

MADISON
TOWNSHIP
PICKAWAY COUNTY, OHIO

ZONING RESOLUTION

OCTOBER, 2016

M A D I S O N
T O W N S H I P
P I C K A W A Y C O U N T Y , O H I O

Z O N I N G R E S O L U T I O N

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PART ONE
AUTHORIZATION AND GENERAL PROVISIONS

ARTICLE I

AUTHORIZATION AND PURPOSE

Section 1.01 Title

This Resolution shall be known and may be cited as the :

**ZONING RESOLUTION of
MADISON TOWNSHIP, PICKAWAY COUNTY, OHIO**

Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Resolution as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

The Board of Township Trustees hereby find it necessary, and beneficial to the residents of Madison Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare by the following:

- regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein
- restricting the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers
- controlling the bulk, height, density, and location of buildings
- protecting and preserving existing natural resources.
- assuring the orderly growth and development of lands,

all as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

Section 1.03 Applicability and Limitations

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Madison Township, Pickaway County, Ohio.

Section 1.04 Interpretation and Consistency

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or

restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution or regulation of Madison Township, or part thereof, not specifically repealed, amended, modified, altered or changed herein.

Section 1.05 Limitations and Exceptions

Pursuant to Section 519.21 of the Ohio Revised Code (ORC), the zoning authority of Madison Township shall be limited as follows:

- A. Except as otherwise provided in this Resolution, nothing contained herein shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.
- B. Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for operation of its business.
- C. Nothing contained in this Resolution shall be interpreted to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- D. Nothing contained in this Resolution shall be interpreted to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

Section 1.06 Relationship to Private Covenants and/or Restrictions

The standards and requirements of this Resolution are separate and independent from any private covenants, deed restrictions or other private contractual arrangements relating to the development of land within Madison Township. Madison Township is in no way responsible for the enforcement of such private covenants or restrictions, and nothing in this Resolution shall be interpreted to imply any such responsibility.

Section 1.07 Separability

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

ARTICLE II

DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”.

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

Section 2.02 Definitions

“**Accessory use**” means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

“**Accessory building**” or “**accessory structure**” means a building or structure occupied by an accessory use.

“**Administrative and business offices**” means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

“**Agricultural use**” “means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

“**Building**” means a structure with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

“**Height of building**” means the vertical distance from the average grade surrounding the building to the highest point of the roof.

“Building line” means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

“Business services” means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

“Cemetery” means land used or intended to be used for the burial of human dead.

“Clinic, Human” means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

“Conditional use” means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article IX of this Resolution.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“District” means a part, portion, zone or geographic area within Madison Township within which certain development standards, as delineated by this Resolution, apply.

“Dwelling” or **“residence”** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

“Single family dwelling” or **“single family residence”** means a building designed for or occupied exclusively by one family.

“Two-family dwelling” or **“two-family residence”** means a building designed for or occupied exclusively by two families living independently.

“Multiple-family dwelling” or **“multiple-family residence”** means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

“Family” means a person living alone, or any of the following groups living together as a single housekeeping unit and using common living, sleeping, cooking and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship;
2. five (5) or fewer unrelated persons;

3. Two (2) unrelated persons and any children of those persons.

The definition of “family” shall not include:

1. Any society, club, fraternity, sorority, association, lodge, combine, federation, or like organization;
2. Any group of individuals whose association is temporary or seasonal in nature;
3. Residents of a “**group residential facility**” as defined in this Resolution.

“**Federal Emergency Management Agency (FEMA)**” means the agency with the overall responsibility for administering the National Flood Insurance Program, including the local Pickaway County Flood Plain Administrator.

“**Flood**” or “**flooding**” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“**Flood Insurance Rate Map (FIRM)**” means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Madison Township and/or Pickaway County

“**Floodway**” means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“**Floor area**” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

“**Frontage**” or “**lot frontage**” means the distance of that portion of the lot that directly abuts the street, and has direct access thereto.

“**Group Residential Facility**” means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

“**Class I group residential facility**” means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

"Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

"Home occupation" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 24.02 of this Resolution.

"Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

"Junk Motor Vehicle", as per Section 505.173(E) of the Ohio Revised Code (ORC) as may be subsequently amended, means a motor vehicle, including a collector's vehicle, that meets all of the following criteria:

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

"Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel".

"Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

"Lot coverage" means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

"Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

"Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

“Lot of record” means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Pickaway County, Ohio, as of the effective date of this Resolution.

“Minimum area of lot” means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

“Lot width” is the width of a lot as measured along the front lot line that abuts a publicly dedicated and improved thoroughfare. and must be maintained through the minimum front yard depth.

“Manufactured Home” shall mean a building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974* and has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

“Manufactured Home Community” shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

“Manufactured Home Subdivision” shall mean a development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.

“Modular Home” means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes

“Mobile Home” shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the *Federal Manufactured Housing Construction and Safety Standards Act of 1974*, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

“Nonconforming use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

“Nursery” or **“Day care center”** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

“Nursing home” includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

"Outdoor shooting range" means an outdoor facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, and designed to encompass shooting stations and/or firing lines, target areas, berms and baffles and other components, as the primary use of the property. Such facilities may include, but are not limited to, commercial bird shooting preserves and wild animal hunting preserves.

“Off-street parking space” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

“Permanent foundation” means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

“Permanently-sited manufactured home” shall mean a manufactured home that meets all of the following criteria:

1. the structure is affixed to a permanent foundation as defined above and is connected to appropriate facilities, and
2. the structure, excluding any additions, has a width of at least twenty-two (22) feet at one point, a length of twenty-two (22) feet at one point, and a total living area of at least 900 square feet, excluding garages, porches and/or attachments, and
3. the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering, and
4. the structure was manufactured after January 1, 1995, and
5. the structure is not located in a manufactured home community.

“Person” means any individual, corporation, company, business, partnership, association or legal entity.

“Personal services” means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

“Portable storage structure” means a transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis on residential property.

“Professional offices” means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

“Recreational facilities” means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

“Restaurant” means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

“Retail store” means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

“Right-of-way” means 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.

“Similar use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Resolution.

“Street”, “road” or “thoroughfare” means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. “Structure” does not include fences, but shall include mobile or manufactured buildings and portable storage structures.

“Structural alteration” means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

“Township” means Madison Township, Pickaway County, Ohio.

“Use” means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

“Variance” means a modification from 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 action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

“Yard” means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

“Front yard” means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

“Rear yard” means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

“Side yard” means that portion of a lot that is located between the side lot line and the nearest building or structure.

“Zoning certificate” or **“Zoning permit”** means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

“Zoning District” means a portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

“Zoning District Map” or **“Zoning Map”** means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees, and established pursuant to Section 12.02 of this Resolution.

“Zoning Inspector” means the enforcement officer, hired by the Board of Township Trustees, who is charged with enforcing the provisions of this Zoning Resolution.

PART TWO
ADMINISTRATION AND ENFORCEMENT

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Zoning Inspector

3.01.01 Office of Zoning Inspector Established

The Zoning Inspector shall enforce this Resolution. The Zoning Inspector shall be hired by the Board of Township Trustees and shall be considered an employee of the Township. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Resolution.

3.01.02 Relief From Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Resolution.

3.01.03 Duties of Zoning Inspector

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B. Investigate all complaints received from residents alleging illegal activity, provided such complaints are filed in writing, and report findings to the Township Trustees.
- C. Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met, or refuse to issue same in the event of noncompliance.
- D. Collect designated fees as, established by separate resolution, for zoning certificates, appeals, variances and conditional uses.

- E. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on same.
- F. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.
- G. Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.

3.01.04 Removal from Office

As an employee of the Township, the Zoning Inspector may be removed by the Township Trustees for nonperformance of duty, misconduct in office or other just cause.

Section 3.02 Rural Zoning Commission

3.02.01 Establishment

Pursuant to Ohio Revised Code Chapter 519, there is hereby established a Rural Zoning Commission in and for Madison Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms the members shall be of such length and so arranged that the term of one (1) member will expire each year.

For the purposes of this Resolution, the members Rural Zoning Commission existing on the effective date of this amended Resolution shall remain in office; however, the expiration dates of the terms of such members shall be arranged so as to comply with the above. Any vacancies on the Commission shall be filled by the Board of Township Trustees, consistent with the provisions of ORC 519.04.

3.02.02 Removal of Members

Members of the Township Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after a public hearing has been held regarding such charges. In such case, a copy of such charges shall be served on the member at least ten (10) days prior to the hearing, either personally or by registered mail. The member shall be given an opportunity to be heard and answer all such charges.

3.02.03 Proceedings

The Zoning Commission shall elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission, as determined by majority vote. All meetings shall be open to the public. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required for action on any specific business.

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. Such minutes shall be public record, and shall be immediately filed in the office of the Commission.

3.02.04 Powers and Duties

For the purposes of this Resolution, the Rural Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

Section 3.03 Board of Zoning Appeals

3.03.01 Establishment

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Madison Township, Pickaway County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her/hers successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

For the purposes of this Resolution, the members of the Board of Zoning Appeals existing on the effective date of this amended Resolution shall remain in office; however, the expiration dates of

the terms of such members shall be arranged so as to comply with the above.

3.03.02 Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified for the members of the Rural Zoning Commission in Section 3.02.02 above.

3.03.03 Proceedings

The Board shall organize annually and elect a Chairman, and Secretary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public.

The Secretary of 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 examinations and other official action, all of which shall be a public record and immediately filed in the Township offices.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

3.03.04 Powers and Duties

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, 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 (3) members of the Board shall be necessary to reverse any order, 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 affect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VII of this Resolution.

- B. Authorize such variances 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 this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in Article V of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.08 of this Resolution
- G. Declare zoning permits void, pursuant to Section 4.09 of this Resolution.

Section 3.04 Board of Township Trustees

The powers and duties of the Board of Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a unanimous vote.

Section 3.05 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers 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 Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision

of the Board of Zoning Appeals to the courts pursuant to Chapters 2505 and 2506 of the Ohio Revised Code. Such appeal shall be made within ten (10) days of the Board's written decision.

ARTICLE IV

ENFORCEMENT AND PENALTY

Section 4.01 Zoning Certificate Required

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the Zoning Inspector until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article V.

Section 4.02 Application for Zoning Certificate

Three (3) copies of an application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Pickaway County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is presently located.
- F. Plans in triplicate drawn to approximate scale, showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.

- G. Height of proposed buildings.
- H. Number of proposed dwelling units.
- I. An approval by the Pickaway County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- J. Documentation that a permit for driveway installation can be obtained from the Pickaway County Engineer, Ohio Department of Transportation or other applicable authority, if required by the specific zoning district regulations in this Resolution.
- K. Such other material and information as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

Section 4.03 Approval of Zoning Certificates

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Resolution, unless the provisions of Section 4.04 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within ninety (90) days. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application.

Section 4.04 Submission to the Director of the Department of Transportation

Before any zoning certificate 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 the Department of Transportation, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department 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 Certificate. If the

Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

Section 4.05 Record of Zoning Certificates

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

Section 4.06 Expiration of Zoning Certificates

If the work described in any zoning certificate has not begun within ninety (90) days from the date of issuance thereof, or has not been completed within one (1) year from the date of issuance thereof, said certificate shall expire. For the purposes of these regulations, a building or structure shall be considered complete when it is ready for final occupancy and a Certificate of Zoning Compliance, pursuant to Section 4.07 below, has been issued. In cases where a zoning certificate has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted by the Board of Zoning Appeals.

Section 4.07 Certificate of Zoning Compliance

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises 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 therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution. Such certificate of zoning compliance may be processed as an indication of final approval on the zoning certificate

Section 4.08 Schedule of Fees, Charges and Expenses

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. Copies of the schedule of fees shall be retained by the Zoning Inspector and posted in the Township offices, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 4.09 Void Zoning Certificate

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

Section 4.10 Violation and Penalty

4.10.01 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03.

4.10.02 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 shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Resolution.

4.10.03 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case.

Each day such violation continues, after receipt of violation notice, shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

ARTICLE V

NONCONFORMITIES

Section 5.01 Intent

Within the districts established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures 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 to permit these nonconformities to continue until they are removed and to permit reasonable extensions and improvements as allowed by law.

Section 5.02 When Permitted

5.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Resolution may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning resolution in effect in the Township at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Resolution.

5.02.02 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Resolution, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Resolution, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within one (1) year from the date of adoption of this Resolution or amendment thereto making said use nonconforming.

Section 5.03 Discontinuance

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.

- B. When the nonconforming use has been replaced by a conforming use.

Section 5.04 Substitution

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification. However, in any residential district, no change shall be authorized by the Board of Zoning Appeals to any use which is not a permitted or conditional use in any "R" District.

Section 5.05 Extension

No nonconforming use or structure shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- D. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

Section 5.06 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 5.05 above.

Section 5.07 Maintenance and Repair

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. when required by law.
- B. to convert to a conforming use.
- C. to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 5.08 Nonconforming Lots of Record

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Pickaway County Board of Health, and further provided that the owner of such lot does not own adjacent property and did not own such property at the time this Resolution became effective.

If the owner(s) of such lot owns adjacent property, or owned such property at the time this Resolution became effective, then the owner(s) shall redivide such property to provide for the lot area and width requirements of the district in which the lot is located. However, if the width of the lots resulting from such redivision would exceed the required lot width in the district by more than twenty percent (20%), such redivision may be made so as to provide one (1) more lot than would otherwise be permitted.

In cases where building on a nonconforming lot occurs pursuant to the requirements above, the front, side and rear yards shall be as close as possible to the prevailing standards of the district within which the lot exists. The Board of Zoning Appeals shall have the authority to determine if the yards to be utilized are consistent with this requirement.

ARTICLE VI

DISTRICT CHANGES AND AMENDMENTS

Section 6.01 Intent

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

Section 6.02 Initiation of Zoning Amendments

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

- A. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

Section 6.03 Contents of Application

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 500 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Pickaway County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Resolution.

- I. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant.

Section 6.04 Submission to Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above, 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 Pickaway County Planning Commission. The Pickaway County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

Section 6.05 Public Hearing by Zoning Commission

6.05.01 Date of Public Hearing

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

6.05.02 Notice of Public Hearing in Newspaper

Before holding the public hearing as required, notice of such hearing shall be given by the Township Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days before the date of such hearing. The notice shall set forth the following information:

- a. The time and place of the public hearing.
- b. A statement that the hearing is being conducted by the Madison Township Rural Zoning Commission.
- c. A statement indicating that the proposed action is an amendment to the zoning resolution.
- d. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.

- e. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- f. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,
- g. The name of the person responsible for giving notice of the public hearing.
- h. Any other information requested by the zoning commission.
- i. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

6.05.03 Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within 500 feet, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list, as provided by the applicant in Section 6.03 (F) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02 above.

Section 6.06 Recommendation by Zoning Commission

Within thirty (30) days after the hearing required in Section 6.05 above, 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 denied.

Section 6.07 Public Hearing by the Board of Township Trustees

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.05 above.

Section 6.08 Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required in Section 6.07 above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the

recommendation of the Zoning Commission, the ~~unanimous~~ majority vote of the Board of Township Trustees is required.

Section 6.09 Criteria

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

Section 6.10 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days 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 eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

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

ARTICLE VII

APPEALS

Section 7.01 Appeals

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

Section 7.02 Notice of Appeal

A notice of appeal may be filed with the Fiscal Officer of the Township by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Fiscal Officer of the Township shall transmit said notice to the Board of Zoning Appeals.

Section 7.03 Action by the Board of Zoning Appeals

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give ten (10) days notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Pickaway County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

ARTICLE VIII

VARIANCES

Section 8.01 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the provisions of this Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in *practical difficulty* and *unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Resolution shall be granted by the Board unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and/or welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstance shall the Board of Zoning Appeals grant a 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.

Section 8.02 Application for Variance

Any owner, or his/her agent, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance shall be filed in triplicate with the Fiscal Officer of the Township. The Fiscal Officer shall forward such application to the Secretary of the Board of Zoning Appeals within five (5) days from receipt of the completed application.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Pickaway County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners contiguous to, directly across the street and within 500 feet from the property, as appearing on the Pickaway County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.
- F. A narrative statement explaining the following:
 - 1. The use for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - 3. The specific reasons why the variance is justified, according to Section 8.01 A-D above.
- G. Fee(s) as established by the Board of Township Trustees.

Section 8.03 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals may hold a public hearing within thirty (30) days after receipt by the Secretary of an application for a variance. If such a hearing is held, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 8.04 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 8.03, or sixty (60) days from the date of the application if such hearing is not held, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the

variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

ARTICLE IX

CONDITIONAL USES

Section 9.01 Authority and Purpose

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as “conditional uses” within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the standards in Section 9.03 below, and the general purposes and intent of this Zoning Resolution.

Section 9.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward within five (5) days a copy to the Secretary of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Pickaway County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, 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.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all property owners within 500 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.

- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.
- I. Fee(s) as established by the Board of Township Trustees.

Section 9.03 General Standards for Conditional Uses

In addition to the specific requirements for conditional uses as specified in the district regulations, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A. The use is in fact a conditional use as established under the district regulations.
- B. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The use will not pose a discernible hazard to existing adjacent uses.
- D. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- E. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. Evidence is submitted by the applicant that the proposed use will not impose more significant or substantial adverse impacts on adjacent properties, specifically related to storm water runoff and surface drainage, that the uses permitted in the district, and that measures can and will be employed to alleviate such adverse impacts.
- G. The use will be consistent with the objectives of this Zoning Resolution and any adopted comprehensive plan for the area.

Section 9.04 Supplementary Conditions

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution.

Section 9.05 Public Hearing by the Board of Zoning Appeals

The Board may hold a public hearing within thirty (30) days from the receipt of the application specified in Section 9.02. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution.

Section 9.06 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 9.05, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

Section 9.07 Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

ARTICLE X

(RESERVED FOR FUTURE USE)

PART THREE
ZONING DISTRICTS

ARTICLE XI

STANDARD ZONING DISTRICT REGULATIONS

Section 11.01 Regulations for the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

Section 11.02 Rules of Application

11.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

11.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
 - 1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Resolution.
 - 2. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 11.02.05 of this Article.

- B. In no case shall there be more than one (1) principal building used for residential purposes on any single lot of record.

11.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations and the requirements of Article XXV this Resolution.

11.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.

11.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

11.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

11.02.07 Development Plan

For particular uses in specific districts, a *Development Plan* will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time the property is zoned into the district, or at the time of the application for a zoning certificate, whichever is appropriate.

The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features, including underground drainage systems. In addition, the Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent residential property. The Development Plan shall contain specific information identifying such impacts, including, but not limited to storm runoff and traffic, and how such impacts will be addressed in development of the property.

If so required, the Development Plan shall be reviewed by the Zoning Commission (in the case of a zoning amendment) and/or the Board of Zoning Appeals (in the case of a conditional use). Such Development Plan must be approved as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission and/or Board of Zoning Appeals shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The applicant has clearly shown that the location, design and operation of the proposed use can be developed as shown on the Development Plan and is generally compatible with the surrounding area.

In reviewing the Development Plan, the Zoning Commission or Board of Zoning Appeals has the authority to seek the recommendation of the Soil and Water Conservation District (SWCD), Pickaway County Engineer and/or other sources for input on specific issues.

ARTICLE XII

ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 12.01 Zoning Districts Established

The following zoning districts are hereby established for Madison Township:

<i>(RR)</i>	<i>Rural Residential District</i>
<i>(LRR)</i>	<i>Limited Rural Residential District</i>
<i>(GB)</i>	<i>General Business District</i>
<i>(PRB)</i>	<i>Planned Rural Business District</i>
<i>(RBD)</i>	<i>Rickenbacker Business Development District</i>
<i>(SU)</i>	<i>Special Use District</i>
<i>(FS)</i>	<i>Farm Security District</i>
<i>(FP)</i>	<i>Flood Plain Overlay District</i>
<i>(RIZ)</i>	<i>Rickenbacker Impact Zone Overlay District</i>

Section 12.02 Official Zoning Map

The districts established above in Section 12.01 of this Resolution are shown on the Official Zoning District Map which, together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning District Map shall be identified by the signatures of the Board of Township Trustees and the Fiscal Officer and shall be on file in the Township offices.

Section 12.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the zoning map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

ARTICLE XIII

(RR) RURAL RESIDENTIAL DISTRICT

Section 13.01 Purpose

This district is established to provide areas for large lot single family residential development reflecting very low density and a rural lifestyle. In addition, the standards of this district promote the continuance of agriculture and farm-based uses within Madison Township. Such development is typically not served by public water or sewer systems.

Section 13.02 Agricultural Uses Defined

“**Agricultural use**” “means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Section 13.03 Permitted Uses

- A. Agricultural uses, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling, subject to the provisions of Section 13.02 above.
- B. One-family detached nonfarm dwellings.
- C. Projects specifically designed for watershed protection, conservation of water or soils for flood control, as reviewed by the Soil and Water Conservation District (SWCD).
- D. Temporary seasonal roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 512.21 (C).

Section 13.04 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the

facility is located, subject to the requirements of Article XXIV of this Resolution.

- B. Home occupations, subject to the requirements of Section 25.03 of this Resolution.

Section 13.05 Conditional Uses

- A. Public parks and nature preserves.
- B. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least 200 feet from any adjacent property.
- C. Churches and places of public worship provided the seating of the main sanctuary does not exceed 400 persons.
- D. Cemeteries containing not more than 400 gravesites, provided that a distance of not less than fifty (50) feet is maintained from burial plots and any structures to any adjacent property line.

Section 13.06 Development Standards

13.06.01 Minimum Lot Area

For single family nonfarm dwellings, the lot area shall be not less than one and one-half (1.5) acres, or such size as determined by the Pickaway County Health Department, whichever is larger. For other permitted uses, the lot area shall not be less than five (5) acres.

13.06.02 Minimum Lot Width

All lots less than five (5) acres in area shall have a depth:width ratio of not higher than 3:1. Minimum lot width shall be maintained through the minimum front yard depth. All lots shall have continuous frontage on a dedicated, improved public street or highway, according to the following schedule:

<i>LOT SIZE</i>	<i>FRONTAGE</i>
1.5 but less than 3 acres	200 feet
3 but less than 5 acres	250 feet
5 or more acres	300 feet

Irregularly shaped lots (e.g., “pie-shaped” lots) located on cul-de-sacs must have a minimum of ninety feet (90’) maintained through the front yard depth. This width will be determined by the chord length of the lot at the front property line and also the chord length of the lot at the front setback line.

- 13.06.03 Minimum Front Yard Depth
- All nonfarm structures shall be located not less than 100 feet from the center line of any county or township road; 150 feet from the center line of any federal or state highway.
- 13.06.04 Minimum Side Yard Width
- Twenty-five (25) feet.
- 13.06.05 Minimum Rear Yard Depth
- Forty (40) feet.
- 13.06.06 Minimum Building Area
- 1,200 square feet shall be required for single-family dwellings having one (1) story; 1,600 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories.
- 13.06.07 Maximum Building Height
- Thirty-five (35) feet.
- 13.06.08 Permit for Driveway Installation Required
- Before any zoning certificate is issued in the RR District the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Pickaway County Engineer, Ohio Department of Transportation or other applicable authority.

ARTICLE XIV

(LRR) LIMITED RURAL RESIDENTIAL DISTRICT

Section 14.01 Purpose

The LRR District is established to provide areas for specific alternative forms of rural residential development, including manufactured housing, thereby allowing for a diversity of housing opportunity and choice within Madison Township. The Township recognizes that such housing may have unique characteristics that require special treatment related to location, placement and land use compatibility. The generally higher residential densities allowed in the LRR District mean that the district is intended to be used in areas served by public water and sewer.

Section 14.02 Permitted Uses

- A. One-family detached dwellings, subject to the development standards below.
- B. Manufactured home subdivisions and/or communities, subject to the development standards below and approval of a Development Plan.
- C. Public parks, playgrounds and play fields.

Section 14.03 Accessory Uses

- A. Home occupations, subject to the regulations of Section 25.03 of this Resolution.
- B. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the principal use is located, subject to the requirements of Article XXIV of this Resolution.

Section 14.04 Conditional Uses

- A. Individual manufactured homes on individual lots not in platted subdivisions, provided such homes are placed on a permanent foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line, and further provided that the title for the structure is surrendered to and cancelled by the Pickaway County Auditor and that such lot complies with the standards of the RR District.

- B. Cluster housing, provided that the overall density of the residential development, including open space, does not exceed that which would result if the project was constructed to the standards in 14.05.02 below, and subject to the submittal and approval of a Development Plan by the Zoning Commission.
- C. Multiple-Family housing, provided that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Zoning Commission.

Section 14.05 Development Standards

14.05.01 Manufactured Home Communities and/or Multiple-Family Housing

A. Development Plan

A Development Plan pursuant to the requirements of Section 11.02.07 of this Resolution shall be required.

B. Water and Sewer

Any development shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

C. Minimum Lot Area

The minimum lot area for any single project shall be ten (10) acres. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area, and the maximum gross density shall not exceed six (6) dwelling units per acre. For multiple family housing, a minimum of 4,000 square feet of aggregate lot area per dwelling unit shall be provided.

D. Minimum Lot Width

The minimum lot width for any single project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet.

E Minimum Front Yard

The minimum front yard depth for any single project shall be not less than 150 feet from the center line of any roadway.

F. Minimum Side Yard Width

The minimum side yard width for any single project shall be not less than fifty (50) feet from any adjacent property line. The minimum side yard width for any individual lot within a manufactured home community shall be not less than ten (10) feet

G. Minimum Rear Yard Depth

The minimum rear yard depth for any project shall be not less than eighty (80) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.

H. Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

I. Off-Street Parking

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

J. Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes

and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

K. Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the standards and requirements of the Pickaway County Subdivision Regulations. The proposed layout of such streets shall be approved by the Zoning Commission. In making such determinations, the Commission may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant.

L. Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Pickaway County Engineer, or his designated agent. All costs associated with such approvals shall be paid by the applicant.

M. Underground Utilities

All utility lines, including electricity, telephone, and cable television shall be located underground.

N. Outside Assistance

The Township reserves the right to procure outside consultants to provide engineering or similar input in the evaluation and/or assessment of the Development Plan required in Section 14.05.01A above. In the event such input is deemed necessary by the Zoning Commission, the costs of such assistance shall be paid by the applicant.

14.05.02 Other Permitted Uses

A. Minimum Lot Area

20,000 square feet.

B. Minimum Lot Width

For each principal use, there shall be lot width of not less than 100 feet with continuous frontage on a publicly dedicated, improved roadway within the development. Minimum lot width on curved street shall be 60 feet. In addition, lot width shall be sufficient to maintain a lot length-to-lot width ratio of not greater than 3:1.

C. Minimum Front Yard Depth

100 feet from the center line of any roadway.

D. Minimum Side Yard Width

Fifteen (15) feet.

E. Minimum Rear Yard Depth

Forty (40) feet.

F. Minimum Building Area

1,200 square feet shall be required for single-family dwellings having one (1) story; 1,600 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories;

G. Maximum Building Height

Thirty-five (35) feet.

H. Permit for Driveway Installation Required

Before any zoning certificate is issued in the LRR District the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Pickaway County Engineer, Ohio Department of Transportation or other applicable authority.

ARTICLE XV

(RESERVED FOR FUTURE USE)

ARTICLE XVI

(GB) GENERAL BUSINESS DISTRICT

Section 16.01 Purpose

It is recognized that rural-based business activity is unique, and may possess characteristics typically associated with both commercial and industrial land uses. The GB District is established in Madison Township to provide areas to reflect the diverse nature of this rural business activity while controlling the adverse impacts of such development on adjacent areas.

Permitted uses within the General Business District must operate in accordance with the following standards:

- A. primarily within enclosed structures.
- B. with minimal adverse environmental or economic impact on adjacent properties.
- C. free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.

Section 16.02 Permitted Uses

- A. Administrative, professional and/or business offices including professional, medical, legal, engineering/consulting, accounting/bookkeeping services, real estate, insurance sales and associated services and/or brokers or dealers in securities.
- B. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.
- C. Retail stores engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods; provided storage and display of merchandise shall be primarily within the principal structure.
- D. Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption.
- E. Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the GB District.

- F. Warehousing, distribution and related uses, including truck and transfer terminals.
- G. Nursery schools and day care facilities.
- H. Commercial recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.
- I. Outdoor advertising, subject to the requirements of Section 29.07 of this Resolution.
- J. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.

Section 16.03 Conditional Uses

- A. Institutions for human medical care, including hospitals, clinics, sanitariums and homes for the elderly, provided that any building or parking/service area be located not less than 200 feet from any adjacent property.
- B. Carry out food and beverage establishments with drive-through facilities, provided a plan for traffic circulation and parking, submitted by the applicant is approved by the Board of Zoning Appeals.
- C. Establishments selling gasoline, kerosene and/or diesel fuel, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property and that a plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.
- D. Retail establishments such as lumber yards and/or garden centers in which a significant portion of the inventory is displayed or stored outdoors.
- E. Motor vehicle sales and service establishments, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property, any inoperable, unlicensed or unused vehicle shall not be stored outside the principal building for a period of time exceeding twenty-four (24) hours.
- F. Motor vehicle storage and salvage yards, provided those uses meet applicable State requirements related to fencing and other standards.
- G. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- H. Quarrying or mining operations, or structures or sites associated with drilling for oil or natural gas, provided that all County, State and federal

regulations are met and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.

- I. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
- J. Facilities for the storage of personal or corporate property, offered on a rental basis.
- K. Billboards, provided such signs are located along a state highway and subject to the provisions of Section 27.07B of this Resolution.
- L. Other uses of a commercial or industrial nature not otherwise provided for in this Resolution.

Section 16.04 Development Standards

16.04.01 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas, and be approved by the Pickaway County Health Department or Ohio Environmental Protection Agency.

16.04.02 Minimum Lot Width

Continuous frontage on a publicly dedicated and improved federal, state or county highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes, but in no case shall be less than 150 feet

16.04.03 Minimum Front Yard Depth

Buildings shall be located 120 feet from the right-of-way of any state or federal highway, and 150 feet from the center line of any county or township road. Signs and/or parking areas may be located within the front yard, but in no case shall any sign, or the front edge of any parking area be located less than fifty (50) feet from the right-of-way of any state or federal highway, or eighty (80) feet from the center line of and county or township road.

16.04.04 Minimum Side Yard

When abutting a non-residential zoning district, twenty (20) feet for structures, ten (10) feet for any portion of a paved area. When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for any portion of a paved areas, subject to the requirements of Section 16.04.03 above.

16.04.05 Minimum Rear Yard

When abutting a non-residential zoning district, thirty (30) feet for structures, ten (10) feet for any portion of a paved area: When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for any portion of a paved area, subject to the requirements of Section 16.04.03 above.

16.04.06 Parking and Loading

Parking and loading spaces for commercial and industrial developments shall be provided as required in this Resolution. Parking spaces shall be designed to allow a minimum of ten (10) feet between any structure and any parked vehicle. Commercial and/or industrial developments involving one or more structures, each exceeding 10,000 square feet in gross floor area shall be subject to the following requirements:

- A. In addition to the setback requirements specified in Section 16.04.03 through 16.04.05 above, off-street parking facilities for more than twenty (20) vehicles shall be provided on each side of the parking area that abuts and is within 500 feet from an RR or LRR District with a solid decorative fence or dense vegetative planting with a minimum height of six (6) feet at time of planting and 75% opacity at full foliage.
- B. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

16.04.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

16.04.08 Lighting

Lighting shall be arranged so as not to shine directly on adjacent properties.

ARTICLE XVII

(PRB) PLANNED RURAL BUSINESS DISTRICT

Section 17.01 Purpose

The Planned Rural Business District is established to provide for limited business activity in locations where intensive commercial or industrial activity as permitted in the GB District would be inappropriate. Generally, the PRB District will allow a higher level of activity than would typically be permitted as a home occupation. The district permits the property owner to design a specific business environment tailored to his/her general objectives, while providing a suitable level of protection for present and future owners of adjacent property.

Section 17.02 Permitted Uses

Land and buildings within the Planned Business District shall be used only for the specific use or uses identified by the applicant in the Development Plan required for zoning amendment. The applicant shall show that the proposed use or uses are appropriate to and compatible with the neighborhood where the proposed activity is to occur. All permitted uses shall be approved by the Board of Township Trustees as part of the Development Plan that is required for zoning the site into the Planned Rural Business District. Specified permitted uses shall run with the land as long as the PRB zoning, as approved, remains in effect.

Section 17.03 Procedures

The procedures to be followed in placing land in the Planned Business District shall comply with those specified in Article VI of this Resolution, with the following additions:

17.03.01 Application

The owner or owners of a tract of land of any size may request that the Official Zoning Map be amended to include such lands as a Planned Business District. The applicants are encouraged to meet with the Zoning Commission prior to submittal of the application to familiarize themselves with the requirements for this district.

17.03.02 Development Plan

In addition to the material required for amendment as specified in Section 6.03 of this Resolution, the applicant shall also submit not less than five (5) copies of a Development Plan, which shall contain, in text and map form, the following information:

- A. A survey map of the boundaries of the area requested for zoning map amendment.
- B. A site plan showing the specific location of all existing and proposed buildings, setbacks and yards, topographic contours and surface drainage (including existing and post-development peak drainage), existing and proposed vegetation, and other prominent physical features.
- C. Specific uses to be permitted within the proposed development, specified according to area or specific building location. An explanation of how these uses shall be designed, or activities carried out, so as to create desired compatibility with adjacent land uses.
- D. Existing roads and drives, anticipated traffic impacts and methods to be employed to address adverse impacts.
- E. A list of the specific restrictions proposed by the applicant for zoning map amendment which are designed to fulfill the concept proposed and ensure compatibility of the project with the surrounding area. Such restrictions shall become part of the conditions on which any approval is given.

17.03.03 Criteria for Approval

In acting on the proposed application pursuant to Sections 6.06 and 6.08 of this Resolution, the Zoning Commission and the Board of Township Trustees shall consider the following factors:

- A. the proposed development is consistent with the intent and purpose of this Resolution and this specific Article
- B. suitable measures and restrictions are proposed so as to promote compatibility with adjacent and nearby properties
- C. the proposed development advances the general welfare of the Township and the immediate vicinity

17.03.04 Effect of Approval

The Development Plan as approved by the Board of Trustees shall constitute an amendment to the Resolution as it applies to the specific land in question. Such approval shall be

contingent on the development being completed, as shown on the Development Plan, within two (2) years from date of approval.

Section 17.04 Performance Standards

No land or structure in the PRB District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any contiguous or proximate properties. Such impacts shall include those related to noise, vibration, odor, dust, glare, or storm runoff. Written statements shall be required explaining the methods or techniques that will be utilized by the applicant to ensure compliance with the standards below:

A. Noise

The sound pressure level of any operation on a lot within the PRB District shall not exceed the average intensity of traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, beat frequency or shrillness.

B. Vibration

No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the boundary of the property in the PRB District.

C. Odor

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the boundary of the property in the PRB District.

D. Dust and Smoke

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the boundary of the property in the PRB District.

E. Glare

Exterior lighting shall be used in a manner that produces no glare on public highways or adjacent land.

F. Storm Runoff

Structures and physical changes to the site shall be designed and constructed so as to not cause a significant increase in storm water runoff onto adjacent properties.

G. Use and Storage of Hazardous Chemicals

The applicant shall identify any potentially hazardous chemicals proposed to be used or stored on the site, and shall document methods to be employed for containment and disposal of same.

ARTICLE XVIII

(RBD) RICKENBACKER BUSINESS DEVELOPMENT DISTRICT

Section 18.01 Purpose

Portions of Madison Township are within existing and future Joint Economic Development Districts (JEDDs) and are subject to unique business development opportunities related to the Rickenbacker Global Logistics Park (RGLP). These areas are also subject to specific stringent design guidelines and development standards, enforced by a the RGLP Association through a separate Design Review Board (DRB). The RBD District is specifically designed for the specific needs of these areas. The purpose of the RBD District is to encourage industrial, commercial and business growth within these areas while addressing potential impacts of such development on adjacent and proximate Madison Township residents.

Section 18.02 Permitted Uses

- A. Warehousing, storage and distribution facilities, including truck and transfer terminals.
- B. Light manufacturing, fabrication, processing, assembling, packaging, or treatment of goods, materials, and products.
- C. Administrative offices ancilliary to the above uses.
- D. Freestanding office uses

Section 18.03 Conditional Uses

The following uses will require specific approval of the DRB:

- A. Retail stores
- B. Restaurants, including fast food with or without drive-through facilities
- C. Gasoline sales and convenience stations
- D. Car rental establishments
- E. Hotels
- F. Exterior trailer and container storage facilities
- G. Exterior material storage
- H. Day care facilities

- I. Automobile and truck repair
- J. Truck washing facilities

Section 18.04 Development Standards

The Development Standards for the RBD District shall be as cited in *Exhibit C - Design Guidelines and Development Standards: June 30, 2006*, as may be amended. These Development Standards are - and shall be - enforced by the Rickenbacker Design Review Board (DRB). Prior to any zoning certificate being issued in the RBD District, the applicant shall provide evidence that approval has been obtained by the DRB and that a record copy of the Final Development Plan, as approved by the DRB, has been provided to the Zoning Inspector.

Section 18.05 Additional Requirements

In addition to the above, prior to any zoning certificate being issued in the RBD District, the applicant shall provide evidence to the Board of Zoning Appeals of the following:

- A. That the development, as proposed, will not impose undue adverse impacts on adjacent uses outside the JEDD, and
- B. That the traffic impacts of the proposed development on general traffic conditions in the Township have been identified and any adverse traffic impacts have been adequately addressed, and
- C. That plans for storm drainage will adequately address surface runoff and ponding from the site that may impact adjacent properties

ARTICLE XIX

(RESERVED FOR FUTURE USE)

ARTICLE XX

(SU) SPECIAL USE DISTRICT

Section 20.01 Purpose

The Special Use District is established to provide for suitable locations for particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District are intended to promote the compatibility of the use with adjoining residential uses and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

Section 20.02 Permitted Uses

Buildings and land used for purposes specified on the following schedule shall require zoning in the SU District:

<u>PRIMARY BUILDINGS AND USES</u>	<u>ACCESSORY USES</u>
1. Public buildings, meeting halls, schools, libraries, museums, and similar places for public assembly.	Parking areas.
2. Churches and places of public worship with more than 400 seats in the main sanctuary.	Parking areas, parsonages.
3. Cemeteries, including mausoleums having more than 400 grave sites.	Sexton's or caretaker's dwellings
4. Commercial uses such as stadiums, amphitheaters, racetracks or similar facilities for conducting sporting events, concerts, and similar outdoor events.	Parking areas, administrative and maintenance structures.
5. Commercial recreational areas such as golf courses, sportsmen's clubs, summer camps and similar entertainment uses.	Parking areas, maintenance structures.
6. Outdoor shooting ranges, as defined in Article II, provided the required Development Plan provides specific proof of compliance with the standards of Section 1501:31-29-03 of the Ohio Revised Code (ORC)	Parking areas

- 7. Campgrounds where fees are charged for the temporary parking of recreational vehicles, erection of tents, or similar camping equipment. Customary maintenance and/or support structures
- 8. Multiple wind turbine systems, subject to the requirements of Section 25.08 of this Resolution.
- 9. Multiple freestanding solar collection facilities on a single site.

Section 20.03 Development Plan Required

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Resolution, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed project including setbacks, any signage, an analysis of facility's impact on any adjacent residential area and explanation of the methods proposed by the applicant to alleviate or minimize these impacts, as well as any other information deemed necessary to determine compliance with this Resolution.

The Development Plan shall be reviewed by the Zoning Commission and considered in making its recommendations to the Township Trustees. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Article VI of this Ordinance. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed use has incorporated measures to address, lessen and/or alleviate adverse impacts on adjacent areas and to protect the residential character of such areas.

Section 20.04 Development Standards

- A. Lot and Area Requirements

The area or parcel of land for a special use shall not be less than that required to provide space adequate for off-street parking areas, yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 20.03 above.

- B. Front Yard

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

C. Side and Rear Yards

Where any special use abuts a district where residences are a permitted use, a side yard of not less than fifty (50) feet and a rear yard of not less than eighty (80) feet shall be maintained. In addition, a landscaped buffer shall be installed in such yard. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

Section 20.05 Action by Board Township Trustees

In approving the redistricting of land into the SU District, the Board of Township Trustees may specify appropriate conditions and/or safeguards. Violation of these conditions or safeguards shall be considered as a violation of the provisions of this Resolution, subject to the penalties as specified in Article IV.

Section 20.06 Compliance with Development Plan

The construction of all buildings and the development of the site within the SU District shall be in conformity and compliance with the approved Development Plan.

ARTICLE XXI

(FS) FARM SECURITY DISTRICT

Section 21.01 Purpose

The Farm Security District is established to promote the continuance of agricultural activities and protect agricultural land in those areas most suitable for farming. This district also intends to protect and stabilize Madison Township's viable agricultural economy by discouraging uses that are incompatible with farming. Consequently, residential uses are limited and any future residents of this district must be willing to accept the impacts associated with normal farming practice. Lands within the Farm Security District are generally not serviced by public water and/or sewer.

Section 21.02 Permitted Uses

- A. Agricultural uses, as defined in Article II, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached farm dwelling.
- B. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- C. Public and/or nonprofit parks and playgrounds.
- D. Conservation or natural areas.
- E. Accessory uses customarily associated with and incidental to a permitted use, including the following:
 - 1. Accessory buildings or structures customarily associated with residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools, and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located.
 - 2. Temporary roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 517.21 (c).

Section 21.03 Conditional Uses

- A. Farm-based occupations, subject to the following:
 - 1. A farm occupation could involve a wide range of activities, provided it remains secondary to and compatible with active farm use. Examples include

- woodworking and furniture production, metal or machine work, farm machinery repair/service.
 - 2. Evidence shall be provided that all wastes associated with the farm occupation will be disposed in a manner consistent with State and/or federal regulations.
 - 3. Not more than two (2) nonresidents of the premises shall be employed on site by the farm occupation.
 - 4. The use shall be conducted primarily within enclosed buildings. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
 - 5. Any sign used for the farm occupation shall not exceed eight (8) square feet in size.
- B. Single-family detached nonfarm dwellings and accessory uses, subject to the requirements of Section 20.05 through
 - C. Private landing fields for aircraft, provided that a Development Plan pursuant to Section 11.02.07 is approved by the Zoning Commission.
 - D. Cemeteries containing less than 400 grave sites, provided that all grave sites are located not less than fifty (50) feet from any property line.
 - E. Golf courses, provided that all structures are located not less than 200 feet from any property line.

Section 21.04 Maximum Number of Permitted New Dwellings

- A. For each tract of contiguous land within the Farm Security District in single ownership as of the effective date of this Resolution, the maximum number of new single-family detached dwellings shall be according to the following schedule:

ACREAGE OF SINGLE-OWNER TRACT	MAXIMUM NUMBER OF NEW DWELLINGS
2-24	1
25-59	2
60-99	3
100-149	4
150-199	5
200 and over	6

- B. Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of new residential home sites permitted to be created.

- C. Regardless of size, no tract of land separated from its original tract subsequent to the effective date of this Resolution shall qualify for additional single-family home sites pursuant to this Section.

Section 21.05 Development Standards

21.05.01 Lot Area

- A. Permitted Uses
Five (5) acres.
- B. Single-Family Detached Non-farm Dwellings
For each principal permitted use, the lot area shall be not less than two (2) acres, or such size as determined by the Pickaway County Health Department, whichever is larger.
- C. Other Uses
Two (2) acres.

21.05.02 Minimum Lot Width

All lots shall have at least 200 feet continuous frontage on a dedicated, improved public street or highway. Minimum lot width shall be maintained through the minimum front yard depth.

21.05.03 Minimum Front Yard Depth

- A. Permitted Uses
Ninety (90) feet from the centerline of any county or township roadway. 150 feet from the center line of any state or federal highway.
- B. Other Uses
Ninety (90) feet from the center line of any county or township road; 150 feet from the right-of-way of any federal or state highway.

21.05.04 Minimum Side Yard Width

Twenty-five (25) feet.

21.05.05 Minimum Rear Yard Depth

Eighty (80) feet.

21.05.06 Minimum Building Area

1,400 square feet shall be required for new single-family dwellings having one (1) story; 1,800 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories.

Section 21.06 Agricultural Nuisance Disclaimer

Lands within the Farm Security District are located within areas where land is utilized for agricultural production. Residents and other users of property within this District may be subject to inconvenience, injury and/or discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of property within the FS District should be prepared to accept such inconvenience, injury and/or discomfort.

Any applicant for a zoning certificate for nonfarm residential use within the FS District may be required to sign a statement that he/she has read and understands the provisions of this Section of the Resolution, including the foregoing disclaimer.

ARTICLE XXII

(FP) FLOOD PLAIN OVERLAY DISTRICT

Section 22.01 Finding of Fact

Specific areas adjacent to streams and watercourses within Madison Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, and/or disruption of commerce, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and the cumulative effect of obstructions in flood plains, causing increased flood heights and velocities,

Section 22.02 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 Madison Township by:

- A. restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. controlling the filling, grading, dredging and other development which may increase flood damage; and
- C. controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Section 22.03 Scope and Application

22.03.01 Applicable Lands

This Article shall apply to all lands within Madison Township shown as within the 100 year flood plain, as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map Numbers and dates as follows:

390445 0050 C (September 27, 1991)

The above Flood Insurance Rate Maps with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments to the above maps, are hereby adopted by reference and declared to be a part of this Article.

22.03.02 Overlay District Designation

The areas of special flood hazard identified on the Official Zoning District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, as shown on the Official Zoning District Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the 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.

22.03.03 Interpretation of Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Maps referenced in Section 22.03.01 above.

Actual boundaries may also be determined by use of the flood elevation profile information provided in the referenced Flood Insurance Study and topographic survey of the site in question.

22.03.04 Warning and Disclaimer of Responsibility

The degree of flood protection required by this Article 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 Article 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 damage. This Resolution shall not create liability on the part of Madison Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Section 22.04 Development Standards

- A. Open space uses shall be permitted within the FP District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district, and provided those uses do not require structures, fill or the storage of material or equipment.

- B. No structure shall be permitted within the flood plain and no use shall be established which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.

- C. No grading or filling within the FP District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such proposal, the Board shall obtain a recommendation from the Pickaway County Emergency Management Agency, or other agency so authorized to administer floodplain requirements within Pickaway County.

ARTICLE XXIII

(RIZ) RICKENBACKER IMPACT ZONE OVERLAY DISTRICT

Section 23.01 Finding of Fact

In accordance with FAA regulations, a Master Plan for future airport development has been completed for Rickenbacker International Airport. This Plan identifies areas subject to future airport-related impacts such as airport expansion and/or noise. Portions of the geographic area so identified are located within Madison Township. The purpose of the Rickenbacker Impact Zone (RIZ) District is to inform property owners and potential purchasers of the existence of the potential airport impacts, promote the development of land uses that are compatible with future Rickenbacker development, and discourage incompatible uses in those areas so affected.

Section 23.02 Overlay District Designation

The RIZ District is an overlay district. When land is proposed to be developed within the boundaries of the Rickenbacker Impact Zone Overlay District, such development shall meet the requirements of the underlying district as well as the requirements of this Article.

Section 23.03 Development Standards

A. Permitted Uses

Uses permitted in the underlying base district shall be permitted in the RIZ District.

B. Notification of Possible Impacts

Applications for a zoning certificate or other development-related permit in the RIZ District shall contain a statement by the applicant that he/she is aware that the property is in a future growth area for the airport and, as such, may be subject to impacts typically associated with airport development and expansion, including aircraft overflight, elevated noise and/or impacts typically associated with ancillary industrial growth.

C. Noise Mitigation

The owners and/or developers of property within the RIZ District are encouraged to implement methods in the construction of buildings or structures to reduce interior noise levels.

D. Height of Structures

The applicant for a zoning certificate for a proposed structure in the RIZ District shall demonstrate that the height of the proposed structure will not constitute a hazard to the safe landing and/or takeoff of aircraft.

PART FOUR
ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXIV

GENERAL DEVELOPMENT STANDARDS

Section 24.01 Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the Township.

B. Lot Width

Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 24.01A above and at the minimum front yard setback. Any lot shall have the full required lot width along the entire distance of the front yard depth.

Notwithstanding the above, if a lot fronts along a thoroughfare with a center line degree of curvature greater than thirty (30) degrees (such as a cul-de-sac) lot width shall be measured at the front yard setback line.

Section 24.02 Front Yards

A. Front Yard Measurements

Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution.

B. Corner Lots

Lots fronting on more than one street or roadway shall provide the required front yard on both roads. Any new building or structure shall not be located closer to the centerline of an adjacent highway or road, at any point, than the front yard setback for the district in which the property is located.

Section 24.03 Side Yards

A. Measurement

Side yard width shall be measured from the nearest side lot line to the building line.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a side yard, subject to requirements of Article XXV of this Resolution.

Section 24.04 Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXV of this Resolution.

Section 24.05 Yard Requirements

All front, side and rear yards shall be maintained in a neat and orderly state and be kept free of any trash, junk or debris

Section 24.06 Open Porches and Architectural Features

In a residential district, an open, uncovered porch, deck or terrace and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features may project into a required side or rear yard, as established in the district, not more than ten (10) feet so long as a minimum of three (3) feet is maintained to the property line.

Section 24.07 Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, antennae for amateur radio service communications or similar structures attached to a primary structure, so long as

such height does not interfere with the safe landing, takeoff or other operations of any established airport or landing strip.

Section 24.08 Drainage

All construction shall be accomplished in a manner consistent with maintenance of proper drainage. In all improvements, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent properties is maintained.

In order to preserve proper drainage and prevent surface flooding, the filling of established roadside ditches is prohibited, unless specific written approval is obtained from the Township Trustees.

ARTICLE XXV

ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

Section 25.01 Regulation of Agriculture on Specific Lots

Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.

- A. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
- B. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 519.21(B) above, and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Resolution.

Section 25.02 Manufactured Housing

Permanently sited manufactured homes, as defined in Article II of this Resolution, shall be considered as a permitted use in any district that permits single-family dwellings. Manufactured homes not meeting the standards for permanently sited manufactured homes are addressed as a permitted use in the LRR District. Mobile homes, as defined in Article II of this Resolution, shall not be considered as a permitted or conditional use in any zoning district.

Section 25.03 Home Occupations

"Home occupation" means an activity, profession, occupation, service, craft, or revenue-producing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within building or buildings on the premises without any significant adverse impact upon surrounding properties. Home occupations shall be regulated as accessory or conditional uses in the various residential districts.

Any home occupation established after the effective date of this amendment to this Resolution shall require a separate zoning certificate. The application for such zoning certificate shall include drawings, a narrative and other material certifying current and future compliance with the standards in Section 25.03 A - G below.

A home occupation shall comply with the following standards:

- A. The use shall be conducted by the owner/occupant of the premises and such use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation. The size of any accessory building used totally or in part for a home occupation shall meet the requirements for accessory structures in Section 25.04 below.
- B. The home occupation shall primarily occur entirely within the confines of the dwelling unit and/or accessory structures.
- C. Areas used for outside activities or storage of materials or equipment associated with the home occupation shall not exceed two percent (2%) of the area of the lot or 2,000 square feet, whichever is less. In addition, all such areas shall be enclosed or fenced so as to effectively screen them from view from any adjacent property within 500 feet zoned in the RR or LRR District.
- D. The home occupation shall not generate more than ten (10) vehicle trips per day.
- E. External indication of such home occupation shall be limited to one non-illuminated sign not more than twenty (20) square feet. Such sign shall be not closer than fifty (50) feet from the center line of the roadway and shall not exceed ten (10) feet in height.
- F. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- G. The home occupation business activity shall be conducted primarily during daylight hours.

- H. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

Any home occupation that subsequently exceeds the above standards shall be required to seek rezoning of the property to the GB, PRB or SU districts, as appropriate.

Section 25.04 Accessory Buildings and Structures

"Accessory building or structure" shall mean a structure and/or use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, storage sheds, tennis courts, swimming pools and similar facilities. Such accessory structures are subject to the following additional requirements:

- A. An unattached use or structure shall be located within any side or rear yard to the rear of the principal structure, but not closer to any side or rear lot line than the distance required for principal structures in the to the specific district.
- B. The use of all accessory structures shall conform to the definition above, and no accessory structure shall be used for human habitation or for commercial purposes.
- C. Not more than one (1) portable storage building shall be allowed on any single residential property, and such structure shall comply with the location requirements of Section 25.04 A. above.
- D. The total area of all accessory uses or structures shall not exceed two percent (2%) of the total area of the lot, except for swimming pools, ponds and/or tennis courts and similar uncovered areas which shall be exempt from these area requirements. An accessory building shall not exceed twenty (20) feet in height.
- E. No zoning permit shall be required for a temporary accessory structure or portable storage structure located on any property for less than sixty (60) consecutive days during any single calendar year. No portable storage structure shall be located on any property for a period exceeding sixty (60) consecutive days.

Section 25.05 Driveways

The entrance to any driveway from the public roadway shall be designed so as to prevent surface runoff from the driveway from flowing onto the public roadway. In addition, all driveways serving any residential structures must comply with the driveway standards as adopted by the Pickaway County Engineer and/or the Madison Township Board of Trustees, as may be subsequently amended.

Section 25.06 Lakes and Ponds

Lakes and ponds shall be considered as an accessory use where so indicated in the district regulations. A zoning certificate shall be required for the construction and installation of a lake or pond when the normal high water surface area of the body of water exceeds 100 square feet. Such zoning certificate shall be required prior to any construction activity on the lake or pond. In addition, such lakes and/or ponds shall meet the following requirements:

- A. The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or secondary leach fields.

- B. The lake and/or pond shall be located not less than sixty (60) feet from any side or rear property line, residential structures, leach field, secondary leach field, and subsurface tile drainage passing through the property, and not less than 120 feet from any front property line.

- C. The applicant shall provide specific evidence that the lake or pond will be constructed in full compliance with adequate and appropriate engineering standards. The Township may require certification by a Professional Engineer that the lake or pond meets such standards. At a minimum, the lake or pond shall meet the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Pickaway County Soil and Water Conservation District.

Section 25.07 Telecommunications Towers

Telecommunications towers, as defined in Article II of this Resolution, may be allowed as a conditional use in the RR, LRR and FS Districts. The process to be used in processing an application for such a tower shall be as specified in Section 519.211 of the Ohio Revised Code. Telecommunications towers shall be subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. Any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
- D. The minimum lot size for the site of the tower shall be one (1) acre.
- E. Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- F. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G. The tower shall not be lighted except to assure safety or as required by the FAA.
- H. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- I. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site's use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
- J. The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (*14 CFR Part 77*)

If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

Section 25.08 Individual and Multiple Wind Turbine Systems

For the purposes of these regulations, a “wind turbine system” shall mean a wind energy conversion system consisting of a tower, a unit consisting of blades, generator and tail, and associated control or conversion electronics which have a rated capacity appropriate for on-site electrical generation and use.

A. Individual Small Wind Turbine Systems

Not more than one (1) wind turbine system shall be allowed as a conditional use on a single property or parcel in the RR and FS Districts, provided evidence is submitted, by the applicant to the Board of Zoning Appeals, that the following requirements are met:

- 1) The height of the tower of the wind turbine system shall not exceed 100 feet on parcels of three to five acres, and 250 feet on parcels of more than five acres. Wind turbine systems shall not be allowed on parcels of less than three (3) acres in size
- 2) Notwithstanding the above, the height of the system shall not exceed the height recommended by the manufacturer or distributor of the system.
- 3) The base of the tower shall be located not less than 250 feet from any property line, and not less than 750 feet from any residential dwelling not participating in the wind energy project of which the wind turbine is a component.
- 4) The noise from the system shall not exceed 50 decibels (dBA) measured at the most proximate inhabited residential dwelling.
- 5) The application shall include standard drawings and an engineering analysis of the structural stability of the tower, and certification of same by a Professional Engineer.
- 6) The system will comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations.

B. Multiple Wind Turbine Systems

More than one (1) wind turbine system and/or systems that do not fully comply with the standards of Section 25.08 A above shall be considered as a permitted use only in the SU District shall be subject to the requirements of that district, as well as the following:

- 1) The height of the tower of the wind turbine system shall not exceed 250 feet.
- 2) Not more than one (1) wind turbine system shall be permitted for each two (2) acres of the property.
- 3) The requirements of Section 24.06 A 3) through 5) shall apply.

Section 25.09 Group Residential Facilities

"Group residential facilities" shall be defined and classified in Article II of this Resolution. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the LRR or GB Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the GB or PRB Districts subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.

- G. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

ARTICLE XXVI

OFF-STREET PARKING REQUIREMENTS

Section 26.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Madison Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 26.02 Provision for Parking Required

Unless otherwise indicated in this Resolution, in all zoning districts, off-street parking shall be addressed in accordance with the provisions of this Article.

Section 26.03 General Requirements

A. Surfacing and Drainage

All off-street parking areas for commercial or industrial projects shall be properly graded, marked and surfaced so as to provide a hard, durable and dustless surface. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

B. Lighting

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

C. Location of Parking Spaces

A five foot (5') clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas shall be so designed and arranged so as not to allow

the protruding of any vehicle, or portion thereof, over the clear zone.

D. Parking of Recreational Equipment

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:

1. Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
2. Recreational equipment shall not be used for permanent occupancy.
3. Recreational equipment may be used for temporary occupancy for a period of time not exceeding three (3) months.

Section 26.04 Parking and/or Storage of Junk Motor Vehicles

The exterior parking or storage of junk motor vehicles, as defined in Section 505.173(E) of the Ohio Revised Code (ORC) and Article II of this Resolution, for a period of time exceeding fourteen (14) consecutive days, outside of an approved and licensed scrap metal processing facility, motor vehicle salvage dealer, salvage motor vehicle auction or salvage motor vehicle pool licensed and regulated pursuant to Chapters 4734, 4737 and/or 4738 of the Ohio Revised Code (ORC), shall be prohibited.

Madison Township reserves the right to remove junk cars from public or private property pursuant to the authority of, and consistent with the standards and procedures cited in ORC Sections 507.173 and 507.871 of the ORC and any other legally adopted local resolution(s).

ARTICLE XXVII

SIGNS

Section 27.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems in Madison Township. It is the intent of these regulations:

- to control the size, location and design of signs so that the overall appearance of such signs will be aesthetically harmonious with their surroundings
- to reduce sign clutter
- to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic
- to prevent signs from becoming a nuisance to adjacent properties or uses
- to encourage the development of signage that promotes a healthful economic and business environment and thereby protect the general health, safety, and welfare of the citizens of Madison Township.

Section 27.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product.
- B. Other Definitions
1. "Billboard" means an off-premises outdoor advertising sign that is more than two-hundred (200) square feet in area.
 2. "Changeable copy sign" means a sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs, but does not include digital display signs.
 3. "Digital display sign" means a sign which uses digital technology to produce a bright clear image which automatically changes on a programmed interval.

4. "Flashing sign" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change
5. "Freestanding sign" means a sign which is wholly independent of any building for support.
6. "Off-premises sign" means any sign that identifies or provide information related to a good, service or event that is not located on the property where such sign is located.
7. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for time period in excess of 120 days.
8. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis or trailer intended for the mounting of wheels, thereby permitting the sign to be moved
9. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of 120 days or less.
10. "Wall sign" means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
11. "Window sign" means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

Section 27.03 Prohibited Signs

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Signs mounted on motor vehicles or semi trailers that are parked in a manner and location so as to serve as a sign.
- B. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display
- C. Flashing or high intensity lights mounted on a sign
- D. Any sign that obstructs any part of a doorway, exit or fire escape.

- E. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
- F. Any sign attached to a utility pole or fence or otherwise extending into the right-of-way of any public roadway.

Section 27.04 Signs Excluded from Regulations

The following signs are excluded from the regulations and requirements of this Article, provided such signs are not located within the right-of-way or easement of any public roadway.

- A. Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, provided such signs shall not exceed sixteen (16) square feet in area, shall not be illuminated and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition such sign shall not be located in any manner so as to create a safety or visibility hazard.
- B. Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.
- C. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
- E. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- F. Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine (9) square feet in size and not illuminated.
- G. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- H. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial

promotion, and provided that not more than four (4) such flags or banners are displayed at any one time.

- I. Farm signs identifying the name and address of the occupant of the premises and agricultural commodities or products for sale or used on the premises.

Section 27.05 Sign Permits and Administration

A. Permit Required

No permanent or temporary sign, except as exempted in Sections 27.04 or 27.06 of this Ordinance shall hereafter be erected, constructed or maintained within Madison Township unless a permit for the same has been issued by the Zoning Inspector. A sign for which a permit has been issued shall not be modified, changed or amended so as to differ from that approved in the permit unless a new or amended permit is issued.

B. Contents of Application

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. The fee shall be established by separate Resolution. Each application for a sign permit shall be made on forms provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
 - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols.
 - b. The exact location of the sign in relation to the building and property.
 - c. The method of illumination, if any.
3. Details and specifications for the construction, erection and attachment of the sign.
4. Name, address and telephone number of the sign contractor or company.

5. Other information as may be required by the Zoning Inspector to ensure compliance with the provisions of this Resolution.

C. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

D. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Board of Zoning Appeals in the manner set forth in Article VII of this Resolution.

Section 27.06 Signs Which Do Not Require a Permit

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article:

- A. Signs that indicate the sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per road front. Such signs shall not be located in a public right-of-way.
- B. Temporary window signs in the GB District which promote special business sales, promotion or occasions, provided such signs are not displayed for a period exceeding thirty (30) days in any consecutive six month period.
- C. Signs, which are less than four (4) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located.
- D. Signs which advertise the sale of personal property, such as a garage, yard, porch or moving sales, provided such signs are displayed for a time period not greater than three (3) within a public right-of-way.

- E. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable entities. Such signs shall be removed not later than seven (7) days after the scheduled activity.
- F. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals provided that such construction sign is removed upon the completion of construction or the commencement of occupancy, whichever event occurs first.
- G. Signs determined by the Board of Zoning Appeals to be similar to those specified in A-F above.

Section 27.07 General Requirements

Temporary and/or permanent signs erected after the date of this Resolution shall comply with the following standards and requirements:

- A. Off-Premises Signs and Outdoor Advertising

Outdoor advertising and other signs promoting a product or service not located on the premises shall be considered a business use and shall be permitted in the GB District, subject to the development standards of that district, and the following:

- 1. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located elsewhere. Each such directional sign shall not exceed four (4) square feet in area.
- 2. The height of an outdoor advertising sign shall not exceed twenty-five (25) feet above natural grade and shall not exceed 200 square feet in area.
- 3. Outdoor advertising signs exceed this standard shall be considered billboards and subject to the provisions of Section 27.07 B below.
- 4. Outdoor advertising signs shall be located behind the building setback line for the district in which they are located.

5. Outdoor advertising signs shall be located not less than 200 feet from any adjacent residential zoning district.
 6. All permitted outdoor advertising signs shall be licensed or permitted as may be required by other local, federal or state agencies.
 7. No outdoor advertising shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.

B. Billboards

Billboards, including digital display signs, as defined in Section 27.02B, are listed as a conditional use in the GB District, requiring approval by the Board of Zoning Appeals, and shall be subject to the following conditions:

1. Billboards shall be allowed only on properties having direct frontage on federal highways designated as on the primary system. Not more than one (1) billboard shall be allowed on any single property existing as of the effective date of this amendment. The erection of all billboards shall comply with all federal and state requirements.
2. Any billboard shall maintain a maximum height of thirty-five (35) feet. The maximum display area for any billboard shall not exceed 300 square feet per side.
3. Said billboard structures must be set back from the established right-of-way of any roadway not less than one hundred (100) feet.
4. At a property at any intersection, any billboard structure shall not be located less than two hundred (200) feet from the established right-of-way line of each highway or thoroughfare, or in such other manner as to interfere with, or obstruct clear vision of such intersection in any direction for a distance of 250 feet.
5. No such billboard structure shall be permitted which faces the front or side lot line of any lot or parcel of land in any RR, LRR or FS District and is within three hundred (300) feet of such lot line. No billboard shall be located less than 1,000 feet from any residence.
6. No billboard shall be erected within 1,000 feet from any other billboard.

C. On-Premises Signs

Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the GB, PRB and SU Districts. In the PRB and SU Districts, the location of such sign must be in strict compliance with the Development Plan submitted as part of the approval process.

1. No single sign shall have an area of area of more than forty (40) square feet per side.
2. No single use of property shall maintain a total sign area for *all* signs of more than 100 square feet.
3. No on-premises sign shall be erected closer than fifty feet (50') from the centerline of the road.
4. No on-premises sign shall exceed twenty-five (25) feet in height, as measured from ground level.

D. Portable Signs

Portable signs, as defined in Section 27.02E, shall be permitted as temporary signs, so long as the gross sign area for the property, as specified in Section 27.07C.2 above, is not exceeded.

E. Permanent Subdivision Identification Signs

Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision.

F. General Requirements for All Signs

1. When a sign is proposed to be illuminated, such illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

2. Moving signs and/or signs that change or alter the display surface using mechanical, electronic or any other available technology shall be considered as a conditional use within the GB and PRB Districts and shall require specific approval of the Board of Zoning Appeals.
3. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard.
4. No sign nor part of any of a sign be placed in, over, or extend onto any public right-of-way or any public roadway nor shall any part of a sign be placed over, or extend above the roof of any structure.
5. No sign shall be located so as to hinder clear sight within fifty (50) feet in both directions at the intersection of any roadway with a federal or state highway.

Section 27.08 Measurement of Sign

For the purposes of this Resolution, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face(s) of all the display area(s) of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design. Unless otherwise indicated in these regulations, where a sign has two or more display faces back-to-back, the area of each of the faces of the sign shall be used in determining the area of the sign.
- B. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.

Section 27.09 Nonconforming Signs

- A. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.

2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
 - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
 - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately. The removal of an abandoned sign shall be the responsibility of the owner of the property.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

ARTICLE XXIII

ADULT ENTERTAINMENT BUSINESSES

Section 28.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare of the residents of Madison Township through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to schools, churches, residential areas, parks and playgrounds within the Township.

Section 28.02 Definitions

A. “Adult Entertainment Facility” means any establishment which is involved in one or more of the following listed categories.

1. “Adult Book Store” means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on “specified sexual activities” or “specified anatomical areas” as defined below.
2. “Adult Motion Picture” means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
3. “Adult Entertainment Business” means any establishment involved in the sale or services of products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation 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.

B. “Specified Sexual Activities” means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.

3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. “Specified Anatomical Areas” mean any of the following:
1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state.
- D. “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.
- E. “Sexually explicit nudity” means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. “Visibly displayed” means the material is visible on any sign, 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 reasonable anticipated access and presence.

Section 28.03 Exceptions

Nothing in this Article shall be construed to pertain to:

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

Section 28.04 Location

Adult Entertainment Facilities shall be considered a conditional use in the GB District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

ARTICLE XXIX

(RESERVED FOR FUTURE USE)