

# WASHINGTON TOWNSHIP ZONING RESOLUTION

Washington Township, Licking County, Ohio

ADOPTED: April 25, 1988

EFFECTIVE: May 25, 1988

AMENDED: December 14, 2009 (*Resolution No. 09-17*)

EFFECTIVE: January 14, 2010

AMENDED: August 27, 2012 (*Resolution No. 12-19*)

EFFECTIVE: September 27, 2012







PREAMBLE .....	1
ARTICLE 1 .....	2
Section 1.0 Title .....	2
Section 1.1 Provisions Declared Minimum Requirements .....	2
Section 1.2 Separability Clause .....	2
Section 1.3 Repeal of Conflicting Resolution, Effective Date .....	2
ARTICLE 2 DEFINITIONS .....	3
Section 2.0 Interpretation of Terms of Words .....	3
ARTICLE 3 ENFORCEMENT .....	24
Section 3.0 Zoning Permits Required .....	24
Section 3.1 Content of Application for Zoning Permit .....	24
Section 3.2 Approval of Zoning Permit .....	25
Section 3.3 Submission to Director of Transportation .....	25
Section 3.4 Expiration of Zoning Permit .....	25
Section 3.5 Certificate of Zoning Compliance .....	25
Section 3.6 Temporary Zoning Certificate of Compliance .....	26
Section 3.7 Record of Zoning Permits .....	26
Section 3.8 Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance .....	26
Section 3.9 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates .....	26
Section 3.10 Complaints Regarding Violations .....	26
Section 3.11 Penalties for Violation .....	27
Section 3.12 Schedule of Fees, Charges, and Expenses .....	27
ARTICLE 4 NONCONFORMITIES .....	28
Section 4.0 Intent .....	28
Section 4.1 Incompatibility of Nonconformities .....	28
Section 4.2 Avoidance of Undue Hardship .....	28
Section 4.3 Single Nonconforming Lots of Record .....	28
Section 4.4 Nonconforming Lots of Record in Combination .....	29
Section 4.5 Nonconforming Use of Land .....	29
Section 4.6 Nonconforming Structures .....	29
Section 4.7 Nonconforming Uses of Structures or of Structures of Land in Combination .....	30
Section 4.8 Repairs and Maintenance .....	31
Section 4.9 Uses Under Conditional Use Provisions Not Nonconforming Uses .....	31
ARTICLE 5 ADMINISTRATION .....	32
Section 5.0 Office of Zoning Inspector Created .....	32
Section 5.1 Duties of Zoning Inspector .....	32
Section 5.2 Proceedings of Zoning Commission .....	32
Section 5.3 Duties of the Zoning Commission .....	32
Section 5.4 Zoning Commission and Board of Zoning Appeals Created .....	33
Section 5.5 Proceedings of the Board of Zoning Appeals .....	33
Section 5.6 Duties of the Board of Zoning Appeals .....	33
Section 5.7 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal .....	34
Section 5.8 PROCEDURES AND REQUIREMENTS FOR APPEAL AND VARIANCES .....	35
Section 5.9 Appeals .....	35
Section 5.10 Stay of Proceedings .....	35
Section 5.11 Variance .....	35
Section 5.12 Application and Standards for Variances .....	37
Section 5.13 Supplementary Conditions and Safeguards .....	37
Section 5.14 Public Hearing by the Board of Zoning Appeals .....	38
Section 5.15 Notice of Public Hearing in Newspaper .....	38
Section 5.16 Notice to Parties in Interest .....	38
Section 5.17 Action by Board of Zoning Appeals .....	38
Section 5.18 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS .....	38

Section 5.19 General .....	38
Section 5.20 Contents of Application for Conditional Use Permit.....	39
Section 5.21 General Standards Applicable to All Conditional Uses .....	40
Section 5.22 Specific Criteria for Conditional Uses.....	40
Section 5.23 Supplementary Conditions and Safeguards .....	46
Section 5.24 Procedure for Hearing, Notice .....	46
Section 5.25 Action by the Board of Zoning Appeals .....	46
Section 5.26 Expiration of Conditional Use Permit.....	46
ARTICLE 6 AMENDMENT .....	47
Section 6.0 PROCEDURE FOR AMENDMENTS OR DISTRICT CHANGES.....	47
Section 6.1 General .....	47
Section 6.2 Initiation of Zoning Amendments .....	47
Section 6.3 Contents of Application .....	47
Section 6.4 Transmittal to Zoning Commission.....	48
Section 6.5 Submission to County Planning Commission.....	48
Section 6.6 Submission to Director of Transportation .....	48
Section 6.7 Public Hearing by Zoning Commission.....	49
Section 6.8 Notice of Public Hearing in Newspaper .....	49
Section 6.9 Notice of Property Owner by Zoning Commission .....	50
Section 6.10 Recommendation by Zoning Commission.....	50
Section 6.11 Public Hearing by Board of Township Trustees.....	50
Section 6.12 Action by Board of Township Trustees .....	50
Section 6.13 Effective Date and Referendum .....	50
ARTICLE 7 PROVISIONS FOR OFFICIAL ZONING MAP .....	52
Section 7.0 Official Zoning Map.....	52
Section 7.1 Identification of the Official Zoning Map .....	52
Section 7.2 Interpretation of District Boundaries .....	52
ARTICLE 8 DISTRICT REGULATIONS.....	53
Section 8.0 Compliance With Regulations .....	53
Section 8.1 Official Schedule of District Regulations Adopted .....	53
Section 8.2 Intent of District Regulations .....	53
Section 8.3 Intent.....	54
Section 8.4 Amendments.....	54
ARTICLE 9 (FP) FLOOD PLAIN OVERLAY DISTRICT .....	55
Section 9.0 Purpose.....	55
Section 9.1 Finding of Fact.....	55
Section 9.2 Applicable Lands .....	55
Section 9.3 Overlay District Designation .....	55
Section 9.4 Interpretation of Boundaries .....	56
Section 9.5 Warning and Disclaimer of Responsibility.....	56
Section 9.6 Compliance.....	56
Section 9.7 Abrogation.....	57
Section 9.8 Flood Plain Development Permit.....	57
Section 9.9 Other Requirements .....	57
Section 9.10 Required Lot Area, Lot Width, Height, Parking, Yards, and Sign Requirements .....	58
ARTICLE 10 AG, AGRICULTURAL DISTRICT .....	59
Section 10.0 Purpose.....	59
Section 10.1 Uses Permitted in the AG District .....	59
Section 10.2 Conditionally Permitted Uses .....	59
Section 10.3 Required Lot Area and Lot Width in the AG District.....	60
Section 10.4 Height Regulation in the AG District .....	60
Section 10.5 Required Yard in the AG District.....	60
Section 10.6 Required Floor Area in the AG District .....	60
Section 10.7 Agricultural Exemptions .....	61

Section 10.8 Signs .....	61
Section 10.9 Parking Requirements .....	61
Section 10.10 Limitation of the number of principal structures per lot.....	61
ARTICLE 11 R-1, RURAL RESIDENTIAL DISTRICT .....	62
Section 11.0 Purpose.....	62
Section 11.1 Uses Permitted in the R-1 District.....	62
Section 11.2 Conditionally Permitted Uses .....	62
Section 11.3 Required Lot Area and Lot Width in the R-1 District .....	63
Section 11.4 Required Floor Area in the R-1 District .....	63
Section 11.5 Height Regulation in the R-1 District.....	63
Section 11.6 Required Yard in the R-1 District .....	63
Section 11.7 Agricultural Exemptions .....	64
Section 11.8 Limitation of the number of principal structures per lot.....	64
ARTICLE 12 DELETED .....	65
ARTICLE 13 DELETED .....	66
ARTICLE 14 DELETED .....	67
ARTICLE 15 B-1, LOCAL BUSINESS DISTRICT .....	68
Section 15.0 Purpose.....	68
Section 15.1 Permitted Uses .....	68
Section 15.2 Conditionally Permitted Uses .....	68
Section 15.3 Height Limit .....	69
Section 15.4 Lot Area, Width, and Depth.....	69
Section 15.5 Required Yard.....	69
Section 15.6 Parking Requirements.....	69
Section 15.7 Signs.....	69
Section 15.8 Landscaping or Screening Provisions.....	69
Section 15.9 Lot Reduction .....	70
ARTICLE 16 M-1, LIGHT MANUFACTURING DISTRICT .....	71
Section 16.0 Purpose.....	71
Section 16.1 Permitted Uses .....	71
Section 16.2 Conditionally Permitted Uses .....	71
Section 16.3 Height Limit .....	72
Section 16.4 Lot Area, Width, and Depth.....	72
Section 16.5 Required Yard.....	72
Section 16.6 Parking Requirements.....	72
Section 16.7 Signs.....	72
Section 16.8 Screening.....	72
Section 16.9 Lot Reduction .....	72
ARTICLE 17 SUPPLEMENTARY DISTRICT REGULATIONS .....	73
Section 17.0 General .....	73
Section 17.1 Conversion of Dwelling to More Units .....	73
Section 17.2 Private Swimming Pools.....	73
Section 17.3 Community of Club Swimming Pools .....	74
Section 17.4 Temporary Building .....	74
Section 17.5 Parking and Storage of Certain Vehicles.....	74
Section 17.6 Required Trash Areas .....	74
Section 17.7 Supplementary Yard and Height Regulations .....	74
Section 17.8 Setback Requirements for Corner Buildings.....	75
Section 17.9 Visibility at Intersections .....	75
Section 17.10 Fence and Wall Restrictions in Front Yards.....	75
Section 17.11 Yard Requirements for Multi-Family Dwellings.....	75
Section 17.12 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts.....	75
Section 17.13 Architectural Projections .....	76
Section 17.14 Exceptions to Height Regulations.....	76

Section 17.15 Special Provisions For Commercial and Industrial Uses .....	76
Section 17.16 Fire Hazard.....	76
Section 17.17 Radioactivity or Electrical Disturbance.....	76
Section 17.18 Noise .....	76
Section 17.19 Vibration .....	77
Section 17.20 Air Pollution.....	77
Section 17.21 Glare.....	77
Section 17.22 Erosion .....	77
Section 17.23 Water Pollution .....	77
Section 17.24 Enforcement Provisions .....	77
Section 17.25 Measurement Procedure .....	77
Section 17.26 Street Frontage Required .....	78
Section 17.27 Lot Reduction for Business and Manufacturing Districts.....	78
Section 17.28 Junk Yards - Motor Salvage Yard.....	78
Section 17.29 Junk Motor Vehicle.....	78
Section 17.30 Vacant Structures and Land.....	79
Section 17.31 Noxious Weeds .....	79
Section 17.32 Accessory Buildings or Structures.....	79
Section 17.33 Satellite Dish Antennas.....	80
Section 17.34 Adult Entertainment Facilities .....	81
Section 17.35 Limitation of the number of principal structures per lot.....	84
ARTICLE 18 OFF-STREET PARKING AND LOADING FACILITIES .....	85
Section 18.0 General Requirements.....	85
Section 18.1 Parking Space Dimensions .....	85
Section 18.2 Loading Space Requirements and Dimensions .....	85
Section 18.3 Paving.....	86
Section 18.4 Drainage .....	86
Section 18.5 Maintenance .....	86
Section 18.6 Lighting .....	86
Section 18.7 Location of Parking Spaces.....	86
Section 18.8 Screening and/or Landscaping.....	86
Section 18.9 Disabled Vehicles .....	87
Section 18.10 Minimum Distance and Setback.....	87
Section 18.11 Joint Use.....	87
Section 18.12 Wheel Blocks .....	87
Section 18.13 Width of Driveway Aisle .....	87
Section 18.14 Access .....	87
Section 18.15 Width of Access Driveway .....	88
Section 18.16 Striping.....	88
Section 18.17 PARKING SPACE REQUIREMENTS.....	88
Section 18.18 General Interpretation of Article 18 .....	91
ARTICLE 19 SIGNS.....	92
Section 19.0 Intent.....	92
Section 19.1 Governmental Signs Excluded.....	92
Section 19.2 General Requirements for all Signs and Districts .....	92
Section 19.3 Measurement of Sign Area .....	93
Section 19.4 Signs Permitted in all Districts - No Permit Required .....	93
Section 19.5 Signs Permitted in Districts - Permits Required.....	94
Section 19.6 Outdoor Advertising Displays and/or Billboards .....	94
Section 19.8 Setbacks for Public and Quasi-public Signs.....	95
Section 19.9 Special Yard Provisions.....	95
Section 19.10 Limitation .....	96
Section 19.11 Violations .....	96







## **PREAMBLE**

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

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

# **ARTICLE 1**

## **Section 1.0 Title**

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

## **Section 1.1 Provisions Declared Minimum Requirements**

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

## **Section 1.2 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 be declared to be unconstitutional or invalid.

## **Section 1.3 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

### DEFINITIONS

#### Section 2.0 Interpretation of Terms of Words

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

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

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

**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.

**Adult Entertainment Facilities:** See Section 17.34.

**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.

**Agriculture Supply Establishment:** Is a business traditionally directly related to the operation and function of agriculture as defined within this resolution. This may include but is not limited to feed supply stores, seed stores, fertilizer sales, farm supply stores and the like.

**Agriculture Support Business:** Is a business traditionally directly related to the operation and function of agriculture as defined within this resolution. This may include but is not limited to feed mills, 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. This excludes businesses that process raw agriculture products into consumer goods.

**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.)*

**Airport:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft

storage and tie-down areas, hangars, and other necessary buildings, and open spaces.

**Alley:** See Thoroughfare.

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

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

**Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, manufactured homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**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 and 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 or crankcase or racing the motor;
11. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling stations customers, as accessory and incidental to principal operation;
12. Provision of road maps and other informational material to customers; and Provision of rest room facilities.

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

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

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

**Board:** The Board of Zoning Appeals of the township.

**Boarding House:** A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is only one common kitchen facility. If meals are provided it is placed upon the table family style and is not made to order. No meals are provided to outside guests.

**Bottled Gas:** – Substances, which are gaseous at standard temperature pressure and have been compressed and stored in carbon steel, stainless steel, aluminum or composite bottles known as gas cylinders. (Amended: 12-14-2009 by resolution number 09-17)

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

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

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

**Building Line:** See Setback Line.

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

**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 establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Use in this classification tends to serve a day-to-day need in the neighborhood.



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

**Business Local:** Commercial establishments, which cater to and be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, uses include, but need not be limited to drugstores, stores that sell clothing, beauty salons, barber shops, carry outs, 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 Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices or a charitable, philanthropic, or religious or educational nature are also included in this classification.

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

**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.

**Cattery:** A commercial establishment wherein any person, for profit, buys, sells, boards, breeds, or grooms cats.

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

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

**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.

**Clinic:** A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

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

**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 Grain Storage:** The storing of unpackaged grain in structures built for this purpose (bins, silos) for profit.

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

**Commission:** The Township Zoning Commission.

**Commercial Hunting:** Commercial hunting shall be defined as allowing the hunting of wild game for profit. This includes the leasing of land by a third party, but shall not include recreational hunting as defined herein.

**Commercial Outfitter:** The use of land for hunting, in which an individual for a fee or profit, provides either guided hunts with specified equipment or provides self-guided hunts with specified equipment and limited support. Equipment may include transportation, camping or lodging facilities, facilities for cleaning and/or storing game until it may be collected for processing, or other equipment as generally accepted as being required or utilized in the sport of hunting.

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

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

**Corner Lot:** See Lot Types.

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

**Daycare Facility 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.

**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.

**Daycare Home:** A dwelling in which, a permanent occupant of the dwelling provides for the care of children or adults. 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. The following standards must be met:

1. The home meets all state standards for registration and inspections for providing care.
2. The number of persons provided care does not exceed five (5) persons excluding the caregiver and their immediate family living in the household.

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

**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.

**Dwelling:** Any building or structure (except a house trailer or manufactured home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

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

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

**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.

**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 Unit:** 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 one family and its household employees.

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

**Education – Private:** 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 included 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:** Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education, which is tax-funded and provides educational services to the general public. Schools included 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.

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

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

**Farm Implement Sales and Service:** The use of land, building or structures for the repair or sale of agricultural implements directly associated with the operation of a farm; this is to exclude automotive sales and service for passenger vehicles and sales and service of construction equipment.

**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 from the market is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

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

**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.

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

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

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

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

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

**Floor Area of a Residential Building:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential uses. All dimensions shall be measured between interior faces of walls.

**Floor Area, Usable:** Measurement of usable floor area shall be the sum of the horizontal area 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.

**Fuel Oil Sales** – Those establishments in the business of selling, in bulk quantities, liquid or liquefiable petroleum products that are used to generate heat or power. Excluding gas stations whose purpose is to fuel automobiles. (Amended: 12-14-2009 by resolution number 09-17)

**Funeral Home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for (1) 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... (W)here a funeral home is permitted, a funeral chapel shall also be permitted.

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

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

**Garage, Public:** A principal or accessory building other than a private garage, 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 service of spark plugs, batteries, distributors, and parts.
2. Tire servicing and repair, but not recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and sale of washing and polishing materials.
6. Greasing 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 or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

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

**Green House - Personal:** Any establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.

**Green House Commercial:** A building used for the growing of plants, all or part of which are sold at retail or wholesale.

**Home Occupations:** 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 or 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 exceed 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 that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

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

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

**Junk Building, Junk Shops, Junk Yards:** Any land, property, structure, building or combination of the same, on which junk is stored or processed. Also includes garbage dumps and sanitary landfills.

**Junk Motor Vehicle:** See Section 17.29 for definition.

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



**Kennel, Agriculture:** Any building, 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 which is open to the public for let, hire, board, training, housing, grooming, or other use on a commercial basis and for compensation.

**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.

**Location Map:** See Vicinity Map.

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

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

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

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

**Lot Measurements:** A lot shall be measured as follows:

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 of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

**Lot of Record:** A lot, which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes, and bounds, the description of which has been so recorded. (Amended: 8-27-2012 by resolution number 12-19)

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

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

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

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

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

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**Manufactured Home:** Any non-self propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems

contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

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

**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 columbarium's.

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

**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.

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

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

**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 property related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

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

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

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

**Planning Commission, Licking County:** (LCPC).

**Principal Structure** – A structure within which is conducted the main or primary use of the property on which a structure is located. (Amended: 8-27-2012 by resolution number 12-19)

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

**Public Nuisance:** Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law.
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
3. Any premises designated as unsafe for human habitation or use.
4. Any premises which have unsanitary sewerage or plumbing facilities.
5. Any premises, which are manifestly capable of being a fire, hazard, or are manifestly unsafe or un-secure as to endanger life, limb, or property.
6. Any premises from which the plumbing, heating, and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.
7. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds.
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open; vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

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

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

**Recreation Camp:** An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure 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 "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Recreational Hunting:** Recreational hunting shall be defined as any hunting of wild game by an individual for that individual's enjoyment. Said individual may hunt on land owned by that individual, on land leased from a property owner, or on land with whom said individual has permission from the land owner to hunt on that land owners property.

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

**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 2000 square feet and shall not include any drive in or drive thru service.

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

**Roadside Stand:** A temporary structure designed or used for the display or sale of agriculture and related products.

**Satellite Dish Antennas:** See Section 17.33.

**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.

**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.

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

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

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

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

**Sign:** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located:

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

**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.

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

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

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

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

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

**Tavern:** A building or part thereof where, in consideration of payment therefore, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

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

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street:** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet each other.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

**Through Lot:** See Lot Types.



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

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

**Variance:** A variance is a modification of the 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.

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

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

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

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

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

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

## ARTICLE 3

### ENFORCEMENT

#### Section 3.0 Zoning Permits Required

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

#### Section 3.1 Content of Application for Zoning Permit

All departments, officials, and public employees of the township vested with the duty or authority to issue permits and licenses shall conform with the provisions of this resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this resolution. Any permit or license issued in conflict with the provisions of this resolution shall be null and void.

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 removed if work has not begun within one year or substantially completed within 2 1/2 years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.
11. Zoning permit application for uses to be located in the Flood Plain Overlay District must

submit a copy of the approved flood plain development permit from the Licking County Flood Plain Administrator.

### **Section 3.2 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within 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 3.3 Submission to Director of Transportation**

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

### **Section 3.4 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 substantially completed within 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 effected, 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.

### **Section 3.5 Certificate of Zoning Compliance**

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

### **Section 3.6 Temporary Zoning Certificate of Compliance**

The Zoning Inspector may issue a temporary zoning certificate of compliance for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.

### **Section 3.7 Record of Zoning Permits**

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

### **Section 3.8 Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance**

Failure to obtain a zoning permit or certificate of zoning compliance shall be a violation of this resolution and punishable under Section 3.11 of this resolution.

### **Section 3.9 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 3.11 of this resolution.

### **Section 3.10 Complaints Regarding Violations**

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

### **Section 3.11 Penalties for Violation**

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisonment for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who comments, 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 3.12 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 applicable fees, charges, and fees have been paid in full, no action shall be taken on any application or appeal.

## **ARTICLE 4**

### **NONCONFORMITIES**

#### **Section 4.0 Intent**

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

#### **Section 4.1 Incompatibility of Nonconformities**

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises 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 4.2 Avoidance of Undue Hardship**

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

#### **Section 4.3 Single Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot

fails to meet the requirements for area or width, or both, or the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 8 and 9 of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 5.8 and 5.18.

#### **Section 4.4 Nonconforming 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 4.5 Nonconforming Use of Land**

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

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

#### **Section 4.6 Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution 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:

1. No such nonconforming structure may be enlarged or altered in a way, which

increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **Section 4.7 Nonconforming Uses of Structures or of Structures of Land in Combination**

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

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



## **Section 4.8 Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall 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 or such official.

## **Section 4.9 Uses Under Conditional Use Provisions Not Nonconforming Uses**

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

## ARTICLE 5

### ADMINISTRATION

#### Section 5.0 Office of Zoning Inspector Created

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

#### Section 5.1 Duties of Zoning Inspector

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

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

#### Section 5.2 Proceedings of Zoning Commission

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

#### Section 5.3 Duties of the Zoning Commission

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

1. Initiate proposed amendments to this resolution.
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Section 6.
3. Review all planned unit developments and made recommendations to the Board of Township Trustees.

#### **Section 5.4 Zoning Commission and Board of Zoning Appeals Created**

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

#### **Section 5.5 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

#### **Section 5.6 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. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution. For the purpose of this resolution the Board has the following specified responsibilities.

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardships, and so that the spirit of this resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Articles 9 through 17 and such additional safeguards as will uphold the intent of this resolution.

### **Section 5.7 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal**

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering the adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 3.12 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 ten days of the Board's written decision.

## **Section 5.8 PROCEDURES AND REQUIREMENTS FOR APPEAL AND VARIANCES**

Appeals and variances shall conform to the procedures and requirements of Sections 5.9 through 5.18, inclusive, of this resolution. As specified in Section 5.6, the Board of Zoning Appeals has appellate jurisdiction relative to appeal and variances.

### **Section 5.9 Appeals**

Any officer or bureau of the legislative authority of the township affected by any decision of the Zoning Inspector may take by any person aggrieved or appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the paper constituting the record upon which the action appeal was taken.

### **Section 5.10 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 5.11 Variance**

#### **Use Variance:**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered ground for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provision of this resolution would result in unnecessary hardship.

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

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
- b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.
- c. That special conditions and circumstances do not result from the applicant.
- d. That granting the variance requested will not confer on the applicant by special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.
- e. Owner's consent to application or satisfactory evidence showing application's legal or equitable interest in property.
- f. Names and addresses of adjoining owners, within 500 feet of property, including across the roadway

**Area Variance:**

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

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
- b. Whether a variance is substantial;
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- d. Whether the variance would adversely affect the delivery of governmental services, (e.g. water, sewer, garbage, medical, fire, police.);

- e. Whether the property owner purchased the property with knowledge of the zoning restriction;
- f. Whether the property owner's predicament feasibly can be prevented or corrected through some method other than a variance; and
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

**Section 5.12 Application and Standards for Variances**

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

- 1. Name, address, and phone number of applicants.
- 2. Legal description of property.
- 3. Description of nature of variance requested.
- 4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
  - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.
  - c. That special conditions and circumstances do not result from the applicant.
  - d. That granting the variance requested would not confer on the applicant by special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.
  - e. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) that have applied for the variance or appeal request, and others that may have a substantial interest in the case.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection four of this section have been met by the applicant.

**Section 5.13 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 3.11 of this resolution.

#### **Section 5.14 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within 20 days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

#### **Section 5.15 Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 5.14, 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.

#### **Section 5.16 Notice to Parties in Interest**

Before holding the public hearing required in Section 5.14, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten days before the day of the hearing to all parties in interest. The notice shall consist the same information as required for notices published in newspapers as specified in Section 5.15.

#### **Section 5.17 Action by Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 5.14, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 5.13, 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 5.7.

#### **Section 5.18 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS**

Conditional uses shall conform to the procedures and requirements of Sections 5.19 through 5.26, inclusive of this resolution.

#### **Section 5.19 General**

It is recognized that an increasing number of new kinds of land uses are appearing daily,



and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Articles 9 through 16, shall follow the procedures and requirements set forth in Sections 5.18 through 5.26, inclusive. The Board of Zoning Appeals may not permit a use that is dissimilar to the surrounding uses.

### **Section 5.20 Contents of Application for Conditional Use Permit**

An application for conditional use permit shall be filed with the Clerk of the Board of Zoning Appeals by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, mailing address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional uses.
6. 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 if 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.
7. A narrative statement evaluating the effects on adjoining properties; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining properties; 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.
8. Names and mailing addresses of all legal owners within 500 feet from any point on the perimeter of the applicant's property line. This list must be typed on mailing labels.
9. Such other information as may be required in Section 5.23, including legal owner's consent if applicant is not the legal owner or satisfactory showing of applicant's legal or equitable interest.
10. A fee as established by the Board of Township Trustees according to Section 3.12.

## **Section 5.21 General Standards Applicable to All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in Section 5.22 the board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of this resolution and appears on the Official Schedule of District Regulations adopted by Section 8.1 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township comprehensive plan and/or the zoning resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, 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.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, archeological, geological, scenic, or historic feature of major importance.

## **Section 5.22 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-Official Schedule of District Regulations 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 condition for 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:

**A) Protection of Surrounding Properties and Neighborhoods:**

- 1) 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.
- 2) All structures and activity areas should be located at least 100 feet from all property lines.
- 3) 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.
- 4) Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- 5) Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- 6) The area of use shall be completely enclosed by a fence sufficient for screening and appropriately landscaped to be harmonious with surrounding properties. )
- 7) 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.
- 8) There shall be no more than one (1) sign oriented to each abutting street and identifying the activity. Furthermore the requirements of Article 19-Signs must be met.
- 9) All lighting and lighting used for advertising purposes shall be directed away from surrounding and nearby residential properties by suitable screen of evergreen shrubs of at least ten (10) feet in width and four (4) feet in height, or wall at least six (6) feet in height above finished grade.
- 10) Noise as regulated in Section 17.18
- 11) The buildings shall be designed so as to conform to the architectural character of the neighborhood.

**B) Specific Performance Standards:**

- 1) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- 2) Hours may be limited further depending upon the surrounding land uses.
- 3) The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
- 4) The facility shall be operated so that guest resides at the home for not longer than one continuous week.
- 5) The facility shall contain not more than four (4) sleeping rooms for guests.
- 6) Out door 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.
- 7) Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
- 8) 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.
- 9) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
- 10) Out door playgrounds, 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.

**C) Excavation:**

- 1) 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.
- 2) All excavations 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, non-flammable, and non-combustible solids, to secure:
- 3) That the excavated area shall not allow water to collect or remain stagnant therein.
- 4) 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 substantial

conformity to the adjoining land area. The banks of all excavations not back filled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

**D) Mining:**

- 1) 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 (5) feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
- 2) 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.
- 3) 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.

**E) Access:**

- 1) All points of entrance or exit should be located no closer than 500 feet from the intersection of two (2) arterial thoroughfares or no closer than 250 feet from the intersection of an arterial street and a local or collector street.
- 2) Structures should have primary access to a collector thoroughfare.
- 3) Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
- 4) Such uses should be located on an arterial thoroughfare, adjacent to sparsely settled residential uses.
- 5) Developments should be located on or immediately adjacent to state highways.
- 6) 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 to trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
- 7) 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 applies, provide a safe drop off point for pedestrians that will not impede other traffic.

**F) Bottled Gas/Fuel Oil Sales**

(Amended: 12-14-2009 by resolution number 09-17)

- 1) Containers installed outside of buildings shall be located with respect to the adjacent containers, principal structures or line of the adjoining lot that can be built upon, in accordance with Table 1.

Table 1.

<b>Minimum Distances From Adjacent Containers, Principal Structures and Lines of Adjoining Lots</b>			
	<b>Underground Containers</b>	<b>Aboveground Containers</b>	<b>Distance Between Aboveground Containers</b>
<b>Less than 125 gallons</b>	10 Feet	None	None
<b>125 to 250 gallons</b>	10 Feet	10 Feet	None
<b>251 to 500 gallons</b>	10 Feet	10 Feet	3 Feet
<b>501 to 2,000 gallons</b>	25 Feet (2)	25 Feet (2)	3 Feet
<b>2,001 to 30,000 gallons</b>	50 Feet	50 Feet	5 Feet
<b>30,001 to 70,000 gallons</b>	50 Feet	75 Feet (3)	
<b>70,001 to 90,000 gallons</b>	50 Feet	100 Feet (3)	

**\*Footnote (1) If the aggregate water capacity of a multi-container installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. Do not apply the MINIMUM DISTANCES BETWEEN ABOVE-GROUND CONTAINERS to such installations.**

**\*Footnote (2) The above distance requirements may be reduced to not less than 10 feet for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 feet from any other LP-Gas container of more than 125 gallons water capacity**

**Footnote (3) 1/4 of sum of diameters of adjacent containers.**

- 2) The siting provision of Table 1 shall be modified should the local fire district and or fire code have a stricter standard.

- 3) If the point of transfer of containers located outdoors in stationary installation is not located at the container, it shall be located in accordance with Table 2.

Table 2.

<b>Minimum Distance Between Point of Transfer and Uses</b>	
<b>Type of Use</b>	<b>Minimum Horizontal Distance</b>
Buildings, mobile homes, recreational vehicles, and modular homes with fire resistive walls	10'
Buildings with other than fire-resistive walls	25'
Building wall openings or pits at or below the level of the point of transfer.	25'
Line of adjoining property that can be built upon.	25'
Outdoor places of public assembly including schoolyards, athletic fields, and playgrounds.	50'
Public ways including public streets, highways, thoroughfares, and sidewalks	25'
Driveways	5'
Mainline railroad track centerlines	25'
Containers other than those being filled	10'
Flammable and Class II combustible liquid dispensers and the fill connections of containers	10'
Flammable and Class II combustible liquid containers, above-ground containers, and containers underground	20'

- 4) No propane or gas oriented business shall constitute a nuisance and shall in no way impair the health and safety of the public.
- 5) All propane oriented businesses shall abide by the rules and regulations set forth in NFPA 58, Liquefied Petroleum Gas Code.

- 6) All other bottled gas oriented businesses shall abide by the rules and regulations set forth in NFPA 54, National Fuel Gas Code Handbook.
- 7) Any bottled gas/fuel oil sales use shall provide a landscaped buffer along the perimeter of the lot or lots occupied. Said landscaped buffer shall be a continuous 25' buffer along the perimeter property line and shall be in an offset pattern and not in a line. One (1) deciduous hardwood tree shall be planted every forty (40) lineal feet of distance. No structures, including parking, loading and unloading, or waste receptacle facilities shall be located in such landscaped buffer. Sidewalks, driveways and cross access road connections may be located in the required landscaped buffer provided they are connecting or providing for and existing, regulatory or planned pedestrian or cross access network.

### **Section 5.23 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 3.11 of this resolution.

### **Section 5.24 Procedure for Hearing, Notice**

Upon receipt of the application for a conditional use permit specified in Section 5.20, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 5.14 through 5.16.

### **Section 5.25 Action by the Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 5.24, the Board shall either approve, approve with supplementary conditions as specified in Section 5.23, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the Board disapproves the application, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 5.7.

### **Section 5.26 Expiration of Conditional Use Permit**

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



# ARTICLE 6

## AMENDMENT

### Section 6.0 PROCEDURE FOR AMENDMENTS OR DISTRICT CHANGES

Utilizing the procedures specified in Sections 6.1 through 6.13, inclusive of this resolution, may amend this resolution.

#### Section 6.1 General

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

#### Section 6.2 Initiation of Zoning Amendments

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

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

#### Section 6.3 Contents of Application

Applications for amendments to the official zoning map adopted as part of this resolution by Section 7.0 shall contain at least the following information:

1. Name, address, and phone number of applicant.
2. Proposed amended resolution.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Inspector may require.

8. A list of all property owners and their mailing address who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case. Review Sections 6.8 and 6.9 if the list of all property owners and their mailing addresses are required.
9. A statement on how the proposed amendment relates to the comprehensive plan.
10. A fee as established by the Board of Township Trustees according to Section 3.12.

#### **Section 6.4 Transmittal to Zoning Commission**

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

#### **Section 6.5 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 L.C.P.C. regular monthly meeting is normally held on the 4th Monday of every month. The Zoning Commission's public hearing should be scheduled after this date, but should also comply with Section 608 of this resolution.*

#### **Section 6.6 Submission to Director of Transportation**

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

## **Section 6.7 Public Hearing by Zoning Commission**

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

## **Section 6.8 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required in Section 6.7, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing.

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

- at least 15 days prior to the public hearing.
- f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
  - g. Any other information requested by the Zoning Commission.
  - h. A statement that after the conclusion of such hearing and matter will be submitted to the board for its action.

### **Section 6.9 Notice of Property Owner by Zoning Commission**

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by registered mail, at least 10 days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 6.8.

### **Section 6.10 Recommendation by Zoning Commission**

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

### **Section 6.11 Public Hearing by Board of Township Trustees**

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. The Board of Township Trustees as specified in Sections 6.8 and 6.9 shall give notice of such public hearing in a newspaper.

### **Section 6.12 Action by Board of Township Trustees**

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

### **Section 6.13 Effective Date and Referendum**

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

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

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

**Section 6.14 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 Licking County Recorder and the Licking County Planning Commission.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the Licking County Recorder or the Licking County 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**

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

#### **Section 7.0 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 7.1 Identification of the Official Zoning Map**

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

#### **Section 7.2 Interpretation of District Boundaries**

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

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of 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 or said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated.

# ARTICLE 8

## DISTRICT REGULATIONS

### Section 8.0 Compliance With Regulations

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

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

### Section 8.1 Official Schedule of District Regulations Adopted

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to "Supplementary District Regulations."

### Section 8.2 Intent of District Regulations

It is the intent of these regulations to set forth within the district regulations the permitted uses, the conditionally permitted uses, the general requirements of the district, and other regulations as they pertain in general to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by Article 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 district articles of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission as permitted or

conditionally permitted in any district shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

### **Section 8.3 Intent**

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

### **Section 8.4 Amendments**

Nothing in Article 8 through 17 shall be interpreted in such a manner as to preclude amendment of the district regulations as provided under the Ohio Revised Code, Chapter 519.12.



## **ARTICLE 9**

### **(FP) FLOOD PLAIN OVERLAY DISTRICT**

#### **Section 9.0 Purpose**

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

#### **Section 9.1 Finding of Fact**

The flood hazard areas of Washington 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:

1. The cumulative effect of obstructions in flood plains, causing increased flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods and which are not adequately elevated or protected from flood damage.

#### **Section 9.2 Applicable Lands**

This article shall apply to all lands within the township boundaries shown on the Official Zoning Map within the boundaries of floodway, or floodway fringe, as identified by the Federal Emergency Management Agency on the FIRM and Floodway Map No. 390328-0050B, dated December 1, 1983 and any revisions thereto, as adopted by reference and declared to be a part of this resolution.

#### **Section 9.3 Overlay District Designation**

The areas of floodway or floodway fringe 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.

Those areas within the Flood Plain Overlay District designated as floodway 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 floodway.

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 9.4 Interpretation of Boundaries**

When disagreement exists as to the boundaries of the Flood Plain Overlay District or the floodway, those boundaries shall be interpreted to be the boundaries of the floodway and floodway fringe as shown on the Flood Insurance Rate Maps and Floodway Maps effective May 2, 2007 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 Washington Township Board of Zoning Appeals.

#### **Section 9.5 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 Washington 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 9.6 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 ordinances of the township and Licking County.

## **Section 9.7 Abrogation**

This article 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 9.8 Flood Plain Development Permit**

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 3.0 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.

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

## **Section 9.9 Other Requirements**

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

1. **Change to Non-Flood Plain District:** Changes of district classification from FP to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the FP District was originally established does no longer exist or has been remedied to the satisfaction of the Licking County Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommendation a change of zoning to the Township Trustees, the township Zoning Commission shall obtain certification from the Licking County Planning Commission, or the agency or department administering the Flood Hazard Prevention Regulations, that the area proposed to be removed from the FP District is free from inundation from a 100 year flood event, and the amendment procedures of Article 6 shall be followed.

## **Section 9.10 Required Lot Area, Lot Width, Height, Parking, Yards, and Sign Requirements**

The lot area, lot width, building height, parking, yards, and sign requirements shall comply with the base district requirements as outlined in Section 9.3 of this article.

Any proposed lot for the use of residential shall comply with the Licking County Board of Health and Licking County Subdivision Regulations. Any structure intended for four-family residential, commercial, or industrial land use shall comply with the Ohio Environmental Protection Agency, or any other appropriate authority regulations.

# ARTICLE 10

## AG, AGRICULTURAL DISTRICT

### Section 10.0 Purpose

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

### Section 10.1 Uses Permitted in the AG District

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Kennel - Agriculture
5. Home Occupation
6. Accessory uses and structures

### Section 10.2 Conditionally Permitted Uses

Provided the proposed use can provide off street parking, landscaping and buffering as and access management as specified in Article 18 and after obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Agricultural Entertainment (Agritourism)
2. Farm Vacation / Entertainment / Enterprise (Profit or Non-Profit)
3. Agricultural Support Business
4. Farm Implement Dealer/Sales
5. Commercial Grain Storage
6. Feed and seed sales
7. Fertilizer and agricultural chemical sales.
8. Veterinary Clinic and Veterinary Hospital
9. Uses of land including quarrying and mining of natural resources (See Article 17).
10. Cemeteries
11. Private aviation field
12. Sawmill
13. Education-Public, Education-Private
14. Church-Neighborhood
15. Commercial Hunting

16. Commercial Outfitter

**Section 10.3 Required Lot Area and Lot Width in the AG District**

Every lot shall have a minimum road frontage and width of 300 contiguous feet throughout the lot and a minimum lot area of not less than five (5) acre (217,800 square feet) exclusive of road right-of-way, and shall be in addition to any easements of record.

**Section 10.4 Height Regulation in the AG District**

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

**Section 10.5 Required Yard in the AG District**

All dwellings shall have the following minimum yard spaces:

- Front Yard: 50 feet from the existing road right-of-way\*
- Side Yard: 35 feet each side
- Rear Yard: 75 feet

\*Or 80 feet from the center of the road if no right-of-way has been established. Corner lots shall provide the minimum front yard requirements on each street side to the lot.

**Section 10.6 Required Floor Area in the AG District**

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

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

Single-Family Dwelling

- a. Two Story Structure  
Two (2) story dwelling/structure – 1200 square feet on the first floor on a permanent foundation and a total of 1600 square feet by all other levels.
- b. Single Story Structure  
Single (1) story dwelling/structure – 1600 square feet on a permanent foundation.

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

## **Section 10.7 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 certificate shall be required for any such building or structure.

The exception to this exemption shall be those parcels that meet the following requirements:

1. Parcels of one (1) acre or less in any platted subdivision.
2. Parcels of 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.
3. Dairying, Animal and Poultry Husbandry on lots 5 acres or less in any platted subdivision.

## **Section 10.8 Signs**

Signs shall be as provided in Article 19 of these regulations.

## **Section 10.9 Parking Requirements**

Parking requirements shall be as regulated in Article 18 of these regulations.

## **Section 10.10 Limitation of the number of principal structures per lot**

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

# ARTICLE 11

## **R-1, RURAL RESIDENTIAL DISTRICT**

### **Section 11.0 Purpose**

The purpose of the R-1 Rural Residential District is to allow for the establishment of low-density single-family dwellings not to exceed 1 dwelling unit per one (1) gross acre. The rural residential district is to provide for areas of agricultural pursuits and conserve those areas that are environmentally sensitive and physically unsuitable for intensive development. The R-1 Residential Districts are associated with those areas to be served by minor collector and local residential streets. In addition, it is to be associated with those areas identified in the comprehensive plan as having a minimum lot size of Insert Acreage or greater as identified on the Minimum Lot Size Based Upon Ground Water 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 11.1 Uses Permitted in the R-1 District**

1. Agriculture
2. Single-family dwellings unit.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Cemeteries.
6. Golf courses.
7. Private stables as an accessory use, provided any lot or tract in such use shall not be less than five acres in area.
8. Private swimming pools as an accessory use.
9. Accessory uses and structures.

### **Section 11.2 Conditionally Permitted Uses**

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

1. Institutions, nursing homes.
2. Home occupations.
3. Church – Community Church, Church - Neighborhood Church.
4. Education – Public School and Education – Private School.
5. Daycare – Home.



### **Section 11.3 Required Lot Area and Lot Width in the R-1 District**

Every lot shall have a minimum road frontage and width of 200 contiguous feet throughout the lot and a minimum lot area of not less than one (1) acre (43,560 square feet) exclusive of road right-of-way, and shall be in addition to any easements of record.

### **Section 11.4 Required Floor Area in the R-1 District**

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

#### **Single-Family Dwelling**

a. Two Story Structure

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

b. Single Story Structure

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

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

### **Section 11.5 Height Regulation in the R-1 District**

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

### **Section 11.6 Required Yard in the R-1 District**

Front Yard: 40 feet\*  
Side Yard: 15 feet each side  
Rear Yard: 45 feet

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

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

### **Section 11.7 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 certificate shall be required for any such building or structure.

The exception to this exemption shall be those parcels that meet the following requirements:

1. Parcels of one (1) acre or less in any platted subdivision.
2. Parcels of 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.
3. Dairying, Animal and Poultry Husbandry on lots 5 acres or less in any platted subdivision.

Said parcels shall meet all requirements herein.

### **Section 11.8 Limitation of the number of principal structures per lot**

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

# **ARTICLE 12**

**DELETED**

(March 6, 2008 by Washington Township Board of Trustees Resolution No. 08-09)

# **ARTICLE 13**

**DELETED**

(March 6, 2008 by Washington Township Board of Trustees Resolution No. 08-09)

# **ARTICLE 14**

**DELETED**

(March 6, 2008 by Washington Township Board of Trustees Resolution No. 08-09))

## **ARTICLE 15**

### **B-1, LOCAL BUSINESS DISTRICT**

#### **Section 15.0 Purpose**

The purpose of the B-1 District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare as specified in the Major Thoroughfare Plan. Marginal strip development shall be prohibited.

#### **Section 15.1 Permitted Uses**

1. Agriculture Support Business
2. Farm Implement Sales and Service
3. Agriculture Supply Establishment
4. Church - Neighborhood
5. Education- Public School and Education-Private School
6. Public parks and playgrounds.
7. Governmental buildings.
8. Restaurant – Sit Down; Tavern
9. Personal Services
10. Business Local
11. Professional activities.
12. Auto service station
13. Boarding houses.
14. Private Club
15. Nursery (plant materials) and or greenhouse.
16. Accessory uses and structures.
17. Funeral Home, Mortuary
18. Cemeteries.

#### **Section 15.2 Conditionally Permitted Uses**

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

1. Veterinary hospital, Veterinary Clinic, kennel - commercial, and/or cattery.
2. Watercraft and/or recreational vehicle storage.
3. Self Service Storage Facility
4. Radio or television broadcasting station and towers, (applies to commercial stations)

- and equipment only).
5. Hospital, clinic,
  6. Daycare facility child, daycare facility adult, nursing home.
  7. Public Swimming Pool
  8. Building Materials and Sales, if conducted entirely in an enclosed structure.
  9. Bottled Gas/Fuel Oil Sales (Amended: 12-14-2009 by resolution number 09-17)

### **Section 15.3 Height Limit**

No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet.

### **Section 15.4 Lot Area, Width, and Depth**

Every lot shall have a minimum road frontage and width of 200 contiguous feet throughout the lot and a minimum lot area of not less than one (1) acre (43,560 square feet) exclusive of road right-of-way, and shall be in addition to any easements of record.

### **Section 15.5 Required Yard**

All permitted uses shall have the following minimum yard spaces:

Front Yard: 50 feet\*  
Side Yard: 40 feet each side  
Rear Yard: 25 feet

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

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

### **Section 15.6 Parking Requirements**

Parking requirements shall be as regulated in Article 18 of these regulations.

### **Section 15.7 Signs**

Signs shall be as regulated in Article 19 of these regulations.

### **Section 15.8 Landscaping or Screening Provisions**

For non-residential uses abutting an "R-1" District or residence(s) the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board if provided. Such screening shall be six feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in

lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height and properly maintained at all times.

### **Section 15.9 Lot Reduction**

Lot area reduction may be done in accordance with Section 17.27.



## **ARTICLE 16**

### **M-1, LIGHT MANUFACTURING DISTRICT**

#### **Section 16.0 Purpose**

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

#### **Section 16.1 Permitted Uses**

1. Agriculture.
2. Public parks and playgrounds.
3. Small item manufacturing.
4. Paper, printing and associated products.
5. Cleaning, dyeing, and similar services.
6. Food products.
7. Poultry, horticulture, and forestry facilities.
8. Machinery, office equipment, and furniture manufacturing.
9. Fiber and clothing goods manufacturing.
10. Utility facilities.
11. Non-metallic goods manufacturing.
12. Household appliances and vehicle services, storage and maintenance.
13. All permitted uses as specified in Local Business District.
14. Research activities.

#### **Section 16.2 Conditionally Permitted Uses**

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

1. Metal can and containers manufacturing.
2. Lumber yards.
3. Contract construction storage of machinery and materials.
4. Building materials (general retail).
5. Off-premises advertising signs or structures.

### **Section 16.3 Height Limit**

No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet.

### **Section 16.4 Lot Area, Width, and Depth**

Every lot shall have a minimum road frontage and width of 200 contiguous feet throughout the lot and a minimum lot area of not less than one (1) acre (43,560 square feet) exclusive of road right-of-way, and shall be in addition to any easements of record.

### **Section 16.5 Required Yard**

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

### **Section 16.6 Parking Requirements**

Parking requirements shall be as regulated in Article 18 of these regulations.

### **Section 16.7 Signs**

Signs shall be as regulated in Article 19 of these regulations.

### **Section 16.8 Screening**

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

### **Section 16.9 Lot Reduction**

Lot area reduction may be done in accordance with Section 17.27.

# ARTICLE 17

## **SUPPLEMENTARY DISTRICT REGULATIONS**

### **Section 17.0 General**

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

### **Section 17.1 Conversion of Dwelling to More Units**

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

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

### **Section 17.2 Private Swimming Pools**

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

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

### **Section 17.3 Community of Club Swimming Pools**

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

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition and locked.

### **Section 17.4 Temporary Building**

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.

### **Section 17.5 Parking and Storage of Certain Vehicles**

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

### **Section 17.6 Required Trash Areas**

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

### **Section 17.7 Supplementary Yard and Height Regulations**

In addition to all yard regulations specified in the Official Schedule of District Regulations, and in other sections of this resolution, the provisions of Sections 17.8 through 17.14, inclusive shall be used for interpretation and clarification.

### **Section 17.8 Setback Requirements for Corner Buildings**

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

### **Section 17.9 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 2 1/2 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 pointing along said street lines 50 feet from the point of intersection.

### **Section 17.10 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 2 1/2 feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of 2 1/2 feet and ten feet.

### **Section 17.11 Yard Requirements for Multi-Family Dwellings**

Multi-family 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 17.12 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts**

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

### **Section 17.13 Architectural Projections**

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

### **Section 17.14 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 take-off of aircraft at an established airport.

### **Section 17.15 Special Provisions For Commercial and Industrial Uses**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 17.15 through 17.25, inclusive.

### **Section 17.16 Fire Hazard**

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

### **Section 17.17 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 17.18 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 the public purposes are exempt from this requirement.

### **Section 17.19 Vibration**

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

### **Section 17.20 Air Pollution**

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

### **Section 17.21 Glare**

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

### **Section 17.22 Erosion**

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

### **Section 17.23 Water Pollution**

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

### **Section 17.24 Enforcement Provisions**

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

### **Section 17.25 Measurement Procedure**

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 Environmental Protection Agency.

## **Section 17.26 Street Frontage Required**

Except as required by other provisions of these regulations, no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. Only one principal structure shall be permitted on any lot. The minimum road frontage requirement for lot fronting on a cul-de-sac shall be 50 feet as measured along the edge of the road right-of-way with the minimum lot width requirement being met at the front yard setback and maintained throughout the remainder of the lot.

## **Section 17.27 Lot Reduction for Business and Manufacturing Districts**

### B-1 and M-1 Districts

#### 1. Sewerage and Water Available

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

#### 2. Water Available

Minimum Lot Area	43,560 square feet
Minimum Lot Width	150 feet

#### 3. Sewerage Available

Minimum Lot Area	20,000 square feet
Minimum Lot Width	150 feet

## **Section 17.28 Junk Yards - Motor Salvage Yard**

Junkyards are prohibited when they are determined to be a junkyard as defined in this resolution. Any area that meets this definition requires a Conditional Use Permit as defined in Section 5.21 of this resolution. Should the Conditional Use Permit be denied, and then the area will be modified within 30 days of the date of the Conditional Use Permit denial, to a state that will be as such not to fall into the definition of a junkyard.

## **Section 17.29 Junk Motor Vehicle**

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

1. Three years old or older.
2. Extensively damaged; such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.
3. Apparently inoperable, that is left uncovered in the open or private property for



more than 72 hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under other sections of this zoning resolution.

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

Any person wishing to appeal the decision of the provisions of this section may appeal such decision to the Washington Township Board of Zoning Appeals in accordance with Sections 5.9 and 5.14 through 5.17.

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

Vehicles undergoing legitimate repairs in a timely and consistent manner shall be exempt from the provisions of this Section 17.29.

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

### **Section 17.30 Vacant Structures and Land**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as to not cause an adverse affect on the public health or safety.

### **Section 17.31 Noxious Weeds**

All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare or a public nuisance as defined in Article 2. These regulations shall apply to all zoning districts, except agricultural.

### **Section 17.32 Accessory Buildings or Structures**

Accessory buildings and structures shall be distant at least six feet from any dwelling situated on the same lot unless an integrated part thereof; at least six feet from any other

accessory building and at least ten feet from any lot lines of adjoining lots. Landscaping or screening provisions should also be reviewed for business and manufacturing uses.

### **Section 17.33 Satellite Dish Antennas**

Definitions of dish-type satellite signal-receiving antennas:

1. "Dish-type satellite signal-receiving antennas," also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:
  - a. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals for satellites in earth orbit and other extraterrestrial sources.
  - b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer, and/or transmit electronic or light signals.
  - c. A coaxial cable the public or which is to carry or transmit said signals to a receiver.
2. "Receiver" shall mean a television set or radio receiver.
3. "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.
4. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

#### **Location of Earth Station**

1. Ground-Mounted:
  - a. No earth station shall be constructed in any front or side yard, but, shall be constructed to the rear of the residence or main structure.
  - b. No earth station, including its concrete base slab or other substructure, shall be constructed less than ten feet from any property line or easement.
  - c. An earth station shall not exceed a grade height of 12 feet.
  - d. An earth station must be bonded to a grounding rod.
  - e. No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure unless said satellite dish antenna complies with the roof mounted regulations below.
2. Roof-Mounted:
  - a. Earth stations shall be mounted directly upon the roof of a primary or accessory structure, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
  - b. An earth station shall not exceed a height of more than three feet above the roof upon which it is mounted.
  - c. An earth station "dish" shall not exceed three feet in diameter.

- d. An earth station must be bonded to a grounding rod.

Penalty: Section 3.11 may remedy whosoever violates any of the provisions of this section.

Appeals: Appeals from decisions of the Zoning Inspector shall be made to the Board of Zoning Appeals as provided by this resolution.

## **Section 17.34 Adult Entertainment Facilities**

### 17.34.00 Definitions

1. "Adult Entertainment Facility" means any establishment, which is involved in one or more of the following categories:
  - a. Adult Book Store - An establishment having greater than 25 percent of its display area or items for sale or its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to "specified sexual activities" or "specified anatomical area" as herein defined.
  - b. Adult Mini-Motion Picture Theater - A facility with a capacity for less than 50 persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
  - c. Adult Motion Picture Theater - A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  - d. Adult Entertainment Business - Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions, which utilize activities as specified above.
2. "Specified Sexual Activities" means any of the following:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic

- sexual abuse.
- c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
3. "Specified Anatomical Areas" mean any of the following:
    - a. Less than completely covered human genitals, public region, buttocks, and female breasts below a point immediately above the tope of the areola.
    - b. Human male genitals in a discernible turgid state.
  4. "Persons" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
  5. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
  6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner, which present or expose such nudity to prominent, focal, or obvious viewing attention.
  7. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abused or represented in the context of a sexual relationship.
  8. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
  9. "Knowledge of Character" means having general knowledge, or reason to know; or a belief or grand for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Direct or circumstantial evidence, or both may prove such knowledge.
  10. "Harmful to Juveniles" means any material or performance, whether

through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.

- a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
- b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
- c. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

#### 17.34.01 Exceptions

Nothing in this article shall be construed to pertain to:

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

#### 17.34.02 Location

Adult entertainment facilities, adult mini-motion picture theaters, adult motion picture theaters, and adult entertainment facilities of any kind or type are prohibited in Washington Township. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of Washington Township.

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

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

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

17.34.04 Violation and Penalty

Whoever violates any provisions of this article shall be in violation of Section 3.11 of this resolution.

17.34.05 Adult Entertainment Facilities - Prohibited

All of the above subjects or establishments shall be prohibited within the border and boundaries of Washington Township, Licking County, Ohio.

**Section 17.35 Limitation of the number of principal structures per lot.**

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

## **ARTICLE 18**

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

#### **Section 18.0 General Requirements**

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

#### **Section 18.1 Parking Space Dimensions**

A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 19 feet in length for 90 percent parking, nine feet in width and 23 feet in length for parallel parking, ten feet in width and 19 feet in length for 60 degree parking, and 12 feet in width and 19 feet in length for 45 degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 18.17 of this resolution.

#### **Section 18.2 Loading Space Requirements and Dimensions**

A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet. One loading space shall be provided for each additional 1,000 square feet or fraction thereof. Review Section 18.18, Off-Street Parking Design Requirements.

### **Section 18.3 Paving**

The required number of parking and loading spaces as set forth in Sections 18.2 and 18.17, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

### **Section 18.4 Drainage**

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

### **Section 18.5 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 18.6 Lighting**

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

### **Section 18.7 Location of Parking Spaces**

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

1. Parking spaces for all detached residential uses shall be located on the same lot as the use, which they are intended to serve.
2. Parking spaces for commercial, industrial, institutional uses shall be located not more than 700 feet from the principal use.

### **Section 18.8 Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides, which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four feet nor more than six feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.



### **Section 18.9 Disabled Vehicles**

The parking of a disabled vehicle within Washington Township shall comply with Section 17.29 of this resolution.

### **Section 18.10 Minimum Distance and Setback**

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on the 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 18.11 Joint Use**

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

### **Section 18.12 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 18.13 Width of Driveway Aisle**

Driveways serving individual parking spaces shall be not less than 25 feet wide for 90 degree parking, 12 feet wide for parallel parking, 17 1/2 feet for 60 degree parking, and 13 feet for 45 degree parking.

### **Section 18.14 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 18.15 Width of Access Driveway**

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

### **Section 18.16 Striping**

All parking areas with a capacity over 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 18.17 PARKING SPACE REQUIREMENTS**

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

<u>TYPE OF USE</u>	<u>MINIMUM PARKING SPACES REQUIRED</u>
<u>Residential</u>	
Single-family or two-family dwelling.	Two for each unit.
Apartments, or multi-family dwellings.	Two for each unit.
Boarding houses, rooming houses, for dormitories, and fraternity houses which have sleeping rooms.	One for each sleeping room or two each permanent occupant.
<u>Commercial</u>	
Automobile service garage which also provides repair.	Two for each gasoline pump and four for each service bay.
Hotels, motels.	One per each sleeping room plus one for each two employees.
Funeral parlors, mortuaries, and	One for each 100 square feet of floor

similar type uses. area in slumber room, parlors, or service rooms.

TYPE OF USE  
REQUIRED

MINIMUM PARKING SPACES

Recreational or Entertainment

Dining rooms, restaurants, taverns,  
night clubs, etc. area.

One for each 200 square feet of floor

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.

Dance floors, skating rinks.

One for each 100 square feet of floor  
area used for the activity.

Outdoor swimming pools, public,

One for each five persons capacity  
community, or club. Plus one for  
each four seats or one for each 30  
square feet floor area used for seating  
purposes whichever is greater.

Auditoriums, sport arenas,  
theaters, and similar uses.

One for each four seats.

Real store.

One for each 250 square feet of floor  
area.

Banks, financial institutions,  
and similar uses. area.

One for each 200 square feet of floor

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.

Institutional

Churches and other places of

One for each five seats.

religious assembly.

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.

TYPE OF USE

MINIMUM PARKING SPACES REQUIRED

Libraries, museums, and art galleries area.

One for each 400 square feet of floor

Schools (Public, Parochial, or Private)

Elementary and junior high schools.

Two for each classroom and one for every eight seats in auditoriums or assembly halls.

High schools.

One for every ten students and one for each teacher and employee.

Business, technical and trade schools.

One for each two students.

Colleges, universities.

One for each four students.

Kindergartens, child care centers, nursery schools, and similar uses.

Two for each classroom but less than six for the building.

Manufacturing

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

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

Cartage, express, parcel delivery, and freight terminal.

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

## **Section 18.18 General Interpretation of Article 18**

In the interpretation of Article 18, the following rules shall govern:

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

# ARTICLE 19

## SIGNS

### Section 19.0 Intent

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways, provide more open space, curb and deterioration of the natural environment, and enhance community development.

### Section 19.1 Governmental Signs Excluded

For the purpose of this resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations.

### Section 19.2 General Requirements for all Signs and Districts

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

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination 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.
2. All wiring, fitting, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Local or State Electric Code.
3. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than four feet, including those projecting from the face of any theater, hotel, or motel marquee.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 19.4 herein.

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 when not part of a sign.
6. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
7. Should any sign be or become unsafe or be in danger of falling, 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.
8. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
9. All off-premises advertising devices shall be established in accordance with Section 19.6.
10. The following are prohibited.
  - a. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
  - b. Advertising devices, which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
  - c. Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, or device.
  - d. Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with imitate or resemble an official sign, signal, or device.

### **Section 19.3 Measurement of Sign Area**

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

### **Section 19.4 Signs Permitted in all Districts - No Permit Required**

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six square feet.
2. Professional name plates or home occupation signs not exceeding four square feet in area and not exceeding one sign per home or business.
3. Non-farm signs denoting the name and address of the occupant of the premises, not exceeding four square feet in area; and not exceeding one sign per home or business.

4. Farm signs, denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership or organizations not to exceed 25 square feet of sign face area per farm.
5. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed 30 square feet in area which shall be located on the premises of such institutions and shall be setback from all street lot lines at least 12 feet.
6. Entrance and exit signs containing only directional signs.
7. Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two weeks of the completion of the event or project.
8. Political signs, provided such signs shall be removed within two weeks following election day.

### **Section 19.5 Signs Permitted in Districts - Permits Required**

1. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Project of wall signs shall not exceed four feet measured from the face of the main building, nor ten square feet on any one face of the sign. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to 1 1/2 square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of 100 square feet.
2. 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 setback ten feet from the street right-of-way. The maximum area of such sign shall not exceed 30 square feet on any face of the sign.
3. In addition to the above, each business or industry shall be permitted two on-premise free standing signs not exceeding eight feet in height or 12 square feet in area on any face of the sign. Such signs shall not be located closer than 20 feet from any right-of-way line. Such signs shall not exceed 25 feet in height.
4. In lieu of the permitted ground signs as permitted in item two above, groups of establishments of four or more businesses shall be permitted on larger ground signs for all businesses. Such signs shall not exceed 80 square feet on any face nor exceed 30 feet in height and shall be setback at least 20 feet from the street right-of-way.
5. Larger signs or advertising devices for business or industries adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 5516.07, as amended shall be permitted in accord with those state laws. Such signs shall not be subject to the above regulations but shall require a permit from the township Zoning Inspector and the owner or agent of such sign and must show proof of having obtained the required State of Ohio approval.

### **Section 19.6 Outdoor Advertising Displays and/or Billboards**



1. Outdoor advertising shall be classified as a business use and be permitted in all industrial districts and conditionally permitted on lands zoned for agricultural purposes subject to the following regulations:
  - a. Such signs or structures shall not be located 100 feet of any street (or road) right-of-way.
  - b. Such signs or structures shall not be located within 1,000 feet of any other outdoor advertising display or billboard on the same side of the street, except in industrial districts such distance may be reduced to 100 feet.
  - c. Such signs or structures shall not be located on or within 100 feet of any building, except signs painted on barns.
  - d. Such signs or structures shall not exceed 100 square feet on one face and/or 200 square feet for two or more faces, and in no case shall more than 100 square feet of display or sign area be visible from any road or street. These size limitations may be increased by 100 percent in industrial areas.
2. Advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 551.601 to 5516.13 and 5531.07, as amended shall be permitted in accord with those state laws, and shall be required to comply with the requirements of this resolution and the Ohio Revised Code.

### **Section 19.8 Setbacks for Public and Quasi-public Signs**

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

### **Section 19.9 Special Yard Provisions**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 20 feet of a side or rear lot line.

### **Section 19.10 Limitation**

For the purposes of this resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing and conditionally permitted on lands zoned for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516 and the regulations adopted pursuant thereto.

### **Section 19.11 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of these terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under Section 3.11 of this resolution. Political signs posted in violation of Section 19.4 of this resolution are subject to removal by the Zoning Inspector five days after written notice of violation of Section 19.4 has been given.

Attach Washington Township Board of Trustees Resolution No. 08-09 Here