



BENNINGTON TOWNSHIP
LICKING COUNTY, OHIO
est. 1815

Bennington Township Zoning Resolution

Licking County, Ohio

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Amended and Effective: Month, Day, Year

CHAPTER 1 – Purpose and Title

Article 100 – Purpose and Scope

Article 105 – Title

Article 110 – Repeal of Prior Resolutions

Article 115 - Conformance

Article 120 - Interpretation of Standards

Article 125 - Exemptions

Article 130 - Severability

CHAPTER 2 – Definitions

Article 200 – Interpretations

Article 205 – Definitions

CHAPTER 3 – Districts and Standards

Article 300 – Districts and General Provisions

Article 305 – C-1 Conservation District

Article 310 – R-R – Rural Residential District

Article 315 – R-E – Residential Estate District

Article 320 – R-2 General Residence District

Article 325 – B-1 Commercial

Article 330 – M-1 Manufacturing

Article 335 – PUD Planned Unit Development

CHAPTER 4 – General Standards

Article 400 – Agriculture

Article 405 – Performance Standards

Article 410 – Drainage and Flood Plain Regulations

Article 415 – Parking, Loading, and Access Regulations

Article 420 – Junk Motor Vehicle Regulations

Article 425 – Signs and Outdoor Advertising

Article 430 – Accessory Uses and Structures

Article 435 – Accessory Dwelling Units

Article 440 – Home Occupations

Article 445 – Private Swimming Pools

Article 450 – Factory Built Housing / Industrialized Units

Article 455 – Mobile Homes and Mobile Home Parks, Motels and Motor Hotels

Article 460 – Small Wind Projects

Article 465 – Telecommunications Towers

Article 470 - Solar Energy Systems

Article 475 – Extraction of Minerals

Article 480 – Adult Entertainment

CHAPTER 5 – Administration and Enforcement

Article 500 – Zoning Inspector

Article 505 – Zoning Certificate Required

Article 510 – Zoning Commission

Article 515 – Zoning Amendments

Article 520 – Board of Zoning Appeals

Article 525 – Duties of Zoning Inspector, Board of Zoning Appeals, and Courts on Matters of Appeal

Article 530 – Conditional Uses

Article 535 – Variances

Article 540 – Non-Conformities

Article 545 – Fees

Article 550 – Violations of this Resolution

Article 555 – Penalties for Violation

Article 100 - Purpose and Scope

This resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values, to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of Bennington Township, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described--all as authorized by Chapter 519 of the Ohio Revised Code.

Article 105 - Title

This resolution shall be known, and may be cited and referred to, as the "BENNINGTON TOWNSHIP ZONING RESOLUTION."

Article 110 - Repeal of Prior Resolutions

The Zoning Resolution or parts thereof previously in effect in Bennington Township, Licking County, Ohio, not otherwise adopted as part of this amended Zoning Resolution, are hereby repealed. However, all civil legal proceedings and/or all prosecutions resulting from a violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Resolution but shall be prosecuted to their finality the same as if amendments to this Resolution had not been adopted; and any and all violations of existing zoning, resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

Article 115 - Conformance

No building, structure, or use of land shall hereafter be used, occupied, erected, constructed, re-constructed, moved, or structurally altered except in strict conformance with all the regulations established by this Resolution.

A. Buildings and Structures

No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk.
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area; and
4. To have narrower or smaller front, side, or rear setbacks than are required herein, or in any other manner contrary to the provisions of this Resolution.

B. Yards and Lots

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

C. For any activities permitted and regulated under ORC Chapters 1513 (coal surface mining) or 1514 (other surface mining) and any related processing activities, the Township Trustees may regulate under the authority conferred by Ohio Revised Code Section 519.02 only in the interest of public health and safety.

- D. Pursuant to ORC 519.02.B, the Township Trustees may modify its administrative zoning procedures with regard to adult entertainment establishments, defined in ORC Section 2907.39, as the Trustees determine necessary to ensure that the procedures comply with all applicable constitutional requirements.
- E. Public Utilities and Railroads. In accordance with ORC 519.211, public utilities and railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, Alteration, maintenance, removal, use or enlargement of any Buildings or Structures for the operation of its business except as otherwise provided for telecommunication towers in Section 465 of this Zoning Resolution.
- F. Oil and Gas Production. In accordance with ORC 1509.02, the permitting, location, and spacing of oil and gas wells and production operations shall fall under the authority of the Ohio Department of Natural Resource's Division of Oil and Gas Resources.
- G. Medical Marijuana. In accordance with ORC 519.21.D, Bennington Township reserves the right to prohibit medical marijuana, cultivators, processors, and/or retail dispensaries from being located within the unincorporated territory of the township as well as the right to regulate the location of said facilities.
- H. Permanently Sited Manufactured Homes shall be permitted in any Zoning District where a single-family home is permitted in accordance with ORC 519.212 but are subject to regulation as authorized by the aforementioned code section.
- I. Small Wind Farms shall be permitted in accordance with ORC 519.213 and the standards set forth in Section 460, as may be amended.
- J. Amateur radio service communications and structures. In accordance with ORC 519.214, Bennington Township shall comply with ORC 5502.031 regarding the regulation of amateur radio service communications and structures.

Article 120 – Interpretation of Standards

Subject to limitations specified under applicable law the regulations set forth by this Resolution shall be interpreted to be minimum regulations and shall apply to all buildings, structures, and use of land for any private individual or entity, political subdivision, or other entity within the unincorporated area of Bennington Township.

Article 125 – Exemptions

The regulations set forth in this Resolution shall affect all use of land, every building and structure, and every use of land, building, or structure except where specifically exempt by law or as may be hereafter amended by law such as public utilities and railroads, and in circumstances where the Township has no authority to regulate certain instances of agriculture as defined by Section 519.21 of the Ohio Revised Code.

Article 130 – Severability

Should any Article, Section, Sub-Section, or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the Article, Section, Sub-Section, or provision so declared to be unconstitutional or invalid.

Article 200 - Interpretations

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

All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used," shall be deemed to include "designed, intended, or arranged to be used."

Article 205 - Definitions

1. **Accessory Use or Building:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
2. **Accessory Dwelling Unit:** An independent residential dwelling unit located on the same parcel as a single family detached building, either attached to the principal building or in a detached building and requiring a Conditional Use Permit. The accessory dwelling unit must be subordinate and incidental to the principal building and have a separate egress. For the purposes of this resolution, adding a bedroom to an existing home shall not be considered an Accessory Dwelling Unit.
3. **Adult:** An individual eighteen years of age or older.
4. **Adult Care Facility:** An adult family home or an adult group home. For the purposes of this Resolution, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services. Adult care facility does not include:
 - a. A facility operated by a hospice care program licensed under ORC 3712.04 that is used exclusively for care of hospice patients.
 - b. A nursing home or home for the aging as defined in ORC 3721.01.
 - c. A community alternative home as defined in ORC 3724.01.
 - d. An alcohol and drug addiction program as defined in ORC 3793.01.
5. **Adult Family Home:** As defined in ORC 3722.01, a residence or facility that provides accommodation for three to five unrelated adults and supervision and personal care services to at least three adults.
6. **Adult Group Home:** As defined under ORC 3722.01, an adult group home means a residence or facility that provides accommodation for six to sixteen unrelated adults and provides supervision and adult personal care services to at least three of the unrelated adults.
7. **Agriculture:** As used in sections 519.01 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; 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; and 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.
8. **Agricultural Production:** Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or

heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty (50) percent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five (25) percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Ohio Revised Code.

9. **Agritourism:** An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
10. **Alley or Lane:** A public or private way affording only secondary means of access to abutting property.
11. **Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
12. **Antenna, Aerial:** An arrangement of wires or metal rods used in sending or receiving electromagnetic waves. Antennas may be freestanding or affixed to Buildings. They are supported in the air by a Structure used primarily for supporting one or more antennas, including foundation, guys, and other components thereof. For the purpose of this Resolution, telecommunications towers as defined in Ohio Revised Code Section 519.211(B)(1) shall not be considered an Aerial Antenna.
13. **Apartment House:** See Dwelling, Multi-Family.
14. **Automobile Service Station or Filling Station:** A place where gasoline, kerosene, or other motor fuel, or lubrication, oil, or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
15. **Automobile Wrecking:** The dismantling or disassembly of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
16. **Automotive Repair:** The repair, service, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.
17. **Automotive or Trailer Sales Area:** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
18. **Barn:** An Accessory Building upon a Lot customarily used for the housing of livestock and/or for the storage of crops and/or machinery or equipment used for the purposes of Agriculture.
19. **Basement:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. The difference from the bottom floor joist to the top of the concrete floor shall be seven (7) feet.
20. **Bedroom:** A Dwelling room used or intended to be used by human beings for sleeping purposes.
21. **Bed and Breakfast:** A portion of a residence where a resident family provides lodging and breakfast for compensation. Transients generally use such a facility.
22. **Beginning of Construction:** The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed, the incorporation of labor and material where land is to be used for purposes other than construction of a building.
23. **Board of Zoning Appeals:** The Statutory Board of Zoning Appeals of Bennington Township, Licking County, Ohio established in accordance with Ohio Revised Code 519.
24. **Board or Lodging House:** A dwelling or part thereof where meals and/or lodging are provided for three or more unrelated persons for compensation by previous arrangement, but not transients.

25. **Building:** Any structure constructed or used for agricultural, residential, business, industrial, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, whether stationary or movable.
26. **Building, Accessory:** A subordinate building detached from, but located on the same lot as the principal use or structure, the use of which is incidental and accessory to that of the principal use or structure.
27. **Building Addition:** "Building Addition" means a part added to a building, either by being built so as to form one (1) architectural whole with it, or by being joined with it in some way, as by a passage, and so that one is a necessary adjunct or appurtenant to the other or so that both constitute the same building.
28. **Building, Height of:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
29. **Building Line:** See "Setback Line".
30. **Building, Principal:** A building in which the main or principal use of the lot on which the building is situated is conducted.
31. **Cellar:** That portion of a building between floor and ceiling partly underground but having half or more than half of its clear height below the adjoining finished grade primarily used for storage purposes.
32. **Cemetery:** Land used or intended to be used for the burial or the human dead and dedicated for cemetery purposes.
33. **Clinic:** A clinic is a place which provides a range of services by a group of licensed practitioners, their association and assistant(s), including the care, diagnosis and treatment of those who are sick, ailing, infirm and/or injured persons, and include the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.
34. **Club:** A non-profit association of people who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily on as a commercial enterprise.
35. **Commission:** The township Zoning Commission.
36. **Common Access Drive:** A common access drive (CAD) is a privately constructed, privately owned, and privately maintained driveway within an ingress/egress easement serving more than one lot but not more than five lots, properly installed in accordance with the requirements of the County Engineer and for which the County and Township accept no responsibility for maintenance, either initially or at any time in the future; a common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads.
37. **Comprehensive Plan:** Any document or documents, adopted by the Board of Township Trustees, intended to guide growth and development of the Township, and containing development analysis, proposals, projections, or policies in the form of text, maps or other graphics. The term Comprehensive Plan shall also include the terms area plan, community plan, land-use plan, or master plan.
38. **Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the District Regulations.
39. **Conditional Use Permit:** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
40. **Contiguous:** A physical arrangement of property, such as, but not necessarily limited to, Lots, Tracts, and Right-of-Ways, in which a piece of property directly contacts or immediately connects, in an unbroken sequence, to another piece of property. Lots or Tracts that are separated from one

another by a Right-of-Way or Easement but would otherwise connect in an unbroken sequence if their Frontages were extended through such barrier, shall be considered Contiguous.

41. **Day Care Center:** A Building used for the care of three (3) or more children, not members or wards of the Family.
42. **Density:** A unit of measurement designating the number of dwellings per acre of land.
43. **Display Sign:** A structure that is arranged, intended, or designed or used as an advertisement, announcement or direction, including a sign, sign screen, billboard and advertising device of any kind.
44. **District:** A portion of the territory of the township within which certain uniform regulations and requirements or various combinations thereof apply.
45. **Dwelling:** A permanent building used primarily for human habitation but not including facilities for the housing of transient residents nor to include mobile homes.
 - a. **Dwelling, Single Family:** A permanent building, separate and free standing in itself providing living accommodation for one family.
 - b. **Dwelling, Two-Family:** A permanent building designed exclusively for occupancy by two families.
 - c. **Dwelling, Multi-Family:** A permanent building or portion thereof providing separate living accommodation for three or more families.
 - d. **Dwelling, Unit:** One room, or a Suite or two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
 - e. **Dwelling, Group:** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
46. **Essential Services:** The Erection, construction, Alteration, or maintenance by public utilities, governmental agencies, or their designees of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public or private utility or government agency or for the public health, safety, and general welfare, but not including Buildings.
47. **Family:** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
 - a. any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship;
 - b. two unrelated people; or
 - c. two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly authorized custodial relationship.

“Family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which are specifically set forth and authorized by applicable law as being permitted uses within residential zoning districts.
48. **Fence:** Any free-standing Structure or Accessory Wall, other than part of a Building, which encloses or partially encloses any premises, is intended to fully or partially screen a property, and/or is intended to limit or prevent straying from within or intrusion from without. Live vegetation and Entry Features shall not be included in this definition.
49. **Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

- a. **Flood, Base:** A flood having a one (1) percent chance of being equaled or exceeded in any given year.
 - b. **Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by water from any source. This area is also known as the Flood-Prone Area.
 - c. **Flood Plain, 100 year:** The area of large floods which have previously occurred, or which may be expected to occur on a particular stream because of like physical characteristics. The 100-year flood plain generally has a 1 in 100 probability of occurring on any given year (a "100-year flood event").
 - d. **Floodway:** That portion of the flood plain, including the channel, which must be reserved to convey and discharge the base flood waters without cumulatively increasing the water surface elevation more than one foot. Floods of less frequent recurrence are usually contained completely within the floodway.
50. **Frontage:** All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, and of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
51. **Foster Home:** "Foster home" shall have the same meaning as the term "Foster Home" in Section 5103.2(D) of the Ohio Revised Code or any amendment thereof. As of the date of this amendment, Foster Home is defined as follows in Section 5103.2(D) of the ORC: "A private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual, reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.
52. **Garage, Private:** A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families resident upon the premises.
53. **Garage, Public:** A space or structure for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles.
54. **Group Residential Facility:** A group residential facility, as defined by ORC 5119.34, is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative services.
55. **Home Occupation:** For purposes of any District other than the AG-1 District; Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
56. **Hospital:** A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanatoria, sanatoria.
57. **Hotel:** A private facility offering transient lodging accommodations and/or dwellings over a period of thirty (30) consecutive days or less to the general public for a fee. Such a use may also provide additional, incidental services, such as restaurants, event facilities, meeting rooms, swimming pools and recreational facilities, but shall not contain any elements of a sexually oriented business. This definition shall not include extended-stay hotels or residential hotels as defined by Ohio Revised Code 3731.01.
58. **Industrialized Unit:** means a modular building unit or assembly of closed construction fabricated in an off-site facility, which is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

59. **Industry:** Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.
60. **Junk Yard or Salvage Yards:** Any open area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage and equipment.
61. **Kenel:** Any structure or premises on which five or more dogs over four months of age are kept.
62. **Lot:** A piece, parcel, or plot of land occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this resolution.
63. **Lot Area:** The total horizontal area within the exterior lines of the lot, exclusive of any rights-of-way, usually expressed in square feet or acreage.
64. **Lot Area, Minimum of:** The lot area required within each zoning district determined to be the minimum necessary to support the permitted use.
65. **Lot Coverage:** That percentage of the lot area which, when viewed directly from above, would be covered by the principal and Accessory Structure or Structures or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.
66. **Lot Frontage:** The linear measurement of the border of a lot that directly abuts one (1) or more public or private rights-of-way. In the case of a landlocked lot, Frontage shall be measured along the lot line closest and most parallel to a public or private right-of-way. Should said distance be equal to more than one (1) right-of-way, the lot shall be treated as a corner lot.
67. **Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
68. **Lot Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
69. **Manufacturing, Heavy:** Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.
70. **Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operate and store within enclosed structures; and generate little industrial traffic and no major nuisances.
71. **Manufactured Home:** A non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A 5401, 5403 and that has a permanent label or tag permanently affixed to it as specified in 42 U.S.C.A 5415, certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this Section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

72. **Mineral:** Any chemical compound occurring naturally as a product of inorganic processes.
73. **Mobile Home:** A non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit. A mobile home does not qualify as a manufactured home, or as permanently sited manufactured housing.
74. **Mobile Home Park:** Any site, or tract of land under single ownership, upon which three or more mobile or manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
75. **Motel or Motor Hotel:** A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.
76. **Motor Vehicle:** Any vehicle, including motor homes and recreational vehicles, which is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles, motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
77. **Motor Vehicle, Inoperable:** A car, truck, bus, van or other motor vehicle that cannot be started and moved under its own power or does not meet Ohio Revised Code requirements for operation on public streets. A vehicle that is without a valid, current registration decal and/or license, including recreational vehicle or travel trailer that is designed for travel on the public roads is also considered an inoperable vehicle.
78. **Nonconforming Use:** A use of building or land lawful at the time of enactment of this resolution that does not conform with the "permitted uses" provisions of this resolution.
79. **Nuisance:** As used herein nuisance refers to a building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. As used herein, a nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris. The above includes those nuisances as identified in the Ohio Revised Code Sections 505.86, 505.87, and 505.871. Additionally, "Nuisance" means any of the following:
- a. That which is defined and declared by statutes to be a nuisance;
 - b. Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen or exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for such purpose.
 - c. Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured or sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, or the operation of such a room, house,

building, boat, structure or place where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of law" includes, but is not limited to, sales to any person under the legal drinking age.

80. **Parcel:** See "Lot"
81. **Parking Space, Off Street:** A space located totally outside of any street or alley Right-of-Way for the parking of an automobile or other vehicle either in a parking Structure or on a lot and where each parking space conforms to the standards specified in Article 415.
82. **Performance:** A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.
83. **Public Service Facility:** See "Essential Use"
84. **Public Use:** A public school, park, administrative, cultural or recreational building, excluding public service facilities.
85. **Recreational Vehicle:** A vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, motor home, or any similar vehicle as defined by Ohio Revised Code Section 4501.01(Q).
86. **Refuse:** Anything thrown away or rejected as worthless or useless, waste (combustible and noncombustible) trash or rubbish. "Refuse" also includes all foreign substances and pollutants in water other than liquid sewage.
87. **Residential Care Facility:** As described by the Ohio Revised Code:
 - a. Section 5123.19(A)(5)(a) – A home or facility, including an ICF/IID, in which an individual with mental retardation or development disability resides.
 - b. Section 5119.34(A)(9)(a) – A publicly or privately-operated home or facility that provides ... accommodations, supervision, personal care services, and community mental health services for one (1) or more unrelated adults with mental illness or severe mental disabilities or to one (1) or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services.
 - c. Section 5119.34(A)(9)(b) – Accommodations, supervision, and personal care services to any of the following:
 - i. One (1) or two (2) unrelated persons with mental illness or persons with severe mental disabilities;
 - ii. One (1) or two (2) unrelated adults who are receiving residential state supplement payments; or
 - iii. Three (3) to sixteen (16) unrelated adults.
 - d. Section 5119.34(A)(9)(c) – Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.
88. **Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates curbs, tree lawns, sidewalks, lighting, drainage facilities, and many include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts, and bridges.
89. **Setback Line, Building:** A line established by this Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a Yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided elsewhere by this Resolution.
90. **Setback Line, Parking:** A line established by this Zoning Resolution, generally parallel with and

measured from the lot line, defining the limits of a Yard in which no parking or circulation, other than an access drive, may be located, except as may be provided elsewhere by this Resolution.

91. **Sewage Disposal System, on-Site / Septic**: A septic tank or similar installation on an individual Lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process approved by the Licking County, Ohio, Board of Health or the Ohio Environmental Protection Agency, for the treatment of sewage, and provides for the proper and safe disposal of the effluent.
92. **Sign**: Any visual communication display, object, device, graphic, structure, or part thereof, situated outdoors, or attached to, painted on, or displayed from or within a structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.
 - a. **Sign, On-Premises** - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
 - b. **Sign, Off-Premises** - Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
 - c. **Banner** – Any sign using a flexible or non-rigid substrate to display sign copy but not including a flag.
 - d. **Billboard** - Any off-premises sign for the purposes of outdoor advertising, which generally consists of one or more sign faces primarily intended to be available for sale, lease or rental for the purpose of promoting any business or other activity which is not situated on the same premises as the billboard or of promoting any product or service which is not primarily available on the same premises as the billboard.
 - e. **Sign, Illuminated** - Any sign illuminated by electricity, gas or other artificial light including reflection or phosphorescent light.
 - f. **Sign, Lighting Device** - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
 - g. **Sign Copy** - Any combination of letters, numerals, words, symbols, pictures, emblems or other characters that constitute a message in either permanent or removable form.
 - h. **Changeable Copy, Manual** - Any portion of a sign on which characters, letters or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a reader board with changeable letters.
 - i. **Changeable Copy, Automatic** – Any portion of a sign on which characters, letters or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.
 - j. **Sign, Ground** - Any freestanding detached sign whose support structure is imbedded in the ground.
 - k. **Sign, Pole** - Any ground sign which is installed on or attached to a pole or poles.
 - l. **Sign, Portable** - Any sign not permanently attached to the ground or to a building or building wall.
 - m. **Sign, Monument** - Any ground sign which is usually low in profile, with a monolithic base.
 - n. **Sign, Projecting** - Any sign that is mounted on or attached to a building façade, including any sign which is part of or attached to an awning or canopy, and which extends more than twelve inches from the face of the wall.
 - o. **Sign, Roof** - Any sign which is installed and attached above the roof of the building.
 - p. **Sign, Temporary** - Any sign having a specific limitation provided for by this Resolution as to the length of time it may be displayed.
 - q. **Sign, Wall** - Any sign that is mounted on or attached to the wall of a building including any

sign which is part of or attached to an awning or canopy.

- r. **Sign, Window** - Any sign affixed to the glass on the outside or inside of a window or door, or inside a building within three feet of a window or door so as to be readable from outside the building.
 - s. **Sign - Area of:** The total exterior surface computed in square feet of a sign having but one exposed exterior surface, 1/2 the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.
- 93. **Stable, Commercial:** A stable for horses, donkeys, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.
 - 94. **Stable, Private:** An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.
 - 95. **Standard Equipment:** A criterion for the control of type and placing of industrial equipment.
 - 96. **Story:** That portion of a building, included between the surface of any floor and the surface of the floor directly above it, or, if there be no floor above it, then the space between the floor and the ceiling directly above it.
 - 97. **Street:** Any public or private way dedicated to public travel. The word "street" shall include the words "road," "highway" and "thoroughfare."
 - 98. **Structural Alteration:** Any change in the structural members of a building, such as walls, columns, beams or girders.
 - 99. **Structure:** Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
 - 100. **Structure, Accessory:** A subordinate structure detached from, but located on the same lot as the principal use or structure, the use of which is incidental and accessory to that of the principal use or structure.
 - 101. **Structure, Principal:** A structure, or group of structures, in which is conducted the primary use of the lot on which the structure is located. As regulated in zoning districts, the principal structure contains the principally permitted use.
 - 102. **Telecommunications Tower:** Any freestanding structure, or any structure to be attached to a building or other structure, which meets all the following criteria:
 - a. The freestanding or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211
 - b. The freestanding or attached structure is proposed to be owned or principally used by a public utility (or a functionally equivalent provider) engaged in the provision of telecommunications services.
 - c. The freestanding or attached structure is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use.
 - d. The freestanding structure is proposed to top at a height that is greater than 48 feet. In the case of an attached structure, such structure is proposed to top at a height that is eight (8) feet greater than the height of the building or other structure to which it is to be attached.
 - e. The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
 - 103. **Tourist Home:** A building or part thereof, other than a hotel, boarding house, lodging house or motel where lodging is provided by a resident family in its home for compensation, mainly for transients.
 - 104. **Thoroughfare, Primary or Secondary:** An officially designated Federal or State numbered highway or county or other road or street designated as a primary thoroughfare on an official thoroughfare plan, or a county or other road or street designated as a secondary thoroughfare on

said plan, respectively.

105. **Use:** The purpose or activity for which a building, structure, or land is occupied or maintained.
106. **Variance:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship.
107. **Yard:** An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this resolution.
 - a. **Front Yard:** The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
 - b. **Rear Yard-** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.
 - c. **Side Yard.** The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.
108. **Zoning or Building Certificate:** A document issued by the Zoning or Building Inspector authorizing buildings, structures, or uses consistent with the terms of the zoning resolution and for the purpose of carrying out and enforcing its provisions.
109. **Zoning Inspector:** The Zoning Inspector of the township, or his authorized representative.
110. **Zoning Map:** The zoning map or maps of the township, together with all amendments subsequently adopted.

Article 300 Districts and General Provisions

The township is hereby divided into six districts known as:

C-1	Conservancy District
R-R	Rural Residential District
R-E	<u>Residential Estate District</u>
R-2	General Residence District
B-1	General Business District
M-1	General Manufacturing District
PUD	Planned Unit Development

300.01 Provisions for Official Zoning Map**A. Official Zoning Map**

The districts established in Article 300 of this Resolution as shown on the official zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

B. Identification of the Official Zoning Map

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

C. Interpretation of District Boundaries

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

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

300.02 Compliance with Regulations

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

300.03 Street Frontage Required

Except as required by other provisions of these regulations: no lot shall have less than the required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. Only one principal structure shall be permitted on any lot. The minimum road frontage requirements for lots fronting on a cul-de-sac shall be 60 feet.

300.04 Traffic Visibility Across Corner Lots

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

300.05 Off-Street Parking and Loading

In any district, spaces for off-street parking and for off-street loading shall be provided in accordance with the provisions of Article 415 of this Resolution.

300.06 Essential Services

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

300.07 Unsafe Buildings

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

300.08 Vacated Street or Alley

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

300.09 Territory Not Included - Annexations

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

300.10 Exception to Height Limits

The height limitations of this resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, transmission towers, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

Article 305 - C-1, CONSERVATION DISTRICT**305.01 Purpose**

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

305.02 Uses Permitted

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

305.03 Conditional Uses

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article 530 of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Department.

- A. Public, private members, or commercial Rifle ranges, gun clubs, archery courts, and other similar uses, not including personal use by owners of private property, provided they are not located closer than 700 feet from any R-District.
- 1. The purpose of the following requirements is to promote and protect the public safety and welfare by regulating gun and archery ranges. These requirements are intended to prevent adverse effects on adjoining properties relating to shot containment and noise mitigation. This section does not otherwise apply to the general legal discharge of firearms or bows, of individuals on their private property, in accordance with other applicable laws and regulations.
 - a) Performance
 - (i) Shooting and Archery range facilities shall be designed to contain all of the bullets, shot, arrows, or other projectiles or any other debris on the range facility.
 - (ii) Noise levels measured at the property line shall not exceed sixty-five (65) dBA when located adjacent to residential or commercial property, or seventy-five (75) dBA when adjacent to industrial property.
 - b) Development Requirements:
 - (i) Technical Advisors – All shooting range facilities shall apply for and have a Range Technical Team Advisor from the National Rifle Association or equivalent organization inspect and evaluate the design and construction of the range in according to the guidelines specified by the NRA's Range Source Book "A guide to Planning and Construction" current addition
 - (ii) Setbacks – All shooting stations and targets in an outdoor facility shall be located a minimum of 300 feet from any property line and the surface danger zone shall be

contained within the property boundary line of the range facility.

- (iii) Distance Separation – For all outdoor facilities, the distance between a gun range facility, and any occupied residential or non-residential building along any target line shall not be less than ½ mile. This separation requirement does not apply to ranges design specifically for archery only.
 - (iv) Warning Signs – Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at 200-foot intervals along the perimeter of the shooting range facility.
 - (v) All other local, state, and federal laws shall be adhered to in the construction and operation of proposed range facilities. Failure to comply with such laws may result in a revocation of the conditional use permit issued by the township.
- B. Commercial mining, in accordance with the provisions of Article 475.
 - C. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board unless the Board finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the Licking County Soil and Water Conservation District, Licking County Engineer, National Resources Conservation Services, Ohio EPA, and/or the Army Corps of Engineers.
 - D. Single-family dwelling (shall meet RR area requirements).
 - E. Camp sites and similar outdoor recreational facilities, subject to the approval of the Licking County Board of Health and the approval of the Board of Zoning Appeals.

305.04 Required Conditions

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

- A. Engineer's Report: Whenever the Board is required to pass on matters of protection of life and property from flood hazards it shall request a report and recommendations thereon from the chief engineer of any Conservation District. Such report shall, be considered final and conclusive and the Board shall be bound thereby.
- B. Change to Non conservation District: Changes of district classification from C-1 to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that no such change shall be authorized by the Township Trustees unless the chief engineer of the Conservation District certifies to the Township Trustees that any flood condition existing at the time the C-1 District was originally established does no longer exist or has been remedied to the satisfaction of said engineer, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District.

305.05 Required Lot Area and Lot Width

None except as may be specified by the Board, provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 15 feet to any side or rear lot line.

305.06 Height Regulation

No structure shall exceed 35 feet in height.

305.07 Exception to Yard

- A. Allowable Projections of Residential Structure Into Yards: Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.
 - 1. Architectural features of residential buildings such as windowsills, cornices, roof overhangs, may project into the requirements provided such projection is not more than four feet and does not reach closer than four feet to any lot line.

Article 310 - R-R, RURAL RESIDENTIAL DISTRICT**310.01 Purpose**

The purpose of the R-R Rural Residential District is to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for rural residential development; to conserve areas physically unsuitable for intensive development; and, to preserve the rural character of the township.

310.02 Uses Permitted

- A. Agricultural uses, commercial grain storage.
- B. One (1) single-family residential dwelling per lot, and accessory buildings.
- C. Public buildings, picnic grounds, religious and educational institutions.
- D. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four-square feet of sign area; signs announcing meeting time and place of civic organizations.
- E. Home Occupations, subject to Article 440 of this resolution.

310.03 Conditional Uses

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article 530 of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Department.

- A. Real estate, professional, and small announcement signs, subject to the provisions of Article 425 of this Resolution.
- B. Accessory Dwelling Units, subject to Article 435 of this Resolution
- C. Uses of land including quarrying and mining of natural resources subject to the provisions of Article 475 of this Resolution.
- D. Cemeteries, golf courses and similar uses.
- E. Conditionally permitted home occupations, subject to Article 440 of this Resolution (Effective November 12, 2005)
- F. Utility and service system buildings and lands.
- G. Small wind projects, subject to Article 460 of this Resolution
- H. Telecommunications Towers, subject to Article 465 of this Resolution
- I. Solar Energy Systems, subject to Article 470 of this Resolution

310.04 Required Lot Area and Lot Width for Agricultural Uses

- A. Subject to the exception stated in 310.04(B), For combined agricultural and residential use each dwelling shall be located on a lot having an area of not less than five (5) acres and a lot width of not less than 250 feet.
- B. For any combination of agricultural and/or residential use on any lot with an area of not less than twenty (20) acres, such lot shall be permitted to abut a street for not less than 60 feet; provided however; that any residence on such lot shall not be permitted until such lot widens to the minimum lot width required in Section 310.05.

310.05 Required Lot Area and Lot Width for Single-Family Residential Use

Each dwelling shall be located on a lot having an area of not less than three (3) acres and a lot width of not less than 200 feet at public road frontage.

310.06 Height Regulation

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

310.07 Required Yard

All dwellings and accessory buildings shall have the following minimum yard spaces:

- A. Front Yard 50 feet
- B. Side Yard 15 feet (each side)
- C. Rear Yard 15 feet

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

310.08 Required Floor Area

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

- A. Single-Family Dwelling
 - 1. With basement 850 square feet
 - 2. Without basement 1,000 square feet

Shall not be less than 24 feet in width or total length of the structure.

310.09 Off-Street Parking Requirements

In accordance with Article 14.

310.10 Exception to Yard

- A. Allowable Projections of Residential Structure Into Yards: Subject to the approval of a Variance by the Board of Zoning Appeals, any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.
 - 1. Architectural features of residential buildings such as window sills, cornices, roof overhangs, may project into the required yard space provided such projection is not more than four feet and does not reach closer than four feet to any lot line.

Article 315 R-E, RESIDENTIAL ESTATE DISTRICT**315.01 Purpose**

The purpose of this R-E, Residential Estate District is to create and preserve a setting for small rural estate residential development within the larger Rural Residential District. Such R-E Rural Estate Districts are to be located within areas designated for Rural Residential pursuits pursuant to the Comprehensive Plan of the Township or directly about any property within the R-R Rural Residential District.

315.02 Location

The location of any property designated R-E, Rural Estate District shall not be closer than one thousand (1,000) feet to any other property designated R-E on same side of any public street, road or highway. R-E Districts may be directly across from each other provided a township, county, state or federal road bisects the two R-E districts. R-E Districts may not be present on or about any cul-de-sac, nor be present in any Major Subdivision, as defined by the Licking County Planning Commission.

315.03 Uses Permitted

- A. One (1) Single-family residential dwelling per lot, and accessory buildings.
- B. Home Occupations, subject to Article 440 of this Resolution.
- C. Public buildings, picnic grounds, religious and educational institutions.
- D. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four-square feet of sign area; signs announcing meeting time and place of civic organizations.

315.04 Conditional Uses

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article 530 of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Department.

- A. Real estate, professional, and small announcement signs, subject to the provisions of Article 425 of this Resolution.
- B. Conditionally permitted home occupations, subject to Article 440 of this Resolution.
- C. Accessory Dwelling Units, subject to Article 435 of this Resolution.
- D. Small Wind Projects, subject to Article 460 of this Resolution.
- E. Telecommunications Towers, subject to Article 465 of this Resolution.
- F. Solar Energy Systems, subject to Article 470 of this Resolution.

315.05 Required Lot Area and Lot Width for Residential Use

Each dwelling shall be located on a lot having an area of not less than two (2) acres, nor greater than two point nine-nine (2.99) acres, and any lot width acceptable to the Licking County Planning Commission, County Engineer or Ohio Department of Transportation, as the case may be. All property owners seeking to split property and rezone to the R-E district must first provide the planning commission with a letter from the Licking County Health Department indicating that the proposed parcel can accommodate the necessary septic and well permits needed to support the proposed single-family use.

315.06 Height Regulation

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

315.07 Required Yard

All dwellings shall have the following minimum yard spaces:

- A. Front Yard 50 feet
- B. Side Yard 15 feet (each side)
- C. Rear Yard 15 feet

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

315.08 Required Floor Area

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

A. Single-Family Dwelling

With basement	850 square feet
Without basement	1,000 square feet

315.09 Off-Street Parking Requirements

In accordance with Article 14.

315.10 Exception to Yard

- A. Allowable Projections of Residential Structure Into Yards: Subject to the approval of a Variance by the Board of Zoning Appeals, any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.
 - 1. Architectural features of residential buildings such as windowsills, cornices, roof overhangs, may project into the required yard space provided such projection is not more than four feet and does not reach closer than four feet to any lot line.

Article 320 R-2 GENERAL RESIDENCE DISTRICT**320.01 Purpose**

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

320.02 Uses Permitted

- A. One (1) Single family dwelling and accessory structures.
- B. Tourist home & lodging houses.
- C. Home occupations subject to Article 440 of this Resolution.

320.03 Conditional Uses

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article 530 of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Department.

- A. Conditionally permitted Home Occupations, subject to Article 440 of this Resolution.
- B. Two-Family dwellings
- C. Telecommunications Towers, subject to Article 465 of this Resolution.
- D. Clubs, lodges, rest homes, funeral homes, clinics, hospitals, and similar uses.
- E. Mobile home parks, subject to provisions of Article 455 of this Resolution.

320.04 Required Lot Area and Lot Width

- A. Lot Area
 - 1. Single-Family and Two-Family Dwellings Three (3) Acres
- B. Lot Width
 - 1. Single-Family and Two-Family Dwellings 200 feet of road frontage

320.05 Required Floor Area

- A. Single-Family and Two-Family (Per Unit)
 - 1. With full basement 850 square feet
 - 2. Without full basement 1,000 square feet

320.06 Height Regulation

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

320.07 Required Yard

All dwellings shall have the minimum yard spaces:

- A. Single-Family and Two-Family
 - 1. Front Yard - 50 feet
 - 2. Side Yard 15 feet (each side)
 - 3. Rear Yard 15 feet

320.08 Off-Street Parking

In accordance with Article 415.

320.09 Exception to Yard

- A. Allowable Projections of Residential Structure Into Yards: Subject to the approval of a Variance by the Board of Zoning Appeals, any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.
 - 1. Architectural features of residential buildings such as window sills, cornices, roof overhangs, may project into the required yard space provided such projection is not more than four feet and does not reach closer than four feet to any lot line.

Article 325 B-1 Commercial**325.01 Purpose**

The purpose of the B-1 General Business District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible with, and in close proximity to the residences they must serve.

325.02 Uses Permitted

- A. Hotels and Motels.
- B. Major Retail Outlets: Furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
- C. Food, Drug, and Beverage: Grocery stores, supermarkets, meat markets, drug stores, bakeries in conjunction with retail sales, and restaurants.
- D. Specialty Shops: Gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods.
- E. Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shops, and places of assembly such as local organizations or private clubs.
- F. Business and Professional Offices: Medical and dental offices and clinics; law offices, professional offices, insurance and real estate offices; banks; finance and utility companies.
- G. Automotive and Related Uses: New and used car sales, service, and repair; gasoline filling stations, motorcycle and bicycle shops; cab and bus stands and depots.
- H. Accessory uses or buildings.
- I. Business and advertising signs subject to Article 425 of this Resolution.
- J. Other uses, similar to the uses specified in this section, may be considered permitted uses subject to the review and approval of the Board of Zoning Appeals.

325.03 Conditional Uses

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article 530 of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Department.

- A. Building Trades or Equipment Building: concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on premises).
- B. Vehicle Drive-In and Heavy Vehicle Services: Drive-in theaters, drive-in or drive thru restaurants and refreshment stands; express, cartage and trucking facilities; large item machinery or bulk sales and storage not including outdoor unfenced storage.
- C. Service and Processing Facilities: Kennels, and veterinary establishments; frozen food lockers; seed and food processing plants; dairies.
- D. Accessory uses or buildings related to such conditional uses.

325.04 Required Lot Area and Lot Width

All commercial uses shall have a minimum lot area of one (1) acre and a lot width of 150 feet, or larger if such lot size or width is required by the Licking County Health Department as necessary to permit the required sanitary and well services necessary to support the proposed business.

325.05 Building Height Regulation

In the B-1 General Retail District, no building shall exceed two stories or 30 feet in height.

325.06 Required Yards

- A. Commercial Uses:
 - 1. Front Yard - 25 feet
 - 2. Side Yard 15 feet
 - 3. Rear Yard 15 feet

325.07 Off-Street Parking and Loading Requirements

In accordance with the provisions of Article 415 of this Resolution.

325.08 Landscaping or Screening Provisions

For non-residential uses abutting any R-District acceptable landscaping or screening, approved by the township, must be provided. At a minimum, landscaping or screening between a use in the B-1 district, and a residential use, must include a minimum 6' continuous screen consisting of a fence, wall, landscaping, or combination thereof. If landscaping is to be used, it must consist of a continuous evergreen planting, a minimum of 6' tall at installation, and shall be installed to achieve 100% opacity within 5 years after installation.

325.09 Automobile service stations, parking garages and parking areas

- A. Entrance - Distance Requirements

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

- B. Oil Draining, Etc.

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

- C. Automobile Service Station - Enclosure

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

325.10 Allowable Projections of Business Structures Over Sidewalk:

Signs, awnings, canopies, marquees, are permitted to overhang the sidewalk in the B District only, providing that overhanging signs are a minimum of eight feet above the sidewalk at any point and that all other structures are a minimum of six feet eight inches above the sidewalk at any point.

Article 330 M-1 Manufacturing**330.01 Purpose**

The purpose of the M-1 Manufacturing District is to provide for industrial and commercial uses, storage, and those manufacturing uses not normally creating a nuisance discernible beyond its property, and to provide standards for the development of such uses that protect the value of adjacent properties and promote the desired character of the township. Manufacturing and industrial uses in this district will be operations which are not intrusive by way of noise, dust, odor, vibration, or present a danger to surrounding uses.

330.02 Uses Permitted

- A. Any use permitted in the B-1 Business District.
- B. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, and trucking storage. However, it does not include junk yards or similar uses.
- C. Manufacturing: Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators; textile products manufacture; glass, cement, and stone products manufacture; furniture manufacture; food manufacture or processing including hatcheries, canning, freezing, storage and bottling.
- D. Private Indoor and outdoor sports facilities such as bowling alleys, tennis or pickleball facilities, recreation centers or clubs, or other such similar facilities.
- E. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. In the event of the denial of a zoning certificate for such uses, an applicant shall have a right of appeal to the Zoning Board of Appeals, in accordance with Article 525 of this Resolution.

330.03 Conditional Uses

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article 530 of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until a Conditional Use Permit is issued by the Zoning Department.

- A. Any use of an industrial nature not already provided for by this Zoning Resolution, subject to the provisions outlined in Article 405.
- B. Forging, Foundry, or Metal Fabrication subject to the requirements of Article 405.
- C. Heavy equipment contractors requiring outdoor storage of heavy construction equipment.
- D. Adult entertainment facilities, subject to Article 480 of this Resolution.

330.04 Required Lot Area and Lot Width

Each use to be established in the M-1 District shall provide a minimum lot area of one acre and a minimum lot width of 150 feet, or larger if such lot width is required by the Licking County Health Department as necessary to permit the required sanitary and well services necessary to support the proposed business.

330.05 Building Height Regulation

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

330.06 Yards Required

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

- A. Front Yard: 25 feet
- B. Side Yard: 15 feet. Except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.
- C. Rear Yard: 15 feet. Except where a rear yard abuts a residential district in which case a rear yard of 50 feet shall be provided.

330.07 Screening Required Between Manufacturing and Residential Districts

Newly established manufacturing uses adjacent or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential area. At a minimum, landscaping or screening between a use in the M-1 District, and a residential use, must include a minimum 6' continuous screen consisting of a fence, wall, landscaping, or combination thereof. If landscaping is to be used, it must consist of a continuous evergreen planting, a minimum of 6' tall at installation, and shall be installed to achieve 100% opacity within 5 years after installation.

330.08 Off-Street Parking and Loading Requirements

In accordance with the provision of Article 415 of this Resolution.

Article 335 PUD – Planned Unit Development**335.01 Planned Development District Purpose and Intent**

The Planned Unit Development District (PUD) is established under the provisions of Ohio Revised Code 519.021(B) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and/or utility services, and encourage innovation in planning and building of all types of development in accordance with the Comprehensive Plan. The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, standard zoning district classifications do not adequately regulate the design of buildings, the mix of uses, and the general character of development that are desirable in the Township. In accordance with the Comprehensive Plan and the above statements it is the intent of the Planned Unit Development District to promote development that:

- A. Provides an opportunity for a mix of open space and other uses not otherwise permitted within the standard zoning district classifications; and
- B. Allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the township's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
- C. Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development; and
- D. Assures compatibility between proposed land uses within and around the PUD through appropriate development controls; and
- E. Enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and
- F. Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

335.02 Residential Development Purpose and Intent

Along with the general purpose and intent of this District, the following additional purposes related to residential development are applicable:

- A. The utilization of conservation design principles and preservation of a substantial amount of permanent open space is encouraged, integrated into the development and providing for a pedestrian friendly environment, and maintaining the rural nature of the township.
- B. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur.

335.03 General Provisions

- A. Preliminary Development Plan and Final Development Plan - For purposes of this Chapter, plans including all supporting documentation adopted by the Township at the time of amendment of the Official Zoning Map to the Planned Unit Development District shall be referred to as the "Preliminary Development Plan," and plans including all supporting documentation approved subsequent to such amendment but prior to the initiation of any development activities are referred to as the "Final Development Plan."
- B. Effect of PUD Approval - Each PUD District is considered a separate and unique zoning district wherein a Preliminary Development Plan, including associated regulation text describing the allowable uses and specific development standards, is adopted simultaneously with the application requesting amendment of the Official Zoning Map to apply the PUD District designation. The Preliminary Development Plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to

the property included within that particular PUD District. Whenever there is a conflict or difference between the provisions of this Article and those of other provisions of this Zoning Resolution, the provisions of this Article shall prevail for the development of land within the PUD District. Subjects not expressly covered by this Article or the applicable Preliminary Development Plan shall be governed by the respective provisions found elsewhere in this Zoning Resolution that are most similar to the proposed use.

- C. Type of Action - The action of the Board of Township Trustees approving an amendment of the Official Zoning Map to a Planned Unit Development District pursuant to this Article, and Article 515 of the Zoning Resolution shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the PUD District, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Chapter including any action taken on a Final Development Plan, shall not be considered to be an amendment to the Zoning Resolution for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.
- D. Zoning Amendment - A change to an adopted Preliminary Development Plan shall be considered to be a zoning amendment and shall be processed and reviewed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and Article 515 of this Zoning Resolution. Whenever a Preliminary Development Plan contains multiple subareas, an application for zoning amendment may be filed applicable to one or more subareas provided that the requested change will have no effect on the remaining subareas.
- E. Final Development Plan - An application for approval of a Final Development Plan shall be required to be submitted to the Township for approval prior to the initiation of construction and development in each phase or subarea of a PUD District. Such Final Development Plan shall be in substantial compliance with and consistent with the approved Preliminary Development Plan for that PUD District or any subarea thereof with respect to land uses, densities, architectural and landscape standards, and open space. Minor deviations from the approved Preliminary Development Plan may be considered for approval during the Final Development Plan review process by the Zoning Commission without requiring an applicant file for an amendment to the Preliminary Development Plan as noted on Subsection D above. Deviations that may be considered minor, but do not limit the Commission's discretion in such matters, include:
 - 1. Adjustments to the layout or alignment of new roads or to the site layout that does not affect number of buildable lots, density, setbacks, or open space and does not increase access points to existing public roadways unless required by the County Engineer.
 - 2. Increases in the size of residential lots or reductions in residential density provided such changes do not reduce the required setbacks, decrease the required open space, or change the required architectural or development standards.

335.04 Procedure for Application to the PUD Zoning District

In addition to the procedure set forth in Article 515 of this Resolution, all applications for amendments of the Official Zoning Map to PD District shall follow the procedures hereinafter set forth in Section 335.04, hereof.

- A. Pre-Application Meeting - The applicant is encouraged to engage in informal consultations with staff from the Township and the Licking County subdivision authorities (e.g., County Planning Commission, County Engineer, Board of Health, etc.) prior to formal submission of an application for amendment of the Official Zoning Map to PUD District. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County regulations. Ohio's Open Meetings Law (Section 121.22 of the Revised Code) is required to be observed at pre-application meetings involving a quorum of members of the Zoning Commission.
- B. Application - The owner(s) of any property may request that the property be rezoned by amending the Official Zoning Map to Planned Unit Development District for that property by filing ten (10) copies of an application for such amendment with the township, which application shall contain:
 - 1. Name, address and telephone number of the owner and applicant;

2. Name, address and telephone number of the urban planner, architect, landscape architect, surveyor and/or engineer assisting in the preparation of the application or Preliminary Development Plan;
 3. Legal description of the property and the address of the property;
 4. Description of existing uses;
 5. A vicinity map at a scale approved by the Zoning Commission showing the relationship of the proposed PUD District to the adjacent properties, existing roads and public service facilities in the area;
 6. A list of the names and addresses of the owner or owners of the property, the applicant, and all owners of property which are within, contiguous to and directly across the street from the subject property as such addresses appear on the County Auditor's current tax list; and
 7. Any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.
- C. Preliminary Development Plan - In addition to the application required herein, ten (10) copies of the proposed Preliminary Development Plan shall be submitted with the application. The proposed Preliminary Development Plan shall be prepared and endorsed by a certified or licensed planner, architect, landscape architect, engineer and/or surveyor, and shall include, in text and map form, the following:
1. A conceptual site plan of the proposed PUD District, including any proposed subareas, any proposed buildings other than single-family dwellings or two-family dwellings, any functional use areas, circulation patterns, and their relationship.
 2. Proposed densities, number of lots, lot dimensions, and building intensities.
 3. Proposed parks, playgrounds, and other public facilities or open spaces including woodland preservation and natural topography preservation areas with their suggested ownership.
 4. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown.
 5. Relation to existing and future land use in surrounding area.
 6. Proposed provision of water, sanitary sewers / septic, surface drainage.
 7. Proposed traffic and pedestrian circulation patterns, indicating both public and private streets, access points to existing public streets, bike paths and trails, sidewalks and any off-site street improvements.
 8. Engineering feasibility studies and schematic plans showing, as necessary, water, sewer / septic, and other utility installations, waste disposal facilities, surface drainage, and street improvements.
 9. A preliminary traffic study completed to the requirements of the Licking County Engineer or correspondence from the County Engineer's Office or other relevant public agency that a traffic study is not required for the proposed development.
 10. General architectural design criteria for proposed buildings, structures, signs and exterior lighting with proposed control features.
 11. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
 12. Projected schedule of site development.
 13. Evidence that the applicant has sufficient control over the land to carry out the proposed development.
 14. Regulation text for development in the proposed Planned Unit Development District. That text shall set forth and define the uses to be permitted in the proposed Planned Unit Development District and the development standards applicable to the proposed District. The regulation text is intended to guide all development of the property proposed to be designated as a

Planned Unit Development District by the application.

15. The regulation text provided for in subsection (o), above, shall cover all appropriate zoning regulations for the proposed PD District including, without limitation, the following:
 - a) All required setbacks including, but not limited to, buildings, service areas, off street parking lots and signage, including rear, front and side yard areas.
 - b) All maximum height and size requirements of buildings, mechanical areas and other structures.
 - c) All parking and loading space standards per building square footage or dwelling unit type, including dimensions of all parking stalls, aisles and loading spaces.
 - d) All street and road right-of-way and pavement width dimensions, curb cut spacing and other related circulation standards.
 - e) All pedestrian and bicycle walkway, trail and sidewalk dimensional standards, including rights-of-way and pavement width, and pavement standards.
 - f) All screening and landscaping standards, including buffer dimensions, height, landscape material, maintenance standards, and screening standards for off-street parking areas, loading docks, trash receptacles and dumpsters, ground- and roof mounted mechanical units and adjacent areas.
 - g) All proposed signage and graphic standards, including height, setback, square footage, colors, corporate logos and type.
 - h) All exterior lighting standards, including light intensity, placement, height and materials for parking lots, walkways, sidewalks and accent lighting.
 - i) All exterior architectural design standards, including material, color and styles.
 - j) A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited elsewhere in the Preliminary Development Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Preliminary Development Plan;
 - k) Frontage requirements, minimum lot area requirements, yard areas, lot coverage restrictions and perimeter setback requirements.
 - l) Accessory structure standards and limitations.
 - m) Open space area, uses and structures, including proposed ownership and sample controlling instruments.
 - n) Any other regulatory area or matter deemed necessary or relevant by the Zoning Commission.
 - o) The regulation text should contain the following provision: All development standards not specifically addressed by the regulation text shall be regulated by those general development standards set forth in the Zoning Resolution.
- D. Basis of Approval of Preliminary Development Plan and Re-zoning - In determining whether or not to approve an application for amendment of the Official Zoning Map to Planned Unit Development District, the reviewing authorities shall consider all relevant factors and circumstances including, without limitation, the following:
 1. Whether the proposed development is consistent in all aspects with the purpose, policies, criteria, intent, and standards of this Zoning Resolution;
 2. Whether the proposed development is in conformity with the applicable plans for the area or such portion thereof as may apply, or whether the benefits, improved arrangement and design of the development justify any deviation therefrom;
 3. Whether the proposed development promotes the public health, safety and general welfare of the Township and the immediate vicinity;
 4. Whether the proposed plan meets the design features contained in this Resolution;

5. Whether the proposed development is in keeping with the existing or planned land use character and physical development potential of the area;
6. Whether the proposed development will be compatible in use and appearance with surrounding or planned land uses;
7. Whether the development will have a beneficial or an adverse effect upon the Township and other governmental services;
8. Whether the existing and proposed utility and governmental services are adequate for the population densities and nonresidential uses proposed;
9. Whether the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
10. Whether the development can be made accessible through existing or future roadways without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
11. Whether the development is located and designed in such a way as to minimize any unreasonable adverse impact on existing residential or agricultural areas of the Township; and
12. Whether the benefits, improved arrangement and design of the property to be developed justify rezoning the tract to the PD District.

E. Effect of Approval

1. Action of the Trustees - The action of the Board of Township Trustees in approving an application for amendment to a PUD District and a Preliminary Development Plan shall constitute an amendment of the Official Zoning Map for the subject tract to the PUD District permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Preliminary Development Plan. However, in a PUD District, no use shall be established and no structure shall be constructed or altered on any part of said tract, until there is submitted a Final Development Plan for said part of said tract, and until the Final Development Plan is approved by the Zoning Commission.
2. Expiration of the Preliminary Development Plan - The approval of the Preliminary Development Plan shall be for a period of five (5) years, to allow for the preparation of the required Final Development Plan(s). Unless the Board of Township Trustees approves such an extension of this time limit, upon the expiration of such period, no use shall be established and no building, structure or improvement shall be constructed until an application accompanied by a new Preliminary Development Plan has been filed with and approved by the Board of Township Trustees, and such application for approval shall be subject to the same procedures and conditions as an original application for the Preliminary Development Plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to designate the property Planned Unit Development District. In addition, the Board of Township Trustees or Zoning Commission may initiate a zoning amendment to amend the Official Zoning Map for the tract to a previous zoning district or to another similar standard zoning district upon expiration of the Preliminary Development Plan approval period.
3. Extension of Time for Preliminary Development Plan - Upon application by the property owner(s), the Board of Township Trustees may extend the time limit provided by Section 340.04 E (2), above. Such extension may be given after application by the applicant showing the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Preliminary Development Plan, and that such extension is not in conflict with the general health, safety and welfare of the public.

335.05 Final Development Plan

In a PUD District, no use shall be established, and no structure shall be constructed or altered until a Final Development Plan for each such use and/or structure has been approved by the Zoning Commission.

- A. Application - An application, in a form approved by the Zoning Commission, shall be completed by the property owner and submitted with the Final Development Plan. A total of 10 copies of the application and supporting material shall be submitted. The application form shall be provided by the Zoning Inspector. All mapping shall be prepared using the County's graphic standards.
- B. Final Development Plan Contents - In addition to the application required herein, 10 copies of the Final Development Plan shall be submitted with the application. The Final Development Plan, which may be submitted for the entire development or an individual phase, shall contain, in text and map form, the following information at a minimum:
 - 1. Proposed name of the development and its location;
 - 2. Names and addresses of owners and developers;
 - 3. Date, north arrow and plan scale. Scale shall be one-inch equals 100 feet or larger scale;
 - 4. Boundary lines of the proposed development and the total acreage encompassed therein;
 - 5. Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and section and corporation lines within or adjacent to the tract;
 - 6. Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
 - 7. The lot lines of adjacent tracts, parcels or lots;
 - 8. Residential density, dwelling types, nonresidential building intensity and specific uses to be included within the proposed development, specified according to area or specific building location;
 - 9. Existing ground configuration, drainage channels, wooded areas, water courses and other significant physical features;
 - 10. Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts, street lighting and other major improvements;
 - 11. Layout, numbering and dimensions of lots if more than one;
 - 12. Anticipated building envelope and general architectural style and character of proposed structures;
 - 13. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant and for the dedications;
 - 14. Building setback lines with dimensions;
 - 15. Tentative street grades and sewer size slope;
 - 16. Traffic circulation, parking areas, curb cuts and pedestrian walks;
 - 17. Landscaping plans, including site grading and landscape design;
 - 18. Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission;
 - 19. For other than detached single-family structures, provide:
 - a) Drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
 - b) Color rendering of buildings(s), complete with a listing of all colors and materials to be used in the exterior of the building;
 - c) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;

- d) Intended measures to screen rooftop mechanical equipment from view;
 - 20. A detailed signage and exterior lighting plan;
 - 21. Accommodations and access for emergency and firefighting apparatus;
 - 22. The management plan or mechanism to provide for the perpetual maintenance of all open space, landscaping, buffers and shared parking areas by the ultimate owner and/or user and the controlling instruments;
 - 23. Location of open space area and designation of intended uses; and
 - 24. Any additional information as may be required by the Zoning Commission.
- C. Zoning Commission Action on Final Development Plan - After receipt of the completed application materials and payment of required fees, the Zoning Commission shall schedule a public hearing to be held within a reasonable amount of time and shall provide the applicant written notice at least ten (10) days prior to the date of the hearing. The Zoning Commission shall render a decision on the application within thirty (30) days after the conclusion of the public hearing. In determining whether or not to approve an application for Final Development Plan approval, the Zoning Commission shall consider and approve a Final Development Plan upon the finding of substantial compliance with the approved Preliminary Development Plan.
- D. Commencement of Development / Expiration - The approval of a Final Development Plan shall be effective for a period of five (5) years in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning certificate(s). If no plat has been recorded within this approval period or, if platting is not required, if construction or other affirmative actions, efforts, planning or other expenditures has not commenced, or unless the Zoning Commission approves an extension of this time limit, a Final Development Plan approval shall expire. Upon the expiration of a Final Development Plan, the subject parcel(s) shall remain zoned PUD District, but no use shall be established or changed, and no building, structure or improvement shall be constructed until an application for a Final Development Plan, accompanied by a new Final Development Plan and all information required therewith, has been filed with and approved by the Township using the procedures and process established herein for the approval of a Final Development Plan.
- E. Extension of Time for Final Development Plan - Upon application by the owner(s), the Zoning Commission may extend the time limit provided by Section 340.05(D), above. Such extension may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Preliminary Development Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the PUD District.
- F. Modification of Final Development Plan - An applicant seeking to modify an approved Final Development Plan shall file an application for modification of the Final Development Plan utilizing the same procedures and criteria as established for the approval of the initial Final Development Plan.

335.06 – Fees

A fee as established by Schedule of Zoning Fees shall accompany an application requesting approval of an amendment to the Official Zoning Map to Planned Unit Development District or approval of a Final Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by the Township in using professional consulting services to review the Preliminary Development Plan or Final Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Preliminary Development Plan or Final Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Preliminary Development Plan or Final Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such

expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Fiscal Officer, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals and reasonable estimates of time to complete the review. Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.

335.07 General Standards for Planned Unit Developments

In order to achieve the purpose and intent of the Planned Development District and the Comprehensive Plan, the following general standards are hereby established for all Planned Developments within the Township.

- A. Permitted Uses – Permitted uses within each PUD District shall be clearly identified in the regulation text contained in the Preliminary Development Plan submitted with the application for amendment of the Official Zoning Map to Planned Unit Development District. Any use not specified as a permitted or conditional use in the approved Preliminary Development Plan shall be prohibited.
- B. Densities - Densities within a PUD District should be in conformance with the recommendations of the Comprehensive Plan and shall promote the efficient use of land and infrastructure. Proposed densities shall be clearly identified in the Preliminary Development Plan submitted with the application for amendment of the Official Zoning Map to Planned Unit Development District.
- C. Setbacks - All proposed required setbacks and yard areas within a PUD District shall be identified in the Preliminary Development Plan submitted with the application for amendment of the Official Zoning Map to Planned Unit Development District. Setbacks and yard areas within PUD developments shall be established to meet the following requirements:
 - 1. Setbacks within the PUD District shall support the goals of the Comprehensive Plan for development that respects the rural character of the Township while promoting efficient use of the land and its resources.
 - 2. Setbacks shall be configured to appropriately balance open space and provide safe separation between buildings and uses.
 - 3. Setbacks within the PUD District shall support the goals of the Comprehensive Plan for development that respects the rural character of the Township while promoting efficient use of the land and its resources.
- D. Public Improvements - A PUD District should be developed at a minimum with the following improvements meeting the design standards of the County Engineer:
 - 1. Public roads shall be designed and constructed to the standards established by the County Engineer's Office.
 - 2. Means for safe pedestrian and bicycle access and circulation shall be provided. Pedestrian paths should be integrated into open space where applicable or allowed, with ownership and maintenance dedicated to the entity holding title to the open space.
 - 3. Storm water management facilities shall be provided as required by the County Engineer and State of Ohio.
- E. Access - The Preliminary Development Plan should require direct access, not through easement, to one or more dedicated and improved public roads. Provisions for future connections to other public roads or adjacent land shall be required if recommended by the Township, County Engineer or County Planning Commission.
- F. Buildings - To promote the purpose and intent of the Planned Unit Development District and the goals

of the Comprehensive Plan, all applications for amendment of the Official Zoning Map to PUD District shall detail the proposed design and development standards for all residential and non-residential buildings within the PUD District. The following standards apply to all residential and non-residential buildings within a PUD District.

1. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area.
 2. Buildings, structures, and parking areas shall be designed and located in such a way to conserve environmentally sensitive or unique natural, historic or cultural features.
 3. The Preliminary Development Plan shall specify for all buildings and residences, at a minimum, the proposed exterior materials, floor area, height, roof shape and pitch.
- G. Signage - All Preliminary Development Plans shall include a signage plan and or standards for all uses and subareas within the PUD District, or a statement outlining that the PUD development shall comply with all sections of Article 425 of this Resolution. Signage design and standards shall ensure a constant and comprehensive character throughout the project and be compatible with the character of the Township and shall meet the following:
1. All signs and graphics within the PUD District shall be compatible in size, location, material, height, shape, color, and illumination.
 2. A detailed sign plan and standards shall be including within a Preliminary Development Plan and shall include the design, layout and dimensions of all proposed ground, and wall signs as well as the setbacks from the rights-of-way and the type and intensity of illumination.
 3. Signs shall contribute to an overall cohesive design, reflect simplicity, reduce visual clutter and complement the rural character of the Township.
- H. Parking and Loading - Parking and access requirements and standards shall be as defined in the Preliminary Development Plan and shall meet the requirements of the Licking County Engineer, the applicable fire regulations, and Article 415 of this Resolution.
- I. Landscaping - All Final Development Plans shall include a detailed landscape plan and standards for all areas, sub areas, open spaces and uses with the proposed development. The following standards shall apply:
1. All yards and open space not covered by structure, paving and the like shall be landscaped with lawn as a minimum.
 2. All vacant and undeveloped areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjacent land.
 3. Landscaping shall be designed to enhance architectural features, screen incompatible uses, emphasize pedestrian environments, provide shade for streets and parking lots and strengthen views and vistas.
 4. The landscape plan shall be designed to preserve and capitalize on the existing natural characteristics of the site and to promote overall unity in design.
 5. Plant material specified in the landscape plan shall be indigenous and hearty to the area and shall be harmonious to the design and consistent with adjacent land uses.
 6. Street tree species native to the area shall be provided by the developer for all existing and proposed public streets and placed outside the public right-of-way in a maintenance easement. Size, shape, type and location of street trees shall be specified in the Final Development Plan.
 7. Landscape buffers between lots and the public road serving the PUD District and buffers between lots and adjacent land should be placed in landscape easements or in dedicated open space areas.
- J. Flood Plains and Environmentally Sensitive Areas - Floodplains within a PUD District shall be protected from building or pavement encroachment through the following standards:
1. A riparian buffer, having a width of not less than 50' as measured from the centerline of the stream, shall be provided along the entire length and on both sides of a river or

perennial stream channel, unless a different requirement for such buffer is required by the Ohio EPA, US Army Corps of Engineers, Licking County Engineers, or other such agency having jurisdiction over such issues, in which case the buffer established by the overruling agency shall apply.

2. Buffer areas shall be restricted from development and managed to promote the growth of vegetation indigenous to the stream area capable of maintaining the structural integrity of the stream bank.
 3. A wetlands buffer should be provided for all wetlands required to be retained by the Army Corps of Engineers or the Ohio EPA. The buffer area should have a width of not less than 25' measured from the edge of the designated wetland. The buffer areas should not be disturbed other than necessary to establish a natural landscape, and existing trees should be preserved and protected to the extent practicable.
- K. Open Space - A PUD District should have an open space component which is compatible with the size, nature and design of the development. A required minimum of 20 percent of the gross land area of a PUD District containing a residential component shall be set aside as open space for common use, preferably interconnected with other similar spaces within this or adjacent developments. For a PUD District without a residential component, a minimum of 10 percent open space set aside is required. Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement or other agreement, in a form satisfactory to the Township, and the application shall clearly state the intended ownership of the open space, and provisions for its long-term maintenance. The restriction from further subdivision or development shall also be noted in the Preliminary Development Plan and the recorded plat.

Article 400 - Agriculture

400.01 Agriculture Defined

For the purposes of this Resolution, the definition of agriculture shall be prescribed by Section 519.01 of the Ohio Revised Code. As used herein, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; 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; and 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.

400.02 Agriculture Exempted from these Regulations

Agriculture shall not be prohibited on lots greater than five acres. The use of any land for agricultural purposes or the construction or use of building or structure incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited on lots greater than five (5) acres and no zoning certificate shall be required for any such building or structure.

400.03 Agriculture subject to regulation by Ohio Revised Code

In any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture may be regulated as follows:

- A. Agriculture is prohibited on lots of one (1) acre or less. This does not prohibit gardening related to a residence.
- B. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall conform to setbacks, size and height requirements for the zoning district.
- C. Dairying and animal and poultry husbandry are permitted on lots greater than 1 acre but not greater than 5 acres until 35% of the lots in the subdivision are developed with at least 1 building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code. After 35% of the lots in the subdivision are so developed, ongoing dairying and animal and poultry husbandry shall be considered a non-conforming use pursuant to Section 519.19 of the Ohio Revised Code. No new dairying, animal or poultry husbandry shall commence on such lots after 35% of the lots are developed with structures. This provision does not apply to dairying and animal and poultry husbandry related to a 4H project for anyone participating in a qualifying 4H program.

400.04 Farm Markets

In accordance with Section 519.21 of the Ohio Revised Code, farm markets which derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year shall be permitted in any zoning district, subject to the following regulations:

- A. The setback for a building or structure used for a farm market with a floor area less than one-hundred and forty-four (144) square feet shall be fifteen (15) feet.
- B. A building used for a farm market with a floor area of one-hundred and forty-four (144) square feet or greater shall meet the setback and lot coverage regulations for the principal building provided in the regulations for the district. A farm market use of this type shall provide off-street parking at a ratio of one (1) parking space for each two-hundred fifty (250) square feet of floor area and shall meet the

requirements of Article 415 for parking space size and aisle width.

- C. The lot coverage regulations of the district shall apply to farm market uses.

400.05 Agritourism

In accordance with 519.21 of the Ohio Revised Code, agritourism uses shall be permitted in all zoning districts. However, in order to protect the public's health and safety, the following additional regulations shall apply:

- A. A farm on which an agritourism operation is proposed shall be ten (10) acres or more in area. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- B. All buildings, structures and parking areas utilized primarily for agritourism shall adhere to the minimum front, side, and rear yard setbacks established for the zoning district in which it is located.
- C. The maximum height for buildings and structures utilized primarily for agritourism shall not exceed the maximum height of the zoning district.
- D. All buildings utilized primarily for agritourism shall not exceed the maximum lot coverage requirements established for the zoning district in which it is located.
- E. All parking demands shall be met by off-street parking areas located on the lot.
- F. Safe and adequate ingress and egress shall be maintained at all times and appropriate arrangements for emergency access shall be provided.
- G. In addition to the requirements of Article 505 of this Resolution, and in order to determine compliance with any of the provisions of this Section, the Zoning Inspector may require such additional information as may be necessary. That shall include, but not be limited to, estimates of peak parking demand, information related to proposed hours and seasons of operations, and evidence of compliance with the regulations and recommendations of other relevant public agencies, as applicable.

Article 405 – Performance Standards

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed.

- A. Fire Hazard: Any activity involving the use of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- B. Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, as defined by the U.S Environmental Protection Agency, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- D. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

- E. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- F. Smoke and Air Pollution: No pollution of air by smoke, flash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property as determined by the Ohio Environmental Protection Agency, or which can cause soiling.
- G. Glare, Heat, and Exterior Light: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway. Any operation producing intense light or heat, such as high temperature processing, combustion, welding or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- H. Dust and Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- I. Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

405.01 Enforcement Provisions

All uses existing on the effective date of this resolution shall conform to these performance requirements listed in Article 405 within one year, provided that an extension of up to six months may be granted by the Board of Zoning Appeals. Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create unreasonable hardship.

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

Article 410 Drainage and Flood Plain Regulations

- A. Adequate Drainage Required: No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times, nor which is subject to periodic flooding, nor so that the lowest floor level is less than three feet above the highest anticipated seasonal ground water level.
- B. Obstruction to Drainage Prohibited: The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted, unless expressly reviewed and approved by the Licking County Engineers office, the Ohio Environmental Protection Agency, or the Army Corps of Engineers depending upon who has jurisdiction for such review and approval.
- C. Building Restricted Adjacent to Drainage Channels or Watercourses: No building other than a bridge, dam or revetment, subject to the approval of the Licking County Engineers office, Ohio Department of Transportation, Ohio Environmental Protection Agency, or the U.S. Army Corps of Engineers depending upon who has jurisdiction for such approval, shall be erected, structurally altered or relocated within 20 feet of the ordinary high water line of such surface water drainage channel or natural watercourse nor so that the lowest floor of said building is less than three feet above the ordinary high water line.

Article 415 Off-Street Parking

Surfaced off-street parking shall be provided for all uses within the township in accordance with this Article. Such off-street parking spaces shall be provided with vehicular access to a street or alley. Parking spaces for commercial and manufacturing uses shall be striped at a minimum of nine (9) feet in width, and twenty (20) feet in length, and shall be accessed by an aisle of not less than twenty (20) feet in width. Handicapped parking stalls and islands shall be provided and indicated as required by the Americans with Disability Act (ADA) guidelines in all business and manufacturing districts.

415.01 Number of Parking Spaces Required

The number of off-street parking spaces required shall be as set forth in the following:

USE

Automobile or machinery sales and service

Banks, business and professional offices.

Bowling alleys.

Churches and schools.

Dance halls and assembly halls without seats, exhibition halls except church assembly rooms in conjunction with auditorium.

Dwellings.

Funeral homes, mortuaries.

Furniture and appliance stores, household equipment or furniture repair shop over 1,000 square feet of floor area.

Hospitals.

Hotels, motels, and lodging houses.

Libraries, museums or art galleries.

Manufacturing plants, research or testing laboratories, bottling plants, over 1,000 square feet in area.

Medical or dental clinics.

Restaurants, beer parlors and night clubs,

Retail stores, shops, etc., of over 2,000

PARKING SPACES REQUIRED

One for each 600 square feet of floor area.

One for each 400 square feet of floor area.

Seven for each alley.

One for each five seats in an auditorium or one for each 12 classroom seats; whichever is greater.

One for each 100 square feet of floor area fixed used for assembly or dancing.

Two for each family or dwelling unit.

One space per 50 square feet of public floor area, plus one space for each business vehicle.

One for each 400 square feet of floor area.

One for each bed.

One for each bedroom

One for each 250 square feet of floor area.

One for each three employees in the maximum working shift, or 1,200 square feet in feet of floor area, whichever greater.

One for each 200 square feet of floor area.

One for each 200 square feet of floor area over 1,000 square feet in area.

One for each 200 square feet of floor area.

square feet floor area.

Sanitariums, convalescent homes,
children's homes.

One for each two beds.

Sports arenas, auditoriums, theaters,
assembly halls, other than schools.

One for each four seats.

Wholesaler establishments or warehouses.

One for each three employees on maximum
shift or for each 3,000 square feet of floor area,
whichever greater.

415.02 Off-Street Loading

In any district, in connection with every building or part thereof erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus such additional loading spaces as may be required by the business to maintain normal operations.

415.03 Loading Span - Dimensions

Each loading space shall be not less than ten feet in width, 25 feet in length, and 24 feet in height.

415.04 Loading Space - Distance From R-District

No space shall be closer than 50 feet to any other lot located in any R-District, unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six feet in height.

415.05 Parking and Circulation – Setbacks and Screening

All parking and circulation areas for business, manufacturing, or institutional uses shall maintain a minimum setback of twenty-five (25) feet from any public right-of-way. All parking and circulation areas for business, manufacturing, or institutional use shall maintain a minimum fifteen (15) foot setback from all side or rear lot lines where adjacent to any lot in any Residential District, and a minimum ten (10) foot setback from all side or rear lot lines where adjacent to any lot in any non-residential district. All such parking and circulation areas shall be screened from adjacent residential uses through the use of walls, fences, landscaping, or a combination thereof.

415.06 Shared Access Point

Any adjoining lot may utilize a shared access point fronting a township, county, state or federal road in order to limit the number of driveway access points on such township, county, state or federal road. Such Shared Access Point(s) shall not alter the Lot Width or frontage requirements as stated in each district of this Resolution.

Article 420 Junk Motor Vehicle Regulations

- A. For the purpose of this Article "junk motor vehicle" means any motor vehicle which is:
 - 1. Extensively damaged or disassembled to the point where it is not road worthy, such damage or disassembly includes but is not limited to any of the following: missing wheels, tires, motor, or transmission.
 - 2. Apparently inoperable, that is left uncovered in the open of private property for more than 72 hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under other sections of this zoning resolution.
- B. The Zoning Inspector of Bennington Township may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property
- C. Any person wishing to appeal the decision of the provisions of this section may appeal such decision to the Bennington Township Board of Zoning Appeals in accordance with Article 525 of this Resolution.
- D. When the Board of Zoning Appeals is asked to make a determination concerning the value of a vehicle determined by the Zoning Inspector to be a junk motor vehicle, the Board shall base its decision on the fair market value of the vehicle for its use as a vehicle and not based upon its' salvage value.
- E. Vehicles undergoing legitimate repairs in a timely and consistent manner shall be exempt from the provisions of Article 420.
- F. No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this zoning Resolution, and will be considered a violation of this Resolution.

Article 425 Signs and Outdoor Advertising

The purpose of the sign regulations is to promote and protect the public health, safety and morals by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create more attractive economic development and business climate, enhance and protect the physical environment, preserve the natural and scenic beauty of the township, and reduce sign distraction and construction that may contribute to traffic accidents.

425.01 Signs Generally Permitted

- A. Real estate signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on the property, and shall not require a permit.
- B. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed two square feet in area in all R Districts and not more than four square feet in other districts.
- C. Bulletin boards and signs for a church, school, community or public or semi-public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed 20 square feet in area. Such signs shall not require a permit.
- D. Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed 20 square feet.

- E. Walls of existing or new buildings not adjacent to or in residential districts may be used for advertising signs or billboards subject to the requirements herein.
- F. Temporary signs not exceeding in the aggregate 50 square feet, announcing the erection of a building, the architect, the builders, contractors, etc., may be erected for the period of 60 days, plus the construction period not to exceed one year after date of issuance of permit after which the sign shall be removed from the premises.
- G. Temporary signs located on private property for use in advertising a yard, garage, or estate sale shall be permitted in the township without requiring a permit from the Zoning Inspector. Such signs shall not exceed 16 square feet in area and shall not be erected for more than 10 days in any month. No such signs shall be permitted in the right-of-way or permitted to block visibility of oncoming traffic at intersections in any way. Such signs placed in the right-of-way, or blocking traffic visibility, are subject to immediate removal by the township, county, or law enforcement officers.
- H. Identification, Informational, and Directional signs: On site directional signs indicating points of entry or exit or parking areas shall be permitted without a permit provided such signs are limited to a maximum of two (2) square feet in area and three (3) feet in height above the established approved grade. Such signs shall be located in areas that do not conflict with clear sight lines of oncoming traffic or pedestrians. Such signs shall contain no advertising, or otherwise display any information other than directional and safety information, and shall not be placed in any Public Right-of-Way.
- I. Safety and traffic signs: Shall be permitted in any district subject to the requirements of Licking County and the Ohio Department of Transportation.
- J. Political Signs: The erection of political signs shall be permitted in any area of the township provided that said signs:
 - 1. Do not interfere with the visibility of vehicular traffic entering or leaving a roadway.
 - 2. May be posted and removed without destruction of public or private property.
 - 3. shall be placed outside of the road right-of-way.
- K. Farm Signs: Signs promoting an agricultural operation denoting the name of the farm or occupants, produce or products for sale on the premises, and denoting membership in organizations, shall be permitted on the property without permit, provided such signs are located outside of the right-of-way.

425.02 Business or Manufacturing District Signs

- A. In a business or manufacturing district each business shall be permitted one flat or wall sign. Projections of wall signs shall not exceed two feet measured from the face of the main wall of the building.
- B. The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining width, but the frontage selected shall be considered the front wall of the building for the purposes of determining maximum area of the sign.
- C. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building occupied by such enterprise, but shall not exceed a maximum area of 100 square feet.
- D. Free standing signs not over 25 feet in height, having a maximum total sign area of 100 square feet and located not closer than 15 feet to any street right-of-way line, and not closer than 100 feet to any adjoining lot line may be erected to serve a group of business establishments, without the approval of the Zoning Commission.

- E. Pole signs of symbolic design shall be permitted for automobile service stations, and other similar business establishments, provided-
 - 1. Maximum of 25' in height.
 - 2. No part of such sign shall project into the right-of-way of any street or highway.
 - 3. The support of such sign shall be set back at least six feet from any public right-of-way.
 - 4. The maximum area of any face of such sign shall not exceed 40 square feet.
 - 5. The pole support of the sign shall not be less than 50 feet from any lot in any or R District.

425.03 Off-Premises Signs, Outdoor Advertising, and Billboards

- A. Outdoor Advertising or Billboards for a product or service not located on the premises on which the sign is located shall be classified as a business use and shall be permitted in all business and manufacturing districts, and shall be prohibited in all Residential (R) districts subject to the regulations set forth herein.
 - 1. No billboard shall exceed one hundred (100) square feet of advertising area per side, nor have more than two sides.
 - 2. No billboard shall exceed fifteen (15) feet in height above the average grade where it is located, nor have a length in excess of four times the height of the sign face.
 - 3. The use shall comply with the general regulations set forth in other provisions of this Resolution and Article.
 - 4. All billboards shall be located in compliance with all local, state, and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state, and federal agencies.
 - 5. All billboards shall be located, in their entirety, behind the required front yard setback lines established for the district in which it is located and shall be at least one thousand (1,000) feet from any residence.
 - 6. No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side or rear lot line.
 - 7. No billboard or outdoor advertising sign shall be internally illuminated, nor shall it be permitted to have changeable copy of any type or technology. All such signs shall be illuminated in accordance with Section 425.04(D)(1)(d).
 - 8. Spacing Requirements – Each billboard site location shall be separated from every other billboard site location in accordance with the following.
 - a) Spacing requirements shall be measured along the edge of pavement or curb line of the street on which the billboard is oriented to, and the measurement shall apply to both sides of the street.
 - b) Spacing requirements shall be measured from existing billboards regardless of the political jurisdiction within which any other billboard may be located.
 - c) Measurement of the spacing between billboards shall be the shortest distance between the two billboard structures.
 - d) Billboards shall be located at least one thousand, two hundred and fifty (1,250) feet from other billboards.

425.04 General Requirements for All Signs

- A. Sign Setbacks - Signs and outdoor advertising structures, where permitted, shall be set back from

the established right-of-way line of any street or highway a minimum of 15 feet, or as specified elsewhere herein.:

1. At the intersection of any State or Federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than 150 feet from the established right-of-way of each highway or street, and in no case less than the minimum setback required- building or business.
 2. Real estate signs and bulletin boards for a church, school, or other public or semi-public, religious or educational institution may be erected within ten feet of the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.
- B. Sign Height - The height of a sign shall be measured as the distance from the average grade surrounding the sign to the top of the highest attached component of the sign. The height of a sign may not be artificially increased beyond the permitted height by placement of the sign on an earthen mound. Where no other maximum height is provided by this Resolution for a ground sign requiring a permit, the maximum height shall be six (6) feet.
- C. Display Area - The display area of a sign shall be computed by means of a continuous perimeter forming a basic geometric shape which encloses the sign copy and is differentiated from the wall or supporting structure on which it is placed in addition to the following:
1. Two or More Faces – Where a sign has two or more faces, the area of all faces shall be used in determining the display area of the sign unless the two sign faces are parallel to each other and not more than 24 inches apart or form a V-angle of less than 45 degrees.
 2. Supporting Structures – Supporting structures or uprights on which a sign may be attached are excluded from the display area if they contain no sign copy and are clearly incidental to the display itself.
 3. Wall Signs – For wall signs which consist of individually mounted letters, numbers, or other symbols on a wall or fascia, the display area of the sign shall be the area of a rectangle circumscribed around the letters, numbers, or other symbols.
 4. Awning Signs – For awning signs, the display area of the sign shall include only the sign copy on the surface of the awning and not the entire area of the awning face.
 5. Where no other maximum display area is provided for any permanent sign by this Resolution, the maximum display area shall be twenty-five (25) square feet.
- D. Illumination and Special Effects - The level of illumination emitted or reflected from a sign shall not be so intense as to constitute a safety hazard to vehicular movement on any road from which the sign may be viewed, as determined by an average person. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent lots or roads.
1. If illuminated, signs shall be illuminated in accordance with the following regulations:
 - a) By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or lots or public rights-of-way.
 - b) By white interior light of reasonable intensity with sign copy silhouetted on an opaque background. No additional background lighting will be permitted on an internally illuminated sign cabinet.
 - c) Ground mounted light fixtures used to illuminate business or manufacturing monument signs, shall be screened from view by site grading through the use of evergreen shrubs to obscure visibility of the light source.
 - d) Outdoor advertising structures, off premise signs, and or Billboards shall feature exterior illumination only, and shall be illuminated by fixtures mounted above the sign pointed down, and not from below the sign pointing up. Lighting for such signs shall be pointed

directly down onto the sign and shall be of limited intensity sufficient to illuminate the sign but not illuminate the surrounding area. Such lighting shall provide cut-off style shielding of the light fixture to prevent the visibility of the light source from surrounding properties or rights-of-way.

425.05 Special Yard Provisions

The following special provisions shall be observed in the erection or placement of sign and outdoor advertising structures but in no case shall they be so construed so as to prevent a sign or signs naming the business of the premises:

- A. No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any R District within 100 feet of such lot line, or which faces any public parkway, public square or library, church or similar institution, within 300 feet thereof.
- B. Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than 50 feet to a side or rear lot line in any R District.

425.06 Zoning Permit Required

The erection or location of any sign within Bennington Township shall require a permit, unless otherwise specified within this Article. Each application for a permit to erect a permanent or temporary sign shall be accompanied by a drawing showing the proposed design, size, style, and color of letters, and the method of illumination, if any. The drawing shall indicate the general size, height, and construction of the sign, and a plan indicating the exact location of the sign relating to existing and proposed structures, property lines, rights-of-way, and yard setback lines, shall be provided.

425.07 Prohibited Signs

The following signs and billboards shall be prohibited in Bennington Township and may be subject to immediate removal by the township:

- A. Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features. This section does not apply to signage specifically and professionally carved into large rocks and purposefully set to meet the requirements of this Article.
- B. No sign shall be attached to any fence within the right-of-way of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.
- C. Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic or which interfere with, imitate, or resemble an official sign, signal, or device.
- D. Obscene nature: no sign shall be erected that displays nudity or a sexual act.
- E. Signs on or over any public property or public right-of-way except as is specifically permitted in these regulations, or by government agency having jurisdiction over said property or public right-of-way. Signs on state rights-of-way shall comply fully with ODOT regulations.
- F. Off-premises signs, except for legal billboards approved as outlined within this Resolution.
- G. Billboards in residential zoning districts.
- H. Revolving signs or animated signs including mechanical or electronic changeable copy signs, flashing signs, moving signs, and any animation of signs.

425.08 Surety Bond

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

425.09 Abandoned Signs

If any sign or billboard shall become abandoned in the manner defined herein, such sign or billboard is declared to be a public nuisance by reason that continued lack of use results in a lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria.

- A. Any sign or billboard associated with an abandoned non-conforming use.
- B. Any sign or billboard that remains after the termination of a business or home occupation. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempt from this determination.
- C. Any sign or billboard that is not maintained in accordance with this Resolution.

When the zoning inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, he shall notify the owner of said sign, and the owner of the land on which the sign is located, by certified mail or by personal delivery, of his findings. Such notice shall advise the sign owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing or delivery of such notice. The sign owner may appeal such decision to the Board of Zoning Appeals as provided in Article 525 of this Resolution.

425.10 Removal of Signs Within Rights-of-Way

The Township Zoning Department may affect removal of any sign within the right-of-way of any public road within the unincorporated area of this Township. Unattended signs on public property, including but not limited to rights-of-way and/or parks, shall be considered abandoned signs. These abandoned signs may be disposed of or destroyed without notice. Such disposal or destruction is not subject to appeal.

425.11 Fees

Fees shall be subject to the current schedule of fees established by the township trustees, as amended from time to time.

Article 430 Accessory Uses and Structures**430.01 Accessory Buildings in R-Districts**

Accessory buildings shall be distant at least six feet from any dwelling situated on the same lot unless an integrated part thereof, at least six feet from any other accessory building and at least three feet from any lot lines of adjoining lots which are within an R District. Detached accessory uses to a residence shall be placed to the side or rear of said residence.

430.02 Allowable Projections of Accessory Building into Rear Yard:

One-story accessory buildings may project into only rear yards abutting on an alley providing such projection extends not closer than five feet to the rear lot line.

Article 435 Accessory Dwelling Unit

Where specified within the residential zoning districts, Accessory Dwelling Units may be permitted as a conditional use in association with a principal use or structure, subject to the approval of the Board of Zoning Appeals.

435.01 Conditional Use Permit Required

All property owners seeking to install, provide, or include an Accessory Dwelling Unit on their property must first file an application for a Conditional Use Permit, and secure the approval of the Board of Zoning Appeals as required Under Section 530 of this Resolution.

435.02 Standards Required

- A. The owner of the property shall live on site, and the accessory dwelling unit shall be subservient to the principal use of the property as a dwelling.
- B. The accessory dwelling unit shall only be occupied by members of the immediate family of the property owner on which the accessory dwelling unit resides.
- C. Location and Design: Accessory Dwelling Units shall be located and designed in accordance with the following standards:
 - 1. Location:
 - a) Detached: Constructed as an entirely separate structure than the principal residential structure located to the side or rear of the principal structure.
 - b) Yards: An Accessory Dwelling Unit shall comply with all front, rear, and side yard requirements of the district in which it resides.
 - 2. Maximum number: Not more than one (1) Accessory Dwelling Unit shall be constructed per parcel.
 - 3. Size: The size of the Accessory Dwelling Unit shall not be less than 450 square feet, and no greater than 800 square feet of floor area.
 - 4. Height: Shall not exceed one and one half (1.5) stories.
 - 5. Parking: A minimum of one (1) additional off-street parking space shall be provided for the Accessory Dwelling Unit.
 - 6. Appearance: Shall maintain a single-family residential appearance that blends with the principal structure. Architectural plans, and/or elevations shall be submitted to the Board of Zoning Appeals with the application for approval.

Article 440 Home Occupations

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Home occupations are essential to creating a diverse economy, reducing long commuting times and supporting a sense of community. All permitted home occupations shall conform to the requirements of the individual zoning district and the following requirements. Nothing in this Article or Zoning Resolution shall prevent or restrict a resident from having a home office or working from home as a "satellite" employee when such home office has no additional employees, has no regular in-home meetings or appointments, requires no signage or identification, and all of the work functions are contained entirely within the principal dwelling.

440.01 Permitted Home Occupation Requirements

A home occupation shall be defined as such if it meets the definition of a home occupation outlined in Article 205 of this Resolution, and provided:

- A. The home occupation may take place in a dwelling unit or accessory building; however, the area designated for the home occupation in the dwelling unit may not exceed twenty (20) percent or four hundred square feet of the usable floor area.
- B. The appearance of the structure shall not be altered or enhanced for the purpose of the home occupation. The occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, externally visible remodeling, lighting, or unauthorized signs.
- C. In the event that the occupation, profession, activity, or use is conducted by a partnership or corporation, then at least one of the members must be a resident of the subject property.
- D. No more than three (3) non-resident employees may report to work or work at the subject property.
- E. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence.
- F. There shall be no products sold on the premises except artist originals or products individually made to order on the premises.
- G. There shall be no visible outside storage of any kind related to a permitted home occupation in any Agricultural district.
- H. No sign or other announcement of such occupation shall exceed one (1) square foot in area. Any such sign or other announcement must be affixed to the dwelling unit or accessory building that has been designated for the home occupation.
- I. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in any Agricultural district nor in any case may more than four (4) additional vehicles park at the subject property as a result of the home occupation at any one time.
- J. No more than one (1) home occupation shall be permitted per residence.

440.02 Permitted Home Occupations

The uses listed below are examples of some types of home occupations that are permitted. This list is not intended to be exhaustive, but rather to give the intent and direction of these regulations. In all cases, these uses are subject to the criteria listed above in the Permitted Home Occupation Requirements.

- A. Architectural service
- B. Carpentry, cabinet makers
- C. Consulting services
- D. Engineering service
- E. Handicrafts
- F. Insurance sales or broker
- G. Interior design consultant
- H. Painting (home interior or portrait)
- I. Private instruction (academic, artistic, athletic, etc.), provided that no more than two (2) students may be present for instruction at any time.
- J. Real estate sales or broker

- K. Tattoo service
- L. Typing, word-processing service
- M. Similar uses, not mentioned specifically above, may be considered permitted home occupations upon determination of the Board of Zoning Appeals.

440.03 Conditionally Permitted Home Occupation Uses

The following uses are considered conditionally permitted home occupations, and may be permitted subject to application to, and approval by, the Board of Zoning Appeals. The Board of Zoning Appeals may place additional restrictions on such conditional uses as it feels necessary as outlined in Article 530 of this Resolution.

- A. Boarding house, bed-and-breakfast hotel
- B. Direct sale product distribution
- C. Physical trainers and home-based health and beauty salons
- D. Medical, dental, chiropractic, or veterinary clinics
- E. Palm reading, fortune telling
- F. Private clubs
- G. Repair or reconditioning of boats or recreational vehicles provided such uses, including outdoor parking and storage of vehicles and equipment, are screened from view of adjacent residents subject to the approval of the Board of Zoning Appeals.
- H. Small machinery and equipment repair provided such uses, including outdoor parking and storage of machinery and equipment, are screened from view of adjacent residents subject to the approval of the Board of Zoning Appeals.
- I. Repair or reconditioning of motorized vehicles or large equipment onsite provided such uses, including outdoor parking and storage of vehicles and equipment, are screened from view of adjacent residents subject to the approval of the Board of Zoning Appeals.
- J. Offices of small contractors or trades, with 5 or fewer employees (not including the owner), subject to a limitation in the outdoor storage of equipment and supplies.
- K. Taxi or limousine service
- L. Tow truck services
- M. Welding services
- N. Repair of internal combustion engines

440.04 Prohibited Home Occupation Uses

The following uses are prohibited as home occupations:

- A. Restaurants or taverns
- B. Any use not specifically identified herein as a permitted or conditional use, or approved by the Board of Zoning Appeals as a similar use.

440.05 Existing Home Occupations:

Any existing Home Occupation, not currently operating under a Conditional Use Certificate as provided by the Township Board of Zoning Appeals at the time of adoption of these Regulations shall be subject to these Regulations. Any Home Occupation previously approved under a Conditional Use Certificate, as provided by the Township Board of Zoning Appeals, may be required to continue under the terms of such Conditional Use Permit.

Article 445 Private Swimming Pools**445.01 Definition**

A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No such swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:

- A. Exclusive Private Use: The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
- B. Distance Requirements: The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than ten feet to any property line of the property on which located; provided further that pump and filter installations shall be located not closer than 20 feet to any property line.
- C. Fencing: The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.
- D. Drainage: Adequate provision for drainage shall be made subject to approval by the County Engineer.
- E. Lighting: Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- F. Permit Required: No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector.

Article 450 Factory Build Housing / Industrialized Units (Manufactured Homes)**450.01 Manufactured Homes Prohibited - Except**

A trailer coach or mobile home, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than 18 months. A separate zoning or building certificate shall be required for the use of a temporary dwelling quarters.

On the day a permit is issued for the trailer, a permit for building a home shall also be issued at the same time. Construction of the house must begin within 30 days of issuance of said permit. The house construction must be at least 60 percent completed within the first 12 months after the permit is issued. Further, no wheels, hitch, etc. may be removed from the mobile home at any time during construction of the house on the property for which the permit has been issued, to make the mobile home immovable. A one-time-only permit will be granted and there will be no variance granted, and no extension of time permitted for the use of the mobile home. The temporarily permitted structure must be moved off said property completely within 18 months after a permit is issued. Further, if construction on the house has not begun within 30 days after issuance of a permit and temporary permit for mobile home, the entire permit is null and void and mobile home must be moved immediately.

Manufactured Homes Permitted: Manufactured homes may be permitted when such homes meet the minimum requirements of the federal construction and safety standards established by the Secretary of Housing and Urban Development for such housing, meet the requirements of Section 450.06 of this Resolution, and are a minimum of 24 feet in width for the total length, and a minimum area of 1,000 square feet.

450.02 Trailers - Visitors

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

- A. An application is filed with the Zoning Inspector by the aforesaid property resident within 72 hours after arrival on the property.
- B. All provisions of the Licking County Health Board are complied with.
- C. A fee of \$4 has been paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" for a period of 30 days, subject to renewal by the Board of Zoning Appeals.

450.03 Factory-Built Housing; Design and Appearance Standards

Sections 450.03 to 450.08 inclusive of this resolution shall apply to the location, construction, and maintenance of factory-built housing in all districts.

450.04 Purpose

It is the purpose of sections 450.03 to 450.08 inclusive of this resolution to promote the health, safety and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

450.05 Definitions

"Factory-built housing" means a factory-built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this resolution, "factory-built housing" shall include the following.

- A. Manufactured Home: A non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A 5401, 5403 and that has a permanent label or tag permanently affixed to it as specified in 42 U.S.C.A 5415, certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this Section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.
- B. Modular Home: Factory-built housing certified as meeting the (local or) State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.
- C. Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety

Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

450.06 Siting Requirements

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

- A. The structure shall be installed upon and properly attached to a foundation system that provides adequate support for the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below frost line.
- B. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
- C. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory building may be permitted by subdivision regulations and yard requirements.
- D. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.
- E. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
- F. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
- G. The site shall be serviced by utilities in such manner as required by this Resolution, or the Licking County Health Department.

450.07 Zoning of Factory-Built Housing

Mobile homes shall be permitted only in approved mobile home parks, unless otherwise authorized in this resolution. Manufactured homes and modular homes which meet the design and appearance standards contained in Section 450.08 shall be in all residential districts.

450.08 Single-Family Design and Appearance Standards

Single-family residential homes, whether of modular, manufactured, or site building construction, shall comply with the following design and appearance standards:

- A. The structure shall be in conformance with the siting requirements contained in Section 450.06.
- B. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

Article 455 Mobile Homes and Mobile Home Parks**455.01 General**

The Board of Zoning Appeals may authorize establishment of a mobile home park as a conditional use in any R-2 District, however such mobile home park site shall be located at least 300 feet from any existing residences and be in accordance with the provisions of this article. The sanitary regulations prescribed by the authority having jurisdiction, and as may be otherwise required by law--shall be complied with, in addition to the following regulations.

- A. Area and Yard Requirements: Mobile home parks shall comply with all area and yard requirements prescribed for such uses in the district in which they are located.
- B. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this resolution, provided that there shall be at least one-off street parking space for each mobile home park lot and one additional space for each four such lots to accommodate guests.
- C. Entrance to Mobile Home Parks: No vehicular entrance to or exit from any mobile home park, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
- D. Landscaping: Unused Areas: All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten feet in width, shall be established and maintained within the mobile home park along its exterior boundaries.
- E. Enclosure: Mobile home parks and motels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Board.
- F. Enlargement - Existing Facilities to Comply: No enlargements or extensions to any motor home park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.
- G. Mobile Homes Prohibited - Except: Except as provided in Section 450.01 and/or Section 450.02, no person shall park or occupy any mobile home on any premises in any district outside an approved mobile home park. The parking of an unoccupied mobile home in an accessory private garage building, or in a rear yard shall be permitted in any district, provided no living quarters shall be maintained or any business conducted in such mobile home while so parked or stored.

455.02 Mobile Home Parks - Submission of Plans

An application for the establishment of a mobile home park shall be filed with the Zoning Inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide land surveyor, civil engineer, landscape architect or architect. The Inspector shall check the plat, and, after approval of the County Board of Health, if he finds the same to be in compliance with the requirements of this Article, forward the same to the Board of Appeals. The Inspector shall also advise the Zoning Commission of the pending application, and the Commission shall review the same and submit its recommendation thereon to the Board of Appeals. The Board shall hold a public hearing on the application, giving ten days' notice thereof in a newspaper of general circulation. Upon completion of said hearing, the Board shall approve, conditionally approve or deny the application. The plat shall contain the following information:

- A. Accurate dimensions of the proposed mobile home park
- B. All roads and approaches and the method of ingress and egress from public highways.
- C. The complete electric service installation, wire service outlets and lighting facilities.
- D. The complete location of any natural gas facilities to serve the mobile home park.
- E. A complete layout of unit parking spaces and the number of square feet therein, together with

dimensions thereof.

- F. The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire Protection stalls, and other building or structures contemplated to be used by such applicant in connection with said business.

455.03 Mobile Home Parks - Minimum Standards and Requirements

Mobile home parks shall be designed and maintained in accordance with the following requirements:

- A. Park Area: The minimum mobile home park area shall be ten acres.
- B. Lot Area: The minimum lot area per mobile home unit site within the mobile home park shall be 5,000 square feet.
- C. Lot Width: The minimum lot width per mobile home unit within the mobile home park shall be 50 feet. Each lot shall be clearly defined by a permanent marker in the ground.
- D. Access: Each mobile home park shall abut upon a public street, and each mobile home lot shall have direct access to a private hard surface road, such as concrete or asphalt concrete.
- E. Distance Between Mobile Homes: The minimum distance between neighboring mobile homes shall be not less than 30 feet.
- F. Concrete Slab: Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of 8 x 10 feet and a minimum thickness of four inches.

455.04 Utilities

The following requirements shall apply:

- A. Water Supply: Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. A daily minimum of 150 gallons per mobile home shall be required. The source of water supply for human consumption shall meet all the requirements of the Licking County and State Boards of Health. The use of open well springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this resolution.
- B. Sewage Treatment and Sewage Disposal: The treatment of all sewage shall be through a sewage disposal system approved by the Licking County and State Boards of Health.
- C. Waste and Garbage Disposal: Mobile home parks shall be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter, and trash. Disposal of waste and garbage shall be regular and as determined by the Licking County Board of Health.
- D. Mobile home units not equipped with water and sewer facilities shall be located not more than 200 feet from a community utility building which shall provide separate toilet and shower facilities for each sex.
- E. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.
- F. Each mobile home unit shall be equipped with at least one electric outlet.
- G. Copies of the recommendations of all approving authorities shall be attached to each application to establish a mobile home park.

455.05 Interior Streets

The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 30 feet. The minimum width of two-way streets without parking permitted shall be 24 feet. Such streets shall be paved with a hard surface, such as concrete or asphaltic concrete and maintained in good condition and lighted at night.

455.06 Recreation Areas

There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of 300 square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

455.07 Length of Occupancy

No mobile home shall remain in a mobile home park for a period exceeding 15 days without connection to the permanent sanitary sewer system of the park.

455.08 Additional Requirements

In addition to the foregoing, the Board may impose such other conditions, requirements or variations concerning the design, development and operation of such mobile home parks as it may deem necessary for the protection of adjacent properties and the public interest.

455.09 Fees

Subject to the provisions of Article 545 of this Resolution.

Article 460 – Small Wind Projects**460.01 Small Wind Project Generally**

The purpose of this Article is to accommodate small wind projects, or wind energy systems, under 5 megawatts in size in appropriate locations, while minimizing adverse visual, safety and environmental impacts of the system. In addition, this Article provides a permitting process for small wind projects to ensure compliance with the provisions of the requirements and standards established herein.

460.02 Definitions

As used in this Article, the following definitions shall apply:

- A. **Anemometer** – A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- B. **Fall Zone** – The potential fall area for a tower-mounted wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.

- C. **Structure Mounted Wind Energy System** – A wind energy system mounted on a structure roof, walls, or other elevated surface that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A structure mounted wind energy system shall project no more than 15 feet above the highest point of the roof excluding chimneys, antennae, and other similar protuberances.
- D. **Net Metering** – The process by which surplus energy generated by a customer, as measured by the difference between the electricity supplied by an electric service provider and the electricity generated by a customer in an applicable billing period, is fed back to the electric service provider with customer compensation.
- E. **Power Grid** – The transmission system created to balance the supply and demand of electricity for consumers in Ohio.
- F. **Shadow Flicker** – Shadow flicker occurs when the blades of the turbine rotor cast shadows that move across the ground and nearby structures.
- G. **Tower Mounted Wind Energy System** – A wind energy system mounted on a tower that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.
- H. **Tower** – The monopole or guyed monopole constructed to support a wind energy system.
- I. **Total Height** – The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy system.
- J. **Tower Height** – The height above grade of the fixed portion of the tower, excluding the wind energy system.
- K. **Wind Energy System** – A system that converts the kinetic energy of the wind into electricity available for use beyond that used by the system.

460.03 Applicability

- A. Small wind projects may be permitted as a conditional use in certain zoning districts pursuant to Article 530 of this Resolution.
- B. No wind energy system shall be erected, constructed, installed or modified, except as permitted in 460.04, without first receiving a conditional use permit pursuant to Article 530 of this Resolution. No wind energy system shall be erected, constructed, installed or modified, except as permitted in Section 460.04, without first receiving a zoning certificate pursuant to Article 505 of this Resolution.
- C. No wind energy system shall be erected, constructed, installed or modified without first receiving a building permit from the appropriate approving agency.

460.04 Construction Standards

Wind energy systems shall be evaluated for compliance with the following standards:

- A. **Fall Zone** – Tower mounted wind energy systems shall provide a safe fall zone in accordance with the following:
 - 1. A tower mounted wind energy system shall have a fall zone at least 110% of the total height from:
 - a) Any right-of-way, unless written permission is granted by the public agency with jurisdiction over the road.
 - b) Any future right-of-way pursuant to the Union County Thoroughfare Plan or thoroughfare plan of adjacent jurisdictions, where appropriate.
 - c) All overhead utility lines.

- d) All lot lines, unless the affected landowner provides written permission through a recorded easement allowing the wind energy system's fall zone to overlap with the adjoining property.
 - e) Any principal structure.
- 2. Guy wires used to support the tower of a tower mounted wind energy system are exempt from the wind energy system fall zone requirements.
- B. **Tower** – The tower of a tower-mounted wind energy system shall not exceed a height necessary to comply with the required fall zone, or a maximum height of 100 feet, whichever is less. The applicant shall provide evidence that the proposed tower height of a tower mounted wind energy system does not exceed the height recommended by the manufacturer of the wind energy system.
- C. **Sound Level** – Operation of wind energy systems shall not exceed 55 decibels, except during short-term events such as severe windstorms and utility outages. This information shall be obtained from the manufacturer of the wind energy system, and all readings, if necessary, shall be taken from the nearest adjoining lot line.
- D. **Shadow Flicker** – Wind energy systems shall be sited in a manner that does not result in shadow flicker impacts. The applicant has the burden of proving that their wind energy system does not have an impact on adjacent uses either through siting or mitigation.
- E. **Signs** – All signs, both temporary and permanent, are prohibited on wind energy systems, except as follows:
 - 1. Manufacturers or installers' identification on the wind energy system.
 - 2. Appropriate warning signs and placards.
- F. **Compliance with Other Regulations** – Wind energy systems shall comply with all provisions of the applicable building regulations.
- G. **Aviation** – Wind energy systems shall be built to comply with all applicable Federal Aviation Administration regulations. Evidence of compliance or non-applicability shall be submitted with the application for a conditional use permit.
- H. **Visual Impacts** – It is inherent that wind energy systems may pose some visual impacts due to the total height needed to access the wind resources. The purpose of this Subsection is to reduce the visual impacts, without restricting the owner's access to wind resources, in accordance with the following.
 - 1. The applicant shall demonstrate through project site planning and proposed mitigation that a wind energy system's visual impact will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind energy system design or appearance, buffering, and screening of ground mounted electrical and control equipment.
 - 2. The color of wind energy systems shall be painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.
 - 3. Wind energy systems shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the Federal Aviation Administration determination to establish the required markings and/or lights for the wind energy system.
- I. **Utility Connection** – Wind energy systems proposed to be connected to the power grid through net metering shall adhere to Ohio Revised Code Section 4928.67 or any future corresponding statutory provision.
- J. **Access:**
 - 1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - 2. Whenever a wind energy system is mounted upon a tower, said tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum

height of 10 feet above the ground.

- K. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of wind energy systems and as otherwise prescribed by applicable laws and regulations.
- L. **Wiring and Electrical Equipment** – All wires and electrical equipment associated with the operation of a tower-mounted wind energy system, except guy wires, shall be located underground.
- M. **Maintenance:**
 - 1. All wind energy systems shall be maintained in good working order.
 - 2. Any physical modification to the wind energy system that alters the mechanical load, mechanical load path, or major electrical components shall require reapplication for conditional use under this Section. Like kind replacements shall not require reapplication.
- N. **Multiple Wind Energy Systems** – Multiple wind energy systems are allowed on a single lot so long as the owner/operator complies with all regulations set forth in this Chapter.
- O. **Controls and Brakes** – All wind energy systems shall be equipped with a redundant braking system which shall include:
 - 1. Aerodynamic over-speed controls which include variable pitch, tip and other similar systems and;
 - 2. Mechanical brakes which shall be operated in fail-safe mode.
 - 3. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

460.05 Procedure for Review

The following Items shall be required prior to the construction of any small wind projects within Bennington Township:

- A. **Conditional Use Permit** – In accordance with Article 530 a wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof. The following items shall be submitted along with the application for a conditional use permit and all items required by Article 530:
 - 1. **Site Plan** – A site plan shall be submitted for review. The following items shall be the minimum requirements for a complete application. The site plan shall include the following:
 - a) Property lines and physical dimensions of the applicant's property.
 - b) Location, dimensions and types of existing structures on the property.
 - c) Location of the proposed wind energy system, foundations, guy wires and associated equipment.
 - d) Fall Zone depicted as a radius around the center of the tower for a tower mounted wind energy system.
 - e) The right-of-way or future right-of-way according to the Union County Thoroughfare Plan of any public road that is contiguous with the property.
 - f) Two (2) foot contours of the applicant's property and properties contiguous to the subject property.
 - g) All overhead utility lines.
 - h) The site plan shall be prepared and stamped by a professional engineer or surveyor licensed to practice in the State of Ohio.
 - 2. Wind energy system specifications, including manufacturer, model, rotor diameter in addition to tower height and tower type, if tower mounted, for small wind energy systems.
 - 3. Documentation shall be provided regarding the notification of the intent with the utility regarding

the applicant's installation of a wind energy system if the wind energy system will be connected to the power grid.

4. Tower foundation blueprints or drawings for tower mounted wind energy systems.
 5. Sound level analysis prepared by the wind energy system manufacturer or qualified engineer.
 6. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).
 7. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
 8. Evidence of compliance with all development standards as outlined in Section 650.03 of this Resolution.
- B. **Zoning Certificate** – A zoning certificate shall be obtained in accordance with Article 505 of this Resolution.
- C. **Building Permit** – A building permit shall be obtained from the appropriate approving agency.

460.06 Decommission

The following requirements shall apply when the small wind project is to be removed or abandoned:

- A. At such time that a wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Zoning Inspector by certified U.S. mail of the proposed date of discontinuation of operations.
- B. Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically remove" shall include, but not be limited to:
 1. Removal of the wind energy system.
 2. Removal of the wind energy system.
 3. Removal of the wind energy system.
- C. In the event that an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous 2-year period. After 2 years of inoperability, the Zoning Inspector may issue a Notice of Decommission to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within 30 days of the date of receipt. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned.
- D. If the owner fails to respond to the Notice of Decommission or if after review by the Zoning Inspector it is determined that the wind energy system has been decommissioned or discontinued, the owner of the wind energy system shall remove the wind energy system, tower and other related above-ground structures at the owner's sole expense within 3 months of receipt of the Notice of Decommission.

Article 465 – Telecommunications Towers

Public utilities, or other functionally equivalent providers, may locate a telecommunications tower as a Conditional Use in all residential zones provided that the following conditions are met (in addition to any other applicable criteria):

465.01 Application Requirements:

- A. A plan for the design, construction, and location of the tower must be submitted at the time of the application for the conditional use permit. The plan shall include the following:
 - 1. The location of all the applicants' existing facilities both within the Township and within one (1) mile of the proposed site.
 - 2. The general location of planned future facilities, if known.
 - 3. For each location shown on the plan, there shall be listed:
 - a) the type and size of tower at each location.
 - b) the type of equipment located or proposed on each tower.
 - c) the space available on the tower for additional equipment; and
 - d) a site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
 - 4. A scaled and dimensioned site plan for the facility that is being applied for shall also be submitted containing:
 - a) the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site.
 - b) the location of existing and proposed buildings and structures, access drives, circulation and parking areas.
 - c) detailed drawings of the screening plan and related design standards.
 - d) on-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts.
 - e) setbacks from property lines and dwellings within 600 feet of tower.
 - f) legal description of the lot on which the tower is to be sited; and
 - g) any other information necessary to assess compliance with this section.
 - 5. A written certification(s) from a qualified engineer(s) certifying the following:
 - a) that the tower's design is structurally sound and in compliance with all applicable federal, state, and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code.
 - b) that the equipment placed on the tower and at the site complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and
 - c) that the tower will to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

465.02 General Requirements for all Telecommunications Towers.

- A. The applicant or tower provider shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary and showing the unavailability of useable sites located in Commercial or Industrial Zoning Districts; a description of the suitability of the use of existing towers, other tall structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower or tall structure. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smokestacks, water towers, utility buildings and structures over 48 feet in height, power transmission towers, existing antenna support structures or other telecommunications towers.
- B. All towers shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
- C. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued. The owner/operator shall annually file during January of each year a declaration with the Zoning Inspector that certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
- D. The owner/operator shall provide documentation that a notice has been provided in accordance with Section 519.211 of the Ohio Revised Code. If a timely notice from any person entitled to object under Ohio Revised Code Section 519.211(B) is made, then the applicant shall comply with all requirements set forth in Section 465.03. If a timely objection is not so made, then the telecommunications tower shall be deemed exempt under 519.211(A) of the Ohio Revised Code. The provisions of this Resolution shall be interpreted and applied in a manner consistent with 519.211 of the Ohio Revised Code and any applicable federal law, rule or regulation.

465.03 Development Standards for all Telecommunications Towers

- A. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
- B. The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider shall be 150 feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers shall be as follows:
 - 1. Towers proposed for and designed to support the co-location of a total of two antenna facilities – 165 feet.
 - 2. Towers proposed for and designed to support the co-location of a total of three antenna facilities – 180 feet; and
 - 3. Towers proposed for and designed to support the co-location of four or more antenna facilities – 195 feet.
 - 4. Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.

- C. The tower shall not be placed closer than 500 feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.
- D. Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Fire Chief (or the Chief's designee) of the fire department providing primary fire service to the township.
- E. The tower shall be located no closer to a street right-of-way than permitted within the applicable zoning district where the tower is to reside.
- F. A tower shall be located no closer to any lot line than the distance equal to the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any lot line than 50 feet.
- G. Security fencing shall be provided to prevent uncontrolled access to the tower site.
- H. The lot on which the tower is to be located shall meet the minimum lot area and frontage requirements of the district in which it is located.
- I. The tower shall be screened by a six (6) foot high fence or barrier and, outside of and along the fence or barrier, a continuous evergreen hedge, trees or similar landscape materials of a size, type, area and design deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The storage of vehicles is prohibited, and any equipment must be contained inside the screened area.
- J. The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). Any required illumination shall be fully disclosed on the site plan. All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a non-corrosive monopole design.
- K. No advertising is permitted anywhere on the telecommunications tower facility with the exception of one identification sign not to exceed one square foot in size.
- L. The tower shall be fully automated and shall be visited only for periodic and necessary maintenance.
- M. Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
- N. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height that exceeds the applicant's service need as substantiated by the testimony of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to support this co-location capacity, and the tower must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed. In the event the applicant's (or the applicant's successor's) service needs change such that a substantially lower tower height than initially approved will sufficiently accommodate the applicant's service needs in the reasonably foreseeable future, then the tower shall be reduced to such height. After this reduction, the applicant may extend the tower height to the level originally approved if the applicant's service needs require such extension. A "substantially lower tower height" is defined to mean a height reduction of twenty (20) feet or more.
- O. A tower may be attached to a residential or nonresidential building or structure that is a permitted use and structure in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached; and further provided that all requirements except those found in Items III 2, 7 and 9 are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the building or

structure on which the tower is located, shall be screened by a minimum six (6) foot high solid fence or barrier and, outside of and along the fence or barrier, a continuous evergreen hedge, trees or similar landscape materials of a size, type and design deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the tower area is kept free of weeds and trash.

- P. If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the district in which it is to be located.

465.04 Exception to Conditional Use Permit

Telecommunications towers meeting the following conditions shall not be required to obtain a Conditional Use Permit, but shall be deemed to be permitted uses requiring a Zoning Permit.

- A. Should the owner/operator of a telecommunications tower desire to site a tower on property that falls under the direct ownership and with the consent of the Bennington Township Board of Trustees, then a Zoning Permit may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: 406.01 (A)(5)(a) and (b); 460.02 (B), (C), and (D); 460.03 (J), (K), (M), and (N).
- B. Should a telecommunications carrier desire to co-locate a telecommunications antenna on another existing telecommunications tower or on another "tall structure", then a Zoning Permit may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: 406.01 (A)(5)(a) and (b); 460.02 (B), (C), and (D); 460.03 (D), (E), (G), (I), (J), (K), (L), and (M). (Telecommunications antenna refers to any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.)
- C. Should the owner/operator of a telecommunications tower or telecommunications antenna desire to site such a tower or antenna using a no-impact design (specifically meaning that the tower, antenna and all related equipment will be completely invisible to the casual observer by incorporating the tower, antenna and related equipment within an existing structure such as within a light post or inside a steeple), then a Zoning Permit may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: 406.01 (A)(5)(a) and (b); 460.02 (B), (C), and (D); 460.03 (D), (J), (K), (L), and (M).

Article 470 – Small Solar Energy Systems

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Notwithstanding any other provision contained in this Zoning Resolution, pursuant to Ohio Revised Code 519.213, small solar facilities are prohibited as a conditional use in all zoning districts within the unincorporated areas of Bennington Township. This provision does not apply to accessory solar energy systems used in connection with a single-family residence, or agricultural operations that are exempt from zoning pursuant to Ohio Revised Code 519.21, subject to the following regulations.

470.01 Accessory Solar Energy Systems

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met. No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning certificate from the Zoning Inspector. All accessory solar energy systems shall meet the following requirements:

- A. An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use.
- B. An accessory solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.
- C. Accessory solar energy systems with a generation output of five hundred (500) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of five hundred (500) watts or less, shall not require a permit and shall be exempt from the requirements of this section, provided that the system is independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located.
- D. Roof/Structure mounted solar energy systems:
 - 1. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - 2. May be mounted to a principal or accessory building.
 - 3. The height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.
- E. Ground/Pole mounted solar energy systems:
 - 1. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - 2. Shall be permitted in the rear or side yard only.
 - 3. Shall be erected within an established clear fall zone.
 - 4. The minimum setback distance from the lot lines for structures comprising the solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of the solar energy system or at least twenty (20) feet from the nearest lot line, whichever is greater.
- F. Other structure mounted accessory solar energy systems:
 - 1. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - 2. Shall be permitted in the rear or side yard only.
 - 3. Shall be erected within an established clear fall zone.
 - 4. The minimum setback distance from the lot lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest lot line, whichever is greater.
- G. Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent rights-of-way.
- H. Accessory solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the lot within six (6) months from the date they are no longer producing electricity, become damaged, discontinued, or broken. Any earth disturbance as a result of the removal of an accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.
- I. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - 1. Height of the proposed solar energy system(s) at maximum tilt.

2. Evidence of established setbacks of 110 percent of the height of any structure and “clear fall zone”.
3. Proof of notice to the electric company regarding the proposal.

Article 475 - Extraction Of Minerals

475.01 General Requirements

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

- A. Distance From Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than 50 feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.
- B. Distance From Public Right-Of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of such right-of-way.
- C. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.
- D. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
- E. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

475.02 Applicant - Financial Ability

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

475.03 Application - Contents, Procedure

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

- A. Name of the owner or owners of land from which removal is to be made.
- B. Name of the application making request for such permit.
- C. Name of the person or corporation conducting the actual removal operation.
- D. Location, description and size of the area from which removal is to be made.
- E. Location of processing plant used.
- F. Type of resources or materials to be removed.
- G. Proposed method of removal and whether or not blasting or other use of explosives will be required.

- H. Description of equipment to be used.
- I. Method of rehabilitation and reclamation of the mined area.

475.04 Public Hearing

Upon receipt of such application, the Board of Zoning Appeals shall set the matter for a public hearing in accordance with the provisions of Article 530.

475.05 Rehabilitation

To guarantee the restoration, rehabilitation, and reclamation of mined-out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the township in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals meet the following minimum requirements:

- A. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-irremediable and non-combustible solids to secure:
 - 1. That the excavated area shall not collect and permit to remain therein stagnant water.
 - 2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof-so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- B. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
- C. Banks of Excavations Not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

475.06 Additional Requirements

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

475.07 Gas and Oil Wells

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

- A. Compliance with all applicable laws of the State of Ohio.
- B. A surety bond in the amount of \$10,000 has been obtained and is attached to the drilling Permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to streets, pavements, curbs, gutters, sidewalk water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to be held by the township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

- C. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

Article 480 Adult Entertainment Facilities

480.01 Definitions

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories:
1. Adult Book Store: An establishment having greater than 25 percent of its display area or items for sale of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
 2. Adult Mini Motion Picture Theater: A facility with a capacity for less than 50 people, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 3. Adult Motion Picture Theater: A facility with a capacity of 50 or more people used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 4. Adult Entertainment Business: Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation 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" mean any of the following:
1. Human genitals are 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" means 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. "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
- E. "Fine Art Gallery" means any display of artwork which is individually crafted and signed by the artist, or which is limited in edition to 1,000 or less.
- F. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions of such position or manner which present or expose such nudity to prominent, focal, or obvious viewing situation.
- G. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape, torture or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in context of a sexual

relationship.

- H. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence
- I. "Knowledge of Character" means having general knowledge, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.
- J. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (1), (2), and (3) apply.
 - 1. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
 - 2. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of genitals, in way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
 - 3. The material or performance, taken as whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

480.02 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 any accredited museum, library, fine art gallery, school or institution 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 or higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

480.03 Location

Adult entertainment facilities, adult mini-motion picture theaters, adult entertainment facilities of any kind or type are limited to Business District (B-1) and Manufacturing District (M-1) conditionally permitted uses in Bennington Township provided that no such facilities shall be located within 1,000 feet of any Residential District (R) or any church or school.

Article 500 – Zoning Inspector

There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this resolution in accordance with the administrative provisions of this resolution.

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

500.01 Township Zoning Inspectors Bond

Except as otherwise provided in section 3.061 of the Ohio Revised Code, the township zoning inspector, before entering upon the duties of office, shall give bond, signed by a bonding or surety company authorized to do business in this state or, at the inspector's option, signed by two or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the state, in the sum of not less than one thousand or more than five thousand dollars as fixed by the board of township trustees. The surety company or real estate bond shall be approved by the board of township trustees, and the bond shall be conditioned upon the faithful performance of the zoning inspector's official duties. The bond shall be deposited with the township fiscal officer.

500.02 Duties of the Zoning Inspector

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

- A. Administer, interpret, and enforce this Resolution, and take all necessary steps to remedy conditions found in violation by ordering in writing the discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.
- B. Collect fees as designated by the Board of Township Trustees for zoning certificates, and applications for appeals, zoning amendments, variances, conditional use permits, or other approvals.
- C. Review and evaluate all applications for zoning certificates, zoning amendments, appeals, variances, and conditional use permits, or other approvals as necessary to make reports to the Zoning Commission, Board of Zoning Appeals, and Board of Township Trustees.
- D. Issue zoning certificates when the provisions of the Resolution have been met with notations of special conditions involved, or refuse to issue the same in the event of noncompliance.
- E. Maintain permanent and current records required by the Zoning Resolution, including but not limited to the Official Zoning Map, zoning certificates, inspections documents, and records of all variances, zoning amendments, conditional use permits, and other approvals. Such records shall be retained in accordance with the Township's records retention schedule and policies.
- F. Inspect any structure, building or lands for compliance with these regulations or to document violations as they may exist.
- G. Advise the Board of Township Trustees on all matters pertaining to the enforcement of and amendments to the Resolution.

Article 505 Zoning Certificates**505.01 Zoning Certificate Required**

It shall be unlawful for an owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector in conformance with the following:

- A. Such zoning certificate shall show that such building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this resolution. It shall be the duty of the Zoning Inspector to issue a zoning certificate provided he is satisfied that the structure, building or premises and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste conform with all the requirements of this resolution.
- B. No permit for the excavation and construction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform with the provisions of this resolution.
- C. No certificate for a second dwelling shall be issued where there is a current dwelling. Unless the property owner agrees to RAZE the first dwelling within six months after the completion of the second dwelling. Only one dwelling is permitted for each lot.
- D. Applications for Zoning Certificate shall be filed on the official forms provided by the township and shall contain all of the information required by said form. Incomplete applications shall not be accepted or approved by the township zoning inspector.
- E. The Zoning Inspector shall act upon all such applications on which he is authorized to act within the provisions of this resolution within 30 days after the date they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within said 30 days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor.
- F. Failure to notify the applicant in case of such refusal within the said 30 days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.
- G. Under such rules as may be adopted by the Board, the Zoning Inspector may issue a temporary zoning certificate for a part of a building.
- H. Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of the enactment of this resolution certifying, after inspection, the extent and land of use made of the building or premises and whether such use conforms to the provisions of this resolution.

505.02 Filing Plans for Zoning Certificate

Every application for a zoning certificate shall be accompanied by plans in duplicate drawn to scale in black or blue-line print, showing (on the basis of survey) the actual location, shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part, the exact location, size, and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or any part thereof, the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this resolution. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such zoning certificate as may be granted.

The lot and the location of the building thereon shall be staked out on the ground before construction is started. In every certificate for a new residential home where the lot is not provided and is not intended to be provided with public water and/or the disposal of sanitary waste by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Department of Licking County of the proposed method of water supply and/or disposal of sanitary waste. Sheds, Garages, Barns, and other agricultural structures, not intended for habitation, shall not be required to secure a certificate of approval by the Licking County Health Department.

Article 510 – Zoning Commission**510.01 Township Zoning Commission**

The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board, and the terms of the members shall be five (5) years and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified.

Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

510.02 Compensation and Expenses

The members of the Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Zoning Commission may, within the limits of monies appropriated by the Township Trustees for this purpose, employ such executives, professionals, technical assistants or other assistants as it deems necessary.

510.03 Function and Duties of the Zoning Commission

- A. The Township Zoning Commission shall initiate or review all proposed amendments to this resolution and make recommendations to the Township Trustees in accordance with both the provisions of the Zoning Resolution and applicable law, and shall perform such other functions as provided for herein.
- B. The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for this purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.
- C. The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.
- D. No Township Trustee shall be employed by the Township Zoning Commission.
- E. The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.
- F. In any county where there is a county or regional planning commission, the Zoning Commission may request such planning commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

510.04 Zoning Secretary

To assist in the administration of this Zoning Resolution, the Township Trustees may appoint a Zoning Secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Clerk may be named to

this position and may receive compensation for such services in addition to other compensation allowed by law.

510.05 Meetings and Agenda

The Zoning Commission shall meet as necessary in a public building within the township.

510.06 Minutes

The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the township hall with the other zoning records.

510.07 Alternates

The Board of Trustees may appoint two (2) alternate members to the Zoning Commission for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members shall be removable upon the same grounds and under the same procedures as regular members.

Article 515 – Zoning Amendments

515.01 Procedure for Amendments or District Changes

This resolution may be amended by utilizing the procedures specified in Sections 515.03 to 515.14, inclusive of this resolution.

515.02 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, or in conformance with the adopted Comprehensive Plan, the Board of Township Trustees may by resolution amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of lots. Such amendments may only be made after recommendation from the Zoning Commission and subject to the procedures provided by law.

515.03 Initiation of Zoning Amendments

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

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution by the Board of Township Trustees.
- C. By the filing of an application with the zoning commission by at least one or more owner or lessee of property within the area proposed to be changed or affected by said amendment.

515.04 Contents of Application

Applications for amendments to the official zoning map adopted as part of this resolution by Article 300 shall be made to the zoning inspector in accordance with the following:.

- A. The application forms shall be available from the Zoning Inspector and shall be completed and returned with all supporting documentation as required in the application form and as necessary to demonstrate compliance with this Resolution. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, together with plot plans or drawing as necessary.
- B. The application form shall be accompanied by all supporting information as required by the application form. All plans required shall be prepared by a professional surveyor, engineer, architect, or landscape architect registered in the State of Ohio. The application shall contain at a minimum the following information:
 - 1. Name, address, and phone number of applicant.
 - 2. Proposed amended resolution.
 - 3. Present use.
 - 4. Present zoning district.
 - 5. Proposed use.
 - 6. Proposed zoning district.
 - 7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Inspector may require.
 - 8. A List of all property owners and their mailing address who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case. Review Sections 23.8 and 23.9 if the list of all property owners and their mailing addresses are required.
 - 9. A statement of how the proposed amendment relates to the comprehensive plan.
 - 10. A fee as established by the Board of Township Trustees according to Article 545.
- C. Applications shall be signed by at least one (1) owner, or an agent assigned by the owner of property within the area proposed to be changed or affected by the proposed map amendment and shall be filed with the Zoning Inspector.

515.05 Transmittal to Zoning Commission

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

515.06 Submission to County Planning Commission

Within five days after the adoption of a motion by the Zoning Commission, certification of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

515.07 Submission to Director of Transportation

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

515.08 Public Hearing by Zoning Commission

Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees with the zoning commission, the zoning commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application.

515.09 Notice of Public Hearing

Before holding the public hearing as required in Section 515.08 or 515.12, Notice of the hearing shall be given at least ten days before the date of the hearing.

- A. Notice of the hearing shall be given using at least one of the following methods:
 - 1. In the print or digital edition of one or more of the newspapers of general circulation in the township;
 - 2. On the official public notice website established under section 125.182 of the Ohio Revised Code;
 - 3. On the website and social medial account of the township.
- B. If the Proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - 1. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
 - 2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least 10 days prior to the public hearing.
 - 4. The name of the person responsible for giving notice of the public hearing by publication.
 - 5. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
 - 6. Any other information required by the Zoning Commission.
- C. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - 1. The name of the Zoning Commission that will be conducting the public hearing.

2. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditor's current tax list.
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
5. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least 10 days prior to the public hearing.
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
7. Any other information requested by the Zoning Commission.
8. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

515.10 Notice of Property Owner by Zoning Inspector

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the county auditors current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the date of the public hearing to all owner or property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure of delivery of that notice shall not invalidate such an amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 515.09.

515.11 Recommendation by Zoning Commission

The township zoning commission, within thirty days after the hearing required by Section 515.08, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

515.12 Public Hearing by Board of Township Trustees

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Section 515.09..

515.13 Action by Board of Township Trustees

Within 20 days after the public hearing required by Section 515.12, the Board of Township Trustees shall, either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the Board of Township Trustees is required.

515.14 Effective Date and Referendum

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. 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 immediate effect.

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists. The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

515.15 Fees

Each application for a zoning amendment except those initiated by the Zoning Commission, shall be accompanied by a check or a cash payment sufficient in amount to cover the cost of the publishing, posting, and/or mailing the notices of the hearing or hearing required by the foregoing provisions as established by Article 545 of this resolution.

Article 520 - BOARD OF ZONING APPEALS**520.01 Appointment - Board of Zoning Appeals**

There is hereby created a township Board of Zoning Appeals consisting of five members who shall be appointed by the Board of Township Trustees, and who shall be residents of the unincorporated area of the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The members will be allowed their expenses, or such compensation, or both, as the Township Trustees may approve and provide. The board of township trustees may appoint two alternate members to the township board of zoning appeals, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the board of zoning appeals, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

Members shall be removable for the same causes and in the same manner and may be suspended as provided by section 519.04 of the Ohio Revised Code. The decision of the board of township trustees regarding the suspension or removal may be appealed under Chapter 2506. of the Ohio Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. A suspension authorized by section 519.04 of the Ohio Revised Code is not a vacancy for purposes of this section.

The Board may, within the limits of the monies appropriated by the Township Trustees for this purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

520.02 Rules, Meetings, and Procedures of the Board

The Board of Zoning Appeals shall organize, electing a chairman and vice-chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees at the Township Hall, and shall be public record. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector or to decide in favor of an applicant on any matter which the Board is required to hear under the Bennington Township Zoning Resolution. The failure of an applicant to secure at least three (3) concurring votes shall constitute a decision for disapproval of the application and, in the case of an appeal, shall be deemed a confirmation and affirmation of the decision of the Zoning Inspector. The Board of Township Trustees, the Township Clerk and the Zoning Inspector shall be notified in advance of all meetings conducted by the Board. The Board may call upon the township departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

520.03 Powers of Township Board of Zoning Appeals

- A. The township board of zoning appeals may: Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of sections 519.02 to 519.25 of the Ohio Revised Code, or of any resolution adopted pursuant thereto.
- B. Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The board of zoning appeals shall hear and decide on applications to variances in accordance with Article 535 of this resolution.
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution. If the board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514. of the Ohio Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with section 519.141 of the Ohio Revised Code. The board of zoning appeals shall hear and decide only such conditional uses as the board of zoning appeals is specifically authorized to pass on by the terms of this resolution as defined in Article 530.
- D. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate either by certified mail or, if the board has record of an internet identifier of record associated with the holder, by ordinary mail and by that internet identifier of record of its intent to revoke the variance or certificate under division (D) of this section and of the holder's right to a hearing before the board, within thirty days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, the board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from,

and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

520.04 Interpretation of Zoning Map and Text

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

520.05 Powers of the Board on Performance Standards

The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a zoning certificate for uses that are subject to performance standards; procedure under Article 405 of this resolution, as provided in the following:

- A. Application: An application for a zoning certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development, including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 405 in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in Paragraph 2 below.
- B. Report by Specialists: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Article 405 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.
- C. Review by Board: Within 30 days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning certificate or require a modification of the proposed plan or construction, or specifications, proposed equipment, or operation. Any zoning certificate so authorized and issued shall be conditioned upon, among other things, the following:
 1. That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards.
 2. That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installation in operation will meet said applicable performance standards.
- D. Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and, if there are reasonable grounds for the same, shall notify the Board of the occurrence of existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the township.

Article 525 – Matters of Appeal**525.01 Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector. 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 to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise.

525.02 – Application and Hearing

The Board of zoning appeals shall have the power to hear and decide appeals filed as hereinbefore provided where it is alleged by the appellant that there is an error in any order, requirements, decision, or grant or refusal made by the Zoning Inspector or other administrative official in the interpretation of the provisions of this resolution in accordance with the following:

- A. Applications - When and by Whom Taken: An application, in cases on which the Board has original jurisdiction under the provisions of this resolution, may be filed by any property owner, including a tenant or by a governmental official, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit the same to the Board.
- B. Appeals - When and by Whom Taken: An appeal to the Board may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing with the Zoning Inspector and with the Board, a Notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- C. Hearings: The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten days' notice to the parties in interest, and give notice of such public hearing by one of the following methods:
 - 1. Publication in the print or digital edition of one or more newspapers of general circulation in the county;
 - 2. On the official public notice website established under the Ohio Revised Code section 125.182.
 - 3. On the web site and social medial account of the township.

The board shall decide on the appeal within a reasonable time after it is submitted. At the hearing any party may appear in person or by attorney. Each application or appeal shall be accompanied by a check payable to the Clerk of the township sufficient in amount to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. A party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Licking County on the ground that the decision was unreasonable or unlawful.

525.02 Decision of the Board

The Board shall decide all appeals within a reasonable time frame after it is submitted. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decisions shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the certificate to the applicant or appellant whenever a certificate is authorized by the Board.

- A. A decision of the Board shall not become final until after the expiration of five days from the date

such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

- B. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board after Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application after notice to the Zoning Inspector or by judicial proceedings.

Article 530 - Powers of the Board of Zoning Appeals on Conditional Uses

530.01 Conditional Uses Generally

The Board shall have the power to hear and decide, in accordance with the provisions of this resolution, applications filed as hereinbefore provided for conditional uses permitted by this resolution in each zoning district. In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and, in authorizing a conditional use the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this resolution for the particular conditional use which the Board may deem necessary for the protection of adjacent properties and the public interest.

530.02 Application Required

An application for a conditional use permit shall be submitted to the Zoning Inspector who shall forward the application to the Board of Zoning Appeals. Application forms shall be available from the Zoning Inspector, and at a minimum, shall contain the following information:

- A. Name, address, and telephone number of the applicant;
- B. Legal description of property;
- C. Description of existing use;
- D. Zoning District;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- G. A narrative statement evaluating the effects on adjoining lots; the effect of such elements as noise, odor and fumes on adjoining lots; a discussion of the general compatibility with adjacent and other lots in the district.

530.03 Notice and Hearing

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time following its receipt of a completed application. Notice shall be given at least 10 days in advance of the public hearing by one of the following methods:

1. Publication in the print or digital edition of one or more newspapers of general circulation in the county;
2. On the official public notice website established under the Ohio Revised Code section 125.182.
3. On the web site and social medial account of the township.

The notice shall state the date, time and place and the nature of the proposed hearing. The same information shall be mailed by first class mail to the applicant and all owners of property within and contiguous to and directly across the street from the property in question to the addresses of those owners appearing on the county auditor's current tax list. Any party may appear in person, or by attorney or authorized agent.

530.04 Action by the Board of Zoning Appeals

The Board of Zoning Appeals shall, within a reasonable time, approve, approve with supplementary conditions, or disapprove the application as was submitted. If approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions stipulated by the Board.

530.05 General Standards and Findings of the Board

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established by the regulations of the applicable zoning district;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

530.06 Supplementary Conditions and Safeguards

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

530.07 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized with one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than six (6) months. Change of ownership shall have no effect on the validity of the conditional use.

Article 535 – Variances**535.01 Variances Generally**

The Board shall have the power to authorize upon appeal in specific cases filed as hereinbefore provided such variances from the provisions and requirements of this resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions, pertaining to a specific piece of property, the literal enforcement of the provisions and requirements of this resolution would cause undue and unnecessary hardship.

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this resolution, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this resolution would cause unnecessary hardship, the Board shall have the power to authorize a variance from the terms of this resolution so as to relieve such hardship and so that the spirit and purpose of this resolution shall be observed and substantial justice done. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

535.02 Notice and Hearing

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time following its receipt of a completed application. Notice shall be given at least 10 days in advance of the public hearing by one of the following methods:

1. Publication in the print or digital edition of one or more newspapers of general circulation in the county;
2. On the official public notice website established under the Ohio Revised Code section 125.182.
3. On the web site and social medial account of the township.

The notice shall state the date, time and place and the nature of the proposed hearing. The same information shall be mailed by first class mail to the applicant and all owners of property within and contiguous to and directly across the street from the property in question to the addresses of those owners appearing on the county auditor's current tax list. Any party may appear in person, or by attorney or authorized agent.

535.03 Action by the Board of Zoning Appeals

The Board of Zoning Appeals shall, within a reasonable time, approve, approve with supplementary conditions, or disapprove the application as was submitted. In granting any variance under the provisions of this Chapter, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards set forth in this Article, and to carry out the general purpose and intent of this Resolution. Violation of the conditions, safeguards, and restrictions, when made a part of the terms under which the request for the variance is granted, shall be deemed a violation of this Resolution. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to ensure that the conditions attached are being and will be complied with.

535.04 Standards for Variance

No such variances in the provisions or requirements of this resolution shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

- B. That literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
- C. That the special conditions and circumstances do not result from the actions of the applicant;
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district;
- E. That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- F. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this resolution or of the public interest.

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which a variance is sought, one or the other or in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

Under no circumstances 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.

535.05 Supplementary Conditions and Safeguards

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Article 550 of this Resolution.

Article 540 – Non-Conformities

540.01 Non-Conformities Generally

At the time of adoption or amendment of this Resolution there may exist lots, structures, or 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 amendment thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as may otherwise be permitted by this Resolution.

540.02 Avoidance of Undue Hardship

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

540.03 Non-Conforming Lot of Record

At the time of adoption or amendment of this Resolution there may exist lots of record that do not conform to the requirements for lot width and or lot area established by this Resolution or amendment. Nothing in this Resolution shall prevent the construction of dwellings, buildings, structures, or accessory uses or structures on these non-conforming lots of record provided the following:

- A. The proposed dwellings, buildings, structures, or accessory uses are permitted within the district established by this Resolution.
- B. Such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.
- C. The construction of dwellings, buildings, structures, or accessory uses shall meet all requirements established by this Resolution other than for lot area and lot width.
- D. Variance from all other requirements shall be obtained only through action of the Board of Zoning Appeals.

540.04 Non-Conforming Lots of Record in Combination

At the time of adoption or amendment of this Resolution, there may exist lots of record that do not meet the requirements of this Resolution for lot area and/or lot width. Where two or more of these lots adjoin with continuous frontage under a single ownership, the lots involved shall be considered to be an undivided parcel for the purposes of this Resolution. No portion of said undivided parcel shall be used or sold in a manner which diminishes compliance with the requirements of this Resolution.

540.05 Non-Conforming Uses of Land

Where, at the time of adoption or amendment of this Resolution, lawful use of land exists, which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided the following:

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

540.06 Nonconforming Structures

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

- A. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Any non-conforming structure or non-conforming portion of a structure which is removed, partially removed, damaged, destroyed, or partially destroyed by any means to an extent of less than 60 percent of its then fair market value at time of such removal, damage, or destruction may be restored to its prior condition and the same use or occupancy continued or resumed, provided that the total cost of such restoration does not exceed 60 percent of its then fair market value; and provided further that such restoration is started within 1 year after such removal, damage, or destruction and is diligently pursued to completion.
- C. Any non-conforming structure which is removed, partially removed, damaged, destroyed, or partially

destroyed by any means by more than 60 percent of its then fair market value shall eliminate the non-conforming use of such structure or structure and land in combination, and shall not be repaired or reconstructed except in conformity with this Resolution.

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

540.07 Non-Conforming Uses of Structures or of Structures and Land in Combination

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

- A. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building that was not used for such non-conforming use at the time of adoption or amendment of this Resolution.
- C. If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon application to and approval by the Board of Zoning Appeals as a conditional use, be changed to another non-conforming use provided that, in addition to any other criteria, the Board of Zoning Appeals finds after consideration of the nature, predominate character, and intensity of the proposed use and the size, dimensional requirements, and other regulatory characteristics of the proposed use, that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use and that the size, dimensional requirements, traffic generation, signage needs, parking requirements and other regulatory characteristics are not greater than the existing nonconforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.
- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the non-conforming use may not thereafter be resumed.
- E. When a non-conforming use of a structure or structure and land in combination are discontinued or abandoned for more than two (2) years, except when government action impedes access to the premises, the structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

540.08 Repairs and Maintenance

On any non-conforming structure, or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing provided the following:

- A. The cubic content of the structure existing when it becomes non-conforming shall not be increased through such repairs or maintenance.
- B. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official

Article 545 Fees

The Board of Township Trustees shall establish a fee schedule, which shall be known as the Schedule of Zoning Fees, listing the charges and expenses, and a collection procedure for zoning certificates, zoning amendments, appeals, conditional use permits, variances, and other matters pertaining to this Resolution. The Schedule of Zoning Fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Article 550 Violations and Penalties

Pursuant to Ohio Revised Code 519.23 and 519.24, no Building, Structure, Sign, or Use shall be established, located, erected, constructed, reconstructed, enlarged, changed, maintained, or occupied in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Township Trustees pursuant to Chapter 519, Ohio Revised Code. Any person, firm or corporation violating any of the provisions of this resolution or any amendment or supplement thereto shall be assessed a civil fine of not more than \$500 for each offence. The complaint may combine a cause of action for collection of civil fines under this section, with a cause of action for injunction, abatement, mandamus, or other appropriate relief under section 519.24 of the Revised Code. Each day the violation continues from the date of a judgment granting relief under this section shall constitute a separate offense.

Article 555 Violations - Remedies

In case any building is, or is supposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this resolution, or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney of Licking County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specifically damaged by such violation in addition to other remedies provided by law may institute injunction, mandamus, abatement, or other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this article.