.08</u>	Front Setback Requirements For Parcels Over 20 Acres
<u>Section 16.09</u>	Visibility at Intersections
<u>Section 16.10</u>	Street Frontage Required
<u>Section 16.11</u>	Private Driveway Requirements
<u>Section 16.12</u>	Commercial/Industrial/Multifamily/Institutional and Recreational District/Uses Driveway Requirements
<u>Section 16.13</u>	Parking and Storage of Certain Vehicles
<u>Section 16.14</u>	Parking and Storage of Commercial Vehicles and Trailers
<u>Section 16.15</u>	Junk Motor Vehicles
<u>Section 16.16</u>	Ponds
<u>Section 16.17</u>	Community or Club Swimming Pools
<u>Section 16.18</u>	Required Trash Areas
<u>Section 16.19</u>	Special Provisions for Commercial and Industrial Uses
<u>Section 16.20</u>	Fire Hazard
<u>Section 16.21</u>	Radioactivity or Electrical Disturbance
<u>Section 16.22</u>	Noise
<u>Section 16.23</u>	Vibration
<u>Section 16.24</u>	Air Pollution
<u>Section 16.25</u>	Glare
<u>Section 16.26</u>	Erosion and Storm-Water Control
<u>Section 16.27</u>	Water Pollution
<u>Section 16.28</u>	Enforcement Provisions
<u>Section 16.29</u>	Measurement Procedures

<u>Section 16.30</u>	Internal Circulation
<u>Section 16.31</u>	Condominium Developments
<u>Section 16.32</u>	Utilities
<u>Section 16.33</u>	Fence and Wall Restrictions in Front Yards
<u>Section 16.34</u>	Practice of Agriculture

Section 16.00 Conversion of Dwelling to More Units

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

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

Section 16.01 Temporary Buildings, Storage and Parking

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

Section 16.33.A Portable storage units

May be located upon the property for which it is to receive or deliver stored items for a period of no more than one week.

Section 16.33.B Construction trailer/mobile office

May be located upon a property in which the active construction is occurring for the duration of the active construction project. Said construction trailer/mobile office must be removed within one week of completion of the project or during any extended period of non-active construction. Non-active constructions shall include circumstances of inactivity due to lack of funding to complete a project, periods of time between construction of phases of a project, or any other reason in which construction does not occur for a period of six months or longer.

Section 16.33.C General Requirements

All portable storage units and/or construction trailers/mobile offices shall meet the yard setback requirements of the district in which they are located.

Section 16.02 Exceptions to Height Regulations

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport (*see Airport Overlay Zone Section 1402*).

Section 16.03 Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and shall not project into the required minimum front, side, or rear yard. Such structures shall not count towards the minimum square footage requirements in the district regulations.

Section 16.04 Yard Requirements for Multifamily Dwellings

Multifamily dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 16.05 Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

In addition to a respective district's yard requirements, non-residential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of an adjacent residential district. Accessory buildings/structures must comply with the front, side, and rear yard requirements of the zoning district where such accessory building is to be located (*see Article 12 Landscaping and Buffering*).

Section 16.06 Side and Rear Yard Requirements for Accessory Buildings and Structures

Section 16.06.A All accessory buildings/structures less 120 sq. ft. shall be at least six feet from any dwelling situated on the same lot unless an integrated part thereof; at least six feet from any other accessory building and at least 10 feet from any lot lines of adjoining lots; and must be permanently affixed to the ground.

Section 16.06.B All accessory buildings/structures 120 sq. ft or greater must comply with the respective district's yard setback requirements and shall be permanently affixed to the ground. This means that no principal structure and/or accessory structure(s) can be placed within required yard setbacks.

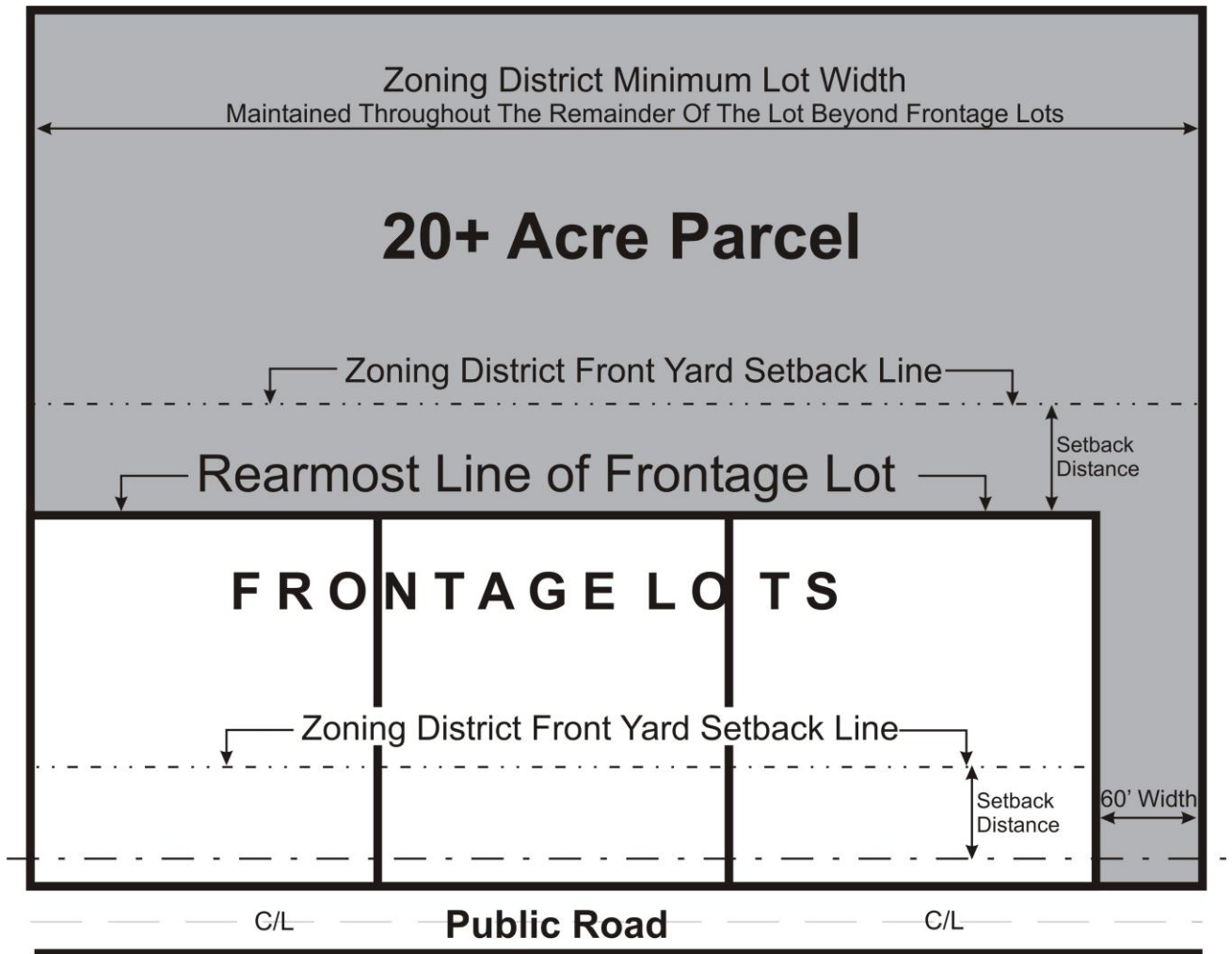
Section 16.07 Setback Requirements for Corner Lots

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

Section 16.08 Front Setback Requirements For Parcels Over 20-Acres and Flag Lots.

Front yard setback for parcels over 20 acres with a lot width (frontage) below the zoning district requirement as specified in Articles 9, 10, 11, 12, 13, 14 and 15 of this resolution, and for flag lots, shall be measured from the rearmost line of the frontage lot(s). For the purpose of this resolution, flag lots shall be deemed any lot with acreage behind another lot of record (frontage lot). (See figure 16.A below.) (See also Section 1600.10.01.)

Figure 16.A



C/L - Centerline of Road

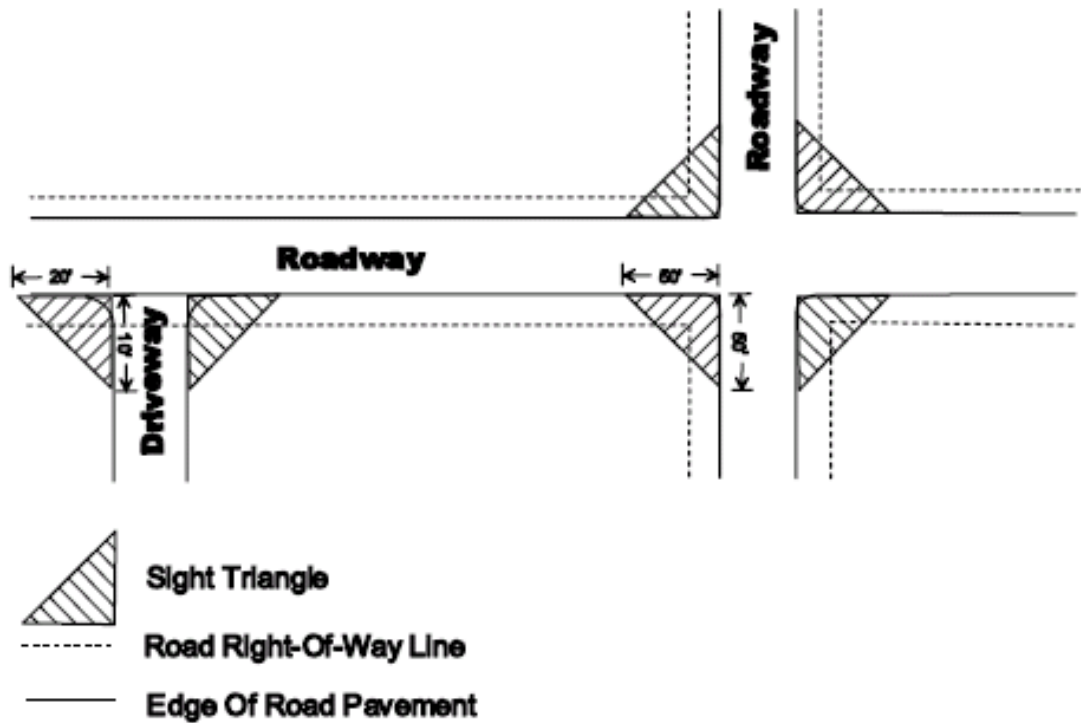
- - - - Road Right-Of-Way Line

Note: In the above diagram, the depicted 20+ acre parcel is also considered a flag lot.

Section 16.09 Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of two and one half (2 1/2) feet and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

Figure 16.B



Section 16.10 Street Frontage Required

Section 16.10.A Parcels up to 20 Acres

For all parcels up to and including 20 acres, no lot shall have a lot width (frontage) as measured along the edge of the road right-of-way of an existing constructed public road that is dedicated to local government entity, and maintained throughout the lot, less than the zoning district requirement as specified in Articles 9, 10, 11, 12, 13, 14 and 15 of this resolution, except as required by other provisions of these regulations.

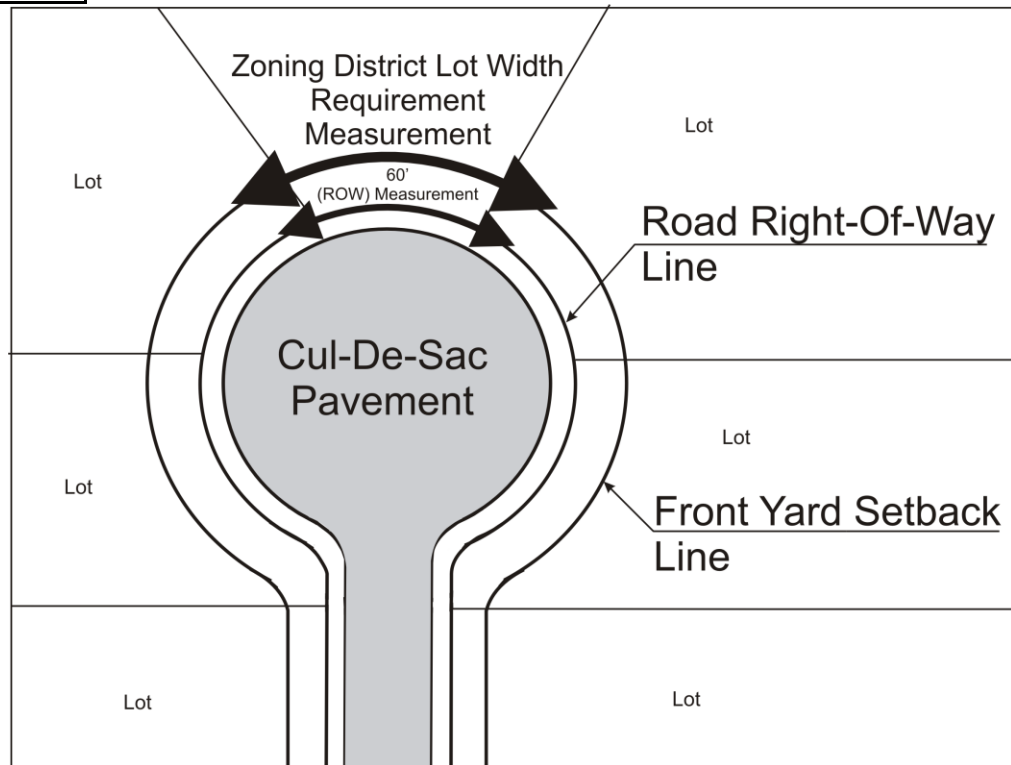
Section 16.10.B Cul-De-Sac

For cul-de-sac lots: the minimum road frontage requirement for lots fronting on a cul-de-sac shall be 60 feet along the edge of the road right-of-way of an existing constructed public road that is dedicated to local government entity, with the zoning district's width requirement being met at the front yard set back line.

Section 16.10.C Parcels over 20 acres

For all parcels over 20 acres, the minimum lot width (frontage) shall be no less than 60' as measured along the edge of the road right-of-way of an existing constructed public road that is dedicated to local government entity, and maintained throughout the portion of the lot adjacent to the frontage lot. The remainder of the lot behind the frontage lots shall maintain the zoning district minimum lot width standard throughout the remainder of the lot. See Figure 16.A.

Figure 16.C



Section 16.11 Private Residential Driveway Requirements

Section 16.11.A Due to safety concerns and the need to preserve the functionality of our roadways, each lot may have only one point where a driveway accesses a public roadway, unless the lot is located in a platted subdivision and the speed limit of the roadway within said platted subdivision is 35 mph or less, in which case no more than two access points are to be permitted. Where only one access point is permitted, a loop drive may still be constructed, provided that there is only one access point to the roadway. For all residential lots greater than one (1) acre in size, private driveways shall not be located closer than five (5) feet to an adjoining lot, unless it is a shared driveway or shared driveway access point and approved by the Licking County Planning Commission. Private driveways must be free of obstruction to a height of 12 feet and a width of 12 feet to allow emergency vehicle access.

Section 16.11.A.1 A culvert length of 30' and a minimum inside diameter of 12" smoothed double wall shall be required, unless the Township Road Superintendent requires a larger diameter.

Section 16.11.A.2 All driveways shall have a twenty percent (20%) or less slope within 30' of the edge of road pavement.

Section 16.12 Commercial/Industrial/Multifamily/Institutional and Recreational District/Uses Driveway Requirements

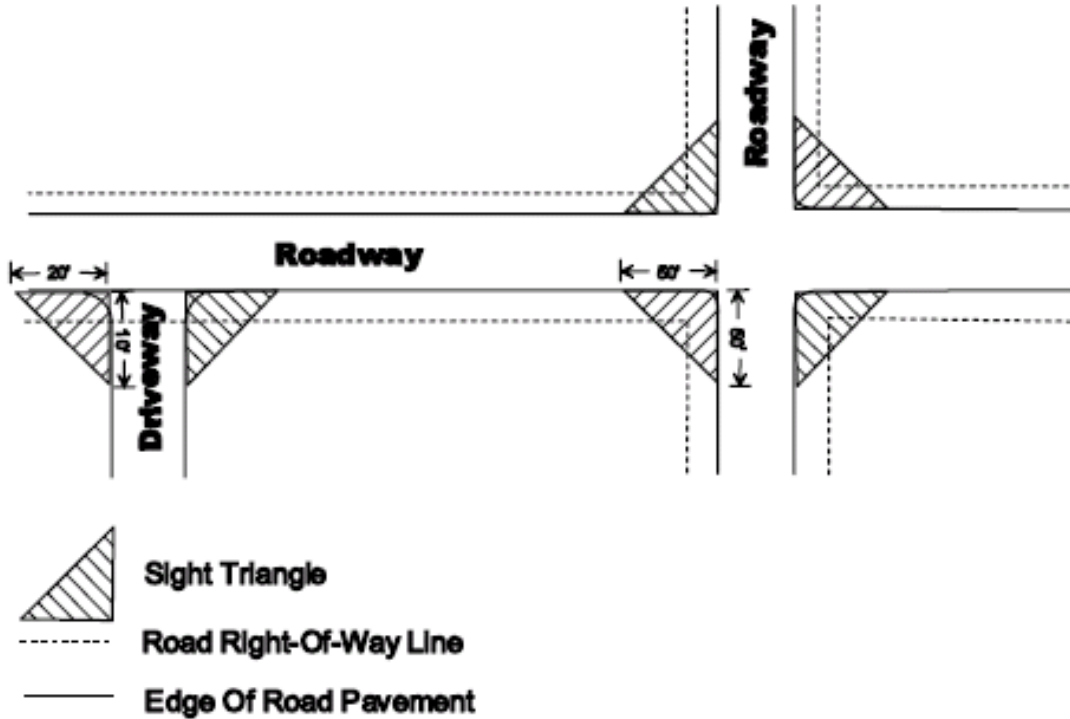
Section 16.12.A Due to safety concerns and the need to preserve the functionality of our roadways, on any commercial, industrial, multifamily, institutional or recreational lot (district or use), each lot may have only one point where a driveway accesses a public or private roadway. Under the following circumstances the zoning inspector may grant a second driveway access to a public or private roadway for a lot of record:

Section 16.12.A.1 One driveway access is a dedicated entrance and the other is a dedicated exit. In addition, the site shall provide adequate useable internal circulation. Adequate internal circulation shall be deemed obtained when a motor vehicle may maneuver around the site and any structures without having to access or encroach upon the public road and road right-of-way or any required yard setbacks. This includes delivery vehicles, which must be able to park to load and unload and allow the normal function of the internal circulation, parking area, etc.

Section 16.12.A.2 The primary fire district serving the site has a regulatory requirement that requires a secondary access for the provision of emergency services.

Section 16.12.A.3 Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of two and one half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting street and driveway access in the area bounded by the right-of-way line of the street and the edge of the driveway access. This requirement includes signs and entrance and exit signs, with the exception of traffic control signs (Stop, Yield, No Turn, etc.). This sight triangle shall be measured by taking a line from the edge of the driveway access and measuring along the right-of-way line a distance of twenty (20) feet and by taking a line from the right-of-way line and measuring along the edge of the driveway a distance of ten (10) feet. Connect the furthest dimension of each line and this will create the sight triangle, within which nothing shall be erected, placed, planted or allowed to grown as specified herein. Where no right-of-way exists, the right-of-way line shall be distance of 40' from the centerline of the public or private road.

Figure 16.D



Section 16.12.A.3 In addition to Section 16.12.A.1 and/or Section 16.12.A.2 above, under no circumstances shall a second driveway access be permitted where said driveway access will adversely affect the functionality and safety of the public or private roadway, another driveway access location, or the ability of an adjoining lot of record to obtain safe and functional access. If there are questions or concerns, the zoning inspector may require, request, or obtain information and guidance from the Licking County Area Transportation Study (LCATS), Licking County Planning Commission (LCPC), Ohio Department of Transportation, Licking County Engineer or a qualified engineering firm the township contracts with. The zoning inspector may utilize or base his or her decision upon this information and guidance.

Section 16.13 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings, unless property is zoned for business and holds a current auto sales license. However, one boat and one travel trailer may be stored in the rear yard if the vehicles have a current license. Said boat or travel trailer shall be under the ownership of the current resident of the property.

Section 16.14 Parking and Storage of Commercial Vehicles and Trailers

No commercial vehicle with a net capacity rating in excess of two and one half tons, including commercial tractors, automobiles, trucks, buses, house trailers, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials and equipment is to be performed during the actual time of parking.

Section 16.15 Junk Motor Vehicles

Section 16.15.A Intent

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

Section 16.15.B Definition of Junk Motor Vehicles

As used in this resolution, “junk motor vehicle” means a motor vehicle that meets all of the following criteria:

Section 16.15.B.1 Three model years old or older;

Section 16.15.B.2 Apparently inoperable;

Section 16.15.B.3 Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, transmission or body panels.

Section 16.15.C Notification of Property Owner

After determining that a motor vehicle fits the definitions stated in **Section 16.15.B: Definition of Junk Motor Vehicles**, the zoning inspector shall notify the person having the right to the possession of the property on which the junk motor vehicle is located that a violation has occurred. The notification may be delivered in person, or may be sent by certified mail with return receipt requested. The notice shall state that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in an enclosed garage or other suitable structure, or shall be removed from the property.

Section 16.15.D Property Owners Right of Appeal

Any person wishing to appeal the decision made by the zoning inspector under the provision of this Article may appeal such decision to the Township Board of Zoning Appeals in accordance with **Section 4.09: Appeals**.

Section 16.15.E Enforcement

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

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

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

Section 16.15.F Collector's Vehicle

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

Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the criteria contained in Section 16.15.B: Definition of Junk Motor Vehicle of this resolution. In this instance, the township may regulate the storage of that motor vehicle on private or public property in the same manner that the storage of any other junk motor vehicle is regulated.

Section 16.16 Ponds

No pond, lake, or other area designed for the permanent storage of water may be constructed within thirty (30) feet of a public right-of-way or easement or within ten (10) feet of any lot line. Ponds must be located within a single lot of record.

Section 16.17 Community or Club Swimming Pools

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

Section 16.17.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.

Section 16.17.B The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.

Section 16.17.C The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the

thoroughfare or adjacent properties. Said fence or wall shall not be less than nine feet in height and maintained in good condition and locked.

Section 16.18 Required Trash Areas

All commercial, industrial, and multifamily residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the zoning inspector shall be required. (See *Article 21: Landscaping and Buffering, Section 2100.05.01 and Section 2100.05.02.*)

Section 16.19 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 that 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 conditions and nuisances to acceptable limits as established by the performance requirements in **Article 16 through Article 21** in this zoning resolution are taken.

Section 16.20 Fire Hazard

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

Section 16.21 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 16.22 Noise

Objectionable noise as determined by the zoning inspector, which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 16.23 Vibration

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

Section 16.24 Air Pollution

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

Section 16.25 Glare

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

Section 16.26 Erosion and Storm-Water Control

No erosion, by water, shall be permitted which will carry objectionable substances onto neighboring properties. All requirements as outlined in Urban Soils and Sediment Pollution Control of the Licking County Subdivision Regulations and/or all State laws pertaining to erosion control and water runoff shall be adhered to.

Section 16.27 Water Pollution

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

Section 16.28 Enforcement Provisions

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

Section 16.29 Measurement Procedures

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

Section 16.30 Internal Circulation

All business/commercial, industrial/manufacturing, institutional, multifamily, or recreational districts/uses shall provide adequate internal circulation within the property so as no traffic must access a public road right-of-way to gain access back into the development. Adequate internal circulation shall be deemed obtained when a motor vehicle may maneuver around the site and any structures without having to access or encroach upon the public road and road right-of-way or any required yard setbacks. This includes delivery vehicles, which must be able to park to load and unload and allow the normal function of the internal circulation, parking area, etc.

Section 16.31 Condominium Developments

A condominium development for the purpose of this resolution, shall be the ownership of individual dwelling or commercial units located on a lot or lots that are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases, that have the effect of permitting more than one dwelling or commercial unit on a lot without the division of the fee simple interest in said lot. Additionally it shall qualify as a condominium under Section 5311 - Condominium Property in the Ohio Revised Code. Said condominium development(s) shall meet the following requirements, in addition to the requirement of the district they are established:

Section 16.31.A Perimeter setbacks – Shall meet the district requirements for which the development occurs;

Section 16.31.B Internal setbacks – Forty (40) feet between structures;

Section 16.31.C Roads – All roads, streets, and alleys within the condominium development shall be designed and constructed to meet the standards of the Licking County Subdivision Regulations. This is to include but not limited to right-of-way, pavement width, road base, turn lanes, signage, sidewalks, storm drainage, etc. Said roads shall be maintained to said standards by the condominium association.

Section 16.31.D The road system within the development shall be designed to coordinate with existing, proposed, and planned roads outside of the development as follows:

Section 16.31.D.1 Wherever a proposed development abuts land that has not been platted or a future development phase of the same development, street stubs shall be provided for access to abutting properties, or to logically extend the road system into the surrounding area. Such extension shall be paved to the edge of the property line, provide for a paved temporary turn around in the form of a T-turn around or a cul-de-sac, and marked with an appropriate approved barricade until such time as they are extended by future development.

Section 16.31.D.2 Where roads and/or extensions exist from adjoining developments, the proposed development shall be required to connect to said road and/or extension.

Section 16.31.E The purpose of these requirements is to promote public health, safety, and general welfare by allowing for the movement of traffic between residential neighborhoods, facilitating emergency access and evacuation, and reducing traffic congestion on main roadways from trips made from one adjoining development to another.

Section 16.32 Utilities

All utilities shall be buried within a platted subdivision, and any lot not platted shall be required to bury the utilities from the edge of the road right-of-way to the structure for which it is to serve.

Section 16.33 Fence and Wall Restrictions in Front Yards

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half (2 ½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and one-half (21/2) feet and ten (10) feet.

Section 16.34 Practice of Agriculture

All forms of agriculture and forestry production as defined by the terms Agriculture and Forestry in Appendix A: Definitions. Agriculture uses may be conducted on any parcel in the Agriculture (AG) District with the following exceptions:

Section 16.34.A

Parcels of one (1) acre or less in any platted subdivision.

Section 16.34.B

Parcels of one (1) acre or less in an area consisting of 15 or more lots that are contiguous to one another, including lots on the opposite side of a public road right-of-way.

Section 16.34.C

Dairying, Animal and Poultry Husbandry on lots five (5) acres or less in any platted subdivision.

ARTICLE 17 ~ ADULT ENTERTAINMENT REGULATIONS

<u>Section 17.01</u>	Purpose and Intent
<u>Section 17.02</u>	Location
<u>Section 17.03</u>	Off Street Parking
<u>Section 17.04</u>	Buffering
<u>Section 17.05</u>	Lighting
<u>Section 17.06</u>	Signage
<u>Section 17. 07</u>	Exterior Portions of Sexually-Oriented Business
<u>Section 17.08</u>	Sexually-Oriented Businesses Prohibited
<u>Section 17.09</u>	Exceptions
<u>Section 17.10</u>	Severability Clause
<u>Section 17.11</u>	Definitions

Section 17.01 PURPOSE AND INTENT¹

Section 17.01.A In enacting this Resolution, pursuant to Section 519 of the Ohio Revised Code, the Union Township Board of Trustees makes the following statement of intent and findings in regards to adult entertainment establishments:

Section 17.01.A.1 Adult entertainment establishments require special supervision from the public safety agencies of Union Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses, as well as the citizens of Union Township

Section 17.01.A.2 The Union Township Board of Trustees finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

Section 17.01.A.3 There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious (harmful in unexpected ways) effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

Section 17.01.A.4 The Union Township Board of Trustees desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. By minimizing and controlling these adverse effects, the Union Township Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

Section 17.01.B It is the intent of the Union Township Board of Trustees in enacting this Resolution to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Union Township, and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Union Township. The provisions of this Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent of the Union Township Board of Trustees in enacting this Resolution to restrict or deny, or authorize the restriction or denial of, access by adults to sexually-oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Union Township Board of Trustees in enacting this Resolution to condone or legitimize the distribution or exhibition of obscene material.

¹ This is a modified version of the purpose and intent included in House Bill No. 23. It is placed here to maintain consistency with the enacting legislation.

Section 17.02 Location

Section 17.02.A Sexually-oriented businesses shall only be permitted in a General Business District (GB). Said use shall not be located as follows:

Section 17.02.A.1 Within 1,500 feet of a public or private school; this shall include the school grounds, including but not limited to football fields, soccer fields, baseball fields, parking areas and nature conservancy areas, leased and operated or owned and operated by the public or private school.

Section 17.02.A.2 Within 1,500 feet of a church, synagogue, mosque, temple, other religious institution, or building which is used primarily for religious worship and related religious activities.

Section 17.02.A.3 Within 1,500 feet of a child daycare center, a child daycare home facility, nursery school or preschool.

Section 17.02.A.4 Within 1,500 feet of an adult daycare facility.

Section 17.02.A.5 Within 1,500 feet of a residential zoned area (includes single family and multi-family uses).

Section 17.02.A.6 Within 1,500 feet of a public park, nature preserve, pedestrian/bicycle trails (excluding sidewalks in the general business district) or recreational facility.

Section 17.02.A.7 Within 1,500 feet of a nursing home, continuing care facility, assisted living facility or the like.

Section 17.02.A.8 Within 1,500 feet of a mortuary, funeral home, or cemetery or the like.

Section 17.02.A.9 Within 1,500 feet of another adult entertainment facility.

Section 17.02.A.10 Said prohibited distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the proposed lot of record upon which the proposed sexually-oriented business is to be located, to the nearest property line of a lot of record upon which one of the above mentioned uses (Section 1800.03, A-H) is located.

Section 17.02.B All sexually-oriented business activities shall be conducted within a completely enclosed structure. No sexually-oriented business activities

shall occur in outdoor areas such as, but not limited to patios, outdoor amphitheaters and stages, parking areas, or lawns. No sexually-oriented business use activity shall be visible from any public areas, including but not limited to adjoining parcels, streets, and sidewalks, i.e. no individual utilizing a street, sidewalk, or adjoining parcel shall be able to look onto the property upon which the sexually-oriented business is located and see into any structure within which a sexually-oriented business is conducted and see any sexually-oriented business activity. The interior of the structure shall be designed so that any windows within the structure do not allow anyone from a street, sidewalk or adjoining parcel to see any sexually-oriented business activity within. Areas such as parking areas, service areas, entrances and exits where patrons and employees whom are fully clothed in normal street clothes (shirt, pants, and shoes or a dress and shoes) shall be excluded from this requirement.

Section 17.02.C There shall only be permitted one sexually-oriented business, under single ownership, within a structure.

Section 17.02.D No lot of record shall have more than one structure in which a sexually-oriented business is operated and conducted upon it.

Section 17.03 Off-Street Parking and Loading Facilities

Section 17.03.A See Article 19 – Off-Street Parking and Loading Facilities.

Section 17.03.B No sexually-oriented business activity shall be conducted within the off-street parking and loading facility areas.

Section 17.04 Buffering Requirements

Sexually-oriented businesses shall provide landscaped buffering along all property lines, regardless of zoning district or use, that are not along a public road right-of-way with a constructed public road. Said landscaped buffering shall consist of either a six (6) foot opaque fence or a landscaped buffer. If a landscape buffer is established, the buffer shall consist of evergreen trees planted no further than 9 feet apart from tree trunk to tree trunk, in a staggered pattern as to provide 100% year round opacity. Said trees shall be at least six (6) feet in height at the time of planting. At least one (1) deciduous tree shall be planted every 40' in addition to the evergreen requirement. Any combination of mounding (so long as said mounding does not interfere with the site drainage) and fencing may be used in addition to the plantings to obtain the 100% year round opacity requirement. This requirement shall not be required for any sexually-oriented business located in a structure that is part of strip shopping center, where the overall development complies with the landscaping and buffering standards of Article 21 Landscaping and Buffering of the Union

Township Zoning Resolution. A landscape plan prepared by a Certified Landscape Architect shall be submitted to determine compliance with this section. Said plan shall provide a plan view and a profile view of the landscaping at the time of planting and at maturity. Additionally, the plan shall reference the common and botanical name of the plants to be used and their mature height and width.

Section 17.05 Lighting

Section 17.05.A Every sexually-oriented business shall provide adequate fully shielded lighting as follows:

Section 17.05.A.1 All parking areas shall be lit with fully shielded light fixtures. Said lighting shall be of sufficient footcandles (not to exceed 2.5 footcandles) to provide adequate lighting for patrons and employees to safely maneuver in the parking areas and make a visual inspection of these areas.

Section 17.05.A.2 All entrance and exits to the structure shall be lit by fully shielded light fixtures.

Section 17.05.A.3 All sides of a building that do not abut another structure (physically against one another) shall be lit by fully shielded light fixtures.

Section 17.05.A.4 All service areas, including but not limited to loading and unloading areas, dumpster or recycling areas, and accessory structures, shall be lit by fully shielded light fixtures.

Section 17.05.A.5 All fully shielded fixtures shall be directed towards the ground; no light shall be directed to the sky or onto adjoining lots of record.

Section 17.05.A.6 See also **Section 16.24 – Glare**.

Section 17.06 Signage

Section 17.06.A Signage shall comply with **Article 20 - Signs** of this resolution.

Section 17.06.B No sign shall contain photographs, silhouettes, drawings, or pictorial representation of sexually-oriented activities in any manner.

Section 17.06.C No sign shall contain flashing lights.

Section 17.07 Exterior Portions of Sexually-Oriented Businesses

Section 17.07.A It shall be unlawful for an owner or operator of a sexually-oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

Section 17.07.B It shall be unlawful for the owner or operator of a sexually-oriented business to allow the exterior portion of the sexually-oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of sexually-oriented activities in any manner except to the extent permitted by the provisions of this Resolution. (See Section 17.06: Signage within this Article.)

Section 17.08 Sexually-Oriented Businesses Prohibited

All sexually-oriented businesses shall be prohibited within the border and boundaries of Union Township, Licking County, Ohio, except as permitted within the General Business District.

Section 17.08.A PROHIBITION OF ADULT MOTELS.

Section 17.08.A.1 No person shall operate an adult motel within Union Township.

Section 17.08.A.2 Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in **Section 17.11: Definitions of this Article.**

Section 17.08.A.3 Evidence that a person in control of a sleeping room in a hotel, motel, or similar commercial establishment has rented or subrented a sleeping room to a person and, within ten (10) hours from the time the room was rented, has rented or subrented the same sleeping room again, creates a rebuttable presumption that the establishment is an adult motel as that term is defined in **Section 17.11: Definitions of this Article.**

Section 17.08.A.4 For purposes of **Section 17.08.A.3** hereof, the terms “rent” or “subrent” mean the act of permitting a room to be occupied for any form of consideration.

Section 17.09 Exceptions

Nothing in this article shall be construed to pertain to:

Section 17.09.A The purchase, distribution, exhibition, and/or loan of any work of art, book, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.

Section 17.09.B The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning, either supported by public appropriation or which is an accredited institution supported by private funds.

Section 17.09.C Persons in a state of nudity in a modeling class operated by a proprietary school, licensed by the State of Ohio, a college, junior college, or university supported entirely or partly by taxation.

Section 17.09.D Fully clothed (shirt, pants, and shoes or a dress and shoes) persons or employees, in normal street clothes, who are walking to and from the structure within which the sexually-oriented business is conducted from public right-of-ways, parking areas, and service areas are not considered sexually-oriented business activities.

Section 17.10 Severability Clause

If any section, sub-section, paragraph or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

Section 17.11 Definitions

Section 17.11.A Adult Motel

Means a hotel, motel, or similar commercial establishment that:

Section 17.11.A.1 Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

Section 17.11.A.2 Offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or

Section 17.11.A.3 Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.

Section 17.11.B Employee

Means a person who performs any service or work on the premises of a sexually-oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, lessee or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does employee include a person exclusively on the premises as a patron or customer.

Section 17.11.C Fine Art Gallery

Means any display of artwork which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.

Section 17.11.D Harmful to Juveniles

Means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

Section 17.11.D.1 The material or performance, when considered as a whole, appeals to the prurient (appealing to sexual desire) interest of juveniles in sex.

Section 17.11.D.2 The material or performance is patently (clearly) offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

Section 17.11.D.3 The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

Section 17.11.E Juvenile

Means any person under the age of 18.

Section 17.11.F Natural Person

Means a real human being, as distinguished from a corporation.

Section 17.11.G Nude

Completely devoid of clothing.

Section 17.11.H Operate

Means to control or hold primary responsibility for the operation of a sexually-oriented business, either as a business entity, as an individual, or as part of a group

of individuals with shared responsibility. “Operate” or “Cause to be Operated” shall mean to cause to function or to put or keep in operation. Operator means any person(s) on the premises of a sexually-oriented business who is authorized to exercise overall operational control or hold primary responsibility for the operation of a sexually-oriented business, or who causes to function or who puts or keeps the business in operation. A person may be found to be operating or causing to be operated a sexually-oriented business whether or not that person is an owner, part owner, or licensee of the business.

Section 17.11.I Person

Means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

Section 17.11.J Sadomasochistic Sexual Abuse

Means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

Section 17.11.K Semi-Nude

Means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

Section 17.11.L Sexual Encounter Establishment

Means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

Section 17.11.L.1 Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

Section 17.11.L.2 Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

Section 17.11.L.3 Exception

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Ohio Revised Code, is not a “sexual encounter establishment”.

Section 17.11.M Sexually-Explicit Nudity

Means the sexually-oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner that present or expose such nudity to prominent, focal, or obvious viewing attention.

Section 17.11.N Sexually-Oriented Businesses

As used in this Resolution, “adult arcade,” “adult bookstore,” “adult novelty store,” “adult video store,” adult entertainment establishment,” “adult motion picture theater,” “adult theater,” “distinguished or characterized by their emphasis upon,” “nude or seminude model studio,” “nudity,” “nude,” “state of nudity,” “regularly features,” “regularly shown,” “seminude,” “state of semi-nudity,” “sexual encounter establishment,” “specified anatomical areas,” and “specified sexual activity” have the same meanings as in section 2907.39 of the Revised Code.

Further defined as follows:

Section 17.11.N.1 Adult Arcade

Means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Section 17.11.N.2 Adult Book Store

Includes Adult Novelty Store and Adult Video store, means a commercial establishment that, for any form of consideration, has a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

Section 17.11.N.2.a

Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

Section 17.11.N.2.b

Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Section 17.11.N.2.c

Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

Section 17.11.N.3 Adult Entertainment Establishment

Means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

Section 17.11.N.4 Adult Motion Picture Theater

Means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Section 17.11.N.5 Adult Novelty Store

Means an establishment that rents or sells furniture, instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs. Said establishment may include the sale or rental of lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Section 17.11.N.6 Adult Theater

Means a theater, concert hall, auditorium, or similar commercial establishment that for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

Section 17.11.N.7 Adult Video Stores

An establishment primarily engaged in the retail sale, rental or lease of video tapes, films, CD-ROMS, DVDs, laser discs, electronic games, cassettes, or other electronic media containing adult-themed material or characterized by an

emphasis on matter depicting specified sexual activities or specified anatomical areas.

Section 17.11.O Specified Anatomical Areas

Means the cleft of the buttocks, anus, male or female genitals, or the female breast.

Section 17.11.P Specified Sexual Activities

Means any of the following:

Section 17.11.P.1 Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;

Section 17.11.P.2 Excretory functions as part of or in connection with any of the activities described in **Section 17.11.P.1**.

Section 17.11.Q 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.

ARTICLE 18 ~ EXTRACTION OF NATURAL RESOURCES

<u>Section 18.00</u>	Extraction of Minerals
<u>Section 18.01</u>	General Requirements
<u>Section 18.02</u>	Applicant - Financial Ability
<u>Section 18.03</u>	Application - Contents, Procedure
<u>Section 18.04</u>	Public Hearing
<u>Section 18.05</u>	Rehabilitation
<u>Section 18.06</u>	Additional Requirements

Section 18.00 Extraction of Minerals

Section 18.01 General Requirements

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

Section 18.01.A Distance From Property Lines

No quarrying operation shall be carried on or any stock pile placed closer than 100 feet to any property line unless a greater distance is specified by the Board of Zoning Appeals 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.

Section 18.01.B Distance From Public Right-of-Way

In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation or any stockpile from such operation shall take place closer than 100 horizontal feet to the nearest line of such right-of-way.

Section 18.01.C Fencing

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

Section 18.01.D Equipment

All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.

Section 18.01.E Processing

The crushing, washing, and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

Section 18.02 Applicant - Financial Ability

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

Section 18.03 Application - Contents, Procedure

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

Section 18.03.A Name of the owner or owners of land from which removal is to be made;

Section 18.03.B Name of the applicant making request for such permit;

Section 18.03.C Name of the person or corporation conducting the actual removal operation;

Section 18.03.D Location, description, and size of the area from which removal is to be made;

Section 18.03.E Location of processing plant used;

Section 18.03.F Type of resources or minerals to be removed;

Section 18.03.G Proposed method of removal and whether or not blasting or other use of explosives will be required;

Section 18.03.H Description of equipment to be used;

Section 18.03.I Method of rehabilitation and reclamation of the mined area.

Section 18.04 Public Hearing

Upon receipt of such application, the Board of Appeals shall set the matter for a public hearing in accordance with the provisions of Article 5 Section 514 – 526.

Section 18.05 Rehabilitation

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

within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

Section 18.05.A Surface Rehabilitation

All excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, noninflammable, and noncombustible solids, to secure:

Section 18.05.A.1

That the excavated area shall not collect and permit to remain therein stagnant water.

Section 18.05.A.2

That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

Section 18.05.B Vegetation

Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.

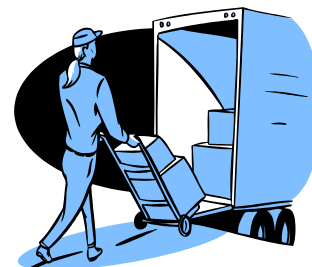
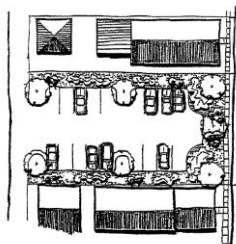
Section 18.05.C Banks of Excavations Not Backfilled

The banks of all excavations not backfilled shall be sloped to the waterline at a foot vertical, and shall not be less than three feet horizontal to one foot vertical; said bank shall be seeded.

Section 18.06 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. Prior to issuance of the permit, the board shall determine the said conditions and the amount of the performance bond. (Refer to Section 522.)

ARTICLE ~ 19 OFF-STREET PARKING AND LOADING FACILITIES



<u>Section 19.01</u>	General Requirements
<u>Section 19.02</u>	Parking Space Dimensions
<u>Section 19.03</u>	Loading Space Requirements and Dimensions
<u>Section 19.04</u>	Paving
<u>Section 19.05</u>	Drainage
<u>Section 19.06</u>	Maintenance
<u>Section 19.07</u>	Lighting
<u>Section 19.08</u>	Location of Parking Spaces
<u>Section 19.09</u>	Screening and/or Landscaping
<u>Section 19.10</u>	Disabled Vehicles
<u>Section 19.11</u>	Minimum Distance and Setback
<u>Section 19.12</u>	Joint Use
<u>Section 19.13</u>	Wheel Blocks
<u>Section 19.14</u>	Width of Driveway Aisle
<u>Section 19.15</u>	Access
<u>Section 19.16</u>	Width of Access Driveway
<u>Section 19.17</u>	Striping
<u>Section 19.18</u>	Parking Space Requirements
<u>Section 19.19</u>	General Interpretation of Article 19
<u>Section 19.20</u>	Handicap Parking
<u>Section 19.21</u>	Practice of Agriculture

Section 19.01 General Requirements

Section 19.01.A

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this resolution.

Section 19.01.B

The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution.

Section 19.01.C

Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of 50 percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 19.01.D

Private drives shall conform to Section 16.11: Private Residential Driveway Requirements and Section 16.12: Commercial, Industrial, Multifamily, Institutional and Recreational Districts/Uses Driveway Requirements.

Section 19.02 Parking Space Dimensions

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking; ten (10) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking; and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 2000.18 of this resolution.

PARKING STALL DESIGN	WIDTH	LENGTH
Ninety (90) Degree Parking	Nine (9) Feet	Nineteen (19) Feet
Parallel Parking	Ten (10) Feet	Twenty-Three (23) Feet
Sixty (60) Degree Parking	Ten (10) Feet	Nineteen (19) Feet
Forty-Five (45) Degree Parking	Twelve (12) Feet	Nineteen (19) Feet

Section 19.03 Loading Space Requirements and Dimensions

A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of parking areas, driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. One off street loading space shall be provided and maintained on the same lot for each 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 addition 10,000 square feet or fraction thereof.

Section 19.04 Paving

The required number of parking and loading spaces as set forth in Sections 2000.03 and 2000.18, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a solid surface (i.e. paved, cement).

Section 19.05 Drainage

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

Section 19.06 Maintenance

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

Section 19.07 Lighting

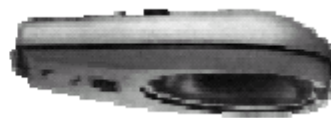
All parking areas that are intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and make use of fully-shielded fixtures to limit light pollution.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

How to Recognize Fully-Shielded Fixtures

Figure 19.A



Unshielded Fixture



Fully-Shielded Fixture

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

There is nothing mysterious about a shielded luminary - if you can see the lamp or any optical part (a reflector, prismatic lens or even a clear non-prismatic lens) from the side of the luminary (or any angle above), it is almost certainly not fully shielded. Beware of some fixtures that either have reflecting surfaces located below the lamp and visible from the side or above, and fixtures that can be mounted so that the shielding is ineffective. Also beware of claims for shielding based on the appearance of the word "shield", "shielded", "cutoff" or similar in the description if the luminary does not also look obviously fully shielded as described here.

Section 19.08 Location of Parking Spaces

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

Section 19.08.A

Parking spaces for all detached residential uses shall be located on the same lot as the use that they are intended to serve;

Section 19.08.B

Parking spaces for commercial, industrial, and institutional uses shall be located upon the same lot as the principle use and located not more than 700 feet from the principal use;

Section 19.08.C

Parking spaces in non-residential zoned areas, such as LB, GB, PRO, IB, M-1, and M-2, will be located to the rear and sides of the structure.

Section 19.08.D

No parking spaces shall be located in the required yard setback within a public or private road right-of-way, or in a manner that would disrupt or impede traffic flow into and out of the parking area onto a public or private road, or otherwise create a safety hazard to motorists or pedestrians.

If there is a question or concern, the zoning inspector may require, request, or obtain information and guidance from the Licking County Area Transportation Study (LCATS), Licking County Planning Commission (LCPC), Ohio Department of Transportation, Licking County Engineer or a qualified engineering firm the township contracts with. The zoning inspector may utilize or base his or her decision upon this information and guidance.

Section 19.09 Screening and/or Landscaping

Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides that adjoin or face any property used for residential purposes by an acceptably designed wall, a fence that is 75% opaque (made of natural material, or material that appears to be natural), landscaped berm, or planting screen. Such fence, wall, or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required. These requirements are in addition to the requirements in [Article 21: Landscaping and Buffering](#).

Section 19.10 Disabled Vehicles

The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. (See also [Section 16.15: Junk Motor Vehicles](#).)

Section 19.11 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 location on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

Section 19.12 Joint Use

Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that together they meet the requirements of [Section 19.18: Parking Space Requirements](#) and a copy of a perpetual easement that has been recorded in the deed of each lot in the Licking County Recorders Office shall be filed with the application for a zoning permit.

Section 19.13 Wheel Blocks

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

Section 19.14 Width of Driveway Aisle

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen

and one-half (17 ½) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

Section 19.15 Access

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

Section 19.16 Width of Access Driveway

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

Section 19.17 Striping

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

Section 19.18 Parking Space Requirements

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

Section 19.18.A Residential

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
Single-family or two-family dwelling.	Two for each unit.
Apartments or multi-family dwelling.	Two for each unit.
Boarding houses, rooming houses, dormitories, and fraternity houses that have sleeping rooms.	One for each sleeping room or two for each permanent occupant.
Manufactured homes	Two for each unit.

Section 19.18.B Recreational or Entertainment

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
Dining rooms, restaurants, taverns, night clubs, etc.	One for each 200 square feet of floor area.
Taverns, bars, nightclubs, and the like.	One for every three persons of capacity as determined by the Fire Marshall and one for each employee.
Outdoor patio areas (may be used for dining, lounging, bar, music, or other gathering areas of a business, etc.)	One for every two persons of capacity as determined by the Fire Marshall and one for each employee. If no capacity rating is provided, it shall be one for each four square feet of floor area and one for each employee.
Bowling alleys.	Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
Skating rinks.	One for each 100 square feet of floor area used for the activity.
Outdoor swimming pools: public, community or club.	One for each five persons capacity, plus one for each four seats or one for each 30 square feet of floor area used for seating purposes whichever is greater.
Auditoriums, sport arenas, theaters, and similar uses.	One for each four seats.
Camp ground.	1.5 for each camp site plus one per employee.

Section 19.18.C Commercial

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
Automobile service garage, which also pump and provide for repair.	One for each employee, two for each gasoline pump and four for each service bay.
Hotels, motels.	One per each sleeping room plus one space for each two employees.
Funeral parlors, mortuaries and similar type uses.	One for each 100 square feet of in slumber room, parlors or service rooms.
Fast Food	One per employee/one for every 250' of sq. ft. of floor area.
Convenience store/gas station.	Two for each gasoline pump and one for every 250 sq. ft. of floor area.
Retail store, big box store, shopping center.	One for each 200 square feet of floor area.
Banks, financial institutions and similar uses.	One for each 200 square feet of floor area.
Offices, public or professional administration, or service building.	One for each 400 square feet of floor area.
All other types of business or commercial uses permitted in any business district.	One for each 300 square feet of floor area.
Dining rooms, restaurants, taverns, night clubs, etc.	One for each 200 square feet of floor area.
Taverns, bars, nightclubs, and the like.	One for every three persons of capacity as determined by the Fire Marshall, and one for each employee.
Outdoor Patio Areas (may be used for dining, lounging, bar, music, or other gathering areas of a business, etc.)	One for every two persons of capacity as determined by the Fire Marshall, and one for each employee. If no capacity rating is provided, it shall be one for each four square feet of floor area and one for each employee.

Section 19.18.D Institutional

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
Churches and other places of religious assembly.	One for each four seats.
Hospitals.	One for each bed.
Sanitariums, home for the aged, nursing homes, asylums, and similar uses.	One for each two beds.
Medical and dental clinics.	One for every 200 square feet area of examination, treating room office, and waiting room.
Libraries, museums, and art galleries.	One for each 400 square feet of floor area.

Section 19.18.E Schools (Public, Parochial, or Private)

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
Elementary and junior high schools.	Two for each classroom and one for every four seats in auditorium or assembly halls. One for each teacher and employee.
High schools.	One for every five students and one for each teacher and employee.
Business, technical and trade schools.	One for every two students; one for each teacher and employee; one for every four seats in auditorium or assembly halls.
Colleges, universities.	One for every four students; one for each employee.
Kindergartens, childcare centers, day care facilities, and similar uses.	One for each employee; one parking space for every four children.

Section 19.18.F Manufacturing

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district.	One for every employee (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.
Cartage, express, parcel delivery, and shift freight terminals.	One for every employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

Section 19.18.G Other Non-Specified Uses

Due to the fact that there are often uses that do not fall into one of the above categories, and that new uses are regularly developed and established, it is hereby the intent of Union Township to reserve the ability to refer to the following industry resources to determine if a use not specified above, used in combination with other uses, or used in a manner that is not generally recognized as common for that use to determine the number of parking spaces required:

Planning Advisory Service (PAS) Report No. 510/511, Parking Standards. Michael Davidson and Fay Dolnick. November 2002.

Section 19.19 General Interpretation of Article 19

In the interpretation of **Article 19: Off Street Parking and Loading Facilities**, the following rules shall govern:

Section 19.19.A

Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the board upon an appeal from a decision of the zoning inspector.

Section 19.19.B

Fractional numbers shall be increased to the next whole number.

Section 19.19.C

Where there is an adequate public transit system, or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the board upon an appeal from a decision of the zoning inspector.

Section 19.20 Handicap Parking

Parking lots will follow the Federal Guidelines for Disabled/Handicap persons for spacing requirements, including but not limited to dimensions, number of spaces, materials, and signage. This shall be in addition to the requirements in Section 19.18: Parking Space Requirements.

ARTICLE 20 ~ SIGNS



Section 20.01	Statement of Purpose
Section 20.02	Applicability – Effect
Section 20.03	Legal Non-Conforming Signs
Section 20.04	Computations for Signs
Section 20.05	Zoning District Sign Regulations
Section 20.06	Business/Commercial/Manufacturing/District Signs
Section 20.07	Interstate Business District (IB) Signs
Section 20.08	Sport Entertainment District Signs
Section 20.09	Agriculture and Residential District Signs
Section 20.10	Temporary Sign Requirements for All Districts
Section 20.11	General Requirements for All Signs
Section 20.12	Signs Exempt from the Regulations Contained in this Article
Section 20.13	Variance Standards for Signs
Section 20.14	Application for a Sign Variance
Section 20.15	Sign Permits

Section 20.01 Statement Of Purpose

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the township; to maintain and enhance the aesthetic environment and the township's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to provide for public health and safety by minimizing the possible adverse effects (including but not limited to the obstruction of sight distance to motorists entering and exiting a roadway and distracting motorists of signs on nearby public and private property; to control litter; to maintain property values; to maintain character of the community; and to enable the fair and consistent enforcement of these sign regulations). This sign resolution is adopted under the zoning authority of the township in furtherance of the more general purposes set forth in the zoning resolution.

Section 20.02 Applicability – Effect

A sign may be erected, placed, established, painted, created, or maintained in the township only in conformance with the standards, procedures, exemptions, and other requirements of this resolution.

Section 20.02.A

The effect of this resolution, as more specifically set forth herein, is:

Section 20.02.A.1

To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this resolution;

Section 20.02.A.2

To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this resolution, but without a requirement for permits;

Section 20.02.A.3

To prohibit all signs not expressly permitted by this resolution (unless amended by the process outlined in Article 6 of this resolution);

Section 20.02.A.4

And to provide for the enforcement of the provisions of this resolution.

Section 20.02.A.5

Applies only to exterior signs unless otherwise specified.

Section 20.03 Legal Nonconforming Signs

Any sign lawfully erected and in existence on the effective date of this resolution that does not meet the requirements of this resolution may be maintained as a matter of right as a

legal nonconforming sign and may be rebuilt on the same property, in accordance to Article 3: Non-Conformities of this resolution, provided said sign's degree of nonconformity is not increased.

Section 20.04 Computations For Signs

Section 20.04.A

The following principles shall control the computation of sign area and sign height:

Section. 20.04.A.1 Computation of Area of Individual Signs

Section 20.04.A.1.a Computation of Area of Single-Faced Signs

The area of a sign (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of measuring the outer limits of the sign face, which includes the area of any square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, graphic representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign face from the backdrop or structure against which it is placed. This shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning resolution regulations and is clearly incidental to the display itself. The sign face may completely cover the structure or backdrop, in which case the entire structure would be included in the sign face computation. See also Figures Article 20-A through Article 20-C, Sign Measurement Graphics.

Section 20.04.A.1.b Computation of Area of Multi-faced Signs

The area for a sign with more than one face shall be computed as stated in Section 20.04.A.1.a: Computation of Area of Single Faced Sign for each face. Only one face shall be visible from any one point. For example, a two-sided sign, where face A is on the backside of face B, shall be measured as noted in Section 20.04.A.1.a: Computation of Area of Single Faced Sign for side A and side B separately. However, if a sign is multi-faced, where face A and face B are visible from a single point (such as stacked one above the other), then both face A and face B combined shall equal the area computation in Section 20.04.A.1.a: Computation of Area of Single Faced Sign.

Section 20.04.A.1.c Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the

elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street, or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 20.04.A.1.d Computation of Maximum Total Permitted Sign Area for a Zone Lot

The maximum sign area shall be the maximum area specified in Sections 20.05: Zoning District Sign Regulations, to Section 20.10: Temporary Sign Requirements For All Districts. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage, excluding temporary signs and pole signs. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street, unless otherwise specified.

Figure Article 20.A SIGN FACE AND HEIGHT MEASUREMENTS

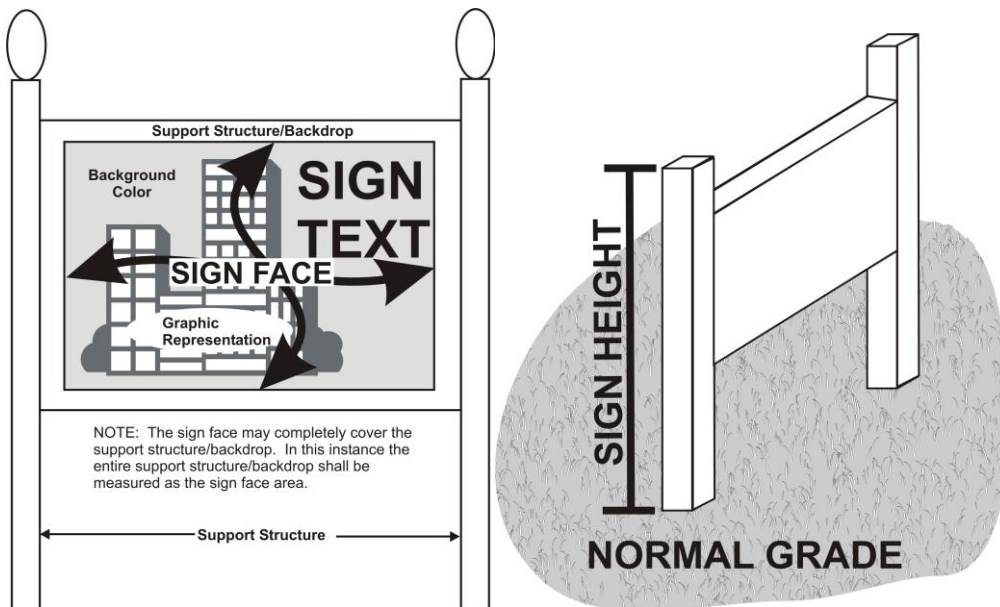


Figure 20.B DIAGRAMS OF SIGN STRUCTURE COMPONENTS FOR VARIOUS TYPES OF SIGN STRUCTURES

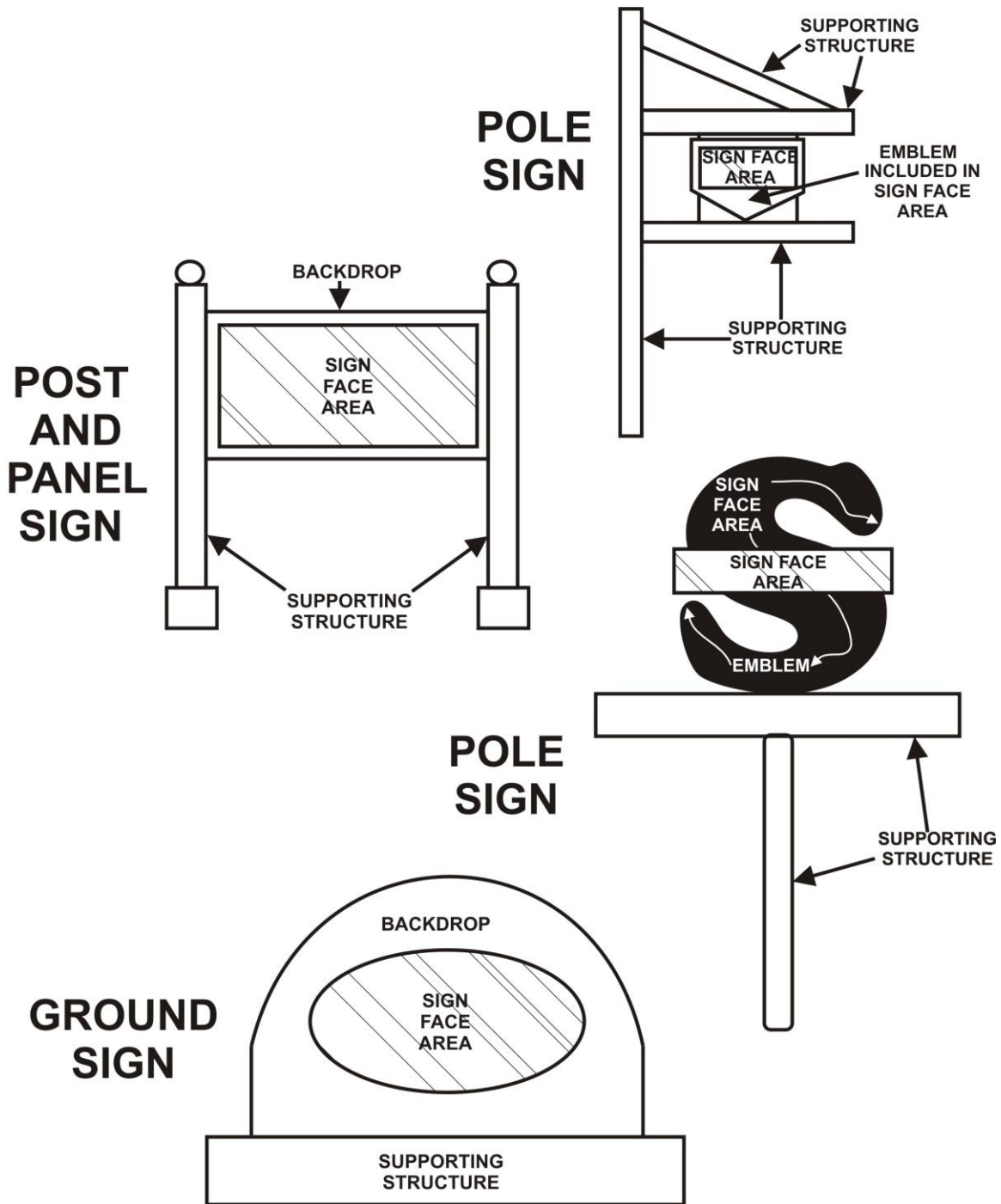
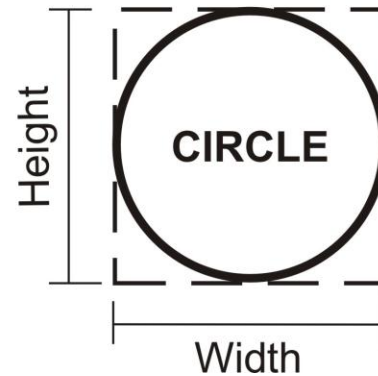
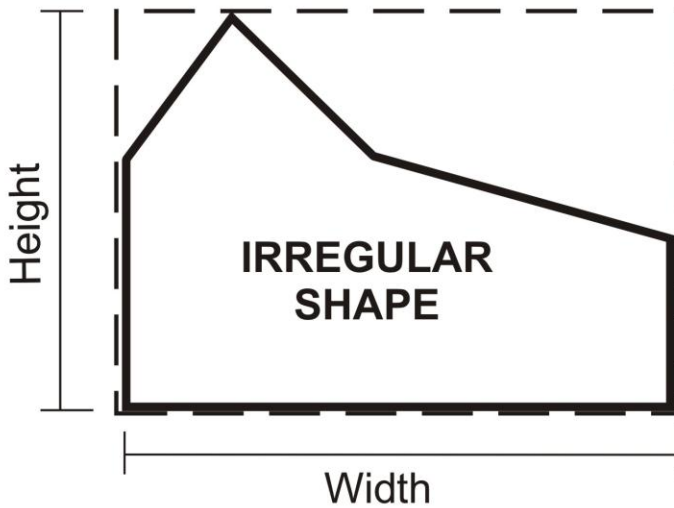
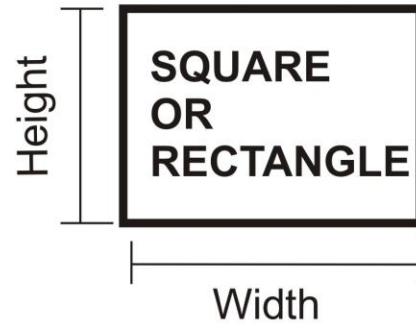
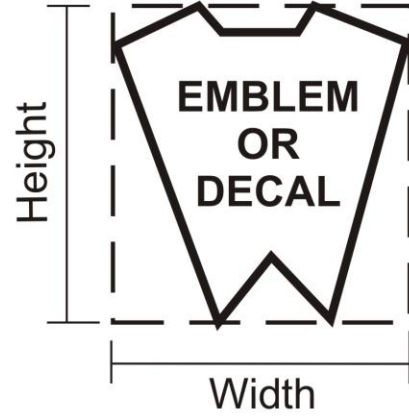
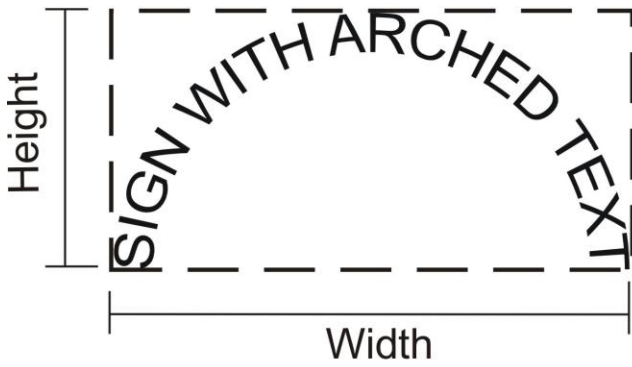


Figure 20.C SIGN FACE MEASUREMENTS



Section 20.05 Zoning District Sign Regulations

Sign regulations are specified by zoning district as follows:

- **Section 20.06** Business/Commercial/Manufacturing Districts Signs (excluding Interstate Business)
- **Section 20.07** Interstate Business District Signs
- **Section 20.08** Sport Entertainment District Signs
- **Section 20.09** Agriculture and Residential District Signs

Section 20.06 Business/Commercial/Manufacturing District Signs *(excluding Interstate Business District, which is otherwise regulated within this resolution)*

Section 20.06.A Business/Commercial/Manufacturing District On-Premise Signs Permitted, NO PERMIT REQUIRED

Section 20.06.A.1 Fuel Island Canopy Sign

A fuel island canopy sign means a sign attached to or part of a fuel island canopy. Such sign shall not extend beyond (in any direction) the façade of the canopy.

Section 20.06.A.2 Entrance and Exit Signs

Entrance and exit signs providing directional information may be permitted. Such signs shall not exceed a height of two and a half (2.5) feet and shall not have a sign area of three (3) square feet on any face. Entrance and exit signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to any motorist or pedestrian. Such signs may include a company logo, but shall not include any other advertising that will distract the driver's attention from the directional prompts or reduce the driver's reaction time, thus negating the purpose for the sign and creating a safety hazard.

Section 20.06.A.3 On-Site Traffic Control Signs

On-site traffic control signs including but not limited to stop signs, yield signs, or other directional signs may be permitted. Such signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to any motorist or pedestrian. Such signs may include a company logo but shall not include any other advertising that will distract the driver's attention from the traffic safety

prompts or reduce the driver's reaction time, thus negating the purpose of the sign and creating a safety hazard. Said signs shall not exceed a height of eight (8) feet .

Section 20.06.B Business/Commercial/Manufacturing District On-Premise Signs Permitted, PERMIT REQUIRED

Section 20.06.B.1 On-Premise Wall Signs

Each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed four (4) feet measured from the face of the main building, not more than ten (10) square feet on any one face of the sign.

Section 20.06.B.2 On-Premise Ground Sign

In addition to the above, each business or industry shall be permitted one on-premises ground sign, provided all parts of the sign shall be set back ten (10) feet from the street right-of-way. The maximum area of such sign shall not exceed thirty-two (32) square feet on any face of the sign. The sign must be permanently affixed to the ground and shall not exceed a height of six (6) feet.

Section 20.06.B.3 On-Premise Pole Sign

In addition to the above, each business or industry shall be permitted one on-premises pole sign not exceeding thirty (30) feet in height or fifty (50) square feet in area on any face (maximum of two [2] faces) of the sign. Such signs shall not be located closer than ten (10) feet from any road right-of-way line. The sign must be permanently affixed to the ground and shall not exceed a height of twenty (20) feet.

Section 20.06.B.4 Multiple Business Sign Alternatives

In lieu of the permitted pole sign as permitted in Section 20.06B.3: On-Premise Pole Sign above, groups of establishments of four or more business shall be permitted one larger ground sign for all businesses. Such sign shall not exceed eighty (80) square feet on any face nor exceed thirty (30) feet in height and shall be setback at least ten (10) feet from the road right-of-way. The sign must be permanently affixed to the ground and shall not exceed a height of twenty (20) feet.

Section 20.06.C Business/Commercial/Manufacturing District OFF-Premise Signs Permitted, PERMIT REQUIRED

Section 20.06.C.1 Billboards

Section 20.06.C.1.a General

Billboards shall be classified as a business use and shall be permitted in all Business, Commercial and Manufacturing districts subject to the following regulations:

Section 20.06.C.1.b Setback from Right-Of-Way

Such signs or structures shall not be located within seventy-five (75) feet of any street (or road) right-of-way.

Section 20.06.C.1.c Spacing

Such signs or structures shall not be located within three-thousand (3,000) feet of any other billboard

Section 20.06.C.1.d Sign Setback from Structures

Such signs or structures shall not be located on or within one-hundred (100) feet of any building or other sign.

Section 20.06.C.1.e Sign Face Area

Such signs shall not exceed three-hundred (300) square feet on one face and/or six-hundred (600) square feet for two or more faces, and in no case shall more than three-hundred (300) square feet of display or sign area be visible from any road or street.

Section 20.06.C.1.f Sign Height

No billboard sign shall exceed a height of twenty-six (26) feet.

Section 20.06.C.1.g Relation to Other Laws

Advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 5516.01 to 5516.13 and 5531.07, as amended shall be permitted in accordance with those state laws. The zoning inspector shall only issue a permit when the applicant produces a permit from the State, and the proposed meets the requirements of this Article.

Section 20.07 Interstate Business District (IB) Signs

Section 20.07.A IB District On-Premise Signs Permitted, NO PERMIT REQUIRED.

Section 20.07.A.1 Entrance and Exit Signs

Entrance and exit signs providing directional information may be permitted. Such signs shall not exceed a height of two and a half (2.5) feet and shall not have a sign area of three (3) square feet on any face. Entrance and exit signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to any motorist or pedestrian. Such signs may include a company logo but shall not include any other advertising that will distract the driver's attention from the directional prompts or reduce the driver's reaction time, thus negating the purpose for the sign and creating a safety hazard.

Section 20.07.A.2 On-Site Traffic Control Signs

On-site traffic control signs, including but not limited to stop signs, yield signs, or other directional signs may be permitted. Such signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to a motorist or any pedestrian. Such signs may include a company logo but shall not include any other advertising that will distract the driver's attention from the traffic safety prompts or reduce the drivers reaction time, thus negating the purpose of the sign and creating a safety hazard. Said signs shall not exceed a height of eight (8) feet.

Section 20.07.B IB District On-Premise Signs Permitted, PERMIT REQUIRED

Section 20.07.B.1 On-Premise Wall Signs

Each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed four (4) feet measured from the face of the main building, not more than ten (10) square feet on any one face of the sign.

Section 20.07.B.2 On-Premise Ground Sign

In addition to the above, each business or industry shall be permitted one on-premises ground sign, provided all parts of the sign shall be set back ten (10) feet from the road right-of-way. The maximum area of such sign shall not exceed thirty-two (32) square feet on any face of the sign. The sign must be permanently affixed to the ground and shall not exceed a height of six (6) feet.

Section 20.07.B.3 On-Premise Interstate Pole Sign (High-Rise Pole Sign)

In addition to the above, each business located adjacent to or within one-thousand (1,000) feet of the midpoint of the intersection of an Interstate, shall be permitted one on-premises pole sign. Currently this includes the intersection of Interstate 70 and State Route 37, and the intersection of Interstate 70 and State Route 79. Said on-premises pole sign shall not exceed seventy-five (75) feet in height or eighty (80) square feet in area on any face of the sign. Such signs shall be located no closer than ½ the total sign height or a minimum of twenty (20) feet, whichever is greater, from any right-of-way line. The purpose of said sign shall be to inform and attract motorists from Interstate 70, therefore said sign shall be oriented to Interstate 70. The sign must be permanently affixed to the ground.

Section 20.07.B.4 On-Premise Pole Sign

In place of the on-premise interstate pole sign (high-rise pole sign), each business or industry may be permitted one on-premises pole sign not exceeding thirty (30) feet in height or fifty (50) square feet in area on any face of the sign. Such signs shall not be located closer than twenty (10) feet from any road right-of-way line. No sign shall exceed one-hundred (100) total square feet of sign face area. The sign must be permanently affixed to the ground and shall not exceed a height of twenty (20) feet.

Section 20.07.B.5 Multiple Business Sign Alternatives

In lieu of the permitted on-premise interstate pole sign or on-premise pole sign as permitted in Section 20.07.B.3: On-Premise Interstate Pole Sign or Section 20.07.B.4: On-Premise Pole Sign above, groups of establishments of four or more business shall be permitted one larger ground sign for all businesses. Such sign shall not exceed eighty (80) square feet on any face, nor exceed thirty (30) feet in height, and shall be setback at least twenty (20) feet from the road right-of-way. The sign must be permanently affixed to the ground and shall not exceed a height of twenty (20) feet.

Section 20.07.B.6 Fuel Island Canopy Sign

A fuel island canopy sign means a sign attached to or part of a fuel island canopy. Such signs shall not extend beyond (in any direction) the façade of the canopy.

Section 20.07.C Interstate Business District OFF-Premise Signs Permitted, PERMIT REQUIRED

Section 20.07.C.1 Billboards

Section 20.07.C.1.a General

Billboards shall be classified as a business use and shall be permitted in all Interstate Business Districts subject to the following regulations:

Section 20.07.C.1.b Setback From Right-Of-Way

Such signs or structures shall not be located within fifty (50) feet from any road right-of-way.

Section 20.07.C.1.c Spacing

Such signs or structures shall not be located within three-thousand (3,000) feet of any other billboard.

Section 20.07.C.1.d Sign Setback from Structures

Such signs or structures shall not be located on or within one-hundred (100) feet of any building or other sign.

Section 20.07.C.1.e Sign Face Area

Such signs or structures shall not be located on or within three-hundred (300) square feet on one face and/or six-hundred (600) square feet for two or more faces, and in no case shall more than three-hundred (300) square feet of display or sign area be visible from any road or street.

Section 20.06.C.1.f Sign Height

No billboard sign shall exceed a height of twenty-six (26) feet.

Section 20.06.C.1.g Relation to Other Laws

Advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 5516.01 to 5516.13 and 5531.07, as amended, shall be permitted in accordance with those state laws. The zoning inspector shall only issue a permit when the applicant produces a permit from the state, and the proposed meets the requirements of this Article.

Section 20.08 Sport Entertainment District Signs

Section 20.08.A Sport Entertainment District On-Premise Signs Permitted, NO PERMIT REQUIRED

Section 20.08.A.1 Inner Track/Field/Court/Stadium Signs

As the majority of sport entertainment facilities are outdoor facilities, the inner track/field/court/stadium signs shall be defined as those signs located within and directed towards the concession, food court, bleacher/seating, pathways, playing, and restroom facility areas of the professional sport entertainment facility. Any signs directed toward the public or private road right-of-way or adjoining lot of record shall comply with the regulations herein.

Section 20.08.A.2 Gate/Entrance and Exit Signs

Gate/entrance and exit signs providing directional information may be permitted. Such signs shall not exceed a height of fifteen (15) feet and shall not have a sign area greater than fifty (50) square feet on any face. Gate/entrance and exit signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to a motorist or any pedestrian. Such signs may include a company logo but shall not include advertising that will distract the driver's attention from the directional prompts, thus negating the purpose of the sign and creating a safety hazard. These signs are generally larger than other business entrance and exit signs due to the nature of these events. Said events generally attract large crowds and large volumes of traffic over a short period of time. Patrons generally have tickets or passes for specific entrance gates. Therefore, it is important to have larger signs that may be viewed from a greater distance in order for patrons to locate and maneuver in a safe and timely manner into the appropriate traffic lanes to access these specified gates.

Section 20.08.A.3 On-Site Traffic Control Signs

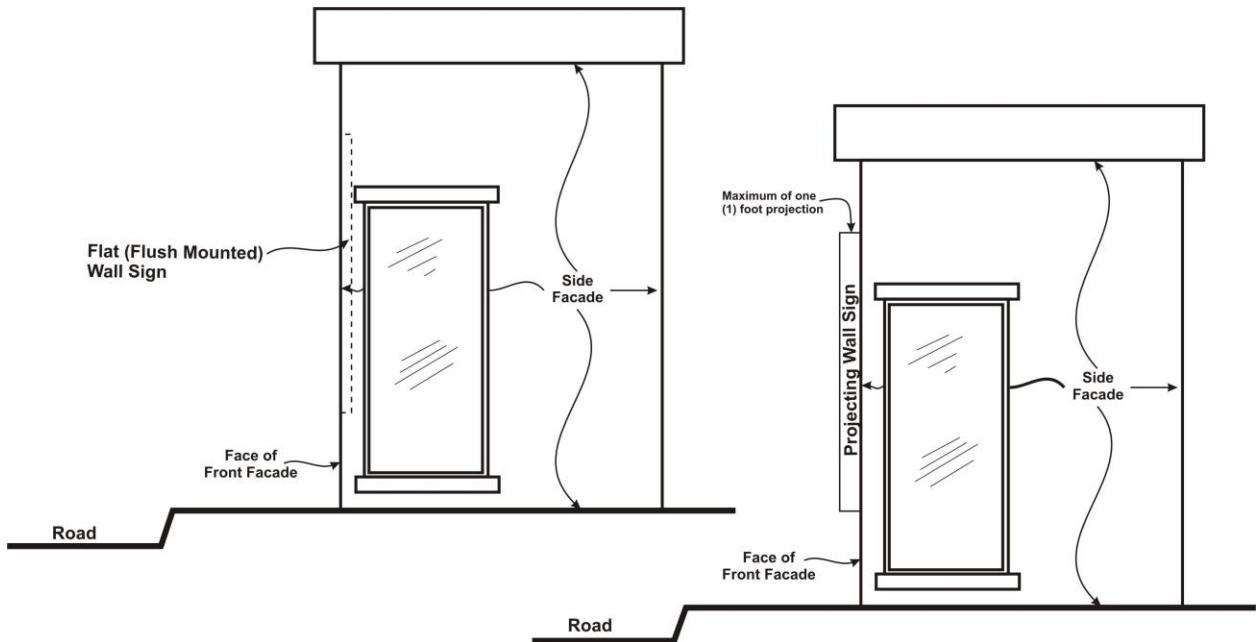
On-site traffic control signs, including but not limited to stop signs, yield signs, or other directional signs may be permitted. Such signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to any motorist or pedestrian. Such signs may include a company logo but shall not include advertising that will distract the driver's attention from the traffic safety prompts, thus negating the purpose of the sign and creating a safety hazard. Said signs shall not exceed a height of eight (8) feet .

Section 20.08.B Professional Sport Entertainment District On Premise Signs Permitted, PERMIT REQUIRED

Section 20.08.B.1 On-Premise Wall Signs

Each business shall be permitted one flat (flush mounted) on-premise wall sign or one projecting on-premise wall sign. No sign face area of said sign shall be greater than five (5) percent of the façade it is located on, and no sign shall extend beyond one (1) foot from the face of said façade. The one (1) foot standard within this section shall supercede the four (4) foot standards in Section 20.11.B.4: Projecting Wall Signs.

Figure 20.D On-Premise Wall Signs Flat vs. Projecting



Section 20.08.B.2 On-Premise Ground Sign

In addition to the above, each business or industry shall be permitted one on-premises ground sign, provided all parts of the sign shall be set back ten (10) feet from the road right-of-way. The maximum area of such sign shall not exceed thirty-two (32) square feet on any face of the sign. The sign must be permanently affixed to the ground and shall not exceed a height of six (6) feet.

Section 20.08.C Sport Entertainment District Off-Premise Temporary Sign PERMIT REQUIRED

Up to four off-premise temporary signs shall be permitted, with a maximum sign face area of twenty-four (24) sq. ft. Said signs may be installed for a period of seven (7) days and shall be removed one day after the event or purpose for which they are established. The zoning inspector is hereby granted the authority to issue a zoning sign permit for a calendar year for temporary signs in this district that are reoccurring. The applicant shall provide a list of all dates the signs shall be erected and the dates the signs shall be removed for a calendar year. Any variation from the schedule submitted to the zoning inspector shall require a separate permit.

Section 20.09 Agriculture And Residential District Signs

Section 20.09.A Agriculture and Residential District On-Premise Signs Permitted, NO PERMIT REQUIRED

Reserved for future use.

Section 20.09.B Agriculture and Residential District On-Premise Signs Permitted, PERMIT REQUIRED

Section 20.09.B.1 On-Premise Ground Signs Residential District/Use

One on-premise ground sign shall be permitted in any residential district or on any property with a residential use within an agriculture district or residential district. Said sign shall be set back ten (10) feet from the road right-of-way line or any lot line, and shall have a maximum of two sign faces; no single face shall have an area greater than six (6) square feet.

Platted residential developments shall be permitted up to two ground signs in accordance with Section 20.09.B.2: On-Premise Ground Sign Agriculture District/Use or Non-Residential Use at the entrance to said development. This shall be independent of any sign permitted in accordance with this subsection on any individual lot of record within the platted residential development.

Section 20.09.B.2 On Premise Ground Sign Agriculture District/Use or Non Residential Use

Any agricultural or non-residential use within any agricultural district shall be permitted one on-premise ground sign, provided all parts of the sign shall be set back ten (10) feet from the road right-of-way line and any lot line. The maximum area of such sign shall not exceed thirty-two (32) square feet on any face of the sign. The sign must be permanently affixed to the ground. Additionally, any

platted residential development shall be permitted one On-Premise Ground Sign at each entrance to the development in accordance with the standards stated within this subsection. Please note a boulevard road shall be considered one entrance for the purpose of determining the number of signs permitted within this subsection.

Section 20.09.C Agriculture District OFF-Premise Signs Permitted, PERMIT REQUIRED

Section 20.09.C.1 Billboards

Section 20.09.C.1.a General

Billboards shall be classified as a business use and shall be permitted in all Agriculture districts subject to the following regulations:

Section 20.09.C.1.b Setback From Right-Of-Way

Such signs or structures shall not be located fifty (50) feet of any street (or road) right-of-way.

Section 20.09.C.1.c Spacing

Such signs or structures shall not be located within three-thousand (3,000) feet of any billboard.

Section 20.09.C.1.d Sign Setback from Structures

Such signs or structures shall not be located on or within one-hundred (100) feet of any building or other sign.

Section 20.09.C.1.e Sign Face Area

Such signs or structures shall not be located on or within three-hundred (300) square feet on one face and/or six-hundred (600) square feet for two or more faces, and in no case shall more than three-hundred (300) square feet of display or sign area be visible from any road or street.

Section 20.06.C.1.f Sign Height

No billboard sign shall exceed a height of twenty-six (26) feet.

Section 20.06.C.1.g Relation to Other Laws

Advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 5516.01 to 5516.13 and 5531.07, as amended, shall be permitted in accordance with those state laws. The zoning inspector shall only issue a permit when the applicant produces a permit from the state, and the proposed meets the requirements of this Article.

Section 20.09.C.1.h Prohibited

Billboards shall not be permitted in any platted residential area within the agricultural district.

Section 20.10 Temporary Sign Requirements For All Districts

Section 20.10.A General

Temporary signs are permitted with a temporary sign permit unless specified exempt. Such signs shall conform to the requirements set forth below as well as other applicable requirements of this resolution.

Section 20.10.B Standards For All Temporary Signs

Temporary signs specified in this Article shall not be attached to fences, trees, utility poles or the like and shall not be placed in a position that will obstruct or impair vision of motorists or pedestrians, or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

Section 20.10.C Temporary Sign Component Materials

Temporary signs shall be post and panel sign construction. A post and panel sign is constructed of either wood post or metal post (not wire frames) that provide support at each side of the sign. The sign face shall be constructed of wood, metal, or corrugated polycarbonate. Said sign face shall be substantially secured to the support post by being nailed, screwed, or bolted to the supporting wood or metal post. No sign shall be stapled, taped, tied, or fastened by plastic or metal ties or the like.

Section 20.10.D Applicant for Temporary Sign

The applicant for a temporary sign shall be the owner of the business placing the sign and the owner of the lot upon which the sign shall be located (if different than the owner of the business). Both individuals shall sign the application and shall accept the responsibility of ensuring said sign is established, maintained, and removed in accordance with the rules and procedures herein and in a manner that is aesthetically pleasing and will not adversely impact the health, safety or welfare of the general public.

Section 20.10.E Application and Expiration of Temporary Sign Permits

Application for a temporary sign permit shall follow the requirements outlined in Section 20.10.D: Applicant for Temporary Sign. The permit shall specify the dates during which the sign will be displayed and will expire at the end of the calendar day on the last date so specified.

Section 20.10.F Removal of Temporary Signs

All temporary signs shall be removed within four (4) days of the expiration of the temporary sign permit.

Section 20.10.G Temporary Signs Permitted in Any District NO PERMIT REQUIRED

Section 20.10.G.1 Temporary On-Premise Signs Not To Exceed Four (4) Square Feet of Sign Face

Temporary on-premise signs not to exceed four (4) square feet of sign face shall be permitted in any district. Said signs shall be removed within four (4) days from the conclusion of said event or purpose for which the temporary sign is established.

Section 20.10.G.1.a Sign Face Measurement

Temporary signs not exceeding four (4) square feet of sign face for a single-sided sign and eight (8) square feet (four [4] square feet per sign face) for a two-sided sign shall be permitted in any district.

Section 20.10.G.1.b Sign Setback

Temporary signs shall maintain a ten (10) foot setback from any lot line and road right-of-way line. Where no road right-of-way exists, the setback shall be forty (40) feet from the centerline of the road.

Section 20.10.G.1.c Sign Placement

Temporary signs may be placed on the ground or attached to a structure only in locations where a wall sign or roof sign would be permitted and does not exist. No temporary sign shall be placed upon any pole, upon any fence, gate, wall, or within any road right-of-way.

Section 20.10.G.1.d Number signs permitted

The number of temporary signs permitted shall not exceed one sign per two-hundred (200) feet of road frontage with a maximum of four temporary signs permitted per lot of record.

Section 20.10.H Temporary Signs Permitted in any Business, Commercial, Manufacturing, or Agricultural District PERMIT REQUIRED

Section 20.10.H.1 Temporary On-Premise Signs

Temporary on-premise signs greater than eight (8) square feet of sign face but less than sixteen (16) square feet may be permitted in any Business, Commercial, Manufacturing, or Agricultural Zoning District upon receiving and maintaining a valid zoning permit. Said signs may include but are not limited to

signs announcing a special event, sales event signs, seasonal sales and the like. No temporary sign under this subsection shall be permitted for a period of time greater than three (3) months.

Section 20.10.H.2 Temporary Off-Premise Signs

Temporary off-premise signs not exceeding six (6) square feet of sign face for a single-sided sign and twelve (12) square feet (six [6] square feet per sign face) for a two-sided sign may be permitted in any Business, Commercial, Manufacturing or Agricultural District upon receiving and maintaining a valid zoning permit. No temporary sign under this subsection shall be permitted for a period of time greater than three (3) months.

Section 20.10.I Temporary Sign Requirements

Section 20.10.I.1 Sign Setback

Temporary signs shall maintain a ten (10) foot setback from any lot line and road right-of-way line. Where no road right-of-way exists, the setback shall be forty (40) feet from the centerline of the road.

Section 20.10.I.2 Annual Installation of Signs for more than one business on a parcel

Where a single lot contains more than one but less than seven businesses, the number of annual installations shall be calculated separately for each business, but only one temporary business sign may be displayed on the lot at any one time. Where a single lot contains seven or more businesses, the number of annual installations shall be calculated separately for each business, but only two temporary business signs may be displayed on the lot at any one time and only if the signs are at least 100 feet apart. The zoning inspector shall act upon any multiple applications for temporary business signs on a single lot on a first-come, first-served basis according to the dates and times of receipt of the applications.

Section 20.10.I.3 Prohibition of Temporary Signs

No Temporary Business, Commercial, Manufacturing, or Agricultural sign shall be allowed on any lot that is occupied by a single business or two or more businesses in which a reader board incorporated into a permanent freestanding sign is established upon the sight.

Section 20.10.I.4 Quantity Permitted

In regards to off-premise temporary signs, a property owner is permitted up to ten (10) temporary signs per permit obtained. Such sign(s) shall not be located closer than two-hundred (200) feet from any other sign promoting said event or message.

Section 20.11 General Requirements For All Signs

Section 20.11.A Limitation of Advertising Devices Along State Primary Highways

Section 20.11.A.1 Signs adjacent to Interstate/Primary Highways

Larger signs or advertising devices for businesses or industries adjacent to the interstate and primary highway as regulated by the Ohio Revised Code, Chapter 5516, as amended shall be permitted in accordance with those state laws in addition to the requirements of the Union Township Zoning Resolution. Such signs shall require a permit from the township zoning inspector. The owner or agent of such sign must show proof of having obtained the required State of Ohio approval prior to the township zoning inspector issuing a permit.

Section 20.11.A.2 Placement of Signs

No advertising device shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a highway on the primary system as defined by the State of Ohio under Section 5516.06 of the Ohio Revised Code, except the following:

Section 20.11.A.2.a Directional and Official Signs

Directional and other official signs and notices that conform to rules adopted by the director of the Ohio Department of Transportation;

Section 20.11.A.2.b Signs advertising Sale or Lease

Signs advertising the sale or lease of the property upon which they are located;

Section 20.11.A.2.c Signs identifying the property

Advertising devices indicating the name of the business, activities, or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property and that conform to rules adopted by the director of the Ohio Department of Transportation;

Section 20.11.A.2.d Precautionary Signs

Precautionary signs relating to the premises;

Section 20.11.A.2.e Location, Identification and Warning Signs

Signs, displays, or devices that locate, identify, mark, or warn of the presence of pipelines, utility lines, or rail lines, and appurtenances thereof, including, but not limited to, markers used in the maintenance, operation, observation, and safety of said lines;

Section 20.11.A.2.f General

Advertising devices located in zoned industrial or commercial areas adjacent to highways on the primary system that conform to rules adopted by the director of the Ohio Department of Transportation;

Section 20.11.A.2.g Lawfully Existing Signs

Signs lawfully in existence on Oct. 22, 1965, that the director, subject to the approval of the secretary of the United States Department of Transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance;

Section 20.11.A.2.h Sports Facilities

Advertising devices that are located on the premises of a professional sports facility and that conform to rules adopted by the director of the Ohio Department of Transportation.

Section 20.11.B General Sign Requirements for All Districts

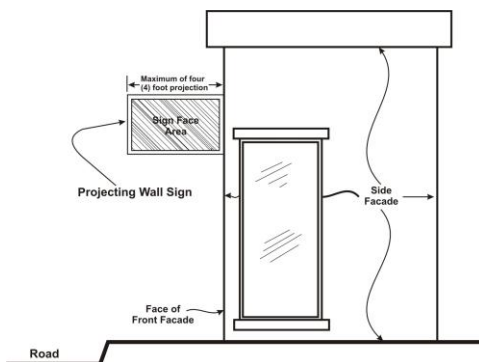
The regulations contained in this section shall apply to all signs and all use districts.

Section 20.11.B.1 All signs shall be constructed of durable materials, anchored to the ground or principal structure as permitted by the regulations herein, and braced so that the sign will not sway, flap, or otherwise move or be blown out. Signs shall be post and panel sign construction. A post and panel sign is constructed of either wood post or metal post (not wire frames) that provide support at each side of the sign. The sign face shall be constructed of wood, metal, or corrugated polycarbonate. Said sign face shall be substantially secured to the support post by being nailed, screwed, or bolted to the supporting wood or metal post. No sign shall be stapled, taped, tied, or fastened by plastic or metal ties or the like. No temporary sign shall be converted to a permanent sign by simply anchoring it to the ground.

Section 20.11.B.2 Any illuminated sign or lighting device shall employ only light emitting a constant intensity with fully shielded fixtures so as to prevent light trespass and distraction. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

Section 20.11.B.3 All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local or state electric code.

Section 20.11.B.4 No projecting sign shall be erected or maintained that extends from the front or face of a building a distance of more than four (4) feet, including those projecting from the face of any theater, hotel, or motel marquee unless otherwise specified herein. No portable or temporary sign shall be placed on the front or face of a building or on any premises unless otherwise permitted herein.



Section 20.11.B.5 No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention to a sign.

Section 20.11.B.6 No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

Section 20.11.B.7 Should any sign be or become unsafe or be in danger of falling or structurally failing, the owner thereof or the person maintaining the same shall upon receipt of written notice from the zoning inspector proceed at once to put such sign in a safe and secure condition, or remove the sign.

Section 20.11.B.8 No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs as required by law.

Section 20.11.B.9 All off-premises advertising devices erected or maintained under Chapter 5516.10 of the Ohio Revised Code shall be in compliance with Chapter 5516.10 and this resolution.

Section 20.11.B.10 No sign shall be located any closer than ten (10) feet from any public road right-of-way or property line, unless otherwise specifically stated herein. If a larger setback standard is required herein, said standard shall apply.

Section 20.11.B.11 Digital Signs

Digital signs are signs that display static images controlled by electronic communications. Any digital sign located within Union Township shall comply with the following regulations:

Section 20.11.B.11.a Minimum Message Display Duration (Message On-Time). The minimum time that a message shall be displayed/remain fixed shall be ten (10) seconds.

Section 20.11.B.11.b Interval Between Successive Displays
When a message or copy changes it shall be accomplished in one (1) second or less.

Section 20.11.B.11.c Default Freeze
Said sign shall contain a default design that will freeze the device in one position (single advertisement) should the device malfunction.

Section 20.11.B.11.d Light Levels
Digital signs shall adjust brightness in response to changes in ambient light levels so that the signs remain at no more than 0.3-foot candles above the level of surrounding ambient light conditions. No digital sign shall cause glare onto any adjoining lot of record upon any horizontal or vertical plane on said adjoining lot of record.

Section 20.11.B.11.e Setback from Residential Structures
All digital signs shall have a setback of 2000 feet from any residential structure.

Section 20.11.C Signs Prohibited

All signs not expressly permitted under this resolution or exempt from regulation hereunder in accordance with the previous sections are prohibited in Union Township. Such signs include, but are not limited to:

Section 20.11.C.1 Beacons;

Section 20.11.C.2 The use of flags and pennants for advertising. For the purpose of this section, the following flags and pennants shall not be considered advertising medium: The flag for the United States of America and any other flag for a nation; state, school, college or university flags; sport team flags/pennants; corporate flags and the like. These flags and pennants are exempted because they are generally attached to flag poles and structures that are anchored to the ground or a structure, and have hardware that secures them to these structures. Additionally, they generally have rules, traditions and are respected in such a way that they are maintained and do not contribute to litter, visual clutter, or create safety hazards. An example of the use of a flag or pennant as an

advertising medium would be a flag or pennant advertising a product, event, sale, displaying a message, or the like. The purpose of regulating flags and pennants is to support the purpose and intent of this article by prohibiting flags and pennants that are stuck into the ground or attached to building overhangs, canopies, fences, and the like and often are blown around and contribute to litter, visual clutter, and impede motorists line of sight as they enter and exit public roadways. These types of flags and pennants are generally considered disposable and are not highly regarded and often are ignored by those establishing them and not maintained.

Section 20.11.C.3 Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section.

Section 20.11.C.4 The parking of vehicles with signage affixed to or resting upon the vehicle in a manner as to act as an advertising medium for the premises upon which it is parked. (See also Section 20.11.C.9.)

Section 20.11.C.4.1 In regards to Section 20.11.C.4 above, a vehicle with advertising upon it shall be identified as being used in this manner when any of the following apply:

Section 20.11.C.4.1.a Said vehicle is located in a location for an extended period of time during a business day (a business day shall be deemed as normal or posted business operating hours, and repeatedly over two or more business days). Said business days shall not be required to be consecutive for the purpose of this section.

Section 20.11.C.4.1.b Said vehicle is parked or positioned in a manner as to present the face of the advertising message to motorist or pedestrians.

Section 20.11.C.4.1.c Said vehicle has a sign resting in the bed of a truck, on a roof top, or hood of a vehicle and/or has a sign strapped to the vehicle by means of a rope, chain, bungee cord, and the like.

Section 20.11.C.5 Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.

Section 20.11.C.6 Advertising devices that prevent the driver of a vehicle from having a clear and unobstructed view of official signs (traffic control signs, directional signs, etc.) and approaching or merging traffic.

Section 20.11.C.7 Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signs, or device.

Section 20.11.C.8 Advertising devices such as portable changeable copy signs.

Section 20.11.C.9 Signs and/or banners placed on semi trailers, buses, or motor vehicles parked on a premises for the purpose of advertising. This does not include vehicles with company names that belong to a company being used on a daily basis and does not include vehicles that are patrons of a business which are at the business for less than twenty-four hours. This type of signage is strictly prohibited in any district. (See also Section 20.11.C.4.)

Section 20.11.C.10 Advertising devices that attempt or appear to attempt to direct the movement of traffic, or that interfere with, imitate, or resemble an official sign, signal, or device.

Section 20.11.C.11 No sign shall be placed within a road right-of-way or allowed to encroach upon a road right-of-way unless otherwise specified within this article. No person shall stand within the road right-of-way to act as an advertising medium. This includes hand-held signs and sandwich board signs that are held or worn by an individual standing in the road right-of-way.

Section 20.11.C.12 Signs that are sexually oriented, explicit, obscene, or suggestive shall not be permitted within Union Township. See also Article 17: Adult Entertainment Regulations of this resolution.

Section 20.11.C.13 Inflatable signs.

Section 20.11.C.14 Any sign not expressly permitted shall be prohibited, unless added to this resolution as a permitted or conditionally permitted use in accordance with Article 5: Amendment of this resolution.

Section 20.12 Signs Exempt From The Regulations Contained In This Article

Section 20.12.A Regulatory Signs

Government agencies shall attempt to comply with these regulations but will be exempt if valid attempts fail and compliance would unreasonably inhibit or significantly hinder the public purpose.

For the purpose of this resolution, signs erected and maintained pursuant to and in discharge of any governmental function required by any law, resolution, Resolution, or governmental regulation, shall be exempt from these regulations.

Section 20.12.B Indoor and Enclosed Area Signs

For the purpose of this resolution, any sign that is indoor or in an outdoor area that is enclosed and not visible from any public road, road right-of-way, or any adjoining or nearby lot of record shall not be subject to the regulations herein. An enclosed area shall be defined as an outdoor area surrounded on all sides by a 100% opaque

fence, wall, or landscape buffer. Said opaque fence, wall, or landscape buffer shall comply with all applicable standards within this resolution.

Section 20.12.C Agriculture “Farm Market” Signs

For the purpose of this resolution, any sign that is used for “farm markets” shall be exempt from these regulations in accordance with Section 519.21(C) of the Ohio Revised Code. A farm market, for the purpose of this resolution, shall be any farm market where 50% or more of the gross income received from the market is derived from produce raised on lands owned or operated by the market operator in a normal crop year. This includes events that market the farm market in conjunction with its operation, and are secondary to the production and sale of agriculture produce raised on lands owned or operated by the market operator in a normal crop year. This exemption does not exempt farm markets from complying with regulations for yard setback, size and height of the sign face and structure.

Section 20.13 Variance Standards For Signs

Section 20.13.A Standards

A variance from any requirement within Article 20: Signs is customarily not granted to increase the number of signs permitted by this Article. A variance from any requirement within Article 20: Signs shall only be considered when a practical difficulty pursuant to Section 4.11.B: Area Variance of this resolution, and any one or more of the circumstances listed below, is present.

Section 20.13.A.1 Visibility by Motorists Due to Obstruction

Permitted signage cannot be easily seen by passing motorists due to the configuration of existing buildings, trees or other obstructions.

Section 20.13.A.2 Visibility by Motorist Due to Topography and Road Course

Permitted signage cannot be easily seen by passing motorists due to the topography of the land or course of the road (i.e. sharp curve, hilly, or winding roadway).

Section 20.13.A.3 Visibility by Motorists Due to Speed

Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the width of the road, the number of moving lanes, the volume of traffic and speed limits should all be taken into consideration.

Section 20.13.A.4 Obstruction by Physical Element

Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.

Section 20.13.A.5 Sign Creates Visibility Hazard

Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Section 20.13.A.6 Sign Construction Causes Removal of Physical Element

Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course. A condition of such approval may be that if said tree(s) or obstruction(s) is removed by future development, said signs shall conform to the sign regulatory requirements at that time.

Section 20.13.A.7 Sign Size and Frontage

A sign that exceeds the permitted height or area standards of the Resolution would be more appropriate in scale because of the large size or frontage of the subject parcel or building.

Section 20.14 Application For a Sign Variance

Section 20.14.A Applicant

Any property owner may apply for a variance from the requirements of Article 20: Signs, according to Article 4: Administration and the Variance Application Procedures in Section 4.11: Variance to Section 4.19: General.

Section 20.14.B Burden of Proof

It is the applicant's sole responsibility to prove that there is an unnecessary hardship, thus requiring a variance as specified in Section 4.11: Variance to Section 4.19: General.

Section 20.15 Sign Permits

A complete permit application for a sign shall be submitted to the Union Township Zoning Inspector with all applicable fees.

Section 20.15.A Application For Sign Permit

An application for a sign shall contain the following information:

Section 20.15.A.1 Applicant's Name

Section 20.15.A.2 Applicant's Mailing Address

Section 20.15.A.3 Applicant's Phone Number

Section 20.15.A.4 Applicant's Fax Number (if applicable)

Section 20.15.A.5 Applicant's E-Mail Address (if applicable)

Section 20.15.A.6 Address of Sign Location

Section 20.15.A.7 Address of property owner where sign is located

Section 20.15.A.8 Letter signed and notarized giving the applicant permission to place sign if not on the applicant's property.

Section 20.15.A.9 Sign Structure Height

Section 20.15.A.10 Sign Structure Width

Section 20.15.A.11 Sign Face Height

Section 20.15.A.12 Sign Face Width

Section 20.15.A.13 Sign Type

Section 20.15.A.14 Sign Install Date

Section 20.15.A.15 Sign Removal Date (if applicable)

Section 20.15.A.16 Permit from State (if applicable)

Section 20.15.A.17 A scaled drawing showing the ground elevation, elevation of the highest point of the sign, the height and width of the sign structure, and the height and width of the sign face. For permanent signs, the drawing shall show how the structure is to be anchored to the ground.

Section 20.15.A.18 Any additional information as required by the Union Township Zoning Inspector to ensure the proposed sign is compliant with the Union Township Zoning Resolution.

Section 20.15.B Review Period

Upon submittal of an application for a sign permit to the zoning inspector, the zoning inspector shall have thirty (30) days to review and approve or deny said permit.

ARTICLE ~ 21 LANDSCAPING AND BUFFERING



<u>Section 21.01</u>	Purpose
<u>Section 21.02</u>	Applicability
<u>Section 21.03</u>	Minimum Landscape Requirements
<u>Section 21.04</u>	Interior Landscape For Vehicular Use Areas
<u>Section 21.05</u>	Landscape For Service Structures
<u>Section 21.06</u>	Street Tree Planting Requirements
<u>Section 21.07</u>	Plan Submission and Approval

Section 21.01 Purpose

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

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

Section 21.02 Applicability

Section 21.02.A New Sites

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

Section 21.02.B Existing Sites

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

Section 21.02.B.1

In the case of a building or structure expansion which does not involve the additional land, the square footage of the alteration or expansion exceeds 25% of the square footage of the existing building exclusive of the alteration or expansion, and

Section 21.02.B.2

In the case of an alteration or expansion involving both an existing building or structure and additional land, and, if applicable, additional structures or buildings, the area or square footage of the expanded or altered land, structure, or building, respectively, exceeds 25% of the area or square footage of the existing land, structure, or building, respectively, exclusive of the alteration or expansion.

Section 21.02.B.3

“Land” as used herein includes land used for space, parking or building purposes.

Section 21.02.C Exemptions

Agricultural Uses as defined in Article 2 of this Resolution, and in Section 519.21 of the Ohio Revised Code are exempt from these requirements.

Section 21.03 Minimum Landscape Requirements

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

Section 21.03.A

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

Section 21.03.A.1 Property Perimeter Requirements

Table 21.A below identifies the landscaping requirements for the districts within this resolution. To identify the requirement for the appropriate district, identify your district in Column (A) and (B) and then follow the requirements in Column (C) and (D). **Footnotes are located on page 205.**

Property Perimeter TABLE 21.A				
	A	B	C	D
	When the following:	Adjoins the following or vice versa:	The minimum buffer yard shall be:	The minimum landscaping requirements shall be:
1	Any Residential Zone and Agricultural Zone.	Mobile Home Park/ Manufactured Home Park	10 ft., adjacent to all common boundaries including street frontage.	1 tree every 40 ft. of lineal boundary ² , plus continuous 6 ft. high planting, hedge, fence and/or earth mound.
2	Any Residential Zone and Agricultural Zone.	Any Office Use	10 ft. adjacent to all common boundaries except street frontage	1 tree every 40 ft. of lineal boundary ² , plus continuous 6 ft. high planting, hedge, fence, wall and/or earth mound.
3	Any Residential Zone and Agricultural Zone.	Any Commercial Use	10 ft. adjacent to all common boundaries except street frontage	Same as 2-D
4	Any Residential Zone and Agricultural Zone.	Any Industrial Use	15 ft. adjacent to all common boundaries except street frontage	Same as 2-D
5	Any Office or Commercial Use	Any Industrial Use	15 ft. adjacent to all common boundaries except street frontage	Same as 2-D

Property Perimeter TABLE 21.A – Continued

Property Perimeter TABLE 21.A – Continued				
	A	B	C	D
	When the following:	Adjoins the following or vice versa:	The minimum buffer yard shall be:	The minimum landscaping requirements shall be:
6	Any zone (unless the property within the zone is used for vehicular sales or service) except agricultural zone	A freeway or arterial street	20 ft. for residential zones and 10 ft. for all other zones adjacent to freeway or arterial	1 tree every 30 ft. of lineal boundary ² , plus continuous 6ft. high planting, hedge, wall, fence and/or earth mound.
7	Any zone except Agricultural and Industrial Zones	Railroad (except spur tracks)	20 ft. adjacent to railroad boundaries	Same as 6-D
8	Any zone	Any vehicular use area (except loading and unloading areas) in CB or CCC zones.	3ft. strip adjacent to portion of vehicular use area that faces a public or private street right-of-way.	3.5 ft. average height continuous planting, hedge, fence or wall.
9	Any property boundary, including road or street right-of-ways	Utility sub-station, junk yards, landfills, sewage plants or similar uses	15 ft. adjacent to all boundaries, except only 5 ft. for utility substations measured adjacent to the enclosure	Same as 6-D
10	Any property used for vehicular sales or service	A freeway or arterial	10 ft. adjacent to freeway or arterial	1 tree every 50 ft., plus 1 low shrub every 10 ft. of lineal boundary ² (opacity requirements do not apply)

Footnotes:

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

Section 21.03.B Vehicular Use Perimeter Requirements

Table 21.B below identifies the landscaping requirements for the uses permitted within districts within this resolution. To identify the requirement for the appropriate use, identify your use in Column (A) and (B) and then follow the requirements in Column (C) and (D).

Footnotes are located on page 207.

Vehicular Use Area Perimeter TABLE 21.B				
A	B	C	D	
When the following:	Adjoins the following or vice versa:	The minimum buffer yard shall be:	The minimum landscaping requirements shall be:	
1	Any property in any zone except R – 1 and R – 2.	Any vehicular use areas ¹ on any adjacent property.	4 ft. minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for other areas, adjacent to portion of vehicular use area that faces building on adjacent property.	1 tree every 40 ft. of lineal boundary of vehicular use area ¹ , plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound.
2	Any public or private street right-of-way or service road, except freeways.	Any vehicular use area, (except vehicular sales or service facility) in any zone.	Same as 1-C above, except applies to VUA portion facing public or private street or road.	1 tree every 40 ft. ³ , plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound.
3	Any public or private street right-of-way or service road, except freeways.	Any vehicular sales or service area.	Same as 2-C above.	1 tree every 50 ft. ³ , plus 1 low shrub every 10 ft. ³ , (opacity requirements do not apply).

Footnotes:

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

Section 21.03.C Landscape Buffer Zone

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

Section 21.03.C.1

May be placed on either adjoining lot, or astride the boundary, if both owned and being processed by the same owner; or

Section 21.03.C.2

Shall generally be placed on the activity listed under Property Perimeter Requirement Chart, Column B, and Vehicular Use Area Perimeter Table 21.A, Column B, when adjoining lots have different owners; or

Section 21.03.C.3

Shall be placed on the activity or lot being processed when the adjoining property is already developed, with the exception of Property Perimeter Requirement Table 21.B, lines 6 and 7; or

Section 21.03.C.4

Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property in fulfillment of the requirements of this Article.

Section 21.03.D Requirements conflict

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

Section 21.03.E Landscape and buffer conflict

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

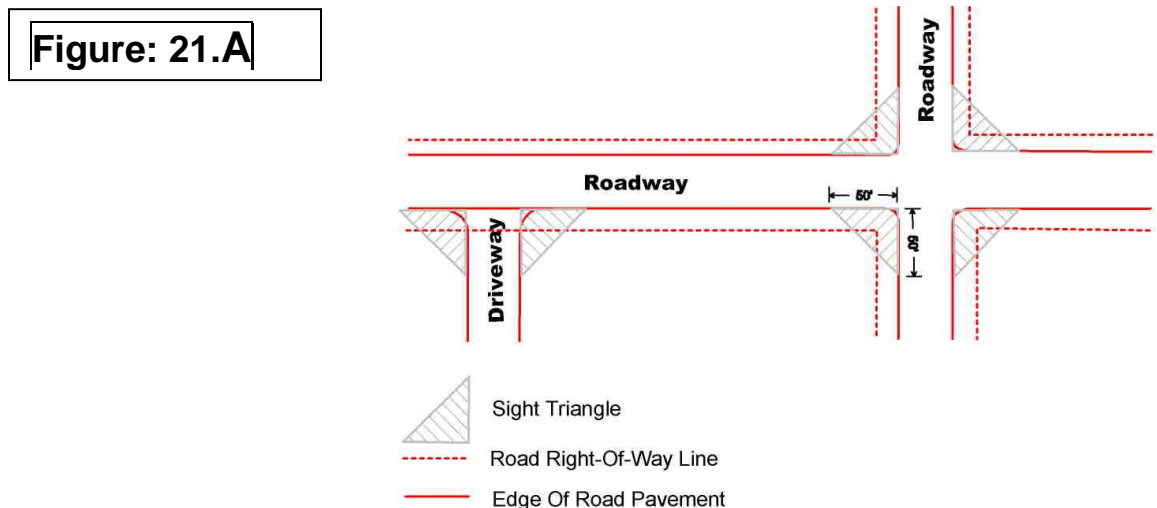
Section 21.03.F Existing landscape material

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

Section 21.03.G Landscape at driveway and street intersections

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

See Figure 21.A



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

Section 21.03.G.1 Driveway intersection triangle

At the intersection of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge and by measuring from this point a distance of ten (10) feet along

the driveway to a point and a distance of twenty (20) feet along the street curb to a point and connecting these points. (See Figure 21.A.)

Section 21.03.G.2 Street intersection sight triangle

At the street intersections, the sight triangle shall be formed by measuring at least fifty feet (50') along curb lines or edge of pavement and connecting these points.

Section 21.04 Interior landscape for Vehicular Use Areas

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

Section 21.04.A Purpose

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

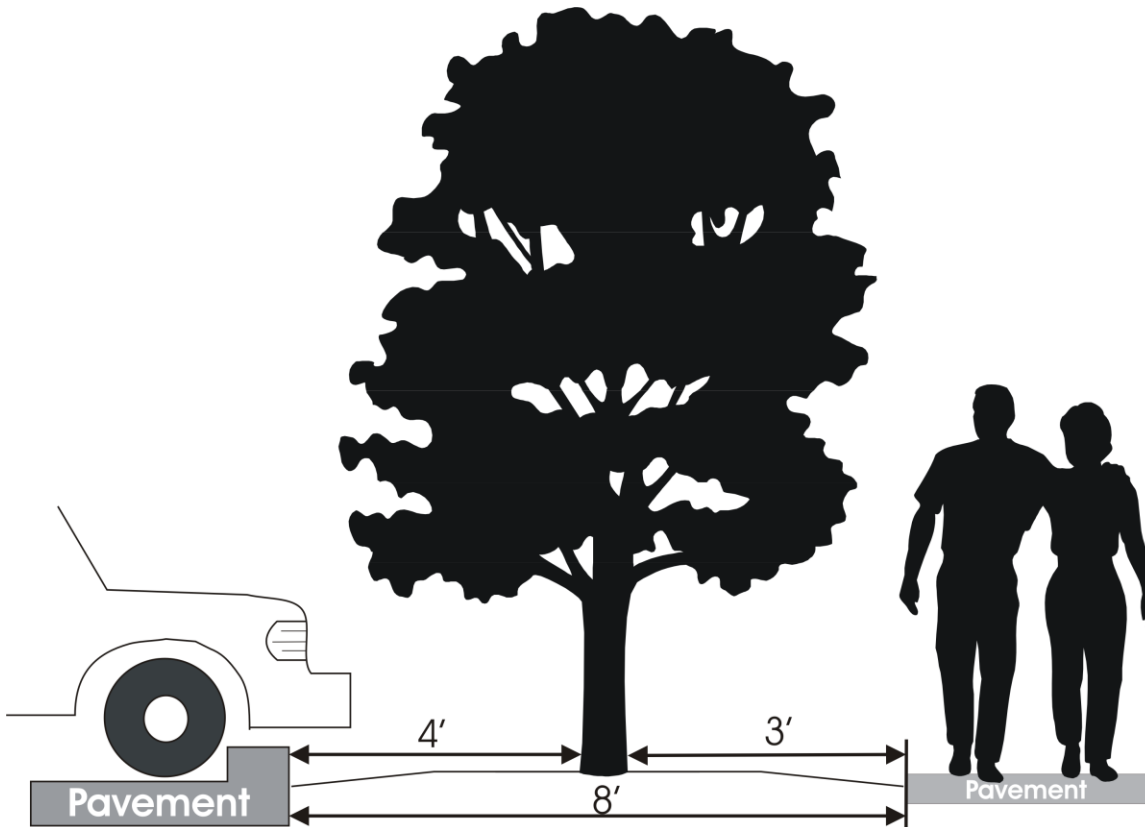
Section 21.04.A.1 Landscape Area

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

Section 21.04.A.1.a Minimum Area

The minimum landscape area permitted shall be 112 square feet with a minimum inside dimension width of eight feet, and a three (3) foot minimum dimension to all trees from edge of pavement and a four-foot minimum dimension to all trees from edge of pavement where vehicles overhang. The overall width may vary depending on the mature diameter (at 6" above the ground) of the species of tree used. The minimum inside dimension width of 8' may need to be increased if the average mature diameter (at 6" above the ground) is greater than one (1) foot. For example, if the average mature width of a tree is three (3) feet, then the minimum inside dimension width would be ten (10) feet. (See figure 21.B.)

Figure: 21.B



Section 21.04.A.1.b Maximum contiguous area

In order to encourage the required landscaped areas to be properly dispersed throughout, no individual landscape areas shall be larger than 350 square feet in size, with the exception of vehicular use areas over thirty thousand (30,000) square feet where the maximum landscape area shall not exceed one thousand eighty (1,080) square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from the edge of pavement where vehicles overhang (8' x 8' square or 8' diameter). Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.

Section 21.04.A.1.c Minimum Trees

The following minimums are required based upon total ground coverage of structures and vehicular use areas:

Section 21.04.A.1.a.1

A minimum of one tree per 4,000 square feet of ground coverage and a total tree planting equal to two inches in caliber.

Section 21.04.A.1.a.2

Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs or ground cover not to exceed two feet in height.

Section 21.04.A.1.d Vehicular Overhang

Parked vehicles may hang over the interior landscape area no more than two and one-half feet, as long as concrete or other wheel stops are provided to insure no greater overhang of the landscape area.

Section 21.05 Landscape for Services Structures

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

Section 21.05.A Location of screening

A continuous (having one hundred percent [100%] opacity) planting hedge fence, wall of earth, which would enclose any service structure on all but one side, is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, perimeter landscape material or vehicular use area landscape material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscape. No interior landscape shall be required within an area screened for service structures.

Section 21.05.B Curbs to protect screening material

Whenever screening material is placed around any trash unit or waste collection unit that is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.

Section 21.05.C Interior Landscape for All New Developments

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

Section 21.05.C.1 Preservation of existing landscape materials

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

Section 21.05.C.1.a

Trees within public right-of-ways or utility easements or a temporary construction easement or easement of ingress/egress.

Section 21.05.C.1.b

Trees within the ground coverage of proposed structures or within twelve feet of the perimeter of such structure or approved recreational area.

Section 21.05.C.1.c

Trees within the driveway access to parking or service areas, or proposed areas to service a single-family home.

Section 21.05.C.1.d

Trees that in the judgment of the township officials that are determined to be damaged, diseased, or over mature, or will interfere with utility lines or are an inappropriate or undesirable species in that specific location.

Section 21.05.C.1.e

It is encouraged that exempted trees subject to destruction be preserved by recycling and replanting of such trees.

Section 21.05.C.2 Preservation of wooded areas

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

Section 21.05.C.3 Planned/Residential Uses

Section 21.05.C.3.a

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

NEW DEVELOPMENT LANDSCAPE REQUIREMENTS TABLE 21.C	
<u>Use</u>	<u>Requirements</u>
Residential Uses	There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lot lines of each structure.
Business and Community	In addition to the requirements of Section (B) herein before for vehicular use areas, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building ground coverage area or fraction thereof. Such landscape area shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other material designed and located in a manner complementary to the overall architecture of the surrounding buildings.
Office – Institutional Uses	In addition to the requirements of Section (B) herein before for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 1,500 square feet of building ground coverage or fraction thereof.
Industrial Uses	In addition to the requirements of Section (B) herein before for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

Section 21.05.C.3.b Parking Lots

See Section 21.04: Interior Landscape For Vehicle Use Areas herein before.

Section 21.05.C.3.b.1

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

Section 21.05.C.3.b.2

For new development or construction, if new tree plantings are required for conformance to the landscape requirements of this Article, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such a plan is approved, the applicant or owner shall plant such trees. See Section 21.07.B: Zoning Permit and Certificate of Occupancy and Section 21.07.C: Posting of Bond or Irrevocable Letter of Credit for required planting schedule and time frame.

Section 21.06 Street Tree Planting Requirements

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

Section 21.06.A Requirements

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

Section 21.06.A.1

The tree to be planted is not an undesirable tree species as defined in the preferred Township Tree List maintained by the Zoning Inspector. (See *Appendix C Preferred Tree List*.)

Section 21.06.A.2

The minimum spacing between this and other trees is forty-five feet for large trees, thirty-five feet for medium trees, and twenty-five feet for small trees. (See *Section 21.06.A.7*.)

Section 21.06.A.3

The tree location is to be at least twenty feet from street intersections and ten feet from fire hydrants or utility poles.

Section 21.06.A.4

A small tree is to be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten to twenty lateral feet of overhead utility wires.

Section 21.06.A.5

The developer shall be required to maintain trees for one year after they are planted, and to replace any tree that dies within said one-year guarantee period. Upon completion of a tree planting, the landscape contractor shall contact the Township Zoning Inspector for a preliminary inspection. The guarantee period shall begin after approval of the Zoning Department. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Township Inspector, shall be promptly replaced at the expense of the developer. (See also Appendix D: Street Tree Inspection Form.)

Section 21.06.A.6

The minimum trunk size measured at six inches above the ground for all street trees shall be no less than one and one-half inches.

Section 21.06.A.7

Tree sizes, in height, are defined as:

Section 21.06.A.7.a

Large tree means any tree species that normally attains a full-grown height in excess of fifty feet.

Section 21.06.A.7.b

Medium tree means any tree species that normally attains a full-grown height between twenty-five and fifty feet.

Section 21.06.A.7.c

Small tree means any tree species that normally attains a full-grown height of under twenty-five feet.

Section 21.06.B Tree Topping

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

Section 21.06.C Height of Limbs Over Sidewalks and Streets

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

Section 21.06.D Tree Lawn

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

Section 21.06.E Violations

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

Section 21.07 Plan Submission and Approval

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

Section 21.07.A Plan Content

The contents of the plan shall include the following:

Section 21.07.A.1

Plot plan, drawn to an easily readable scale no smaller than one inch equals twenty feet, showing and labeling by name and dimensions all existing and proposed property lines, easements, buildings and other structures; vehicular use areas including parking stalls, driveways, service areas square footage, etc.; location of structures on adjoining lots; water outlets and landscape materials, including botanical names and common names; installation sizes, on center planting dimensions where applicable; and quantities for all plants used and all existing trees.

Section 21.07.A.2

Typical elevations and/or cross sections as may be required.

Section 21.07.A.3

Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orient plan so that the north is to the top of the plan and zoning district.

Section 21.07.B Zoning Permit and certificate of Occupancy

Where landscape is required, no zoning permit shall be issued until the required landscape plan has been submitted and approved, no certificate of occupancy shall be issued until the landscape plan has been submitted and approved, and no certificate of occupancy shall be issued until landscape is completed as certified by an on-site inspection by the zoning inspector, unless a performance bond or

irrevocable letter of credit from a banking institution has been posted. If the required landscape has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.

Section 21.07.C Posting of Bond or Irrevocable Letter of Credit

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

APPENDIX A ~ DEFINITIONS

Appendix "A" is herein adopted as part of the Union Township Zoning Resolution. *Due to the size of the definitions portion of the resolution, it has been determined by the Officials of Union Township to present the definitions section at the end of the resolution so as to not segment the substantive regulatory text portion of the resolution. Therefore, instead of presenting the definitions as an article of the resolution, they are presented as an appendix at the end of the document and adopted as part of the document, unlike other portions of the appendix that are presented in the appendix for reference only.*

Interpretation of Terms of Words

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

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel".

The following words: (Listed A through Z)

NOTE: A word being listed within this appendix shall not mean that it is a permitted or conditional use within Union Township.



Abandoned Sign

Any permitted sign or sign structure which was erected on a premises in conjunction with a particular use that has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.

Access Management

The process of providing and managing access to land development while preserving the flow of all modes of traffic in terms of safety, capacity, and speed, and preventing congestion while slowing the need for costly public expansion of the road system. (*See also congestion prevention.*)

Access Point

The connecting area of a lot where a vehicle gains egress and ingress from a driveway to a public roadway. Usually there is only one driveway per access point. However, the county is encouraging shared access along more heavily traveled roadways. A shared access point is one access point that splits into two separate driveways.

Accessory Use of Structure

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

Accessory Structure

A subordinate structure attached to or detached from, but located on the same lot as a principal building. The use of an accessory structure must be incidental and accessory to the use of the principal building. Accessory structures include but are not limited to parking places, garages, outbuildings, sheds, decks, signs, canopies, fences and the like.

Acre

A land area of 43,560 square feet.

Adequate Buffering

Means a combination of landscaping and other buffering materials that provide a 100 percent opacity between the ground level and 9 feet above the ground level on a year-round basis to protect the adjoining property owners from noise, glare, dust and visual nuisances.

Adjacent

Land, which abuts, is contiguous to, directly across the thoroughfare (includes roads, streets, railroad, bike trails, etc.), or natural feature (includes stream, river, etc.) from the parcel of land in question.

Adjudication

The giving or pronouncing a judgment in a cause; a judgment.

Adjudicatory Hearing

A legal proceeding (other than a trial) held before a legally-appointed body representing a governmental entity to take testimony, weigh the testimony and physical evidence, and pronounce a judgment in a cause. These hearings are conducted in a quasi-judicial manner (see definition of quasi-judicial).

Adult Entertainment

(See Article 17)

Advertising Structure

A term indigenous to outdoor advertising referring to the physical structure constructed by a media company to display advertising. The structures are built to standard specifications; the advertising messages are applied using many different techniques.

Advertising Media

The means by which an advertising message is carried to potential customers; includes Internet, magazine, newspaper, radio, television, and signage.

Advertising Use

A use of land, or a building exterior, or of a structure or thing for the advertising or promotion by visible or other means of a product, service, place or event which is for sale, for rent, available, held, assembled, grown or manufactured elsewhere than on the same lot.

Agriculture/Agriculture Production

Means commercial aquaculture, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a non-commercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth. *(Source: Section 929.01 of the Ohio Revised Code.)*

Agricultural Building

A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises.

Agricultural Entertainment (Agritourism)

An enterprise at a working farm, ranch or agricultural plant conducted for the enjoyment of visitors that generates income for the owner. Agricultural entertainment/tourism refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation that also adds to the economic viability of the site. Agricultural entertainment/tourism may include: country-themed stores for the sale of goods and souvenirs, dining, tours (self-guided or guided), wagon rides, trail rides, corn mazes, pick yourself operations, classes (gardening, cooking, crafts, etc.), fishing, bed and breakfast, in addition to guest partaking in farm activities.

Agricultural Related Business

Feed mills, dairy supplies, poultry processing, creameries, auction yards (for livestock, farm implements, and other farm-related goods; this does not include commercial auction yards for automobiles, furniture, antiques and other non-agricultural goods), veterinarians, and other businesses supporting local agriculture.

Agricultural Sales and Service

A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agricultural Use

Means commercial aquaculture, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a non-commercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth. (Source: Section 929.01 of the Ohio Revised Code.)

Aesthetics

A term used for visual beauty rationale that connotes pleasure or offense to the sense of sight resulting from the visual form of environmental features or settings. Consequently, aesthetic regulation's purpose is assumed to be the creation or preservation of features or settings that are "beautiful"—pleasing to the eye—or, conversely, the restriction of and elimination of those that are "ugly"—offensive to the eye. The physiological or sensory predisposition of human beings to experience visual qualities in a relatively uniform manner.

Aesthetic Appeal

Meaning a regard for outward appearance and good taste in the matter of the beauty of the neighborhood itself; Union Township does not observe any substantial reason for any saying that such consideration is not a matter of general welfare. The beauty of a residence neighborhood is for the comfort and happiness of the residents, and it sustains the value of the property in the neighborhood.

Airport

Means the Newark-Heath Airport, and includes any runway, landing area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings, and open spaces. (See Section 1402.)

Airport Hazard

Any structure, tree, or use of land that would exceed the federal obstruction standards and that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.

Alley

(See *Thoroughfare*)

Alteration

Any change or rearrangement in the supporting members of an existing structure; enlargement, addition, relocation, repair, remodeling; change in number of living units; development of or change in an open area; development of or change in a sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for signs; ordinary maintenance for which no building permit is required; and demolition or removal.

Alter Structure

Any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, foundations, piles, retaining walls, or similar components.

Animal Grooming Service

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.

Animal Husbandry

The branch of agriculture concerned with the breeding and raising of domesticated animals for hunting or sale. This includes other commonly accepted agriculture practices that require the breeding and raising of domestic animals for meat, egg, and other production requiring the slaughter of the domestic animal.

Animal Shelter

Any premises designated by the county for the purpose of impounding, providing care, veterinary, retrieval and adoption services for the cats and dogs found running at large or otherwise subject to impoundment in accordance with the Ohio Revised Code.

Apartment

A building or portion thereof designed for occupancy by three or more families living independently of each other in separate living units. Each living unit contains its own bathroom, kitchen, one or more bedrooms and living area.

Applicant

One who applies. In regards to this resolution, this shall include the current property owner or his/her legally designated representative. A legally designated representative shall include a person given power of attorney or written permission, which is signed and notarized by a licensed notary.

Appurtenances

The visible, functional or ornamental objects accessory to and part of buildings.

Aquifer

An underground area with particularly large concentrations of groundwater. Most often, aquifers are found in those underground areas of porous rock or sand. Many rural well systems draw from aquifers. For planning purposes, an aquifer is often evaluated on its recharged rate and cleanliness.

Archeological Significance

Importance as an area, site, place or landscape that has yielded or is likely to yield information concerning past patterns of human settlement, artifacts, information concerning previous cultures, or previous periods of the present culture. Areas, sites or landscape of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations or tailings or other locations.

Architectural Feature

A prominent or significant part or element of a building, structure or site.

Art Gallery

A building, place or area where paintings, sculptures or other works of art are exhibited or sold.

Attenuation

Sound decreases in magnitude (in loudness and decibels db [C] the further it travels from the source. This decrease is called attenuation with distance.

Attic

The area between roof framing and the ceiling of the rooms below that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Automobile

A usually four-wheeled self-propelled vehicle designed for carrying 10 passengers or less for the transportation of persons. For the purpose of this resolution, this shall exclude motorcycles, ATVs and the like.

Automobile Dealership/Sales

A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site, however, the principal use of the site shall be the marketing of new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles; whether by sale, rent, or lease. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Automobile Parts/Supply Retail

The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Automotive Service Station

Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

1. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
2. Tire servicing and repair, but not recapping or re-grooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Greasing and lubrication;
6. Providing and repairing fuel pumps, oil pumps, and lines;
7. Minor servicing and repair of carburetors;
8. Emergency wiring repairs;
9. Adjusting and repairing brakes;
10. Minor motor adjustments not involving removal of the head, crankcase, or racing the motor;
11. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
12. Provision of road maps and other informational material to customers; and

13. Provision of restroom facilities.

Automobile Storage

An open space either used or required for the standing of motor vehicles held for sale or rental.

Automobile Wrecking

The dismantling or wrecking of used motor vehicles, mobile homes and trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Automobile Wrecking Yard

An area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored.

Automobile Repair/Service

The use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile Sales

Note: See Automobile Dealership/Sales.

Automobile Sales Lot

Premise on which new or used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade.



Back Fill

Materials used to refill a ditch or excavation, or the process of doing so.

Bakery

A factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises of a bake shop.

Bakery Retail

An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Bakery Wholesale

A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be prohibited.

Balcony

A platform enclosed by a railing, balustrade, or parapet projecting from the wall of a building for the private use of tenants or for exterior access to the above-grade living units.

Bank

A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Banquet Hall

A facility or hall available for lease by private parties.

Bar

Any place devoted primarily to the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. Food service is only incidental to the consumption of beverages.

Barber Shop

Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Basement

That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.

Bed and Breakfast

A small, owner-occupied and operated business providing the primary or secondary income to the household. Rooms are rented for compensation for a period not to exceed 20 days. Reservations are made directly with the property owner. Room numbers range from 2 to 20. Inns advertise, appropriate taxes, and post signs. Meals may be served to guest of the Inn, but are not offered or open to the general public. The Inn may host events such as weddings, small business meetings, etc. For the purpose of this resolution, Bed and Breakfast shall be considered a home occupation and require the appropriate permits to do so.

Bedroom

That portion of a dwelling unit designed to be suitable for sleeping purposes, which contains one or more closets, may have direct access to a bathroom, and meets building code requirements. May include dens, study, loft or the like.

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; and the incorporation of labor and materials where land is to be used for purposes other than construction of a building.

Billboard

A large, standardized third-party/off-premise structure displaying advertising intended for viewing from extended distances, generally more than 50 feet. Billboard/outdoor advertising displays include, but are not limited to, bulletins, wall murals, wrapped posters, 30-sheet posters, and eight-sheet posters.

Blood Relative

For the purposes of this Resolution, a blood relative(s) shall be the great grandparents, grandparents, parents, children, brothers, sisters and their spouses and the parents-in-law of the owner/occupant of the principal structure

Breezeway

A roofed open passage connecting two or more buildings.

Bowling Alley

An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment and playing area.

Bookstore

A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, and/or any other printed or electronically conveyed information or media, excluding any adult-themed printings or media as included in [Section 926 herein](#).

Body Piercing

The act of penetrating the skin to make, generally permanent in nature, a hole, mark, or scar. Body piercing does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

Buffer

A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the appropriate local board.

Buffer, Riparian

A naturally vegetated area located adjacent to streams and rivers that are intended to stabilize banks and limit erosion.

Buffer Strip

A portion of a lot or a land area used to visually separate one use from another through the use of vegetation, screening and distance; to shield or obstruct noise illumination, visual, or other incompatibilities or nuisances. A buffer is measured from the common property line of the different uses.

Buffer Yard

A unit of land, together with a specified type and amount of planting thereon, and any structures, which may be required between land uses to eliminate or minimize conflicts between them.

Buildable Area

The land remaining on the lot upon which the primary and accessory structures may be located after minimum township zoning requirements, as well as county health and subdivision requirements for right-of-ways, yards, setbacks, easements, leach beds, etc. have been met.

Building

Any structure designed or intended for the support, enclosure, shelter, and protection of persons, animals, chattels, or property.

Building Frontage

That portion of the building that faces the road upon which the address for the parcel is assigned.

Building Site/Buildable Lot

A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having its principle frontage on a street, road, highway, or waterway.

Land occupied or intended to be occupied by a building or interrelated buildings, together with all open space required by this title, which is located on a lot that has been lawfully created and meets all criteria of the city for the intended 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 ridge line, excluding any antennas, chimneys, etc.

Building Line

(See setback line.)

Building Permit

Approval in the form of a building permit is required by Licking County in accordance with the Council of American Building Officials (CABO), Ohio's residential building code for one and two family dwellings, or any legally adopted building code and amendments thereto. Using application forms furnished by the code administering office, a permit shall be obtained before beginning work on the construction, prefabrication, use, or occupancy of new occupiable spaces. The enclosure of a space where either a foundation or a roof existed as of June 1, 1993 is not regulated by code. When any owner or contractor has begun construction on a project without first obtaining the necessary permits, the building official shall conduct an investigation to determine whether all work performed prior to the subsequent issuance of the permit conforms to all building code provisions.

Building Principal

A building, which within is conducted the main or primary use of the lot on which said building is situated. *(See Principal Structure)*

Building, Residential

Residential building shall mean any one family dwelling or portion thereof that is used, designed, or intended to be used for human habitation, including living, sleeping, cooking, or eating purposes, or any combination thereof, and shall include structures accessory thereto.

Business

The lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease or exchange of goods and/or provision of services.

Business, Convenience

Commercial uses catering primarily to passing traffic that originates outside of the surrounding neighborhood. Such uses generally require location on or near major thoroughfares and/or their intersections.

Business, General

Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture.

Business, Interstate

Commercial uses which generally require locations near major thoroughfares and/or their intersections, and tend to serve the motoring public. Interstate business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and services, restaurants, motels, and commercial recreation. *Interstate 70 (I-70) is the Interstate traversing Union Township.*

Business Local

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

Business, Office

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

Business, Service

Any profit-making activity that renders services primarily to other commercial or industrial enterprises, or that services and repairs appliances and machines used in homes and business.

Business Wholesale

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

BZA

Board of Zoning Appeals of Union Township.

Bulk Materials

Solid matter such as powder, grain, stone, sand, etc., that is not packaged.

Bulk Sales

The sale of bulk materials.

By-Laws

Rules adopted by a board, which govern its procedures.



CABO

Council of American Building Officials. Building codes for one, two and three family dwellings.

Caliper

A horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including 12 inches, the caliper measurement must be taken at 12 inches above the ground level. For trees greater than 12 inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is 4.5 feet above the ground.

Camp/Campground/RV Park

A parcel of land used and maintained for individuals who provide their own sleeping facilities such as travel trailers, campers, or tents. However, such individuals are provided with sanitary and waste disposal facilities, and a campsite, for a short-term length of stay not to exceed thirty (30) consecutive days in length. The length of stay includes the individual and their travel trailer, camper, or tent; no permanent year round camping is permitted; no mobile homes or manufactured homes are permitted. A single accessory structure may be established to house a registration office, showering, restroom, and laundry facilities, and a camp store serving those who are registered guests of the site. No storage or vehicles, travel trailers, campers or tents shall be allowed.

Canopy

A roof construction or cantilevered roof, free of enclosing walls, over an entrance to a building or a gasoline pump island.

Canopy Building

A rigid multisided structure covered with fabric, metal, or other material, and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. Any structure that extends above any adjacent parapet or roof of the supporting building is not included within the definition of building canopy.

Canopy-Tarp (Tarpaulin)

A piece of material (including but not limited to durable plastic, or nylon) used for protecting exposed objects or areas. Usually a tarp is affixed to an object by tie downs or other non-permanent means.

Capacity

The maximum lawful level of designed use of any structure, or part thereof, as determined by the city's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.

Car Shelter

An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, on movable framing for the shade and shelter of one or two private passenger vehicles.

Car Wash

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

A building or portion thereof containing facilities for washing more than two automobiles using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this Resolution, coin-operated devices operated on a self-service basis shall be construed to be the same.

Car Wash Industrial

Mechanical facilities for the washing, waxing, and vacuuming of automobiles, heavy trucks, and buses.

Car Wash Self-Serve

A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

Cartage/Transport Depot

A building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers.

Catering Service

A service providing meals and/or refreshments for public or private entertainment for a fee.

Continuing Care Retirement Community (CCRC)

Provides a comprehensive living arrangement for the elderly which offers at a minimum: independent living units, board, and a range of health care and social services including access to prescriptions, physician services, rehabilitation services, assisted living and nursing care. The community is owned by a single entity and has obtained necessary licenses and/or certification for specialized services, including, as appropriate, assisted living and nursing care. Lodging, services and a specified amount of nursing care are provided pursuant to an agreement effective for the lifetime of an individual in consideration of the payment of an entrance fee and additional periodic charges.

Center Line

As used in this bylaw with reference to a street or highway means a line drawn parallel to and equidistant from the limits of a road allowance as originally laid out prior to any subsequent road widening.

Chain Store

Retail outlets with the same name, selling similar types of merchandise, operating under a common merchandising policy and usually owned or franchised by a single corporate entity.

Cemetery

Land used or intended to be used for the burial of 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.

Certified Survey

A survey, sketch plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards, certified and signed by the registered surveyor under whose supervision said survey was prepared.

Certification of Compliance

A certification of compliance for the purpose of this resolution shall mean a document stating that the proposed use, request, plan etc. is in compliance with the regulation(s) herein. This certification shall be provided by an accredited, licensed, registered, and/or notarized representative, agent or professional.

Certificate of Occupancy

A document stating that the proposed structure meets all state and local regulations and is authorized for inhabitation and/or use.

Channel

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

Clinic

A medical establishment run by a group of medical specialists providing outpatient care. May include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic and in accessory thereto, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Circus

A temporary outdoor amusement center, bazaar, or fair, either involving the use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

Classification

Division of uses or activities into groups or subgroups for regulatory purposes.

Church

A building used for non-profit purposes by a recognized and legally established sect solely for the purpose of worship.

Church - Neighborhood

A church or religious institution with a seating capacity of 600 persons or less in the sanctuary or main activity area.

Church - Community

A church or religious institution with a seating capacity of greater than 600 persons or less in the sanctuary or main activity area.

Church – Mega

A large, specialized type of house of worship that includes such nontraditional accessory uses as schools, daycare, mental health services, social services, retail sales, residential uses, amusement parks, and sports and entertainment facilities as an integrated part of the development.

Clear Cutting

Removal of an entire stand of trees and shrubs.

Clear Vision Triangle – Sight Triangle

The vision triangle at a street intersection shall be formed horizontally by measuring 40 feet along the roadway edges (or roadway and railroad track edges) from the intersection of the roadway edges (or roadway edge and railroad track) and connecting those points, and vertically by measuring between three feet and 10 feet above grade. The Clear Vision Triangle at driveway and street intersection: Where a driveway enters the street right-of-way, a vision triangle shall be formed horizontally by measuring

Club

A nonprofit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.

Club House

A building to house a club or social organization not conducted for private profit, as documented by state or federal records, and which is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

Cluster Development

A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

Columbarium

A structure designed for the purpose of storing the ashes of human remains that have been cremated.

Commercial Entertainment Facilities

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

Commercial Vehicle

A motor vehicle used for commercial purposes, with or without an attached or permanently attached delivery body, and includes vehicles such as catering or canteen trucks, buses, cube vans, tow trucks, tilt and load, dump trucks, tractor trailers, semi-trailers and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial purposes.

Communication Service

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services, or broadcasting or communication towers. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

Complete Buffer

Means a combination of landscaping and other buffering materials that provide 100 percent opacity between the ground level and 9 feet above the ground level on a year-round basis to protect the adjoining property owners from noise, glare, dust and visual nuisances.

Compatible

A building, structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

Comprehensive Development Plan

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

Conditional Rezoning

The attachment of special conditions to a rezoning, which are not spelled out in the text of the Resolution.

Conditional Use

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

Condominium

A building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

Conditional Use Permit

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

Condominium Commercial

A building or group of buildings used for offices, businesses, professional services and other commercial enterprise organized, owned and maintained as a condominium.

Construction Field Office

A mobile home, travel trailer, truck trailer, and/or other structure used as an office in conjunction with a construction project. Only one construction or field office shall be allowed per construction site.

Construction Trailer/Mobile Office

A mobile self-contained unit that is affixed to an axle and not placed upon a permanent foundation. A construction trailer/mobile office is utilized as a field office during the construction of a development or other construction activities. A construction trailer/mobile office is a temporary structure utilized for a limited period of time, and removed once a project for which it was utilized is completed or as specified. A construction trailer/mobile office may have finished interiors, restroom facilities, kitchenettes, electric, and heating and cooling systems utilized for office space, or may be a shell used for the storage of tools and equipment utilized on-site.

Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, which is common.

Convenience Store

Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

Construction

Any act or process that requires a building permit and that adds an addition onto an existing building, or erects a new principal or accessory structure, on a lot which is subject to the design standards for the district in which the property is located.

Construction Sales and Service

Establishments or places of business primarily engaged in retail or wholesale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

Contractors

General contractors and builders engaged in the construction of buildings, either residences or commercial structures, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Corridor – Transportation

A combination of principal transportation routes involving a linear network of one or more highways of four or more lanes, rail lines, or other primary and secondary access facilities, which support a development corridor.

Correctional Facility

The use of land for the confinement or safe custody of persons so confined as the result of legal process, and includes attendance centers established for persons sentenced to serve periods of community service.

Country Club

A club with recreation facilities for members, their families and invited guests.

Crawl Space

An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

Criminal Justice Facility

A facility used primarily for conducting the affairs of the criminal justice system, including federal, state, county, and municipal courts, public safety departments and detention facilities, together with incidental storage and maintenance of necessary vehicles.

Curb

A stone, concrete or other improved boundary, usually marking the edge of the roadway or paved area.



Daycare Home - Adult

A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day. No more than five unrelated adults are cared for. Said facility is licensed by the State of Ohio, complies with Section 3722 – Adult Care Facilities of the Ohio Revised Code, and shall maintain a current valid license. State law requires this to be permitted in any single-family residential district and to comply with regulations in the residential district.

Daycare Facility Adult Group Home

A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day. Said facility is licensed by the State of Ohio, complies with Section 3722 – Adult Care Facilities of the Ohio Revised Code, and shall maintain a current valid license. State law requires this to be a permitted use in any multi-family residential district, excluding planned unit development districts, and to comply with regulations in the multi-family residential district. Said facilities may be prohibited in any single-family district.

Daycare Facility Child

A facility that provides non-medical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living, or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers and family day care homes as regulated by Section 5104 – Child Care of the Ohio Revised Code and shall comply with said regulations. Said facility shall be licensed by the State of Ohio and shall maintain a current valid license.

Daycare Home - Child

A dwelling where a permanent occupant of said dwelling provides for the care of children. Those receiving care are not all related to the occupant or to each other by blood or marriage, and are not the legal wards or foster children of the attendant adults. Those receiving care and who are not dependents of the occupant do not reside on the site. For the purpose of this resolution, such activities shall meet all requirements for home occupations and the following standards must be met:

1. Said facility qualifies as a Type “B” family daycare home under section 5104 – Child Care of the Ohio Revised Code.
2. The home shall meet all state standards for registration and inspections for providing care; said facility shall be licensed by the State of Ohio and shall maintain a current valid license.
3. The number of persons provided care does not exceed six (6) persons, excluding the caregiver and their immediate family living in the household. In addition, no more than three children may be under two years of age.

State law requires this to be permitted in any single-family residential district and to comply with regulations in the residential district.

Data Processing Center

A building or part of a building used for the input, processing and printing of computerized data.

Deck

A structure without a roof, having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground, the floor of which is greater than 12 inches above finished grade, and which is designed and intended for use as a sundeck, but shall not include a landing or a stair.

Deed Restriction

A private legal restriction on the use of land, attached in the deed to a property. A deed restriction is most commonly used in the establishment of a subdivision to restrict the use of all individual lots in the development to a certain type of use (e.g., single-family dwellings). Usually the community has no control over deed restrictions.

Density

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

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

Density Bonus

The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective.

Design Density Bonus

Means the township in its discretion may permit the property owner to increase the density if the property owner has substantially exceeded the design criteria of the PUD Text and this resolution.

Developer

A person who is responsible for any undertaking that requires a zoning permit, special-use permit, conditional-use permit or sign permit.

Development

The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use. Also means any man-made change to improved or unimproved real estate, including but not limited to parking, fences, pools, signs, temporary uses, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Drive in Business

An establishment with facilities for attracting and servicing prospective customers traveling in motor vehicles which are driven onto the site where such business is carried on, where normally the customer remains in the vehicle for service, but shall not include car washing establishments, drive-through/fast food or drive-in restaurants, drive-in theatres or service stations. May include, but not limited to, drive-in beverage stores or drive-in ATM facilities and the like.

Driving Range

A public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding golf courses.

Drug Store

A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies and nonprescription medicines, but where non-medical products are sold as well.

Dumpster

A portable container designed for receiving, transporting, and dumping waste materials. These containers usually have a hooking mechanism that permits it to be raised and dumped into a sanitation truck or raised onto and secured to a sanitation truck to be hauled to an appropriate disposal facility.

Dwelling

A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families.

Dwelling - Towne Home

A building divided vertically into three or more dwelling units, each of which has an independent entrance(s) to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

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.

Dwelling, Single- Family

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family

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

Dwelling, Multi-Family

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

Dwelling, Industrialized Unit

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

Dwelling, Rooming-House (Boarding-House, Lodging House, Dormitory)

A dwelling or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.



Easement

A negotiated interest in the land of another, which allows the easement holder specified, uses or rights without actual ownership of the land.

Education – Private School

Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency. Schools under this definition include those termed as primary schools, secondary schools, post-secondary schools, elementary schools, middle schools, high schools, community college, college, university, trade school, institute, and technical college.

Education – Public School

Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education that is tax-funded and provides educational services to the general public. Schools under this definition include those termed as primary schools, secondary schools, post-secondary schools, elementary schools, middle schools, high schools, community college, college, or university.

Emergency Vehicle

Any vehicle legitimately participating in an emergency response to include, but not necessarily limited to, crash/fire/rescue vehicles, medical services vehicles, or tenant-operated vehicles.

Employee Parking Area

The portion of total required parking at a development used by on-site employees. Unless specified in the city's zoning/building code, employee parking shall be calculated as follows: Commercial: 30 percent (devoted to employees); Office/Professional: 85 percent, Industrial/Manufacturing: 90 percent.

Entertainment – Commercial Indoor

Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters and concert or music halls. Excludes Sports Stadium Indoor (see definition herein).

Entertainment – Commercial Outdoor

Predominantly **small scale (less than 100 people)** spectator uses conducted in open or partially enclosed or screened facilities. **Typical uses include live entertainment.** Excludes Sports Stadium Outdoor (see definition herein).

Entertainment, Live

A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons and guests at an eating or drinking establishment or bar is live entertainment. The term "Live Entertainment" does not include the term "Adult Entertainment" or "Adult Entertainment Facility".

Environmentally Significant Habitat:

Any area in which plant and/or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments. Three elements to determine if an area is significant:

1. The first is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Globally rare but locally abundant, these species suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present may occur in relatively large numbers or cover large local areas. Others are geographically widespread, but occur everywhere in low abundance.
2. The second is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, providing linkages between habitats or containing species with extreme variation.
3. Finally, environmentally significant habitat is an area that could be easily disturbed or degraded by human activities and developments.

Environmentally Significant Resources

Environmentally significant resources are naturally occurring substances that are considered valuable in their relatively unmodified (natural) form. These may include but are not limited to sources of water, timber, geological formations, mineral deposits, wildlife and the like.

Environmentally Significant Vistas

A range of sight of pleasing scenes, such as wooded areas, meadows, streams, lakes, rock outcroppings, and other geological features and the like.

Equipment Sales and Service

Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

Equestrian Center

An establishment primarily engaged in the operation of a riding academy or riding stables.

Erect

Erect means build, construct, reconstruct, alter and relocate, and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Essential Services

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission; or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith; that 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.

Excavation

The mechanical removal of earth material. Any breaking of ground, except common household gardening and ground care.

Extraction

To draw out or forth; hence to derive as if by drawing out; removal of physical matter in a solid, liquid, or gaseous state from its naturally occurring location; the initial step in use of a natural resource; examples include petroleum and natural gas wells, shale and coal mines, gravel pits, and timber cutting.



Family

Two or more individuals related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; up to five unrelated individuals living as one housekeeping unit.

Farm Implement Dealer Sales

The use of land, building or structures for the repair or sale of agricultural implements directly associated with the operation of a farm.

Farm Market

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

Farm Open Air Market

An establishment or premises where the farm products of a local farming community are sold at retail from uncovered or open air areas designated for individual retailers.

Fee Simple Lots

Is the ownership of lots of record in which fee simple ownership represents absolute ownership of real property, but is limited by the four basic government powers of taxation, eminent domain, police power, and escheat and could also be limited by certain encumbrances or a condition in the deed.

Feed Store

An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

FEMA

Federal Emergency Management Agency.

Fence

An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth. An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fence Height

The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used, provided that when installed the material is directly adjacent to the ground level.

Fill

Any material, such as (by way of illustration) earth, clay, sand, concrete, rubble, wood chips, bark, or waste of any kind, that is placed, stored, or dumped upon the surface of the ground, resulting in an increase in the natural surface elevation.

Financial Institution

A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). Financial institution shall not include a currency exchange.

First Floor

The floor of a building immediately above a cellar or basement, or where no basement or cellar exists, the first floor shall be that floor at or above grade level.

Fitness Center

A building in which facilities are provided for recreational athletic activities, including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna and solarium.

Flea Market

An outdoor commercial activity, not including shopping centers, individual retail operations, or sales conducted by a non-profit or charitable organization, that is open to the general public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

Flood Elevation Base

The highest elevation, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

Flood Plain

Land, including the flood fringe and the floodway, that is subject to inundation by the regional flood.

Flood Regional

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

Floodway

That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe

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

Floor Area (Residential Structure)

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

Floor Area (Non-Residential Structure) *(To be used in calculating parking requirements.)*

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

Floor Area, Useable

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing

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

Foster Home

A private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes. [O.R.C. 5103.02 (C)]

Foster Home, Family

A foster home that is not a specialized foster home. [O.R.C. 5103.02 (B)]

Foster Home, Specialized

A “medically fragile” foster home or a “treatment” foster home. [O.R.C. 5103.02 (F)]

Flying School

A school other than an educational institution where aviation instruction is provided for gain or profit.

Front

That portion of the building that faces the road upon which the address for the parcel is assigned.

Fuel Island Canopy

Means a functional rigid roof-like structure that is wholly or partially supported by a building structure and/or columns, braces, or poles extending to the ground. This structure is used exclusively by gas or service stations over gas pump islands.

Funeral Home

A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.



Garden Center

The use of lands, buildings, structures or parts thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

Gas Station

Any lot , parcel of land, or portion thereof used partly or entirely for storing or dispensing flammable or combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles.

Gas Station Mini-Market

A facility associated with the sale of gasoline products that also offers prepackaged food items and tangible consumer goods for sale, primarily for self-service by the consumer. Hot beverages, fountain-type beverages, and pastries may be included in the food items offered for sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.

Gas Pump Island

A structure, which is an accessory use, intended to provide gasoline for vehicles.

Garage, Public

A principal or accessory building other than a private garage that is used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station

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

1. Sales and services of spark plugs, batteries, and distributors, parts.
2. Tire servicing and repair, but not recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and sale of washing and polishing materials.
6. Grease and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors.

9. Adjusting and repairing brakes.
10. Minor motor adjustment, not involving removal of the head, crankcase, or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

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

Gazebo

A freestanding, roofed accessory structure that is not enclosed, except for screening or glass, and which is utilized for the purposes of relaxation in conjunction with a residential dwelling, but shall not include any other use or activity otherwise defined or classified in this bylaw.

Glare

A sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

Golf Course

A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, clubhouse and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

Golf - Miniature

A public or private area operated for the purpose of playing golf that may include an accessory office, retail pro shop, restaurant, banquets facilities, lounge, and golf driving range.

Grade

The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Grade – Finished

The final grade of the site that conforms to the approved plan.

Grade Natural

The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Grade Existing

The vertical elevation of the ground surface prior to excavating or filling.

Grandfather Clause

A provision exempting persons or other entities already lawfully engaged in an activity from rules or legislation affecting that activity. *(See Article-4 Nonconformities.)*

Gravel Pit

An open land area where sand, gravel and rock fragments are mined or excavated for sale of off-tract use.

Greenhouse - Personal

Any establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown, both in open and enclosed buildings.

Greenhouse Commercial

A building used for the growing of plants, all or part of which are sold at retail or wholesale.

Gross Acreage

The total area within a parcel of land.

Gross Project Area

Means all acreage in the proposed development.

Group Home

A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen mentally retarded or developmentally disabled persons. [O.R.C. 5123.19 (A) (3)]



Habitable

Any room designed and used for living, sleeping, eating, cooking, or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, unfinished basements, laundry and utility rooms, garages, and similar areas are not to be considered habitable.

Hazardous Waste

Any waste or combination of waste, which because of quantity, concentration, physical, or chemical characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous Material

Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

Health Club

A facility where members or non-members use equipment or space for the purpose of physical exercise.

Heavy Equipment

A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts, having a gross weight of 2.5 tons or more.

Height – Airport Hazard Zone

For the purpose of determining the height limits in all zones set forth in the Airport Hazard Zone Overlay District within this Resolution and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.

Height - Structure

In regards to structures, the vertical height from the finished grade at the front of the building and:

1. in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater;
2. in the case of a mansard roof, the deck roof line, and;
3. in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge, exclusive of any accessory roof construction such as a chimney, tower, steeple, television antenna, or elevator shaft.

Highway Business/Interstate Business

A use dependent upon both a large flow of traffic and convenient access. It includes such uses as motels, restaurants, automobile service stations, and produce stands.

Home Improvement Center

A facility of more than 30,000 square feet gross floor area engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Home Occupations – Principal Structure

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 that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. 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.
6. No home occupation – accessory structure is conducted upon the lot.

Home Occupations – Accessory Structure

An occupation conducted in an accessory structure to a principal structure, 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 accessory structure unit for the home occupation shall be clearly incidental and subordinate to the use of the lot for residential purposes by its occupants, and the accessory structure or area of the accessory structure used for the home occupation shall not be more than 25 percent of floor area of the principal structure unit.
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 that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. 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.
6. No home occupation – principle structure is conducted upon the lot.

Homeowners Association

An incorporated nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a planned unit or other described land area is automatically a member (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (C) the charge if unpaid becomes a lien against the property.

Home Site

That portion of any lot or parcel of land covered by any structure, including but not limited to septic systems and reserve area, wells, buildings, pools, and driveways.

Horse Farm

A building or structure and/or land whose operator keeps equines primarily for breeding and boarding, and which operation may or may not be incidental to the owner's primary occupation.

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 contrast to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Humane Society

A private or quasi-public non-profit organization established to provide care, boarding, veterinary and adoption services for abused, neglected, and/or unwanted animals. Said organizations are not in the business of breeding and raising animals for hunting and/or for sale. Said organizations generally have a core goal to provide for and promote awareness and education for the ethical, humane treatment of animals.



Impound Yard

A place where disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, public garage, junk yard, salvage yard or wrecker's yard.

Improvement(s)

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, wells, septic systems, turn lanes, and other related matters normally associated with the development of raw land into building sites.

Indoor Concert Venue

A commercial structure primarily designed for indoor music and dance concerts. Said structure is completely enclosed and may have areas for concessions and souvenirs, but does not include accessory offices, residences, or retail facilities.

Industry

A use providing for the co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, repair, storing, transporting, warehousing, or distributing of goods or materials, or things with or without an office to administer the industrial use on the lot. This includes wholesaling, provided that the merchandise being sold is distributed from the lot, but excludes the processing of fish, live animals, live poultry or other fowl.

Industrial Park

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Special attention is given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

Industrialized Unit

Means a building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or a part of a greater structure, and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured home as defined within this resolution.

Inter-modal Facility

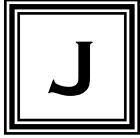
A facility designed to allow for the linkages, interactions and movement of goods between various modes of transportation. This may include the transfer of goods from rail to semi-trucks and the like, or vise-versa.

Island - Parking

Islands in a parking lot design are built-up structures, usually curbed, placed at the end of parking rows as a guide to traffic, and are also used for landscaping, signing or lighting.

Institution

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



Junk

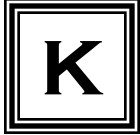
Old and dilapidated modes of conveyance, such as automobiles, trucks, tractors, watercraft, and other such vehicles and parts thereof; wagons and other kinds of vehicles and parts thereof; household appliances, scrap building material, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron machinery, rags, paper, excelsior, hair, mattresses, beds, and bedding, or any other kind of scrap or waste material which is stored, kept, handles or displayed.

Junk Buildings, Junk Shops, Junk Yards

Any land, property, structure, building or combination of the same where junk is stored or processed.

Junk Car

An automobile, truck or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable, or such a vehicle that does not comply with state, county or village laws or Resolutions.



Kennel, Agriculture

Any building or structure, including the surrounding fenced land, used by a person, partnership, firm, company, or corporation professionally engaged primarily in the business of breeding dogs for hunting or for sale. There shall be no boarding, training, housing, or grooming services provided to the general public. These services may only be provided for those animals involved in the breeding business.

Kennel, Commercial

Any building or structure, including the surrounding fenced land, used for the care and board of five or more domesticated dogs or cats more than four months of age that is open to the public for let, hire, board, training, housing, grooming, or other use on a commercial basis and for compensation. The function of the business is not the breeding of dogs or cats.



Lake

Natural or man-made bodies of water greater than two acres in area.

Land Use

The occupation or use of land or water area for any human activity or any purpose.

Land Fill

A disposal site employing an engineering method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Landscape

Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Landscaping Plan

A plan, drawn to scale, showing dimensions and details for revegetating an area 2,500 square feet or greater in size and at least 35 feet wide, including maintenance and protection measures.

Laundromat

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

LCPC

Licking County Planning Commission.

Library

A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Lighting

Unit of luminous intensity.

Lighting – Artificial

Any fixed source of light emanating from a manmade device, including but not limited to incandescent mercury vapor, metal halide, or sodium lamps, spotlights, street lights, construction or security lights.

Lighting – Neon

Outline lighting formed in whole or part with neon.

Lighting – Outline

An arrangement of incandescent lamps or electric discharge tubing that outlines or calls attention to certain features of a building, such as its shape or the decoration of a window.

Line of Sight

A visual path emanating from an average eye level to a specified distance.

Living Space

One or more rooms in a building designed for occupancy by one or more persons for living or sleeping quarters.

Livestock

Poultry, cattle, hogs, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.

Livestock Facility

Livestock barns where animals or poultry are housed, including beef feedlots and the associated manure storage.

Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking 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

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

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

Lot Coverage

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

Lot - Depth

The average horizontal distance between the front and rear lot lines.

Lot Frontage

The front of a lot shall be construed to be the portion along the road right-of-way line of a constructed and dedicated public road. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to the public road right-of-way line of the constructed and dedicated public roads shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. Where no road right-of-way is established, this shall be established at a distance of thirty (30) feet from the centerline of the constructed and dedicated public road.

Lot – Width

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the road right-of-way line of a constructed and dedicated public road, and shall be maintained throughout the lot. Where no road right-of-way is established, this shall be established at a distance of thirty (30) feet from the centerline of the constructed and dedicated public road.

Lot – Line

Any boundary of a lot.

Lot, Minimum Area of

The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

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 the rearmost points of the side lot lines in the 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 road right-of-way line of a constructed and dedicated public road, and shall be maintained throughout the lot. Where no road right-of-way is established, this shall be established at a distance of thirty (30) feet from the centerline of the constructed and dedicated public road.

Lot of Record

A lot that 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 likewise recorded.

Lot – Rear

The lot line or point of intersection of the side lot lines farthest from and opposite the front lot line.

Lot Types

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

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

Lumber Yard

An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.



Maintenance

In reference to a graphic, cleaning, painting, repair, or replacement of defective parts in a manner that does not alter the basic copy, design, or structure

Maintenance and Storage Facilities

Land, building, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Major Thoroughfare Plan

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

Major Wooded Areas

An area with extensive, prominent, and/or significant tree stands and associated undergrowth of plants covering a piece of ground. A major wooded area will consist of trees of six (6) inches in diameter as measured twenty-four (24) inches above the ground level.

Manufactured Home

Means a building unit or assembly of closed construction fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing and Safety Standards Act of 1974, 88 Stat. 700, 42 W.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Manufactured Home Park

Means any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. Manufactured Home Park does not include any of the following:

1. A tract of land used solely for the storage or display for sale of manufactured or mobile homes, or solely as a temporary park-camp;
2. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;

3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

Manufactured Home, Permanently Sited

Means a manufactured home that meets all of the following criteria:

1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet;
3. The structure has a minimum of 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
4. The structure was manufactured after Jan. 1, 1995;
5. The structure is not located in a manufactured home park as defined within this resolution.

Manufacturing

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Manufacturing – Light

The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Manufacturing – Heavy

The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

Mausoleum

A building containing above ground tombs.

Market, Open Air

A lot where goods, wares, merchandise or any substance, article, or thing is offered, kept or stored for retail sale, but does not include any retail outlet otherwise classified or defined in this bylaw.

Medical Clinic

A building or structure where two or more members of the medical profession, dentists, chiropractors, osteopaths and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation, and shall include such uses as reception areas, offices, coffee shops, consultation rooms, x-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building or structure.

Meeting Hall

A building designed for public assembly, containing at least one room having an area equivalent for four square feet per dwelling unit, or 2,400 gross square feet, whichever is greater.

Mine

The act of removing minerals and ores.

Mining

All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits; open pit mining or minerals naturally exposed; mining by auger method; dredging and quarrying; underground mining and surface work incidental to an underground mine.

Minerals

Gravel, sand, and metallic and nonmetallic substances of commercial value.

Miniature Golf

An area of land or a building, structure, premises, or part thereof operated for profit or gain as a commercial place of amusement where facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

Minutes

The chronological record of the proceedings of a public body.

Missile

An object blown or carried by wind at a high speed, and capable of penetrating a solid object and potentially creating a life-threatening situation.

Mortuary

An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

Mobile Home

Means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred

twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

Mobile Home Park

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 a part of the facilities of such park.

Morgue

A place for the storage of human bodies prior to autopsy, burial or release to survivors.

Motor vehicle

Means any truck or tractor, including any other self-propelled or motor-driven vehicle, that is operated upon any public highway of this state for the purpose of transporting property or passengers for hire.

Motor Vehicle Body Shop

Any building or portion thereof used for the repair or straightening of a motor vehicle body or frame, or for the painting of motor vehicles. Maintenance, service, and engine repair may be performed as an ancillary function of the bodywork.

Motor Vehicle Dealership

A building or structure where a franchised dealer displays motor vehicles for sale or rent, in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar, or a motor vehicle body shop.

Motor Vehicle General Repair and Service

The business of repairing, overhauling, removing, adjusting, replacing, assembling, or disassembling parts of any motor vehicle.

Motor Vehicle Racing Track

A paved roadway used primarily for the sport of automobile racing. Said facilities may include seating, concession areas, suites, parking facilities, and any facility used for driving automobiles under simulated racing or driving conditions (test tract, shakedown tracks, or other similar facilities), but does not include accessory offices, residences, or retail facilities.



Name Plate

A sign indicating the name and address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

Natural Buffer

An area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no full/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.

Natural Drainage

Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

Natural State

Natural state comprises all living and non-living things that occur naturally on Earth. In its purest sense, it is an environment that is not the result of human activity or intervention. It is for the purpose of this definition realized that nearly all environments have been directly or indirectly influenced by humans at some point in time. Therefore, some level of human influence is thus allowable without the status of any particular landscape ceasing to be considered to be in a natural state. Therefore, natural state shall include the purest definition and those areas consisting of unmanaged wooded areas, uncultivated grasslands, wildlife, and wildflowers. This may include areas that have been reclaimed or converted from agricultural lands or the built environment back to a natural state.

Net Developable Area

The land within a subdivision, excluding 15% of the subdivision's gross acreage for streets and utilities, jurisdictional wetlands, areas within the 100-year floodplain, areas with 15% or greater slopes and existing utility easements and/or right-of-ways.

Night Club

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

Noise

The intensity, duration, and character of sound from any and all sources.

Nursery - Plant Materials

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

Nursing Home

A home licensed by the state for the aged or chronically or incurably ill persons, in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.



Occupancy

The use of land, buildings or structures. Change of occupancy is not intended to include change of tenants or proprietors.

Occupant

Tenant or person in actual possession.

Odor

Stimulus affecting the olfactory nerves.

Off Site

Outside the limits of the area encompassed by the tract area or the parcel of record on which the activity is conducted.

Office

A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government. This includes administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Occupied Area

The total of the areas of all buildings on the lot. The area of each building is the area of a horizontal section of such building on any floor at or above ground level taken at its greatest outside dimensions, including all structures, except fences.

On-Sight

Within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

On-Site Walkabout

The physical review of the entire proposed project site by the developer, agents of the developer, township officials and other government agencies to familiarize themselves with the site, the location of features on a site plan in relation with the actual physical environment, and the surrounding neighborhood.

Out Building

A separate accessory building or structure not physically connected to the principal building.

Outdoor Advertising Display

An area set aside outside of a building or structure, used in conjunction with a business located within the building or structure on the same property for the display or sale of seasonal produce, new merchandise, or the supply of services.

Outdoor Concert Facilities

A facility, including performance areas, seating, concessions, restroom facilities, and parking, for the public performance of music and/or dancing in an outdoor venue.

Outdoor Retail Warehouse

A defined, outside area where goods, wares, merchandise, substances, articles, or things are offered or kept for sale at retail. Every outdoor retail area shall be enclosed within a solid board fence.

Overlay Zone

Zoning districts that extend on top of more than one base zoning district and are intended to protect certain critical features and resources. Where the standards of the overlay and base zoning district are different, the more restrictive standards shall apply.

Owner

A mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land; a trustee in whom the land is vested; a committee of the estate of a mentally incompetent person; executor; an administrator or a guardian.

Opacity

An imaginary vertical plane extending from the established grade to a required height of which a required percent of the vertical plane shall be visually screened from adjacent property use.

Open Space

An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and water-bodies.



Parcel

A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, a lot of record, or a piece of land created through other methods.

Park

An area consisting largely of open space, which may include a recreational area, playground, playfield or similar use, but shall not include a mobile home park, a campground or trailer park.

Parking Lot

An open, hard-surfaced area, other than a street or public way, to be used for limited periods of time for the storage of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

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.

Paved

Use of blacktop, asphalt, concrete or other similar substance to create a smooth surface, including bituminous penetration, but not the use of dirt, clay, slag or stone.

Pasture

A fenced grazing area.

Performance Bond or Surety Bond

An agreement by a subdivider or developer with the county for the amount of the estimated construction cost, guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Permanently Sited Manufactured Home

(See Manufactured Home, Permanently Sited)

Permitted Use

A use by right, which is specifically authorized in a particular zoning district.

Permit

A document issued by the proper authority authorizing the applicant to undertake certain activities.

Perpetuity

The quality or condition of being perpetual, time without end, eternity.

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.

Plat

A map or plan representing a tract of land that is planned and developed as a single project; showing the location and boundaries of the development and of individual properties, streets, and easements within the development. This document is prepared by a registered surveyor or engineer in compliance with the local land development regulations which, when approved by the county, is recorded.

Planning Commission, Licking County

LCPC.

Playground

An area of landscaped open space equipped with children's equipment such as slides, swings or wading pools.

Political Sign

Any sign erected for the purpose of advertising a candidate for public office, or when stating a position on a public issue on which an election or referendum is pending with respect to a particular campaign.

Pole Barn

A typically metal clad structure, most often utilizing wooden poles and trusses for support with unfinished, insulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and not intended for human habitation.

Print Shop Establishment

An establishment used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter-shop.

Porch

A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

Pond

Natural or man-made bodies of water two acres or less in area.

Premises

A building lot with the required front, side and rear yards for a dwelling.

Private

Belonging to, or restricted for the use or enjoyment of particular persons.

Private Club

A building or part of a building use exclusively by the members and guests of a club for social, recreational or athletic activities.

Professional Activities

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

Prominent Hilltops and Ridges

Those areas that extend above the average topography of an area and are noticeable from a regional area, and/or are a focal point from a roadway or other community areas.

Property Line

(See lot line.)

Public Building

Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

Public Meeting

An informal meeting, hearing, workshop, or public gathering of people to obtain comments from the public or other agencies on a proposed project prior to the local government's decision. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the county's project permit application file.

Public Service Facility

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

Public Uses

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

Public Utility

Means every corporation, company, co-partnership, person, or association, their lessees, trustees, or receivers, defined in section 4905.03 (*See Appendix #*) of the Ohio Revised Code, including all public utilities that operate their utilities not-for-profit, except the following:

1. Electric light companies that operate their utilities not-for-profit;
2. Public utilities, other than telephone companies, that are owned and operated exclusively by and solely for the utilities' customers, including any consumer or group of consumers purchasing, delivering, storing, or transporting, or seeking to purchase, deliver, store or transport, natural gas exclusively by and solely for the consumer's or consumers' own intended use as the end user or end users and not-for-profit;
3. Public utilities owned or operated by any municipal corporation;
4. Railroads as defined in sections 4907.02 and 4907.03 of the Revised Code.

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-Judicial

The act of and having a resemblance to a judge and proceedings in a court of law.

Quasi-public Use

Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Quarry

An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

Quorum

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



Recreation – Active

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

Recreation Camp

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

Recreation Facilities

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

Recreation – Passive

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

Research Activities

Research, testing, and related facilities, including operation of prototype, pilot plant or semi-works processes that are no larger than normal versions of a process; exposure of a product to weather and all other tests relating to code and other product performance requirements; and fabrication or assembly operations that process materials or equipment for market development and other uses, provided that such operations shall be conducted within a building or be visually screened or located more than 200 feet from adjacent property lines, and provided that the same do not violate the provisions of Sections 1016 through 1024, inclusive.

RV Park

Any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

Regulation

A rule or order prescribed for managing government.

Relocation

Any repositioning of a building on its site, or moving it to another site.

Research Laboratory

An administrative, engineering, scientific research, design, or experimentation facility; includes research on such things as electronic components, optical equipment, etc., but not research requiring the use of animal husbandry (including dogs, poultry, rodents, or monkeys). Heavy equipment (such as construction equipment), shall be within an enclosed structure, and shall be free of dust, smoke, fumes, odors, or unusual vibrations or noise. The waste of such facilities shall meet the requirements of the appropriate health authority.

Residence

A place where a person resides, particularly a house.

Residential

Land designated in the city or county general plan and zoning Resolution for buildings consisting only of dwelling units. May be improved, vacant, or unimproved.

Restaurant

A structure in which the principal use is the preparation and sale of food and beverages.

Restaurant – Carry Out

A restaurant where food, frozen desserts, or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises.

Restaurant – Cafeteria

An establishment maintained, operated, and/or advertised or held out to the public as a place where patrons serve themselves at a counter during stated business hours. The patrons take the food and beverages, which are served in and on reusable containers and dinnerware, to be consumed on the premises, primarily inside a building at tables, booths or counters, with chairs, benches or stools. Said establishment shall not exceed 2,000 square feet and shall not include any drive-in or drive-thru service.

Restaurant – Drive In

A building where food and drink are served to the public and at which parking facilities are provided for customers to eat in their automobiles.

Restaurant – Drive Thru/Fast Food

An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a

walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

Restaurant – Entertainment

An establishment where food and drink are prepared, served, and consumed, within a structure that includes, as an integral component of the facility, electronic or mechanical games of skill, simulation, and virtual reality; play areas, video arcades, or similar uses; billiards, and other forms of amusement.

Restaurant – Sit Down

An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside a building at tables, booths or counters, with chairs, benches or stools. Said establishment shall not exceed 2,000 square feet and shall not include any drive-in or drive-thru service.

Retail Store/Business

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

Retaining Wall

A structure constructed to hold back or support an earthen bank.

Rezoning

An amendment or change to the zoning resolution.

Riding Stables

Land and buildings used to house horses for their exercise and training; this may include a school, boarding stables, tack shop or other related uses.

Right-of-Way (ROW)

A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

Roadside Stand

A temporary structure designed or used for the display or sale of agricultural and related products.

Roof

The cover of any building, including the eaves and similar projections.

Roof Line

The highest point on any building where an exterior wall encloses usable floor space. The term “roof line” includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation. However, the top of the parapet wall extending along one or more building elevations, or a portion of one or more building elevations, may be considered the roof line in those instances where the parapet wall improves the architectural appearance of a building or shields rooftop mechanical equipment.

Rural

A sparsely developed area where the land is primarily used for farming, forestry, resource extraction, very low-density residential uses (one unit per 10 or more acres), or open space uses.



Salvage

Any article or material that is to be or intended to be reclaimed or saved from destruction.

Salvage Yard

A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products, which can be returned to a condition in which they may again be used for production.

Sand and Gravel Pit

A type of open pit or strip mine, from which the mineral removed is restricted to sand and gravel.

Sanitarium

A health station, retreat, or institution for the recuperation and treatment of persons suffering from physical or mental disorders.

Scenic Areas and Views

Areas or views that add to the quality of life, increase the value of property, and/or enhance the desirability and livability of a community. This may include, but is not limited to, areas overlooking a lake, river, hillside, rock outcrop, wooded area, farm field, grassland, or well recognized landmarks or terrain.

Scenic Highway Corridor

A highway, road, drive, or street that, in addition to its transportation function, provides opportunities for the enjoyment of natural and man-made scenic resources, and access or direct views to areas or scenes of exceptional beauty or historic or cultural interest. The aesthetic values of scenic routes are often protected and enhanced by regulations governing the development of property or the placement of outdoor advertising.

School

A public school, a separate school, a university, a college or a private school authorized by the authority having jurisdiction.

Screening

A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.

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.

Seasonal Farm Produce Sale Outlet

A fruit, vegetable, flower, or farm produce stand set up in season on a farm for the sale of produce from that same farm.

Seasonal Recreational Uses

A recreational use, the operation of which is dependent on the climactic conditions of a particular season or seasons, such as ski resorts, outdoor ice-skating rinks, or public beaches.

Self-Service Storage Facility

A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Semi-Trailer

Every vehicle without motive power designed for carrying persons or property that is drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sensitive Area – Environmental

Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments.

Septic System

A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen. Septic systems are often used for individual home waste disposal where an urban sewer system is not available.

Service Station

See Gas Station.

Service Structure

An accessory structure to a primary structure, which includes, but is not limited to, shed, outdoor refrigeration units, garbage receptacle, HVAC, etc.

Setback

A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard; or the boundary of any public right-of-way, whether acquired in fee simple ownership, easement, or otherwise; or a line otherwise established to govern the location of buildings, structures or uses.

Setbacks – Perimeter

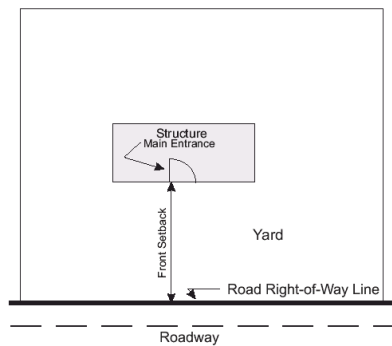
The minimum distance by which any building or structure must be separated from the property lines of the original parcel prior to development.

Setbacks – Internal

The minimum distance by which any building or structure must be separated from the property lines of the other buildings or structures of newly created lots or structures within a development.

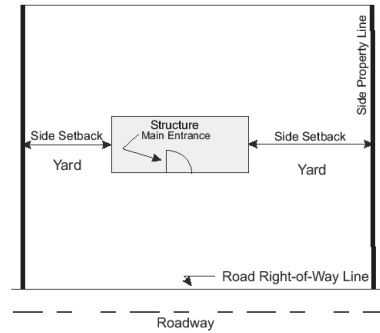
Setback – Front

The front yard setback shall be measured from the edge of the road right-of-way, or if no right-of-way exists, thirty (30) feet from the centerline of the road. For parcels over 20.000 acres, the front setback shall be measured from the nearest parallel lot line to the public road right-of-way.



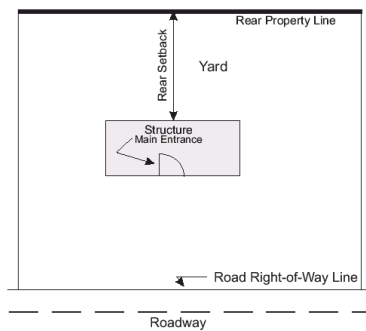
Setback – Side

The side yard setback shall be measured from the edge of the side yard property line. The side yard property line shall be those lines perpendicular to and connecting the lot lines along or parallel and closest to the public road right-of-way and the rear yard property line. (See Setback-Rear for definition of rear yard property line.)



Setback – Rear

The rear yard setback shall be measured from the edge of the rear yard property line. The rear yard property line shall be considered the property line farthest from the property line running parallel to the edge of the public road right-of-way. In the case of corner lots, any lot line opposite a front lot line running parallel to a public road right-of-way shall be considered the rear lot line.



Sewers, Central or Group

An approved sewage disposal system that 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 that 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.

Shooting Range – Indoor

The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

Shooting Range – Outdoor

The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

Shopping Center

A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

Sidewalk

That portion of the road right-of-way outside the roadway that is improved for the use of pedestrian traffic.

Sight Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-ways or a right-of-way and the edge/curb of a driveway. (See *Section 1600.09: Visibility at Intersections.*)

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, Abandoned

A sign or sign structure on a site where all buildings have been demolished or removed, and/or any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed, and/or for which no legal owner can be found.

Sign, Alteration

Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Sign, Animated or Moving

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, and/or other automated methods, results in the movement, the appearance of movement, or change of sign image or text, and/or changes the physical position of any sign or part of that sign.

Sign, Area

The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Sign, Banner

A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind, with only such material for backing.

Sign, Billboard

A board, panel, or tablet used for the display of posters, printed or painted advertising matter, either illuminated or non-illuminated, animated/non-animated, electronic/non-electronic, that directs attention to goods, merchandise, entertainment or other services offered elsewhere than the premise on which the sign is located.

Sign, Construction/Development

A temporary sign providing information about future development or current construction on a site and the parties involved in the project.

Sign, Directional

Any on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit, and one-way signs.

Sign, Electronic

A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Sign, Entry Feature

A permanent on-premises sign identifying a vehicular entrance to a residential subdivision, residential complex, or institution.

Sign Face

The part of the sign that is or can be used to identify, advertise, or communicate information, or for visual representation that attracts the attention of the public for any purpose. The frame or structural members may be considered a part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

Sign, Flashing

Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. Any moving, illuminated sign shall be considered a “flashing sign”. Such signs shall not include public message/warning signs using electronic switching, such as crosswalk signs.

Sign, Freestanding

A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

Sign, Fuel Island Canopy

Means a sign attached to or part of a fuel island canopy.

Sign, Graphics

Any drawing, symbol, picture, motif or logo displayed on a sign face.

Sign, Home Occupation

A sign containing only the name and occupation of a permitted home occupation.

Sign, Illuminated

A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within this sign, including, but not limited to, neon and exposed lamp signs, or a sign illuminated by external light directed primarily toward this sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

Sign, Inflatable

Any sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. Untethered airships are not considered to be inflatable signs.

Sign Mobile

A sign attached to, mounted, pasted, painted or drawn on any vehicle, whether motorized or maintained at one particular location, for the express purpose and intent of promotion or conveying an advertising message.

Sign Nameplate

A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Neon

A sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light. Such tubes are bent to form letters, symbols or other shapes to convey an advertising message.

Sign, Nonconforming

A sign lawfully erected and maintained prior to the adopting of this Resolution that does not conform with the requirements of this Resolution.

Sign, Seasonal Event

A use whose operation is dependent on the climactic conditions of a particular season, and operates longer than (1) one day but not longer than four (4) weeks out of the calendar year annually. Such event is intended to or likely to attract substantial crowds, and is unlike the customary or usual activities generally associated with the property where the seasonal event is to be located. Such events include Christmas tree sales and agriculture entertainment.

Sign, Special Event

Any sign erected for the purpose of announcing a special event or function that is of general interest to the community.

Sign, Official/Government

A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

Sign, Off-Premise Outdoor Advertising

A sign, including the supporting sign structure, that is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; such signs include but are not limited to billboards.

Sign, On-Premise

A sign that advertises the primary goods or services sold or taking place upon the premises on which the sign is located.

Sign, Portable

A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure. Including but not limited to the following :

- Trailer signs.
- Signs mounted on a wheel carrier or other non-motorized wheeled carrier.
- Menu and sandwich board signs.

- Hot air or gas-filled balloons.
- Umbrellas.
- Signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way (excluding signs identifying the related business when the vehicle is being used in the normal day-to-day operation of that business for deliveries, or transportation of employees of said business for business purposes and during business hours).

Sign, Permanent

A sign attached to a building, structure, or the ground in some manner that requires a permit and is made of durable materials intended for long-term use.

Sign, Pole

A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Sign, Real Estate

A sign that advertises the sale or lease of the property upon which the sign is located.

Sign, Roof Mounted

An off-premise sign structure that consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.

Sign, Setback

The minimum distance required between any property line and/or public right-of-way line and any portion of a sign or sign structure.

Sign Structure

The supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, v-type or otherwise.

Sign, Vehicle

A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

Sign, Wall

An on-premise sign attached to the wall of a building or structure.

Site

A parcel of land or portion thereof with frontage on a street, devoted to or intended for a use or occupied by a structure or a group of structures

Site Plan – Subdivision/Major Development/Planned Unit Development

A plan, to scale, of single-family residential, multi-family residential, commercial or industrial projects, showing uses and structures proposed for a parcel of land as required by the regulations involved. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features (both natural and man-made) and, depending on requirements, the location of proposed utility lines.

Site Plan – Zoning Permit

A drawing of a lot, created to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Slope

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Special Event

Circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but not longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Sport Playing Field

An open space set aside for the playing of sports; this may include benches or bleachers for observers, but where there is no charge made for spectators.

Sports Stadium, Indoor

A commercial structure with tiers of seats rising around a central field or court, intended to be used primarily for the viewing of indoor athletic events. Sports stadiums may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or indoor concerts. Said facilities shall be within completely enclosed structures.

Sports Stadium, Outdoor

A commercial structure with tiers of seats rising around a central field or court, intended to be used primarily for the viewing of athletic events. Said facilities shall not be used for outdoor concerts.

Stable

A building in which horses are sheltered; may be accessory to a residential or other use or a freestanding principal use.

Stable – Commercial

A structure and/or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Stable – Private

An accessory structure and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their guests, but in no event for hire.

Structure

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures including buildings, mobile homes, walls, fences, and billboards.

Standard

A rule or measure establishing a level of quality or quantity that must be complied with or satisfied. Examples of standards might include the number of acres of parkland per 1,000 population that the community will attempt to acquire and improve, or the intersection Level of Service (LOS) that the plan hopes to attain. Requirements in a zoning Resolution that govern building and development, as distinguished from use restrictions; for example, site-design regulations such as lot area, height limit, frontage, landscaping, and floor area ratios.

Start of Construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start 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, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for basement, footings, piers or foundations; erection of temporary forms; or installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For the substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not said alteration affects the external dimensions of the building.

Storage Shed

An accessory building with a maximum floor area of 100 square feet, used exclusively for the storage of goods.

Storage

A space or place where goods, materials, or personal property is placed and kept for more than 24 consecutive hours.

Storage - Outside

The storage of any materials outside the principal or accessory buildings on a property.

Storage - Portable Units

A portable storage unit, for the basis of this zoning resolution, shall include any container, trailer, or enclosed structure that is rented or sold to a customer, delivered to and collected from a customer, and is not permanently affixed to the ground on a permanent foundation utilized for the storage of personal, business or manufacturing items, goods or materials for a short or long term period. Said container, trailer or structure is customarily delivered to a residence, business or manufacturing facility to be loaded, or unloaded then hauled away to a storage facility owned by the company operating the rental or sale of the storage container, trailer or structure for short or long term storage.

Storm Shelter

A storm shelter is defined as an emergency occupancy structure designed to provide occupants a high probability of protection from injury or loss of life resulting from forces, debris, impacts, and other effects that may result from tornadoes or other windstorm events. When the word shelter is used in this standard, it is intended to mean the complete unit with all its components, including but not limited to doors, hinges, latches, hardware, vents, steps, and anchorage.

Story

A space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between such floor and the ceiling or roof above; provided, however, that where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story.

Story and One Half

The portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the next story below, side-walls not less than four feet in height, and a ceiling with a minimum height of seven and one-half feet over an area equal to at least fifty percent of its floor area.

Strip Mining

A process of recovering ore or fuel deposits by mechanically scraping away the overhanging rock and strata.

Structural Alteration

Any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, foundations, piles, retaining walls or similar components.

Subdivision

The process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space and public areas, and the designation of the location of utilities and other improvements.

Substantially Completed

The situation in which the construction of a structure or development that was given a valid zoning permit or other zoning approval complies with the regulations, objectives, standards, guidelines and conditions for which that permit or approval was based upon and given.

Supply Yards

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

Swimming Pool

A pool or open tank containing at least 30" of water at any point to be used for recreational purposes 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; an accessory use.
2. Community: Operated with a charge for admission; a primary use.



Tavern

A building or part thereof where, in consideration of payment therefore, liquor, beer, wine or any combination thereof are served for consumption on the premises, with or without food.

Temporary Promotional Use

An activity that may commonly be described as carnival or amusement park rides as accessory uses to an existing and legally conforming business use or uses, and for the purposes of promoting business sales and/or raising funds for community service organizations, or for the purpose of promoting any special event, community educational campaign, membership drive, or any other similar promotion, and which activity is established for a fixed period of time with the intent to discontinue such activity upon the expiration of the time period.

Tent

A portable or temporary cover or shelter, with or without side panels, that are supported by poles and are made of canvas, plastic or similar materials.

Theater

A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Telecommunications

The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Through Lot

See Lot Types.

Thoroughfare, Street, or Bond

A public transportation way, located within a right-of-way, to conduct vehicles and pedestrians from one location to another. A thoroughfare may include but is not limited to the following:

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/Street: A general term denoting a highway primarily for through traffic, traffic carrying heavy loads, and a large volume of traffic, usually on a continuous route.
3. Collector Road/Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, that primarily carries traffic from local streets, including the principal entrance and circulation routes within a residential subdivision.
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 Road/Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Road/Street: A street primarily for providing access to residential or other abutting property.
7. Loop Road/Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
8. Marginal Access Road/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).

Tot Lot

Also known as a play lot, a tot lot is a small area developed especially for preschool or elementary school aged children. It may contain such facilities as sandboxes, slides, teeters, swings, climbing apparatus, and the like.

Towing Service

The removal of a motor vehicle by towing, carrying, hauling, or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound lot. This shall not include an "automotive service" use that has a tow truck and repairs vehicles on-site.

Townhouse

A one-family dwelling unit with a private entrance that is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Toxic or Noxious Substance

Any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life and impair health, or capable of causing injury to the well-being of persons or damage to property.

Traffic/Transportation Corridor

A defined area within which the through movement and connections of roadways and traffic is made. This is an area that is currently congested, or based on long range plans such as the Township Comprehensive Plan, will have congestion due to the types and density of land use(s). The importance of preserving the functionality, capacity and safety of the area (corridor) is given consideration.

Transportation, Director of

The Director of the Ohio Department of Transportation.

Trash Enclosure

An accessory use of a property where trash and/or recyclable material containers, or any other type of waste or refuse container, is stored.

Tree Lawn

A planting strip with trees, usually between a road and sidewalk, or between parking areas and driveways.

Tree Topping

The cutting of trees nearly down to the trunk. Topping is sometimes used as a less expensive alternative to the full removal of large old trees.

Truck Stop

A site in excess of two acres providing specialized facilities for retail fueling services for large trucks; the site may include related facilities, including but not limited to restaurants and overnight parking.

Truck – Heavy

Heavy trucks include truck tractors and similar vehicles with two or more rear axles.

Truck – Medium

Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

Truck – Light

Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

Trustees, Board of Township

A three-member board elected at the general elections in off-numbered years for terms of four years. Two trustees are elected the year after presidential elections, and one trustee the year following gubernatorial elections.



Unlike and Dissimilar Uses

A use having differing characteristics as the specifically cited use(s) in terms of the following: motor vehicular trip generation, type of motor vehicle traffic, parking, motor vehicle circulation, pedestrian traffic and circulation, utility demands, environmental impacts, physical space needed, services and/or goods provided, clientele, hours of operation, intensity of land use, differing levels of noise and light generated, and the like. For example, a fast food restaurant with drive thru service shall be deemed a dissimilar use from a sit down restaurant due to the increased volume of traffic utilizing the drive thru, the increased volume of internal circulation, the increased volume of and differing type of clientele, the increased hours of operation, etc.

Unnecessary Hardship

A hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed. Used as a standard for granting a variance where the owner, unless granted a variance, will be unable to use the property for the purposes for which it is zoned.

Uniformity

A basic premise of zoning that all properties in the same zoning district are subject to the same regulations. Attacks on certain zoning actions, such as spot zoning or attaching extra conditions to a rezoning (as with conditional rezoning), are often based on violation of uniformity provisions.

Use

Any purpose for which a lot, building, or other structure or tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use – Principle

The main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which may be used, occupied or maintained under this Resolution. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Resolution shall be considered and accessory use.

Use – Conditional

A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the commission and granting of conditional use approval

imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and may be transferable from one owner of the land to another.

Use – Existing

The use of a lot or structure at the time of the enactment of a zoning Resolution.

Useable Square Footage

Useable square footage shall include all living space and shall be measured from the face of a finished wall surface (drywall) of an enclosed room by the formula length times width ($l \times w = \text{sq. ft.}$). Useable square footage shall exclude closets, utility rooms, utility closets, attics, crawl spaces, garages and the like.

Utilities

All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

Utilities – Public

(See Public Utilities.)



Variance

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

Vehicle - Recreational

A vehicle designed to provide temporary living accommodation, but does not include a mobile home, travel trailer or other vehicle defined herein.

Vehicle Use Area

Any open or unenclosed area containing more than 1,800 square feet and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas.

Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described in this paragraph, and where intervening curbs, sidewalks landscape strips, etc. do not eliminate adjacency.

Veranda

A flat wooden surface projecting from the exterior wall of a building, usually used for seating.

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 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 that determines, by dimensions or other means, the relationship of the proposed subdivision, or use of 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.

Vibration

A limited reciprocating motion of a particle of an elastic body or medium in alternately opposite directions from its position of equilibrium when that equilibrium has been disturbed.

Visual Obstruction

Any fence, wall, tree, hedge, shrub or combination of such that limits visibility.



Walkway

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

Wall

A constructed solid barrier of concrete, stone, brick, tile, wood, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

Warehouse

A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive, or that present hazards or conditions commonly recognized as offensive.

Water Table

The upper limit of the portion of soil that is completely saturated with water. The seasonal high-water table is the highest level to which the soil is saturated, as may be indicated by mottling (soil color patterns).

Wholesale

A form of business in which a company resells already manufactured goods in large quantities to retailers.



(Reserved For Future Use.)



Yard

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

1. Yard, Front: a yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
2. Yard, Rear: a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: a yard extending from the principal building to the die lot line on both sides of the principal building between the lines establishing the front and rear yards.



Zoning

The division of a city or county by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas. Also, a program that implements policies of the General Plan.

Zoning Commission

A five-member board appointed by the Township Board of Trustees. The Township Zoning Commission is the legislative division of the township and is responsible for developing the Township Zoning Resolution, considering any amendments to the Zoning Resolution or Zoning Map, and making recommendations to the Township Board of Trustees on said amendments to the resolution or map. Additionally, the Township Zoning Commission may develop land use plans for the township and make a recommendation to the Township Board of Trustees on said plans.

Zoning Board of Appeals

A five-member board appointed by the Township Board of Trustees. The Township Board of Zoning Appeals is a quasi-judicial body of the township and is responsible for considering variances, conditional uses, and any appeals in regards to township zoning.

Zoning Inspector

Appointed by the Township Board of Trustees. The Zoning Inspector is the enforcement officer for the township, and is charged with enforcing the Township Zoning Resolution.

Zoning Permit

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

Zoning Resolution

An resolution enacted by the Township Board of Trustees pursuant to state law that sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the Township Comprehensive Plan, includes a zoning map, and complies with the provisions of state law.

Zoning Amendment

A change in the wording, context, or substance of this title, or a change in the zoning or district boundaries of the official zoning map, to be made a part of this title.

APPENDIX B – APPLICATION FORMS

Appendix "B" is NOT herein adopted as part of the Union Township Zoning Resolution but provided here for reference only.

To Be Inserted.

APPENDIX C – FEE SCHEDULE

Appendix "C" is NOT herein adopted as part of the Union Township Zoning Resolution but provided here for reference only.

To Be Inserted Upon Adoption.

APPENDIX D - PREFERRED TREE LIST

Appendix "D" is NOT herein adopted as part of the Union Township Zoning Resolution but provided here for reference only.

SMALL TREES – Mature height under 30', suitable under utility wires.

Adams Crabapple – Malus 'Adams': height – 25'; habit - dense rounded; fall color – orange-red; fruit – red persistent.

Adirondack Crabapple – Malus 'Adirondack': height – 10'; habit – V shaped upright; fruit – orange-red persistent; flowers – red buds, white flowers with red tinge.

Centurion Crabapple – Malus 'Centurion': height: 20' – 25'; fruit – cherry-red ½"; habit - upright; fall foliage: green; flowers – rose-red.

Excalibur Crabapple – Malus 'Excalibur': height: 8'; fruit – tiny golden yellow; habit – upright dwarf; flowers – red buds open to white.

Harvest Gold Crabapple – Malus 'Harvest Gold': height: 20' - 25'; fruit – golden, ½"; habit – upright; flowers – white; fruit persists into spring.

Madonna Crabapple – Malus 'Madonna': height: 16' – 20'; fruit – red; habit – compact, upright; flowers – white, double.

Prairiefire Crabapple – Malus 'Prairiefire': height – 20'; habit – upright spreading; foliage – reddish-green and yellow in the fall; flowers – coral red; fruit – dark red.

Red Jewel Crabapple – Malus 'Red Jewel': height – 15'; habit-mounded spreading form; fruit – cherry red ½", persist to April; foliage – excellent dark green; flowers – white.

Corneliancherry Dogwood – Cornus mas: height: 20' - 30'; habit- rounded; flowers- yellow, March.

Thornless Cockspur Hawthorn – Crataegus crusgalli: height: 15'– 20'; habit – globose, dense branches; flowers – white in clusters; fruit – ½" red persistent, used for wildlife; foliage gray green, purple/red in fall.

Winter King Green Hawthorn - Crataegus viridis 'Winter King': height: 20-25'; habit – rounded, fall color – purple to red; flowers – white cluster; fruit – red and persisting.

Lavalle Hawthorn – Crataegus x lavalleyi: height: 15-30', habit – oval to round; flowers – white clusters; fall color – bronzy to coppery red; fruit – red that persist into the winter.

Ohio Pioneer Dotted Hawthorn – *Crataegus punctata* var. *inermis* ‘Ohio Pioneer’: height: 20’ - 25’; fruit – dark brick-red; habit – rounded; fall foliage – grayish/green; flowers – white clusters, thornless.

Vaughn Hawthorn – *Crataegus phaenopyrum* x *Crataegus crusgalli* ‘Vaughn’: height: 15 - 20’; fruit – glossy, orange-red, 3/8””; habit – rounded; fall foliage – grayish-green; flowers – white.

Washington Hawthorn – *Crataegus phaenopyrum*: height: 25 -30’; fruit – bright glossy red; shape – oval rounded; fall foliage – orange to scarlet to purplish, thorns.

Ivory Silk Tree Lilac – *Syringa reticulata* ‘Ivory Silk’: height: 20’–30’; shape – rounded; fruit – clusters of capsules; fall foliage – green; flowers – 6-10” white panicles; attractive flowers in early July, flowers at a young age.

Amur Maackia – *Maackia amurensis*: height: 20’-30’, shape – rounded, fruit – pod, flower – 4-6” white racemes June – July.

Amur Maple – *Acer ginnala*: height: 15’ – 20’; shape - globose to ovate; foliage – green to red/orange in fall.

Paperbark Maple – *Acer griseum*: height: 20 - 30’; shape – upright oval to rounded; fall color – russet red to red; exfoliating bark makes this tree interesting.

Tartarian Maple – *Acer tataricum*: height: 15 - 20’ sometimes 30’; shape – rounded; fall color – yellow, red to reddish brown.

Serviceberry species – *Amelanchier* species: height: 25’ – 30’; fruit – red, birds love them; shape – oval, upright; foliage – orange/red in fall; flowers – white clusters.

Blackhaw Viburnum – *Viburnum prunifolium*: height: 12-15’; shape – rounded; flowers – white clusters in May; fruit – bluish black and edible.

Nannyberry Viburnum – *Viburnum lentago*: height: 18’ possibly 30’; shape – upright, open; flowers – white clusters in May; fruit – blueish black, winter food for birds.

MEDIUM TREES – Mature size being 30’-60’.

Black Alder – *Alnus glutinosa*: height: 40-60’; shape – pyramidal when young then irregular; fruit – woody strobile; adaptable, does well in wet or dry sites, full sun or partial shade, nitrogen fixer.

Autumnalis Higan Cherry – Prunus subhirtella variety Autumnalis: height: 20-40'; flowers – semi-double pink; habit – oval upright; Higan Cherry are the most cold, heat and stress tolerant of the cherry group.

Amur Cork Tree – Phellodendron amurense: height: 35' – 45'; shape – ovate; fruitless; foliage – yellow fall color, male cultivar only.

Jackii Crabapple – Malus 'Jackii': height: 30-40'; fruit – maroon ½"; shape - upright and rounded; foliage – glossy green, yellow in the fall.

Lacebark or Chinese Elm – Ulmus parvifolia: height: 50'; fruit – whitish, winged ¼"; shape – rounded; fall foliage – yellow to wine.

Goldenraintree – Koelreutaria paniculata: height: 25' - 40'; shape – globose; flower – yellow June-July; foliage – blue/green leaflets, yellow in fall; fruit – bladder-like, papery green capsules, turning brown.

American Hornbeam – Ostrya virginiana: height: 30'-40'; shape – conical to globose with age; foliage – green, yellow in fall; flowers – catkins; fruit – nutlets in bunches; prefers some protection, understory tree.

European Hornbeam – Carpinus betulus: height: 35'- 40'; shape – conical becoming ovate, wide spreading; foliage – green-yellow in fall; flowers – catkins with bracts; fruit – leafy cluster with nutlets.

Upright European Hornbeam - Carpinus betulus 'Fastigiata': height: 30-40; shape – upright oval dense; fall color – yellowish. Grown for its dense upright habit.

Crimean Linden – Tilia x euchlora: height: 40-60' and half that in spread; fall color – possibly yellow-green.

Legend American Linden – Tilia Americana 'Wendell': height: 50'; shape – broadly conical; foliage – dark green; flowers – pale yellow, attracts bees; fruit – ½" nutlets.

Littleleaf Linden – Tilia cordata: height: 45' – 65'; fruit – tan globes ¼"; shape – compact, pyramid; 'Corinthian', 'Greenspire', 'Glenleven'- cultivars.

Hedge Maple – Acer campestre: height: 25 - 45'; shape – rounded; fall color – yellow; can tolerate alkaline soils. 'Queen Elizabeth'- cultivar.

Celebration Maple – Acer x freemanii 'Celebration': height: 45'; fruit – seedless; shape – upright, oval; fall foliage – orange-red; flowers – greenish-yellow.

Norwegian Sunset Maple – Acer truncatum x Acer platanoides 'Norwegian Sunset': height: 35' – 45'; fruit – winged, 1 ½"; shape – upright oval; fall foliage – orange-red; flowers – greenish-yellow.

Pacific Sunset Maple – *Acer truncatum* x *Acer platanoides* ‘Pacific Sunset’: height: 30’- 40’; fruit – winged, 1 ½”; shape – upright, rounded; fall foliage – red; flowers – greenish yellow.

Sawtooth Oak – *Quercus acutissima*: height: 40’-50’; fruit – acorn; shape – rounded.

Aristocrat Callery Pear – *Pyrus calleryana* ‘Aristocrat’: height: 30’ – 50’; shape – conical to ovate; foliage – green-yellow to bronze in fall; fruit – ½” pome; flower – white.

Cleveland Select Pear – *Pyrus calleryana* ‘Cleveland Select’: height: 35’ – 40’; shape – upright, narrow habit; fruit – russet, ½”; fall foliage – gold-red; flowers – white.

Hardy Rubber Tree – *Eucommia ulmoides*: height: 40’ – 60’; rounded to broad spreading; foliage – green-yellow/green in fall; flower – dioecious, not showy; fruit – 1 ½” capsule; lustrous dark green foliage, slow grower.

LARGE TREES – Mature size being 60+ feet.

White Ash species – *Fraxinus Americana*: height: 50’ – 80’; shape – ovate; foliage – yellow to maroon in fall; flowers – inconspicuous; fruit 1-2” samara.

Green Ash species – *Fraxinus Pennsylvanica*: height: 40’ – 65’; fruit – winged, 1-2”; shape – oval, irregular; fall foliage – yellow; flowers – inconspicuous; ‘Urbanite’, ‘Summit’, ‘Patmore’- cultivars.

Blue Ash species- *Fraxinus Quadrangulata*: height: 50-70’; shape – rounded with irregular crown; foliage – dark green color, yellow fall color; drought resistant.

Baldcypress – *Taxodium Distichum*: height: 50-70’; habit – pyramidal; foliage – yellow-green in the spring, linear lanceolate, orange to pink to soft brown in the fall; a deciduous conifer that adapts well to wet or dry sites; landscape tree mostly, but also used as street trees.

River Birch- *Betula Nigra*: height: 40-70; habit – oval maturing to rounded; fall color – yellow and has handsome exfoliating bark.

Kentucky Coffeetree – *Gymnocladus dioicus*: height: 55’–75’; foliage – blue-green leaflets, yellow in fall; flowers – green or yellow-white clusters; fruit – 4” to 10” reddish brown pods on females.

American Elms – Improved – *Ulmus Americana*: ‘Valley Forge’, ‘Princeton’, ‘New Harmony’: height: 60-80’, medium to fast growing; shows tolerance to Dutch Elm disease.

Ginkgo (male only) Ginkgo biloba: height: 50' – 80'; shape – irregular; foliage – fan shaped yellow in fall; fruit – none on males; wide unless upright selection is chosen, distinctive and historical interest.

Honeylocust species (Thornless only) Gleditsia triacanthos var. inermis: height: 40' – 70'; shape – ovate; foliage – green/yellow in fall; flowers – inconspicuous; fruit – long brown pods; lacy appearance, casts light shade easy to clean up in fall.

Silver Linden species – Tilia tomentosa: height: 50' – 70'; shape – conical to ovate; foliage – green with silver underside, yellow in the fall; flowers – yellowish-white, fragrant; fruit – 1/3" nutlet; attractive and tolerates heat and drought better than most lindens. 'Sterling' – cultivar.

Black Maple – Acer nigrum: height: 60' - 75'; shape – ovate; fall color – yellow; flowers – yellow/green before leaves appear; fruit – 1" samara.

Norway Maple – Acer platanoides: height: 40' – 75'; shape – ovate to globose; flowers – greenish, yellow, abundant; foliage – green-yellow to brown in fall; fruit – 2" samara.

Sugar Maple species – Acer saccharum: height: 60'- 75'+; fruit – winged, 1-1 3/4"; shape – oval to rounded; fall foliage – orange, red; flowers – yellow green. 'Commemoration', 'Green Mountain' – cultivars.

Bur Oak – Quercus macrocarpa: height 70' – 90'; shape – ovate; foliage: 5-8" fiddle shape rounded lobes, yellow brown in fall; flowers – inconspicuous; fruit acorns; durable wide range of soils, massive, more tolerant of city conditions than most oaks.

Chinkapin Oak – Quercus muehlenbergii: height: 50-70'+, shape – open rounded crown, wide spreading with age; fall color – yellow to orangish brown; will grow in alkaline soils.

English Oak – Quercus robur: height: 60' - 80'; shape – ovate to globose; foliage – 3-5" lobes, brown in fall; flowers – inconspicuous; tolerant of drought and resistant to some limited root space, upright forms also available. 'Skymaster' – cultivar; height: 50' – 60'; shape – pyramidal; fall foliage – green.

Northern Red Oak – Quercus rubra: height: 60' – 80'; fruit – acorn; shape – ovate, open; fall foliage – bright reddish, golden brown; flowers – inconspicuous.

Pin Oak – Quercus palustris: height: 55' - 75'; shape – conical to ovate; foliage: 3-6' lobes, bronze in fall; flowers – inconspicuous; fruit – acorns.

Scarlet Oak – Quercus coccinea: height: 70-75' by 40-50' in width; fall color – scarlet to russet red. May develop chlorosis problems in certain sites.

Shingle Oak – Quercus imbricaria: height: 40' – 60'; shape – conical to globose; foliage: 3' – 6" laurel-like leaves, green, yellow/brown to russet red in fall; fruit – acorns; attractive and tolerant to city conditions, leaves persist into winter and can be used for screening.

Shumard Oak – Quercus shumardi: height: 60' – 80'; fruit – acorn; shape – broad, rounded; fall foliage – reddish-brown; flowers – inconspicuous.

Swamp White Oak – Quercus bicolor: height: 60' – 80'; shape – ovate; foliage: 4" – 8" lobes, yellow brown in fall; flowers – inconspicuous.

Japanese Pagodatree – Sophora japonica: height: 50-75'; shape – upright spreading; flowers – creamy white panicles, July- August; fruit – pod; fall color – occasional yellow.

London Planetree – Platanus x acerifolia: height: 70-100'; shape – pyramidal in youth, open wide spreading with age; bark – olive green to creamy, exfoliating.

Dawn Redwood – Metasequois glyptostroboides: height: 65' - 100'; shape – conical; foliage – deciduous needles, yellow to orange/brown in fall; flowers – inconspicuous; fruit – 1" pendulous cones.

Sweetgum – Liquidambar styraciflua: height: 60' - 75'; fruit – horned balls, 1-1 ½"; shape – pyramidal; fall foliage – green, yellow, scarlet and purple; star shaped leaves, best if planted in the spring.

Black Tupelo or Black Gum – Nyssa sylvatica: height: 40' – 70'; shape – conical; foliage – glossy dark green, yellow/orange and scarlet in fall; flowers – inconspicuous; fruit – ½" blue, eaten by birds and mammals.

PROHIBITED STREET TREES

Spruces and Pines –Creates blind spots for both pedestrians and vehicles.

Bradford Pear – Dense foliage creates blind spots; subject to wind breakage.

Box Elder – Breakage and insect pests.

Silver Maple – Breakage; too large when mature; root systems clogs sewers and drains.

Ailanthus – No data.

Horsechestnut and Ohio Buckeye – Leaf blight and burn; messy flowers and poisonous nuts. (Good for parks however.)

Osage Orange – no data.

Mulberry – Fruit objectionable; uses sterile varieties.

Poplars – (All varieties, including cottonwoods) – Very subject to breakage; disease and insect; roots clog sewers and drains.

Purpleleaf Plum – No data.

Black Cherry – No data.

Black Locust – Insects, borers and leaf miners; thorns.

Willows – (All varieties) – Breakage; disease and insects; roots clog sewers and drains.

European Mountain Ash – Shallow rooted; susceptible to wind; short-lived, borers.

Ginkgo – (Female) – The berries have an offensive smell.

Catalpa – Coarse, messy flowers and seed pods; insect pests.

Russian Olive – No data.

American Sycamore – No data.

Apple – Fruit objectionable on street; numerous insect pests and diseases; requires too much spraying and pruning.

Tree-Of-Heaven – Coarse; subject to breakage; foul odor.