

REVISED  
ZONING RESOLUTION  
FOR PIKE TOWNSHIP

Date: 10/27/11

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**First Revised Draft of Pike Township Zoning Resolution  
2010**

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Explanation of Codes:

CS-The substance of item was changed from the 1998 version.

CW-The wording has been changed since the 1998 version.

N-The item is new and in addition to the 1998 version.

## PIKE TOWNSHIP ZONING REGULATIONS

### ARTICLE I

#### Article 1.0-Document Title

This Resolution shall be known and may be cited and referred to as "the Zoning Resolution of Pike Township, Knox County, State of Ohio".

### ARTICLE II

#### Article 2.0-Authority, Certification, Duties and Terms of Office of the Zoning Commission.

- 2.1 The Zoning Commission (TZC) was given the following responsibilities and duties:
- A. To prepare a zoning plan in harmony with the Ohio Revised Code.
  - B. To periodically review the plan and initiate revisions or amendments as deemed necessary.
  - C. To establish regular quarterly meetings and any other meetings at the call of the chairperson or at such times as the Commission may determine. All such meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such. The minutes and all official actions shall be a public record and be immediately filed in the office of the Commission.
  - D. The terms of each member shall be for five years and so arranged that the term of one member will expire each year. Each member shall serve until his or her successor is appointed and qualified.
  - E. Each January the TZC shall meet to elect a chairperson, assistant chairperson and a secretary. Thereafter meetings shall be held at the call of the chairperson as necessary to address the business before the TZC, including any business required by this Resolution. Three members of the TZC shall constitute a quorum.

Note: a township zoning commission is comprised of five members who reside in the unincorporated area(s) of the township, who are appointed by the board of township trustees. O.R.C. 519.04

### ARTICLE III

#### Article 3.0-Document Purpose

- 3.1 This Resolution of Pike Township, Knox County, Ohio, is enacted in accordance with a comprehensive plan and with the following purposes in mind:
- A. To promote the public health and safety, and in the interest of the public convenience, comfort, prosperity or general welfare of the residents of Pike Township.
  - B. To conserve and protect their property and property values.
  - C. To secure the most appropriate use of land.
  - D. To facilitate adequate and economic provisions for public improvements.
  - E. To provide a method of administering the resolutions contained herein including penalties for the violation of said resolutions.

## ARTICLE IV

### Article 4.0-Interpretation of Standards

#### 4.1 Separability Clause

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

#### 4.2 Repeal of Conflicting Resolutions

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

#### 4.3 Definitions

##### Abutting/Adjoining/Adjacent:

Having a common border with, or being separated from, such common border by a street or easement or right-of-way. (N)

##### Accessory Structure:

Any improvement to a property other than the main building(s), with the exception of landscaping, is an accessory structure. If a temporary building is placed on a property to provide extra space for expansion of a use, the temporary building shall also be an accessory structure. (N)

##### Accessory Use:

A use on the same lot with and customarily incidental or subordinate to the principal use on the lot. (N)

##### Administrative and Business Offices Use:

Uses that are primarily engaged in general administrative, management, supervision, purchasing, and accounting. They involve no retail sales and do not stock goods for distribution or sale. (N)

##### Adult Book Store:

An establishment which has a retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug operated electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this Resolution. (N)

**Adult Entertainment Facility:**

An adult bookstore, adult motion picture theater, adult motion picture drive-in theater, or any adult-only entertainment establishment as defined by this Resolution. (N)

**Adult Material:**

Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and, which material is distinguished or characterized by emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination. (N)

**Adult Motion Picture Drive-In Theater:**

An open-air, drive-in theater that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Resolution. (N)

**Adult Motion Picture Theater:**

An enclosed motion picture theater which is regularly used or utilizes 15 percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Resolution. (N)

**Adult Only Entertainment Establishment:**

An establishment where the patron directly or indirectly is charged a fee and where the establishment features entertainment or services which constitute adult material as defined in this Resolution; or which features exhibitions, dance routines, or gyration choreography or persons totally nude, topless or bottomless; or strippers (male or female); or female impersonators; or similar acts for entertainment or services which constitute adult material. (N)

**Agriculture:**

The use of land for agriculture purposes, including farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production, the producing of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, or any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. (CW)

**Alley:**

An alley is a public right-of-way providing secondary access to abutting property.

**Alterations-Structural:**

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

**Automotive Repair:**

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

**Automotive, Mobile Home, Travel Trailer and Farm Implement Sales:**

The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, and being displayed and sold on the premises.

**Automotive Wrecking:**

The dismantling or wreckage of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Basement/Cellar:**

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

**Beginning Construction:**

The beginning of construction is the incorporation of labor and materials within the walls of a 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 the construction of a building.

**Board:**

The Board of Zoning Appeals (BZA) of Pike Township.

**Building:**

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

**Building-Accessory:**

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

**Building Heights:**

The height of a building is the vertical distance from the top of the foundation to the highest point on the building roof.

**Building Line:**

See setback line.

**Building-Principal:**

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

**Business-General:**

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

**Cabin:**

An enclosed space for temporary occupancy. (N)

**Car Port:**

An open-sided automobile shelter sometimes formed by the extension of a roof from the side of a building.

**Cemetery:**

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

**Commission:**

The Pike Township Zoning Commission (TZC).

**Comprehensive Plan:**

The comprehensive plan is the guidance for zoning justification plan.

**Conditional Use:**

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the BZA. Conditional uses permitted in each district are listed in the official schedule of district regulations.

**Conditional Use Permit:**

A permit issued by the Zoning Inspector upon approval by the BZA of Pike Township to allow a use other than a principally permitted use to be established within a district.

**Court:**

A court is an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

**Cul-de-sac:**

See Street, Thoroughfare, or Road.

**Density:**

A unit of measurement: the number of dwelling units per acre of land:

1. Gross Density: The number of dwelling units per acre of total land to be developed.
2. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Development:**

The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structures or buildings, or any use or change in use of any building or land; any extension of any use of land or any clearing, grading, or other movement of land for which a permit or certificate may be required pursuant to this Resolution.

**District:**

A district is a portion of the unincorporated territory of Pike Township governed by uniform regulations and requirements.

**Dwelling:**

A dwelling is any building or portion thereof including a house trailer or mobile home meeting O.R.C 4501.1, occupied or intended to be occupied for residential purposes only, but not including a tent or cabin.

**Dwelling Unit:**

Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities all used by only one family and its household employees.

**Dwelling-Single Family:**

A single-family dwelling is a building occupied or designed to be occupied for residential purposes by one family or housekeeping unit.

**Dwelling-Two Family:**

A two-family dwelling is a building occupied or designed to be occupied by not more than two families or housekeeping units, and each unit having a separate entrance.

**Dwelling-Multiple Family:**

A multiple-family dwelling is a building or portion thereof occupied or intended to be occupied by more than two families or housekeeping units, each having a separate entrance.

**Easement:**

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

**Essential Services:**

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

**Family:**

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.

**Fence:**

Any structure composed of wood, metal, stone, brick, or other material erected in such a manner and position as to enclose, partially enclose, or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers, or other vegetation when erected in such a position as to enclose, partially enclose, or divide any premises or any part of any premises shall also be considered a fence. Also may be called a wall. (CS)

**Flea Market:**

An outdoor market of single or multiple vendors dealing in usable or non-usable agriculture machinery, cheap antiques, junk, crafts and odd items.

**Flood Plain:**

That land, including the flood fringe and the flood way, subject to inundation by the regional flood.

**Flood-Regional:**

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

**Floodway:**

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

**Floodway Fringe:**

That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions. See zoning map showing flood prone area.

**Floor Area-Gross Ground Space:**

The sum of the gross horizontal area of the first floor of a residential building or commercial building, excluding basement floor areas. All dimensions shall be measured on exterior walls.

**Floor Area-Usable:**

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**Food Processing:**

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**Frontage:**

All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural barriers.

**Garage-Private:**

An accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.  
(CW)

**Garage-Public:**

A public garage is a space or structure for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles.

**Garage-Service Station:**

Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail.

**Garage/Yard Sales:**

A garage or yard sale displays or advertises for sale articles of tangible personal property within any residential district of the township. (CS)

**Home Occupation:**

Any use conducted entirely within a dwelling or structure by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall not employ more than one person outside the family resident in the dwelling, and is a conditional use. Floor area devoted to such use is not to exceed 25 percent (25%) of the total ground area occupied by the building on the lot.

**Hospital:**

A building or portion thereof used for the accommodation of sick, injured or infirm persons.

**Junk:**

Any worn out, cast-off or discarded article which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged, and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk. Junk also includes old scrap copper, brass, rope, rags, trash, waste, batteries, papers, rubber, iron, steel and other old or scrap ferrous or nonferrous materials, but not including scrap unwanted or discarded tires. Cross reference O.R.C. 4737.05(A) and 3734.01(Z). (CS)

**Junk Motor Vehicle:**

Abandoned means any motor vehicle that meets all of the following:

- A. Is left on private property (with or without permission of the land owner), a public street, a right-of-way, a parking lot or other property open to the public for travel for 48 hours or longer;
- B. Is three (3) or more years old;
- C. Is extensively damaged, including but not limited to, missing wheels, tires, motor or body parts;
- D. Is apparently inoperable; and
- E. Has a fair market value of \$1000 or less. (CS)

Cross reference O.R.C. 4513.63

**Junk Yard:**

Any open area where waste, discarded, abandoned 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. Cross reference O.R.C. 4737.

**Kennel:**

Any structure or premises on which five (5) or more dogs over five (5) months of age are kept.

**Loading Space-Off Street:**

An off-street space or berth on the same lot with a building, or continuous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

**Lots:**

A lot is a piece or parcel of land occupied, or intended to be occupied by a building and its accessory buildings and uses, including all open spaces required by this Resolution, and having full frontage on a public street.

**Lot-Corner:**

A corner lot is a lot abutting upon two (2) or more streets at their intersection.

**Lot-Double Frontage:**

A double frontage lot is a lot having a frontage on two non-intersecting streets.

**Lot-Depth:**

Lot depth is a mean horizontal distance between the front and the rear lot lines.

**Lot-Line Front:**

The front of a lot shall be considered to be the portion of the lot nearest the street. Minimum frontage requirements must be continuous road frontage. (CS)

**Lot-Line Rear:**

The rear lot line is the line opposite and most distant from the front lot line.

**Lot-Line Side:**

The side lot line is any line other than a front or rear lot line.

**Lot-Width:**

The distance between the lines connecting front and rear lot lines at each side of the lot. The minimum lot width must be maintained throughout the entire parcel. (CS)

**Lot-Minimum of:**

The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**Lot of Record:**

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

**Manufactured Home:**

A building unit or assembly of closed construction for human habitation that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards and is designed to be transported to another site for fixture. Cross reference O.R.C. 3781.06(C)(4). (N)

**Manufacturing-Light:**

Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor

or dust; operating and storing within enclosed structures, and generating little industrial traffic and no nuisances.

**Manufacturing-Extractive:**

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

**Mobile Home:**

A building unit or assembly of closed construction that is fabricated in an off-site facility, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home. Cross reference O.R.C. 4501.01(O). (CS)

**Mobile Home Park:**

Any site or tract of land upon which two (2) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any road way, building structure, vehicle or enclosure used, or intended for use, as a part of the facilities of such park.

**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.

**Nonconforming Use:**

A use of building or land lawful at the time of enactment of this Resolution that does not conform with the "Permitted Use" provisions of this Resolution. (CW)

**Nursery, Nursing Home:**

A home or facility for the care and treatment of babies, children, parishioners or elderly people.

**Nude or Nudity:**

The showing, presentation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof; or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple; or covered male genitals in a discernibly turgid state. (N)

**Nuisance:**

Any condition of use of premises, building, or any substance or material which is or may become noxious, offensive, injurious, or dangerous to the public health or safety; or that activity which arises from unreasonable, unwarranted, or unlawful use by a person of his own property which occasions obstruction or injury to a right of another or to the public. (N)

**Parking Space:**

A surfaced area of not less than two hundred (200) square feet either within a structure or in the open, exclusive of driveways or access drives for the parking of a motor vehicle or horse drawn vehicle.

**Person:**

Any individual, firm, organization, corporation, partnership, association, legal representatives, trustees, or receivers. (N)

**Planned Unit Development (PUD):**

An area of land in which a variety of housing types are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under this Resolution. (N)

**Porch-Also Decks and Patios:**

Unenclosed addition to a building or dwelling which does not increase the living cubic content and is an allowable use.

**Public Service Facility:**

The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, or a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Way:**

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

**Recreational Uses:**

Any use of land involving passive (not requiring development of or on land) rest and relaxation activities such as fishing, boating, picnicking, or hunting. (N)

**Recreational Camp:**

An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreational Vehicle:**

A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and designed as temporary living accommodation for recreational

camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. (CW)

**Restaurant:**

An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, and outdoor cafes. (N)

**Right-Of-Way:**

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

**Roadside Stand:**

A temporary structure designed exclusively for or used for the display or sale of agricultural or other related products. (CW)

**Setback Line:**

A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings or structures, may be located above ground, except as may be provided in said code.

**Sexual Activity:**

Sexual conduct or sexual contact, or both. (N)

**Sexual Contact:**

Any touching of an erogenous zone of another person, including without limitation to the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person. (N)

**Sexual Excitement:**

The condition of the human male or female genitals, when in a state of sexual stimulation or arousal. (N)

**Sidewalk:**

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

**Signs:**

Any object, device, display, structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, fixtures, colors, illumination, or projected images, except as may be modified by O.R.C. 519.20. Signs do not include the flag or banner of any nation, state, city, or religious organization; also excluded are

merchandise, pictures, or models of products or services incorporated in a window display. (CW)

**Sign Area:**

The total exterior surface area of a sign, computed in square feet when it has only one exposed exterior surface; or, when it has two exposed exterior surfaces, then each side may not exceed the maximum permitted by this Resolution. (N)

**Sign-Temporary:**

A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material, including inflatable signs, and intended to be displayed for a short period of time (30 consecutive days or less) and which is no larger than 24 square feet. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer. (N)

**Story:**

That portion of a building, other than a cellar/basement, included between the surface of any floor and the surface of the floor above it. If there be no floor above it, then the space between the floor and the ceiling next above it.

**Story-Half:**

A half-story shall mean a partial story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, aren't more than four (4) feet above the floor of such story.

**Street:**

Any public way dedicated to public travel, and accepted as such by the Township Trustees or other governmental entity.

**Street, Thoroughfare or Road:**

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic & designated as follows:

1. Alley – See Alley
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually in a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets including the principal entrance and circulation routes within residential subdivisions.

4. Cul-de-sacs: A local street of relatively short length with one exit open to traffic and the other exit terminating in a vehicular turn around.
5. Dead-End Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential or other abutting property. (CW)

**Structure:**

Anything constructed or erected, the use of which requires location on the ground, or attachment of something having a fixed location on the ground. Structures include, but are not limited to, buildings, mobile homes, walls, fences, parking lots and billboards. (CW)

**Structural Alteration:**

Any change in the structural members of a building such as walls, columns, beams, or girders, whether by demolition or construction. (CW)

**Telecommunications Tower:**

Any free-standing structure, or any structure to be attached to a building or other structure that is constructed after October 31, 1996, that will be owned or principally used by a public utility that provides telecommunication services; will be located in an area of the Township which permits residential uses by the terms of this Resolution; will exceed the maximum allowable height of residential structures or other structures in the district, and will have attached to it radio frequency transmission or reception equipment. Cross reference O.R.C. 519.211(B)(1). (N)

**Topless:**

The showing of a female breast with less than a full opaque covering of any portion thereof, below the top of the nipple. (N)

**Township Zoning Commission:**

See "Commission".

**Unnecessary Hardship:**

A detriment to the applicant or landowner that means he cannot make use of the property for any of the purposes or uses for which it is zoned without variance from the regulations of this Resolution. This detriment must not be of the landowner's making or creation and must not have been entered into willfully, but must be a function of the characteristics of the land. If a use for which the property is zoned is possible without variance, no hardship exists. (N)

**Use:**

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

**Variance:**

A variance of the terms of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the Resolution would result in an unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice be done. As used in this Resolution, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Cross Reference O.R.C. 519.14(B). (CW)

**Yard:**

A required open space which is unoccupied and unobstructed by any structure or portion of a structure taller than three (3) feet above the general ground level of the graded lot; provided, however, that ornaments, fences, and furniture may be permitted in any yard subject to height limitations and requirements related to the obstruction of visibility. (CS)

**Yard-Front:**

A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

**Yard-Rear:**

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the back of the principal building.

**Yard-Side:**

A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zoning Certificate:**

A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.

**Zoning Inspector:** The Zoning Inspector of Pike Township or his/her authorized representative.

**Zoning Map:** The official Zoning Map or Maps of the Township, as created by this Resolution, together with all amendments subsequently adopted.

## ARTICLE V

### Article 5.0-Districts and General Provisions

#### 5.1 Districts

Pike Township is divided into three (3) districts known as:

R-1-General Residential District, please see Article VII

BD- Business District, please see Article VIII

FP-Flood Plain District, please see Article IX

#### 5.2 Zoning Map

The districts and boundaries of Pike Township are established as shown on the Zoning Map, which together with all notations, references, data, district boundaries and other information shown thereon, shall be part of this Resolution. The Zoning Map, properly attested, shall be and will remain on file in the office of the Fiscal Officer. (CW)

#### 5.3 District Boundaries

The district boundary lines on said map are intended to follow either the center of the street right-of-way, alley, or lot lines; and where the districts designated on the map are bounded approximately by such street, alley, or lot lines, the street or alley or lot lines shall be construed to be the boundary of the district, unless such boundary lines shall be determined by the use of the scale of the map appearing thereon, or by dimensions. (CW)

#### 5.4 Compliance with Regulations

No building shall be erected, used, 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, used, enlarged, or altered except in conformity with the requirements of this Resolution for the district in which such building is located. For purposes of this section, any physical step in the process of construction, demolition, alteration, or conversion constitutes the necessary act for determining if a violation of this Resolution has occurred. Cross reference O.R.C. 519.17. (CW)

#### 5.5 Street Frontage Required

Except as permitted by other provisions of this Resolution, no lot shall contain any building used in whole or part for residential purposes unless such lots abuts for at least one hundred fifty (150) feet on a street; and there shall not be more than one single-family or one two-family dwelling for such frontage. (CS)

#### 5.6 Traffic Visibility Across Corner Lots

In any district on any corner lot, no fence, structure, signs, or plantings shall be erected or maintained within forty (40) feet of the corner (the point of intersection of the right-of-way lines) which interferes with traffic visibility across the corner. (CS)

5.7 **Off-Street Parking & Loading**

In any district spaces for off-street parking and off-street loading shall be provided in accordance with the provisions of Articles 7.16, 7.17 and 7.18

5.8 **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 this Resolution.

5.9 **Unsafe Buildings**

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe in writing by proper authority. (CS)

5.10 **Vacated Street or Alley**

Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the 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.

5.11 **Campgrounds**

Campgrounds are not permitted in Pike Township. However, camping is permitted on occupied property owned, leased, or rented by a resident of the Township under the following terms:

A. In Conservation Districts, camping activities must be operated on a not-for-profit, non-contractual, and non-lease basis; with no more than five (5) camping units at any one time; with no permanent structures created, used, or occupied by the camping residents; and for not more than 90 days per calendar year. These regulations are separate from any compliance with the regulations set out in O.R.C. 3733.02 and 3733.021 et seq.

B. In Agricultural Districts, camping activities must be operated on a not-for-profit, non-contractual, and non-lease basis; with no permanent structures created, used, or occupied by the camping residents; and not for more than 21 days per calendar year. Camping activities in Agricultural Districts are not restricted in the number of camping units at any one time. (N)

5.12 **Storage of Refuse Prohibited**

No person, firm, or corporation owning, leasing, occupying or having charge of any lot or premises shall maintain or keep or permit the improper storage or disposal of garbage, rubbish, or refuse. This includes, but is not limited to, the

keeping or disposition on, or the scattering over the premises of any of the following: junk, debris, discarded or unused appliances, refrigerators, freezers, junk motor vehicles, or any parts thereof, cartons, boxes, furniture, glass, cans, containers, rags, wood, rubber, leather, metals, mineral matter, plastics, crockery, and combustible or noncombustible waste materials. Junkyards are not permitted in the Township except as may be permitted by state statute. (N)

5.13 **Temporary Structures**

Temporary structures or uses are permitted in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution, provided that the use is of a temporary nature and involves the erection of a structure that can be entirely moved at the conclusion of the event or use.

"Temporary" means more than thirty (30) days but less than six (6) months. The Zoning Inspector may grant, upon application, a Zoning Certificate for such use in the form of a terminable permit for not more than a twelve-month period (or one six-month period, renewable one time only for not more than six months).

Construction trailers and temporary dwellings used during the time of construction of a permanent dwelling are exempted from these requirements, provided that they are vacated and removed within an 18-month time period. (N)

5.14 **Temporary Visitors Zoning Certificate**

Recreational vehicles or motor homes temporarily used as a residence by a visitor for a period of thirty (30) to a maximum of ninety (90) days on occupied property, owned, leased, or rented by a Pike Township resident is permitted provided that:

- A. All provisions of Knox County Health Board regarding water and sanitary systems are complied with;
- B. Joint application is filed with the Zoning Inspector by the aforesaid property resident and recreational vehicle or motor home owner within twenty-one (21) days after arrival on the property;
- C. Fees shall be charged in accordance with the orders and direction of the Board of Township Trustees.
- D. Certificate issued for a period of ninety (90) days may be renewed by the Zoning Board of Appeals. (CW)

5.15 **Tents**

No tent shall be used as a temporary or permanent residence.

5.16 **Performance Standards**

No land or building in any district, except for agricultural uses, shall be used or occupied in any manner so as to create any dangerous, injurious or otherwise objectionable element or condition.

- A. Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by fire fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such equipment and devices shall be sufficient to control and combat any resulting fire or explosion without the additional assistance from governmental firefighting departments.
- B. Radioactivity or Electrical Disturbances: No activity shall emit radioactivity at any point or cause electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.
- C. Noise: Noise which is objectionable as determined by the Board of Zoning Appeals (BZA) 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 vibrations shall be permitted which are discernible on any adjoining property.
- E. Smoke: Smoke shall be controlled so that it does not disrupt the quiet use and enjoyment of neighboring properties or properties in the vicinity.
- F. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- G. Air Pollution: Creation of flyash, dust, vapors, or other substance of pollution shall not disrupt the quiet use and enjoyment of neighboring properties or properties in the vicinity.
- H. Light and Glare: No direct light or glare shall be permitted which is visible from any adjoining property or from any public street, road, or highway.
- I. Erosion: No erosion, by either wind or water, shall be permitted which will carry substances of any nature onto neighboring properties.
- J. Minimum Maintenance Requirements: Every owner, lessee, or tenant of any property shall keep in good repair all of the exterior portions of each building and each lot, including any portions thereof which, if not so maintained, may cause or tend to cause such portions, building, or lot to deteriorate, decay, or

become damaged or otherwise fall into a state of disrepair. The repair and maintenance required by this section includes, without limitation, the following:

1. Structurally stabilizing each building and lot by taking all steps necessary to ensure the following:
  - a. The roof is watertight;
  - b. Gutters are properly pitched and cleared of debris;
  - c. Downspout joints are intact;
  - d. Drains are unobstructed;
  - e. Windows, doors, siding and framing are in good condition;
  - f. Masonry walls are sealed to keep out moisture;
  - g. The lot is graded for proper water runoff;
  - h. Non-landscaped vegetation is cleared from around each building and grass is no longer than eighteen (18) inches;
  - i. Trash, debris, and hazardous materials such as flammable liquids, poisons, and paints are removed from the building and lot on a continual basis;
  - j. Parking areas shall be maintained in a condition that does not permit erosion, the rutting of the ground, or the tracking of mud or excessive dust onto roads or other public rights-of-ways or adjacent properties;
  - k. The replacement of original support systems (either vertical or horizontal) with new members or elements (either interior or exterior), not adequately designed to carry normal loads, shall not be permitted.
2. Securing each vacant building and lot from vandalism and break-ins. (N)

5.17 **Compliance with Above Performance Standards**

All uses existing on the effective date of this amended Resolution shall conform to these performance requirements within two (2) years. The Zoning Inspector shall have the power to issue stop-work orders for any uses under construction or operation, even if already in possession of a Zoning Certificate, which, in his/her opinion, may cause emission of dangerous or objectionable elements; he/she may refer the matter to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards for investigation and report. Such consultant or consultants shall report as promptly as possible after receipt of such matter for review. A copy of such report shall be promptly furnished to the owner/operator. The Zoning Inspector shall refer the report to the BZA who shall, within thirty (30) days after receipt, decide whether the proposed use will conform to the applicable performance standards and on such basis shall authorize or refuse to authorize the continuation of the Zoning Certificate. A Zoning Certificate so authorized and continued or issued shall be conditioned upon the following:

- A. That the applicant's buildings and installations, when completed, will conform in operation to the applicable performance standards, and
- B. That the applicant will pay the fees for the services of the expert consultant or consultants deemed reasonable and necessary by the BZA to advise it as to whether or not the applicant's completed building will meet said performance standards. (N)

5.18 **Scrap Tire Facilities**

All scrap tire facilities, whether monocell or monofill, recovery, or storage, shall comply with the following requirements:

- A. The owner/operator of any proposed facility shall apply for a zoning certificate that shall be treated as an application for a conditional use permit.
- B. In addition to any other conditions imposed by the BZA, the owner/operator of the facility shall meet all of the following requirements:
  - 1. Fence the entire perimeter of the parcel twenty (20) feet from the property line with solid/privacy fencing;
  - 2. Landscape the exterior of the perimeter fencing with a combination of evergreen and deciduous bushes, shrubs, and trees;

3. Be located not less than 250 feet from any residential dwelling; and
  4. Submit a bond in the amount of \$10,000 for every 1,000 vehicle trips to and from the facility occurring in the first year of operation (or a minimum of \$10,000), which shall be held by the Township Clerk for the purpose of repairing damage caused by such traffic to township roads.
- C. Zoning Certificate issued for scrap tire facilities may be subject to revocation for violation of any of the above conditions or for any of the conditions of the original permit. Besides any violations brought to the Zoning Inspector's or the BZA's attention, the Zoning Inspector shall review the operation every five (5) years after approval of a permit and shall notify the BZA or any violations of these terms.
- D. The terms of this section shall apply to any scrap tire facilities that apply for a state permit to begin operations two (2) years after the effective date of this Resolution. Cross reference O.R.C. 3734.80(B)(1). (N)

5.19 **Storage of Abandoned Junk Motor Vehicles Prohibited**

Storage of abandoned junk motor vehicles is not a permitted use of any property in Pike Township. This prohibition applies whether the vehicle is stored on property with or without the permission of the landowner. The Zoning Inspector may issue a citation for violation of this Resolution in addition to any penalties provided by O.R.C. 4513.63, 4513.64 and 4513.65. (N)

5.20 **Home Occupations**

Home occupations must meet the following requirements:

- A. The occupation must be clearly incidental to the use of the dwelling as a residence;
- B. No outdoor display or outdoor storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises;
- C. There shall be no visible evidence that the residence is being operated as a home occupation, except for one (1) permitted sign; (See Article VIII)
- D. Such use must not be objectionable due to noise, hours of operation, glare, odors, or hazardous or noxious process, electrical

interference, visual or audible interference in radio or television receivers or cause fluctuations in line voltage off the premises;

- E. A maximum of one (1) full-time equivalent person, other than members of the immediate family residing in the dwelling, may be employed in the home occupation; and
- F. Off-street parking shall be provided on the premises. (See Articles 7.16, 7.17, 7.18). (CS)

5.21 **Mobile/Modular Homes**

All mobile/modular homes must meet the following requirements:

- A. A mobile/modular home shall not be less than twenty (20) feet in width or depth, whichever is the smaller dimension;
- B. Wheels shall be removed;
- C. Tongue shall be removed, if it is a removable or bolt type tongue;
- D. Skirting shall be required. Skirting shall be of nonflammable material approved by the Zoning Appeals Board;
- E. The mobile/modular home must be attached to a foundation of:
  - 1. A basement of concrete block or poured walls, or;
  - 2. A concrete slab with a minimum thickness of four (4) inches with footers the full perimeter;
  - 3. And/or cement block pillars set on concrete, thirty (30) inches below finished grade and placed on eight (8) foot centers;
  - 4. Tie-downs as per State of Ohio standards.
- F. The above regulations must be met before the dwelling is occupied as stipulated in the building or conditional use permit and signed and agreed to by the applicant.
- G. A 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 more than eighteen (18) months. A separate zoning certificate shall be required for the use of temporary dwelling quarters.

5.22 **Hospital**

A hospital or sanitarium shall be permitted providing that any such hospital or sanitarium shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than 700 feet and providing that any such hospital or sanitarium caring for contagious diseases also shall have a lot area of not less than one-half (1/2) acre per bed in addition to the other requirements set forth herein, and provided that said hospital or sanitarium shall be set back with at least 300 feet clearance on each side and the rear of the building.

5.23 **Agricultural**

Agricultural practices may be conducted on lots of less than five (5) acres providing any such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration, and providing any such use does not constitute an annoyance to the surrounding property owners. No zoning permit is required for buildings incidental for such use. (See agriculture definition)

5.24 **Public Utilities and Railroads**

This Resolution shall not apply to public utilities and railroads.

5.25 **Accessory Buildings**

All detached buildings, except garages, shall be located at least fifteen (15) feet from any dwelling.

5.26 **Sanitary System and Water Supply**

All sanitary systems and water supply systems must show and receive the written approval of the Knox County Health Department for the design, location, capacity of the sanitary system and method of water supply before construction is permitted to start.

- A. Water system and sanitary sewer facilities, whether community or individual, must be approved by the County of Knox and/or the State of Ohio Health Department and a certificate of approval posted. Construction will not be allowed until approval of sewer and water systems.

5.27 **Carport**

A carport may be added to a building as long as it does not infringe on the lot regulations. (See 7.7, 7.8). Enclosing of this structure will change its use and, therefore, will require a permit.

5.28 **Porches**

The addition of an unenclosed porch, deck or patio to a building or dwelling is an allowable use and, therefore, does not require a permit. Enclosing of a porch, deck or patio will change its use, increase the living cubic content and, therefore, will require a permit. (CW)

5.29 **Village of Amity**

For the purposes of determining setback, the following applies:

Side line setback: 10 percent (10%) width of lot or ten (10) feet,  
whichever comes first.

Front line setback: 30 feet (due to Ohio Department of Transportation  
right-of-way).

Back line setback: 15 feet or 10 percent (10%) of length, whichever  
comes first.

5.30 **Structure Exterior Completion**

All dwelling and structures shall have the outside completed with material designed for exterior finish and painted, stained, etc., within eighteen (18) months. (CS)

5.31 **Single Dwelling Conversion**

If a single-dwelling unit is converted and its use changes into a two- or multiple-family dwelling, a zoning permit is required. Appropriate sewer and water permits shall also become part of Two or More Multiple Family Zoning Permit. Each Multiple-Family Dwellings must have a separate entrance.

5.32 **Utility Buildings** (also see 5.25)

Any utility building no larger than 12 feet by 14 feet, and no higher than 13 feet 5 inches, whether on a foundation or skids will not require a permit. All such buildings must comply with other regulations set forth here within and must comply with front, back and side set lines. These buildings shall not be used for dwellings and may not be adjoined.

5.33 **Swimming Pools**

A private swimming pool, as regulated herein, shall be any pool, 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 (1 ½) 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 enjoyment of the occupants, and their guests, of the principal building of the property on which it is located.

- 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 (10) feet to any property line of the property on which located; provided, further, that pump and filter installations shall be located not closer than twenty (20) feet to any property line.
- C. Lighting: Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- D. 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 and the Health Commissioner.

5.34 **Garage/Yard Sales**

- A. Not more than three (3) garage/yard sales at the same location will be permitted in any one (1) calendar year and not more frequently than one (1) in any month.
- B. A garage/yard sale shall not be conducted for more than seven (7) consecutive days.
- C. All garage/yard sale signs must be removed within 24 hours after the sale has been completed.

## ARTICLE VI

### Article 6.0-Nonconforming Uses

#### 6.1 Existing Nonconforming Uses-Continuation

Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this Resolution may be continued although such use, building or structure does not conform to the provisions of this Resolution for the district in which it is located. (N)

#### 6.2 Nonconforming Uses of Buildings

All uses or buildings that are nonconforming to the terms of this Resolution shall, within 365 days from the passage of this amendment, obtain from the Zoning Inspector a "Nonconforming Use/Building Certificate" which documents the nature of the nonconformity of the subject property. No existing building or premises devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, reconstructed, substituted, or structurally altered unless approved by the BZA, based on the following process and analysis:

- A. Any enlargement, extension, reconstruction, substitution, or structural alteration must be submitted by application to the Zoning Commission for review and comment.
- B. The Zoning Commission shall submit its comments to the Board of Zoning Appeals that shall determine whether to permit the proposed changes, whether to permit the proposed changes as modified, or whether to deny the permission for the proposed changes. The BZA shall follow the procedure and criteria contained in Article XIV of this Resolution.
- C. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. (N)

#### 6.3 Discontinuance of a Nonconforming Use

No building, structure, or premises where a nonconforming use has been voluntarily discontinued for a period of twenty-four (24) months or more shall again be put to a nonconforming use. Cross reference O.R.C. 519.19. (N)

#### 6.4 Destruction of a Nonconforming Use

Repairs and maintenance work as required to keep a nonconforming building or use in sound condition or to restore damage, regardless of the cause (fire, natural disaster, etc.), may be made to a nonconforming use provided that the following requirements are met:

A. The total structural repairs and alterations shall not, during its life subsequent to the passage of this Resolution, exceed the original square footage of the damaged or destroyed building; and

B. The reconstruction is begun within two (2) years of the occurrence resulting in the destruction. (N)

6.5 **Construction Started-Nonconforming**

Any building arranged, intended, or designed for a nonconforming use, the construction of which has been started at the time of the passage of the zoning resolution, but not completed, may be completed and put to such nonconforming use, providing it is done within one (1) year after this Zoning Resolution takes effect.

6.6 **Exemption of Essential Services**

Essential services as defined in this Resolution shall be exempt from the provisions of this Article (See 5.8). (N)

## ARTICLE VII

### Article 7.0-Residential District (R-1)

#### 7.1 Purpose

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

#### 7.2 Permitted Uses

##### A. Agriculture (See definition)

1. Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incidental to the uses of agricultural purposes of the land on which such buildings shall be located, but residential and agricultural buildings shall conform to the regulations contained in this Resolution.

2. Agriculture may be conducted on lots less than five (5) acres providing any such use is not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flares, or vibration, and providing any such use does not constitute an annoyance to the surrounding property owners. No zoning permit is required for buildings incidental for such use.

B. Nurseries and the raising and selling of farm products.

C. Single- or two-family dwellings and buildings accessory thereto.

D. Churches, schools, fire stations, publicly owned parks, publicly owned playgrounds, colleges or universities, museums, community centers, township halls, public libraries and non-profit swimming pools.

E. Underground homes that meet the minimum square footage requirements and any other specified requirement found in this Resolution.

F. 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 twenty-four (24) square feet of sign

area; and signs announcing the meeting times and places of civic organizations.

7.3 **Conditional Uses**

A. Home Occupations

B. Professional and Business Offices

7.4 **Prohibited Uses**

Any use not listed as permitted or conditional is prohibited.

7.5 **Water and Sewer Facilities**

All such systems, whether community or individual, must be approved by the County of Knox or the State of Ohio Health Department, and certificate of same must be posted.

7.6 **Minimum Lot Area**

No dwelling shall be erected or building altered to become a residence on less than one (1) acre and a lot with not less than one hundred fifty (150) feet of frontage on a public road. The lot depth shall not exceed three (3) times the lot front width; unless such lot was designated on a recorded plat or separately owned at the time the Zoning Resolution took effect and cannot practicably be enlarged to conform to this requirement.

7.7 **Setback Line From Right-Of-Way**

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within thirty (30) feet of the edge of the right-of-way line for any road or street. Where there is no established right-of-way for any road or street, said line shall be deemed to be fifty (50) feet from the center of the road. (CS)

7.8 **Lot Width at Building Setback Line**

No dwelling shall be erected in any district on a lot having a width at the building setback line of less than one hundred fifty (150) feet, unless such lot was designated on a recorded plat or separately owned at the time this Zoning Resolution takes effect and cannot be practicably enlarged to comply with these requirements.

7.9 **Building Height**

No dwelling shall exceed 2 ½ stories or thirty-five (35) feet in height.

7.10 **Dwelling-Minimum Sizes**

A. No single family dwelling shall be erected with less than one thousand (1000) square feet of gross ground floor area,

exclusive of breezeways, porches, terraces and garages, if with basement. If dwelling is without a basement, the minimum is twelve hundred (1200) square feet. A dwelling shall not be less than twenty (20) feet in width or depth whichever is smaller dimension. Pre-manufactured or factory built homes must arrive on site to conform to minimum standards of width, depth and square footage prior to further modification.

- B. No two-family dwelling, with a basement, shall be erected with less than two thousand (2000) square feet of gross ground floor area and a gross floor area of one thousand (1000) square feet per family, exclusive of breezeways, porches, terraces and garages. Without a basement, no two-family dwelling shall be erected with less than twenty-four hundred (2400) square feet of gross floor area and a gross floor area of twelve hundred (1200) square feet per family exclusive of breezeways, porches and garages. Each two-family dwelling must have a separate entrance.

7.11 **Side Yards**

For every building in an R-1 District, there shall be a minimum side lot clearance on each side of said building, which shall be not less than ten (10) feet and which shall remain open and unoccupied by any building or structure.

7.12 **Corner Lots**

The setback line on a corner lot shall be in accordance with the provisions governing the roads or streets on which the building faces.

7.13 **Rear Yard**

For every building erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

7.14 **Accessory or Detached Buildings**

All detached buildings except garages shall be located at least fifteen (15) feet from any dwellings.

7.15 **Lot Access**

The minimum requirement of a twenty-four feet by twelve inch (24' X 12") culvert shall be used at entrances from township roads. The diameter of all entrance pipes must meet the approval of the township trustees and county engineer. Each lot is permitted to have only one curb cut to access the property unless the Board of Zoning Appeals approves any additional curb cuts in accordance with Article XV.

7.16 **Off-Street**

There shall be provided in the R-1 District off-street parking in accordance with Article 7.17 and 7.18.

7.17 **Off-Street Parking**

In any district, every building or part thereof that is to be occupied by any use allowing the parking of motor vehicles by persons visiting, patronizing, or otherwise making use of the building shall maintain sufficient off-street parking spaces to keep such vehicles from occupying township roads and rights-of-way. Every effort shall be made by every property owner to limit the number of parking spaces to those that are absolutely necessary for regular operation of the uses of the property. (N)

7.18 **Off-Street Loading**

In any district, every building or part thereof that is to be occupied by any use requiring the receipt or distribution by vehicles of materials or merchandise, shall maintain sufficient off-street loading space to keep such vehicles from occupying township roads and rights-of-way. (N)

## ARTICLE VIII

### Article 8.0 Business District

#### 8.1 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 in the close proximity they must serve.

#### 8.2 Permitted Uses

- A. Any use permitted in a residential district.
- B. Major Retail Outlets: furniture, department, clothing, shoe and variety stores; hardware, appliance, paint and wallpaper stores.
- C. Food, Drug and Beverages: grocery stores, supermarkets, meat markets; drug stores; bakery in conjunction with retail sales; 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 with not more than ten (10) full-time regular employees; places of amusement and assembly.
- F. Business and Professional Offices: medical and dental offices, clinics, law 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 pertaining to the business on the property on which the sign is located providing that illumination of all signs shall be diffused so as not to reflect direct rays of light into adjacent residential districts or into the public way, and that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

### 8.3 Conditional Uses

#### Purpose

The purpose of the Conditional Use Provisions is to provide for those retail businesses and services which require a location other than in a centralized business district being either highway oriented, requiring larger tracts of land not normally available, or to provide local neighborhood retail shopping facilities to that residential area immediately adjacent.

### 8.4 Permitted Uses

- A. Any conditional use permitted in a residential district.
- B. Building Trades or Equipment: building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments.
- C. Vehicle Drive-In and Heavy Vehicle Services: drive-in theaters, drive-in restaurants and refreshment stands; express cartage and trucking facilities; large item machinery or bulk sales; and storage not including outdoor unfenced storage.
- D. Heavy Service and Processing Facilities: laundry and dry cleaning plants, linens, towels, diaper and similar supply services; animal pounds, kennels and veterinary establishments; frozen food lockers; seed and food processing plants; dairies.
- E. Accessory Uses or Buildings.
- F. Business and Advertising signs pertaining to the business on the property on which the sign is located providing that illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way, and that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.
- G. Adult Entertainment if prohibited.

### 8.5 Required Lot Area and Lot Width in the B-1 District

Refer to R-1 for lot requirements.

### 8.6 Off-Street Parking and Loading Requirements

Refer to off-street parking and loading located in Article 7.17 and 7.18.

## ARTICLE IX

### Article 9.0 Flood Plain District

#### 9.1 Purpose

The purpose of the Flood Plain District is to acknowledge that areas of Pike Township are subject to periodic inundation by floodwaters and that any development in these areas of periodic flooding shall be subject to regulation as found in Appendix [E.] (Knox County, Flood Damage Reduction Resolution) of the Knox County Land Subdivision Regulations.

## ARTICLE X

### Article 10.0-Sign Regulations

#### 10.1 Commercial, Institutional, and Real Estate Signs

- A. All signs advertising goods or services provided on the premises or advertising the availability of property along any road, including state or county roads, shall be set back from right-of-way line (existing or as established) at least five (5) feet, or twenty (20) feet if on a corner at the intersection of two roads. Such signs shall not be lighted in any way nor shall they exceed twenty-four (24) square feet in size; nor shall any sign be designed to provide more than two (2) surfaces for display, e.g. no round or multi-sided signs are permitted.
- B. When a business or other operation which has maintained a sign has permanently closed or vacated the premises, any sign relating to that use or business shall be removed by the land owner within sixty (60) days of the termination of the use of business.
- C. All signs shall be maintained in a sightly and safe condition, as described below:
  - 1. The sign will not exhibit peeling paint, paper, or other materials in a state of deterioration;
  - 2. The sign is secured to its post or other mounting and is not loose or at risk of falling from its intended position;
  - 3. The area around the sign is maintained: trash or litter removed and weeds/brush trimmed back regularly. (N)

#### 10.2 Sign Safety, Traffic Obstruction

No sign shall be placed as to obstruct or interfere with a required means of ingress or egress of traffic or line of sight. (N)

#### 10.3 Signs on Residential Property

No commercial signs are permitted on any property used primarily for residential purposes, except that the one (1) sign for home occupations or professional activities (when permitted) shall not exceed eight (8) square feet and shall conform with all other provisions of this Article, including the provisions of Article XIII. (N)

10.4 **Temporary Signs**

The Zoning Inspector may authorize the installation of temporary signs (as defined by this Resolution) in accordance with the requirements of this Article. Signs advertising the sale of lots in an Undeveloped Planned Unit Development (PUD) may be erected and displayed in said PUD, provided that not more than one such sign facing on any one street shall be permitted for each PUD; and provided that each sign shall be removed at the expiration of one (1) year after its erection or when sixty percent (60%) of the lots fronting or abutting on the street which such sign faces have been built upon and occupied as residences, whichever occurs first. Signs announcing the names of contractors and materials suppliers participating in the construction of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved. (N)

10.5 **Sign Permit Application Required**

Any person desiring to construct a sign governed by sections 8.1 through 8.4 shall first apply for a sign permit from the Zoning Inspector. (N)

10.6 **Outdoor Advertising**

Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes. Cross reference O.R.C. 519.20. (N)

## ARTICLE XI

### Article 11.0-Telecommunication Towers and Antennas

#### 11.1 Purpose

The regulations in this Article embody the requirements of the statutes of the State of Ohio for telecommunications towers in unincorporated township territory. The purpose of the following regulations is to establish general guidelines for sites of towers and antennas. These regulations serve the following goals:

- A. To encourage the location of towers in nonresidential/non-historical areas and to minimize the total number of towers in Pike Township;
- B. To enhance the ability of telecommunications service providers to deliver such services to the community quickly, effectively, and efficiently;
- C. To promote the maximum efficiency of such constructions, encouraging shared towers or leased space for other communications equipment at all times when financially and practically feasible;
- D. To encourage users of towers and antennas to locate them in areas where adverse impacts on the township's citizens are minimized and to encourage the configuration of towers and antennas in a way that minimizes the visual impact they create. (N)

#### 11.2 Definition of Telecommunication Tower

Any free-standing structure, or any structure to be attached to a building or other structure that is constructed after October 31, 1996 that will be owned or principally used by a public utility that provides telecommunications services that will be located in any area of the township which permits residential uses by the terms of this Resolution; that will exceed the maximum allowable height of residential structures or other structures in the district; and that will have attached to it radio frequency transmission or reception equipment. Cross reference O.R.C. 519.211(B)(1). (N)

#### 11.3 Required Notice

Any person who plans to construct a telecommunications tower in an area subject to township zoning regulation shall provide notice by certified mail to the following persons:

- A. To all owners of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a

street or roadway from the property on which the tower is proposed to be constructed:

B. To the Pike Township Board of Trustees;

C. To any owner and any occupant of residential dwellings within 100 feet of the proposed tower location.

Said written notice shall include a statement in clear and concise language of the applicant's intent to construct a tower, a description of the subject property sufficient to identify the proposed location, and that, within fifteen (15) days of the date of mailing the notice, any property owner may make a written request to the Board of Trustees that the terms of the zoning resolution, as authorized by the Ohio Revised Code 519.02 to 519.25, should apply to the location of the tower.

Notice to the Board of Trustees shall also verify that notice to the surrounding property owners has been given as required by this paragraph. Also, the applicant shall include with the notice to the Trustees an inventory of its existing antennas or towers that are within the township boundary with specific information about the location, height, and design of each tower or antenna. The applicant shall also submit an inventory of all other anticipated tower or antenna locations within the township. The inventory of anticipated sites does not trigger the notice requirements for those sites, which is provided in this paragraph; separate notice is required for each site on which an applicant proposes to construct a telecommunications tower.

If notice required by this paragraph is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. Cross reference 519.211(B)(3)(iii). (N)

#### **11.4 Response by Surrounding Property Owners or Trustees**

If the Board of Township Trustees receives notice from a property owner given notice by the terms of Section 11.3 within fifteen (15) days of the date of mailing the notice, the Trustees shall request that the Township Clerk send the applicant written notice that the tower shall be subject to the Township's authority to regulate the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of the tower through this Resolution. Alternatively, a Trustee may make an objection to the proposed location of the tower within the 15-day period. Upon the Trustee's objection, the Board shall request that the Township Clerk make notice to the applicant as provided above. The written notice from the Clerk, under all circumstances, shall be sent no later than five (5) days after the first objection was received, whether from a neighboring property owner or a Trustee. As of the date that the Clerk's notice is mailed, the terms of this Zoning Resolution, as authorized by statute, shall apply to the tower. Cross reference O.R.C. 519.211(B)(4)(a). (N)

**11.5 No Response from Surrounding Property Owners or Trustees**

If the Board of Township Trustees receives no notice from surrounding property owners and no Trustee makes an objection to the location of the tower within the 15-day period, then the Township is divested of all power to regulate the location, erection, construction, reconstruction, change, alteration, removal or enlargement of the tower, without exception. Cross reference O.R.C. 519.211(B)(4)(b). (N)

**11.6 Procedure upon Response**

In the event that the required notice is given by the applicant and a response is made to that notice by a neighboring property owner or Trustee, consistent with the terms of this Article, the following procedure shall be followed:

- A. The applicant shall prepare a full site plan at the scale of one (1) inch to one hundred (100) feet (1"=100') indicating the following:
  1. Total site area;
  2. The existing zoning of the property and all adjacent properties;
  3. All public and private rights-of-way and easement lines located on or adjacent to the property and the proposed plan for these lines whether they are to be continued, created, relocated, or abandoned;
  4. Existing topography with a maximum of five (5) foot contour intervals and proposed grading plan with a maximum of five (5) foot contour intervals;
  5. The location of all existing buildings and structures and the proposed location of the telecommunications tower or antenna and all support structures including all dimensions, heights and the floor area of any support buildings or structures;
  6. The location and dimensions of all curb cuts, roads, parking and loading areas (including number of spaces), spot grades, materials list, drainage and lighting plans;
  7. A landscape plan to include all proposed sidewalks, open space, screening, fencing, walls and vegetation;
  8. All existing and proposed utilities including types and grades;
  9. The project/construction schedule;

10. A written statement by the applicant as to the visual, electronic, and aesthetic impacts of the proposed tower or antenna on all adjacent properties and that all FCC and FAA requirements will be met and addressed;

11. A summary explanation of why the proposed facility cannot be located on any other existing structure or tower, using sound engineering evidence to demonstrate that the proposed location is necessary in the interest of public safety or a practical necessity to satisfy the necessary function in the cellular or wireless communication grid system. The applicant is required to provide evidence that it has investigated and exhausted all other possible locations, including those of tall structures, within a one (1) mile radius of the proposed site and the requests for permission to install the telecommunications equipment on those structures must be supplied; denial of permission should be for reasons other than economic ones. The township may deny the application to construct a new telecommunications tower if the applicant has not made a good-faith effort to mount the devices on existing structures;

12. Evidence that the proposed telecommunications tower is structurally designed to support at least one additional user, and that the applicant provides a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.

B. Upon submission of a complete application and site plan to the Zoning Inspector it will be determined if the plan meets the purposes and the requirements as established in this Resolution and the requirements of Pike Township Zoning District. No public notice or public hearing shall be required in conjunction with the review, approval, approval with modifications, or disapproval of the site plan and proposal. However, upon issuing a final decision on the application, the Zoning Inspector shall cause a copy of his/her decision to be mailed by certified mail to all persons entitled to notice by the terms of 9.3 or any other resolution or statute. Cross reference: O.R.C. 519.211. (N)

#### 11.7 Use Regulations for Telecommunication Towers and Antennas

In the event that the required notice is given by the applicant and a response is made to that notice by a neighboring property owner or Trustee, consistent with the terms of this Article, the following use regulations shall apply to the proposed

2. The minimum lot required to accommodate the setback requirements for the tower height and supports.

Preference shall be given to towers proposed in wooded or forested areas over those proposed for open fields or hills.

#### C. Maintenance

1. Any owner of property used as a telecommunications tower site shall maintain the property and all structures in good condition, maintain landscaping, and keep the site free from trash, outdoor storage, weeds, and other debris.
2. Any tower found through inspection by the owner or the Zoning Inspector to be structurally unsafe shall be removed at the tower owner's expense if it cannot be brought into compliance within 180 days of the inspection.
3. Notice shall be provided to the Zoning Inspector when the tower service has been discontinued. Towers that are not used for a period of six (6) or more continuous months shall be removed by the tower owner within one hundred twenty (120) days of notice by the Zoning Inspector ordering such removal. "Discontinued" shall include in its meaning that the structure has not been maintained, has been abandoned, become obsolete or has ceased the daily activities or operations for which it was constructed.

#### D. Tower Safety

1. The tower owner shall demonstrate that the proposed telecommunications tower and antenna ties are safe and that the surrounding properties will not be negatively affected by tower failure or radio frequency interference. All telecommunications towers shall be fitted with anticlimbing devices.
2. A fence shall be required around the tower and its support structure(s) unless the device is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected and maintained to prevent access by unauthorized personnel.

#### E. Appearance

1. No commercial advertising of any kind shall be allowed on the tower or its related facilities.
2. The color of the tower shall be neutral, except to the extent required by federal law, so as to minimize visibility of the structure.
3. Existing vegetation on and around the site shall be preserved and maintained to the greatest extent possible.
4. A landscape buffer and screening shall be installed in an appropriate location to create a visual block from adjacent properties and roads. A landscape buffer shall be installed around the perimeter of the tower site and all improvements on the site including the tower and guy anchors, ground buildings and equipment, and safety fencing.(N)

1. No commercial advertising of any kind shall be allowed on the tower or its related facilities.
2. The color of the tower shall be neutral, except to the extent required by federal law, so as to minimize visibility of the structure.
3. Existing vegetation on and around the site shall be preserved and maintained to the greatest extent possible.
4. A landscape buffer and screening shall be installed in an appropriate location to create a visual block from adjacent properties and roads. A landscape buffer shall be installed around the perimeter of the tower site and all improvements on the site including the tower and guy anchors, ground buildings and equipment, and safety fencing.(N)

## ARTICLE XII

### Article 12.0-Extraction of Minerals

#### 12.1 General Requirements

Any owner, lessee, or other person, firm, or corporation having an interest in mineral lands in any district may file with the Board of Zoning Appeals (BZA) an application for authority to mine the minerals therefrom; such authorization shall be conditioned, at minimum, on the applicant's compliance with all regulations of the district in which the property is located, except for accessory structure setbacks, and with the following additional requirements:

- A. Distance from Property Lines: No quarrying operation shall be carried on, or any stockpile placed, closer than one hundred (100) feet to any property line unless a greater distance is specified by the BZA where such is deemed necessary for the protection of adjacent 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 twenty-five (25) feet to the nearest line of right-of-way so long as that right-of-way line is at least fifteen (15) feet in depth from the center 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 BZA, such fencing is necessary for the protection of the public safety, and shall be of a type specified by the BZA. At minimum, fencing is automatically required along township rights-of-way and around the corners of the land created by rights-of-way that are being used for mining or quarrying to a distance of seventy (70) feet from the center of the street. Such fencing shall be eight (8) foot chain link fence at all places. (N)

#### 12.2 Applicant-Financial Ability

When submitting an extraction application for review, the applicant shall provide a defensible financial plan or prospectus to the BZA establishing its ability to conduct mining or quarrying operations in compliance with the entire township zoning regulations and all other applicable statutes or laws. If the BZA is satisfied that the applicant is financially able to carry out the proposed mining operation in accordance with all applicable regulations and its submitted specifications, then the application for extraction may be approved. (N)

12.3 **Contents of Application for Extraction**

An application for such operation shall include the following information, including eight (8) copies of each:

- A. Name of the owner(s) of land from which the removal is to be made.
- B. Name of the applicant making the request for such authorization.
- C. Name of the person or corporation conducting the actual removal operation and the names, locations, and dates of operation of at least three (3) other sites from which mineral extractions/mining have occurred.
- D. Location, description, and size of the area from which the removal is to be made.
- E. Location of the processing plant or facilities to be 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, including measurable noise levels thereof, by-product creation, dust, fumes, etc.
- I. Method of rehabilitation and reclamation of the mined area, including the expected timetable for mining and reclamation.
- J. A statement of the impact of the mining operation on farmland in the area to be mined and which is adjacent to the operation.
- K. Names, locations, and dates of reclamation of past projects. (N)

12.4 **Public Hearing for Application for Extraction**

Upon receipt of such application, the BZA shall set the matter for a public hearing in accordance with the provisions of Article XVI. (N)

12.5 **Additional Requirements**

In addition to the foregoing, the BZA may impose such other conditions, requirements, or limitations concerning the nature, extent of the use, and operation of such mines, quarries, or gravel pits and/or the processing of such materials as the BZA may deem necessary for the protection of adjacent properties and the public interest. The BZA may limit, restrict, or prohibit the processing of materials recovered at sites other than those located in Pike

Township for the purposes of protecting the general welfare of the citizens and surrounding landowners and for the protection of the township roads. The Board, prior to the issuance of the permit, shall determine the said conditions and the amount of the performance bond. (N)

#### 12.6 Gas and Oil Wells

The Division of mineral resources management in the Department of Natural Resources has sole and exclusive authority to regulate the permitting, location, and spacing of oil and gas wells within the state. O.R.C.1509.02

## ARTICLE XIII

### Article 13.0-Adult Entertainment Facilities

#### 13.1 Sexually Oriented Business Use Inspector

The Township Trustees or their designee is designated the Sexually Oriented Business Use Inspector (hereinafter referred to as "The Inspector"). The Inspector shall have the following powers and duties:

- A. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of sexually oriented business licenses as set forth in this Article.
- B. To conduct or provide for such inspection of sexually oriented businesses as shall be necessary to determine and ensure compliance with the provisions of this Article and other applicable provisions of law.
- C. To review at least annually the provisions of this Resolution and the conduct and operation of sexually oriented business establishments, and to make such related reports and recommendations to the Zoning Commission as the Inspector shall deem necessary.
- D. To conduct such hearings, studies, and reports on sexually oriented businesses as the Inspector shall deem necessary; and to conduct such hearings on the revocation or suspension of a sexually oriented business license as required pursuant to this Article.
- E. To take such further actions as the Inspector deems necessary to carry out the purpose and intent of this Article and to exercise such additional powers in furtherance thereof as are implied by the powers and duties expressly set forth in this Article. (N)

#### 13.2 Sexually Oriented Business Licenses Generally

- A. Sexually Oriented Business License Required: A sexually oriented business license shall be required to establish, operate, or maintain a sexually oriented business within the Township.
- B. Operation without a License Prohibited: It shall be unlawful for any person not having a current and valid sexually oriented business license to operate or maintain a sexually oriented business within the township at any time after the effective date of this Article.
- C. Operation in Violation of License Prohibited: It shall be unlawful for any licensee to establish, operate, or maintain a sexually oriented business within the township except in the manner authorized by, and in

compliance with, the provisions of this chapter and the licensee's sexually oriented business license.

- D. Content and Display of License: Every sexually oriented business license shall be provided by the township and shall, at a minimum, prominently display on its face the name of the licensee, the expiration date, and the address of the sexually oriented business. Every licensee shall display the license at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises.
- E. License Term: Sexually oriented business licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one (1) year commencing on the date of issuance and may be renewed only by making an application. Application for renewal shall be made at least sixty (60) days before the expiration date. (N)

### 13.3 Form and Submittal of License Application

- A. Required Form: An application for a sexually oriented business license, or the renewal thereof, shall be made in writing to the Inspector on a form prescribed by the Inspector and shall be signed by:
  - 1. The applicant, if the applicant is an individual;
  - 2. At least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization, or;
  - 3. By a duly authorized agent, if the applicant is a corporation. Each application shall specifically identify the applicant and the licensed premises for which a sexually oriented business license is sought.
  - 4. Each initial or renewal application shall be accompanied by ten (10) identical copies.
- B. Administrative Process Fee: Applicant for a sexually oriented business license, initial or renewal, shall pay an administrative processing fee in the amount of five-hundred dollars (\$500). The administrative processing fee shall in all cases be nonrefundable.
- C. Required Information and Documents: Each application shall include the following information and documents:

1. Names of applicants:

- a) Individuals. The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof (driver's license) of the applicant's age (date of birth) – proof that applicant is at least eighteen (18) years of age, the citizenship and place of birth of the applicant, and, if a naturalized citizen, the time and place of the applicant's naturalization, and the applicant's federally issued tax identification number.
- b) Corporation. The applicant corporation's complete name and official business address, federal employer identification number, the legal name, all aliases, the ages, business addresses, and social security numbers of all directors, officers, and managers of the corporation and of every person owning or controlling more than twenty percent (20%) of the voting shares of the corporation; the corporation's date and place of incorporation and the object(s) for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Ohio; and the name of the registered agent and the address of the registered office for service of process.
- c) Partnerships (general or limited), joint ventures, limited liability companies, or any other type of organization where two or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (including limited partners), or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

- 2. The general character and nature of the business of the applicant.
- 3. The location, including street address and legal description, and telephone number of the premises for which the sexually oriented business license is sought.
- 4. The specific name of the business that is to be operated under the sexually oriented business license.
- 5. The identity of each fee simple owner of the licensed premises.

6. A diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, and the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, providing that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches, and sufficient to show clear compliance with the provisions of this subsection of Article XIII. The requirements of this subsection of Article XIII shall not apply to renewal applications if the applicant presents a diagram that was previously submitted for the license for which renewal is sought and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this subsection shall not be deemed to be, and shall not be interpreted or construed to constitute, any other approval otherwise required pursuant to applicable regulations of Pike Township.
7. The specific type or types of sexually oriented business that the applicant proposes to operate in the licensed premises.
8. A copy of each sexually oriented business license, liquor license, and gaming license currently held by the applicant or by all of the individuals identified in the application.
9. The name of the individual or individuals who shall be the day-to-day on-site manager(s) of the proposed sexually oriented business.
10. Whether the applicant has been convicted of a specified criminal activity as defined in this Resolution, and if so, the specified criminal activity involved, and the date, place, and jurisdiction of each.
11. Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the

applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension, or revocation.

12. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within three thousand (3,000) feet of the property to be certified; the property lines of any established residential use district; school; preschool; daycare; place of worship; synagogue; park; library; federal, state, county, township or city building; cemetery; or other civic use or public use (within Pike Township or other adjacent jurisdiction), any commercial establishment selling beer or alcohol for consumption on the premises; or any hotel or motel within one thousand (1,000) feet of the property to be certified. For the purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
13. Any application for a sexually oriented business license that does not include all of the information and documents required pursuant to this section shall be deemed to be incomplete and shall not be acted on or processed by the Zoning Commission. The Inspector shall, within thirty (30) days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete. (N)

#### 13.4 Processing of License Application

- A. Upon the filing of an application for a sexually oriented business license, the Inspector shall refer the application to the appropriate township/county departments for investigation to be made on the information contained in the application. The application process for a license shall be completed within thirty (30) days from the date of the completed application. After the investigation, the Sexually Oriented Business Use Inspector shall issue a license unless the requirements set forth above are not met.
- B. Appeal: Judicial review may be made pursuant to Chapter 2505 of the Ohio Revised Code. All parties shall comply with the Inspector's decision pending appeal. (N)

### 13.5 Standards for Issuance of Denial of License

- A. The Inspector shall issue a sexually oriented business license to an applicant if, but only if, the Inspector finds and determines all of the following based on the reports, investigations, and inspections conducted by himself/herself and any reviewing departments, and on any other credible information on which it is reasonable for him/her to rely:
1. All information and documents required by this Article for issuance of a sexually oriented business license have been properly provided and the material statements made in the application are true and correct.
  2. No person identified in the application has been convicted of, or pleaded nolo contendere to, any criminal act within five (5) years immediately preceding the date of the application.
  3. No person identified in the application is overdue on payment of taxes, fees, fines, or penalties assessed against or imposed on any such individual in connection with any sexually oriented business.
  4. The sexually oriented business and the licensed premises comply with all then-applicable building, health, and safety codes and have received all necessary zoning approvals required by the then-applicable provisions of the Pike Township Zoning Resolution.
  5. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this chapter and all provisions of the Pike Township Zoning Resolution applicable to sexually oriented business, that the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed sexually oriented business establishment and its proposed operation are and shall be in compliance therewith.
- B. Denial: If the Inspector determines that the applicant has not met any one or more of the conditions set forth herein, then he shall deny issuance of the sexually oriented business license and shall give the applicant a written notification and explanation of such denial. The Inspector will only accept and process to completion one (1) application per location at a time. No new application for any location will be accepted while an application for that location is the subject of any appeal process.

- C. License Deemed Issued: If the Inspector does not issue or deny the sexually oriented business license within sixty (60) days after the properly completed application is submitted, than the sexually oriented business license applied for shall be deemed to have been issued. (N)

#### 13.6 Inspection by Pike Township

- A. Authority: The Inspector and other Township representatives and departments with jurisdiction shall periodically inspect all sexually oriented business establishments as shall be necessary to determine compliance with the provisions of this Resolution and all other applicable law.
- B. Licensee Corporation: A licensee shall permit representative of Pike Township to inspect the licensed premises and the sexually oriented business establishment for the purpose of determining compliance with the provisions of this Article and all other applicable law at any time during which the licensed premises is occupied or the sexually oriented business establishment is open for business.
- C. Interference of Refusal Illegal: It shall be unlawful for the licensee, any sexually oriented business employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by Pike Township pursuant to this Article or any other authority.
- D. Suspension or Revocation: Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the sexually oriented business license. (N)

#### 13.7 Changes in Information

During the pendency of any application for, or during the term of, any sexually oriented business license, the applicant or licensee shall notify the Inspector in writing within ten (10) days of any change in any material information given by the applicant or licensee in the application for such license; including specifically, but without limitation, any change in managers of the sexually oriented business establishment or in the individuals identified in the application pursuant to this Resolution, or if any of the events constituting grounds for suspension or revocation pursuant to this resolution occur. (N)

#### 13.8 Regulations Applicable to All Sexually Oriented Business Establishments

- A. General Compliance: All licensed premises and sexually oriented business establishments shall comply with the provisions of this Resolution and with the provisions of all other applicable township resolutions, rules, and regulations and all other applicable federal, state, and local laws.

B. Prohibited Uses: No person shall cause or permit the establishment of any adult entertainment business within one thousand (1,000) feet of any established single- or multi-family dwelling; school, preschool; daycare; church; synagogue or other place of worship; park; library; federal, state, county, township, or city building; cemetery; or other civic use or public use (within Pike Township or adjacent jurisdictions); any commercial establishment selling beer or alcohol for consumption on the premises; or any hotel or motel; nor within three thousand (3,000) feet of another adult entertainment business. For purposes of this Article, distances shall be measured in a straight line without regard to intervening structures or objects, from the nearest portion of the building within which the adult entertainment business is located to the nearest property line or the premises of a single-, two- or multi-family dwelling, church, park, preschool or school, or other adult entertainment business.

C. Zones Which Permit Adult Entertainment: These are zoned General Commercial District and Light Manufacturing.

D. Hours of Operation:

1. No sexually oriented business establishment shall be open for business at any time on any Sunday or State of Ohio or Federal holiday.
2. No sexually oriented business establishment shall be open for business between the hours of 12:00 am (midnight) and 11:00 am on any day.

E. Animals: No animals, except seeing-eye dogs required to assist the blind, shall be permitted at any time in any sexually oriented business establishment or licensed premises.

F. Restrooms: All restrooms in sexually oriented business establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually oriented business establishment employees and patrons.

G. Restricted Access: No sexually oriented business establishment patron shall be permitted at any time to enter into any of the nonpublic portions of any sexually oriented business establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of sexually oriented business employees. This subsection

shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises. These persons shall remain in the nonpublic areas only for the purposes and to the extent and time necessary to perform their job duties.

H. Specific Prohibited Acts:

1. No sexually oriented business employee or any other person at any sexually oriented business establishment, other than a sexually oriented business employee employed to provide adult entertainment in accordance with the regulations in this Resolution shall appear, be present, or perform while nude or seminude.
  2. No sexually oriented business employee or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business patron or any other person at any sexually oriented business establishment, or any other sexually oriented business employee, or any other person. No sexually oriented business establishment patron or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business establishment employee, patron or any other person.
  3. Straddle dances shall be prohibited at all sexually oriented business establishments.
- I. Exterior Display: No sexually oriented business establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of a sexually oriented business establishment shall utilize or contain any flashing lights, searchlights, spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations. This subsection shall apply to any advertisement, display, promotion material, decoration, or sign; to any performance or show; and to any window, door, or other opening.
- J. Noise: No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.
- K. Gambling and Related Devices Prohibited: No sexually oriented business establishment shall contain any video, pinball, slot, bagatelle, pigeon-hold, pool, or any other games, machines, tables, or implements.

- L. Manager's Station: Each sexually oriented business establishment shall have one or more manager stations. The interior of each sexually oriented business establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the establishment to which any sexually oriented business establishment patron is permitted access for any purpose.
- M. Alcohol Prohibition: No sexually oriented business establishment shall sell, serve, provide, or permit the consumption of beer or alcohol on the licensed premises or the lot on which the licensed premises is located.
- N. Parking: Each sexually oriented business establishment shall have a paved, marked, lighted parking lot capable of holding one vehicle for every three (3) authorized occupants permitted by fire regulations.
- O. Light and Sound Blockage: Each sexually oriented business establishment shall be landscaped to provide light and sound blockage to adjoining properties. (N)

### 13.9 Special Regulations for Adult Booths

- A. Prohibited Except in Adult Stores: Adult booths shall be prohibited in all sexually oriented business establishments except adult stores.
- B. Occupancy and Prohibited Acts: Only one individual shall occupy an adult booth at any time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or deface any portion of any adult booth.
- C. Open Booth Requirement: In addition to satisfying the manager station requirements of this chapter, all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides each adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult store containing the adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within a sexually oriented business establishment for the purpose of providing secluded viewing of adult materials or live performers.

- D. Aisle Required: There shall be one continuous lighted main aisle alongside the adult booths provided in any adult store. Each person situated in a booth shall be visible at all times from the aisle.
- E. Holes Prohibited: Except for the open booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.
- F. Signage: A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states:
1. That only one person is allowed in an adult booth at any one time, and;
  2. That it is unlawful to engage in any specified sexual activities while in an adult booth, and;
  3. That it is unlawful to damage or deface any portion of an adult booth.

G. Age Limitations:

1. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult booth or licensed premises that includes an adult booth shall be under the age of eighteen (18).
2. No person under the age of eighteen (18) shall be admitted at any adult booth or any licensed premises that includes an adult booth.
3. No person under the age of eighteen (18) shall be allowed or permitted to remain at any adult booth or at any licensed premises that includes an adult booth.
4. No person under the age of eighteen (18) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult booth or any licensed premises that includes an adult booth. (N)

**13.10 Special Regulations for Adult Cabaret**

- A. Performance Area: The performance area of an adult cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage

shall be separated by a distance of at least three (3) feet from all areas of the premises to which sexually oriented business establishment patrons have access. A continuous barrier at least two (2) feet in height and located at least three (3) feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No patron shall be allowed at any time on any Cabaret Stage.

- B. Lighting: Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than thirty (30) lux horizontal, measured at thirty (30) inches from the floor and on ten- (10) foot centers shall be maintained at all times for all areas of the adult cabaret where sexually oriented business establishment patrons are admitted.
- C. Tipping: No sexually oriented business establishment patron shall offer, and no sexually oriented business establishment employee having performed on any Cabaret Stage shall accept, any form of tip or gratuity offered directly or personally to the employee by the sexually oriented business establishment patron. Rather, all tips and gratuities to sexually oriented business establishment employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the sexually oriented business establishment or shall be placed by the sexually oriented business establishment patron on the Cabaret Stage on which the sexually oriented business establishment employee is performing.
- D. Notice of Select Rules: A sign at least two (2) feet by two (2) feet, with letters of at least one (1) inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following;

***THIS ADULT CABARET IS REGULATED BY PIKE TOWNSHIP:  
ENTERTAINERS ARE:***

- 1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.***
- 2. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.***

E. Age Limitations:

1. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of twenty-one (21).
2. No person under the age of twenty-one (21) shall be admitted to any adult cabaret or to any licensed premises used for an adult cabaret.
3. No Person under the age of twenty-one (21) shall be allowed or permitted to remain at any adult cabaret or any licensed premises used for an adult cabaret.
4. No person under the age of twenty-one (21) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult cabaret or any licensed premises used for an adult cabaret. (N)

13.11 Special Regulations for Adult Stores

A. Windows: Window areas for adult stores shall not be covered or obstructed in any way.

B. Age Limitations:

1. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult store or a licensed premises used for an adult store shall be under the age of eighteen (18).
2. No person under the age of eighteen (18) shall be admitted to any adult store or to any licensed premises used for an adult store.
3. No person under the age of eighteen (18) shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store.
4. No person under the age of eighteen (18) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store. (N)

### 13.12 Special Regulations for Adult Theater

- A. Seating: Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater as permitted by fire regulations.
- B. Aisle: Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all times.
- C. Sign: Each adult theater shall have a sign posted in a conspicuous place at or near each entrance to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
- D. Age Limitations:
  - 1. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult theater or a licensed premises used for an adult theater shall be under the age of eighteen (18).
  - 2. No person under the age of eighteen (18) shall be admitted to any adult theater or to any licensed premises used for an adult theater.
  - 3. No person under the age of eighteen (18) shall be allowed or permitted to remain at any adult theater or any licensed premises used as an adult theater.
  - 4. No person under the age of eighteen (18) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater. (N)

### 13.13 Licensee Responsibility for Employees

Every act of omission by a sexually oriented business establishment employee constituting a violation of the provisions of this Article shall be deemed to be the act of omission of the licensee if such act of omission occurs with either the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the sexually oriented business establishment employee. The licensee shall be punished for any such act of omission in the same manner as if the licensee committed the act or caused the omission. Accordingly, any such act of omission of any such employee constituting a violation of the provisions of this Article shall be deemed, for

purposes of determining whether the licensee's sexually oriented business establishment license shall be revoked, suspended, or renewed, to be the act of omission of the licensee. (N)

#### 13.14 License Revocation or Suspension

A. Grounds: Pursuant to the procedures set forth in this section, the Inspector may suspend for not more than thirty (30) days, or revoke, any sexually oriented business establishment license if the Inspector, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

1. The licensee has violated any of the provisions or requirements of this Article or sexually oriented business establishment license pursuant hereto, or the provisions of Pike Township zoning resolution applicable to the licensed premises or the sexually oriented business establishment.
2. The licensee: 1) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Township for the issuance or renewal of any sexually oriented business establishment license, or 2) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee's behalf.
3. The licensee has committed or knowingly or negligently allowed a felony or specified criminal act to take place on the licensed premises.
4. The licensee authorizes, approves, or, as a result of the licensee's negligent failure to supervise the licensed premises or the sexually oriented business establishment, allows a sexually oriented business establishment employee, sexually oriented business establishment patron, or any other person to: 1) violate any of the provisions or requirements of this Article or of the provisions or requirements of the sexually oriented business establishment license issued pursuant hereto, or 2) commit any felony or specified criminal act on the licensed premises. The licensee, or any person identified in this Article, becomes disqualified for the issuance of sexually oriented business establishment license at any time during the term of the license at issue.

B. Procedure: A sexually oriented business establishment license may be suspended for not more than sixty (60) days or revoked pursuant to the terms and conditions set forth herein:

1. Notice: Upon determining that one or more of the grounds for suspension or revocation under 13.14 A of this Article may exist, the Inspector shall serve a written notice on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. The written notice shall, at a minimum:
  - a) State that the Inspector has determined that the sexually oriented business establishment license may be subject to suspension or revocation pursuant to this Resolution;
  - b) Identify the specific grounds for the Inspector's determination; and
  - c) Set a date for a hearing regarding the Inspector's determination as to the possibility of suspension or revocation of the sexually oriented business establishment license. The date of the hearing shall be no less than five (5) days after service of the Inspector's notice, unless an earlier or later date is agreed to by the licensee and the Inspector.
2. Hearing: The hearing shall be conducted by the Inspector. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the Inspector for suspending or revoking the license, and Pike Township and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the sexually oriented business establishment pursuant to this chapter shall be made part of the hearing record. Within three (3) days after the close of the hearing, the Inspector shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Inspector shall be final and shall be subject to judicial review pursuant to Chapter 2506 of the Ohio Revised Code. The sexually oriented business establishment may remain in operation pending the outcome of the appeal.
3. Notice and Effective Date of Suspension or Revocation: The Inspector's written decision shall be served on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Inspector's written decision is delivered in person or three (3) days after it is placed in the U.S. Mail.

4. Surrender of License: Upon the suspension or revocation of sexually oriented business establishment license pursuant to this chapter, the Inspector shall take custody of the suspended or revoked license. (N)

13.15 **Administrative Record**

The Inspector shall cause to be kept in the Zoning Inspector's office an accurate record of every sexually oriented business establishment license application received and acted on, together with all relevant information and material pertaining to such application, any sexually oriented business establishment license issued pursuant thereto, and any sexually oriented business establishment operated pursuant to such sexually oriented business establishment license. (N)

13.16 **Record Keeping by Licensee**

The licensee of every sexually oriented business establishment shall maintain a register of all of its sexually oriented business establishment employees. For each such employee, the register shall include the following information:

- A. Legal name;
- B. Any and all aliases;
- C. Date of birth;
- D. Gender;
- E. Social Security Number;
- F. Date of commencement of employment;
- G. Date of, and cause for, employment termination, if applicable;
- H. Specific job or employment duties; and
- I. Convictions for any specified criminal activities as defined in this Article, and the specified criminal activities involved, the date, place, and jurisdiction of each.

The register shall be maintained for all current employees and all employees employed at any time during the preceding thirty-six (36) months. The licensee shall make the register of its sexually oriented business establishment employees available for inspection by the Inspector immediately upon demand at all reasonable times. (N)

13.17 **Penalty**

Any person, who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this Article, or of any of the provisions or requirements of any sexually oriented business establishment license, shall be fined not more than five hundred dollars (\$500) for each violation. Each day such violation continues shall constitute a separate offense. The Inspector shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. (N)

13.18 **Nuisance Declared**

Any sexually oriented business establishment established, operated or maintained in violation of any of the provisions or requirements of this Article or of any sexually oriented business establishment license shall be, and the same is declared to be unlawful and a public nuisance. Pike Township may, in addition to, or in lieu of, any other remedies set forth in this Article, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts, as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing contrary to the provisions of this Article. (N)

13.19 **Computation of Time**

Unless otherwise specifically set forth in this Article, the time within which any act required by this Article is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a Federal or State of Ohio holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded. (N)

13.20 **Township Zoning**

All other portions of the Pike Township Zoning Resolutions shall remain in effect. (N)

13.21 **Separability Clause**

Should any section or provision of this Article be declared by the court to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (N)

13.22 **Time to Take Effect**

This Article shall take effect on the earliest date permitted by law. (N)

## ARTICLE XIV

### Article 14.0-Enforcement

#### 14.1 Enforcement by Zoning Inspector

There is hereby established and continued the Office of Township Zoning Inspector. The duties of the Zoning Inspector shall be as follows:

- A. Enforce this Resolution in accordance with the administrative provisions of this Resolution;
- B. Make a monthly review of Pike Township by road for zoning violations;
- C. Maintain the zoning map and all amendments thereto;
- D. Provide information about the Zoning Resolution in response to requests from any person;
- E. Initiate citations for noncompliance with this Resolution;
- F. Make a monthly report of the activities of this office to the Board of Township Trustees; and
- G. Attend, as able, all Township Zoning Commission and Board of Zoning Appeals meetings.

Cross reference O.R.C. 519.16. (N)

#### 14.2 Compliance by Township Officials

All department officials and public employees of Pike Township vested with the duty or authority to issue zoning certificates and licenses shall conform with the provisions of this Article and shall issue no zoning certificates or license for any use, building, or purpose in conflict with the provisions of this Resolution. Any zoning certificate or license issued in conflict with the provisions of this Article shall be null and void. Cross reference O.R.C. 519.16, 519.17. (N)

#### 14.3 Zoning Certificate

- A. It shall be unlawful for any person to use land or to use, locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure, or to permit any of these acts, without first obtaining a Zoning Certificate from the Zoning Inspector when such land, building or structure is regulated by this Zoning Resolution. No such Zoning Certificate shall be issued unless the plans for the proposed use, building, or structure fully comply with the zoning regulations in effect. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate whenever

authorized to do so. No Zoning Certificate shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform to the provisions of this Resolution.

- B. The Zoning Inspector shall act upon all applications on which he/she is authorized to act, within the provisions of this Resolution, within thirty (30) days after the date an application is filed, provided that the application is full, complete, and in compliance with the terms of this Resolution. When authorized, he/she shall issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his/her refusal of such Certificate and the reasons therefore. Failure to notify the applicant in case of refusal within the said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time in writing.
- C. Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate or other statement for any building or premises existing at the time of the enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and the conformity of such building and use to the provisions of this Resolution. In the event that the building or use is not in compliance with these requirements, the Zoning Inspector shall process the request as an application for a certification of a nonconforming use and shall proceed according to the provisions in Article 6.2.
- D. In all circumstances except the following, a Zoning Certificate is required before the commencement of work or the engagement of contractors:
  - 1. Construction or erection of a yard barn, satellite dish, swimming pool, hot tub/spa, or other nonagricultural accessory structure;
  - 2. Landscaping or gardens;
  - 3. Construction of a fence;
  - 4. Construction of a detached garage able to accommodate no more than two (2) motor vehicles and which will not be used for purposes other than storage of those vehicles or incidental residential activities;
  - 5. Establishment of a campground as defined by this Resolution; or
  - 6. Construction of any agricultural structure unless governed by section Article 5.23. (N)

14.4 Application for Zoning Certificate

Every application for a Zoning Certificate shall be submitted in duplicate and shall include the following:

- A. A copy of the deed of the subject property;
- B. Plans in black- or blue-line print, showing (on the basis of a survey) the following:
  - 1. The actual location, shape, and dimensions of the lot to be built upon or to be changed in its use in whole or part;
  - 2. The exact location, size, and height of any building or structure to be erected or altered;
  - 3. The actual location, shape, and dimensions of all adjoining lots, and each building thereon.
- C. A statement of existing and intended use of each building or structure or any part thereof, and of all of the adjoining lots and buildings thereon;
- D. A statement of the number of dwelling units (including secondary dwelling units) the building is designed to accommodate;
- E. Such other information with regard to the lot and the neighboring lots as may be necessary to demonstrate compliance with the terms of this Resolution;
- F. For residential buildings only, if the lot is not provided with, and is not intended to be provided with, public water and/or public sanitary sewers, the application shall be accompanied by a Certificate of Approval from the Knox County Health Department for the proposed method of water supply and/or disposal of sanitary waste; and
- G. When no buildings are involved, a statement of the location of the present use and proposed use to be made on the lot.

Upon action by the Zoning Inspector, one copy of the submitted plans shall be returned to the applicant together with either the Zoning Certificate (if approved) or notice of refusal (if denied). The other copy shall remain on file at the Zoning Inspector's office along with a copy of the action taken by the Zoning Inspector. The lot and the location of any proposed building thereon shall be staked out on the ground before construction is started to facilitate inspection during construction. (N)

14.5 **Fees for Zoning Certificate and Other Permits and Applications**

The fees to be charged for zoning certificates, permits, or applications for approval, which may be required by this Resolution, shall be determined by the Board of Township Trustees. (N)

14.6 **Violations and Penalties**

It shall be unlawful to locate, erect, construct, enlarge, change, maintain, or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto, adopted by the Board of Township Trustees. Any person, firm, or corporation violating any of the provisions of this Resolution or amendment or supplement thereto, shall be cited and charged with a minor misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500) per offense. Each violation of individual provisions of this Resolution may be charged as separate offenses. Each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense. Cross reference: O.R.C. 519.23, 519.99 (N)

14.7 **Enforcement Remedies**

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

## ARTICLE XV

### Article 15.0-Township Zoning Commission (TZC)

#### 15.1 TZC Establishment and Composition

- A. The Board of Township Trustees shall create and establish the Pike Township Zoning Commission (TZC). The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Trustees.
- B. The Trustees may appoint two (2) alternate members to the TZC. An alternate member shall take the place of an absent regular member at any meeting of the TZC; each regular TZC member is responsible for securing the attendance of an alternate in his/her stead whenever he/she expects to be absent from any meeting. Alternates shall meet the same appointment criteria as regular members. 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.
- C. Regular members of the TZC shall serve five-year terms. Currently seated TZC members shall retain their positions for the duration of their remaining terms so that the term of one member will expire each year. Alternate members shall serve two-year terms with the first appointed alternate to serve a one-year term so that a new alternate is appointed each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.
- D. Each January, the TZC shall meet to elect a chairperson, an assistant chairperson, and a secretary. Thereafter, meetings shall be held at the call of the chairperson as necessary to address the business before the TZC, including any business required by this Resolution. Three members of the TZC shall constitute a quorum. All meetings of the TZC shall be open to the public.
- E. Members of the TZC shall be removable for nonperformance of duty, misconduct in office, or for cause by the Board of Trustees upon written charge being filed with the Trustees and after a public hearing has been held regarding such charges, provided that a copy of the charges has been served upon the member charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such a copy at the member's usual place of residence. The member shall be given an opportunity to be heard and to answer such charges. Vacancies, however created, shall be filled by the Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both,

as the Trustees may approve and provide. Cross reference: O.R.C. 519.04  
(N)

## 15.2 Powers and Duties of the Zoning Commission (TZC)

### A. The TZC shall have the following duties:

1. Whenever necessary, to submit plans, text, and maps which make its recommendations for the carrying out by the Trustees of the Ohio Revised Code Sections 519.01 to 519.99, inclusive;
2. Whenever necessary, shall submit plans, text, and maps that recommend additions to territory in which this Resolution should be in effect;
3. To organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations;
4. To hear and decide questions of interpretation of the Zoning Map;
5. To have original jurisdiction over Planned Unit Development applications and shall take such action as is prescribed in Article XVII.
6. To make an annual review of this Resolution, its operation, strengths, weaknesses, and administration thereof and submit its written report to the Trustees;
7. To make use of such information and counsel as is available from appropriate public officials, departments, and agencies (including Knox County planning documents and updates) and such officials, departments, and agencies having information, maps, and data pertinent to township zoning available for the use of the TZC; and
8. To submit comments to the BZA relating to a proposed expansion of a nonconforming use or building

### B. The TZC shall have the following powers:

1. Within the limits of the moneys appropriated by the Trustees for the purpose, to employ or contract with such planning consultants and executive and other assistants, as it deems necessary. No Township Trustee shall be employed by the Zoning Commission of his/her township;

2. To request the Knox County Regional Planning Commission to prepare or make available a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same; and
3. To initiate the amendment of this Resolution by passing a motion containing its recommendations. Cross reference 519.05, 519.12(A). (N)

## ARTICLE XVI

### Article 16.0-Board of Zoning Appeals (BZA)

#### 16.1 BZA Establishment and Composition

- A. There is hereby established the Pike Township Board of Zoning Appeals (BZA) consisting of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated area of Pike Township included in the area zoned.
- B. The Trustees may appoint two (2) alternate members to the BZA. An alternate member shall take place of an absent regular member at any meeting of the BZA; each regular BZA member is responsible for securing the attendance of an alternate in his/her stead whenever he/she expects to be absent from any meeting. Alternates shall meet the same appointment criteria as regular members. 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.
- C. Regular members of the BZA shall serve five-year terms. Currently seated BZA members shall retain their positions for the duration of their remaining terms so that the term of one member will expire each year. Alternate members shall serve two-year terms with the exception that the first appointed alternate shall serve a one-year term so that a new alternate is appointed each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.
- D. Members of the BZA shall be removable for nonperformance of duty, misconduct in office, or for cause by the Board of Trustees upon written charge being filed with the Trustees and after a public hearing has been held regarding such charges, provided that copy of the charges has been served upon the member charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies, however created, shall be filled by the Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both, as the board may approve and provide. Cross reference O.R.C. 519.13 (N)

#### 16.2 Powers and Duties of the BZA

- A. The BZA shall have the following duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or any other township administrative official in the enforcement of this Resolution or the statutes authorizing this Resolution;
2. To authorize, upon appeal, in specific and limited cases, such variance from the terms and requirements of the Zoning Resolution as will not be contrary to the public interest, where, owing to special and extraordinary conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. To grant conditional use permits for land, buildings, or other structures as permitted by the terms of this Resolution. In considering an application for a conditional use, the BZA shall give due regard to the nature and condition of all adjacent land and structures and may impose such requirements and conditions that the BZA may deem necessary for the protection of adjacent properties and public interest. These conditions may address location, construction, maintenance, placement, or orientation of buildings, and operation in addition to those elements expressly stipulated in this Resolution for the particular conditional use;
4. To hear and decide other applications or complaints as may be authorized by the provisions of this Resolution, such as compliance with performance standards;
5. The BZA shall organize and adopt rules for transaction of its business, and keep a record of its actions and determinations, including the vote of each member or alternate upon each question or, if absent or failing to vote, indication of such fact. Record shall be kept of all of its examinations and other official actions. These records shall be filed immediately in the office of the Township Trustees and shall be a public record. Cross reference O.R.C. 519.15 (N).

B. The BZA has the following powers:

1. To employ, within the limits of the moneys appropriated by the Trustees, executive, professional, technical and other assistants as it deems necessary;

2. To administer oaths and compel the attendance of witnesses;
  3. To call upon the township departments for assistance in the performance of its duties, and it shall be the duty of each department to render such assistance to the BZA as may reasonably be required. Cross reference O.R.C. 519.13, 519.15
- C. To revoke an authorized variance or conditional use permit granted for the extraction of minerals if any condition of the variance or certificate is violated. Cross reference O.R.C. 519.14.
- D. In exercising its power, the BZA may, in conforming with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken.

### 16.3 Procedures

#### A. General Procedures

1. Meetings of the BZA shall be held at the call of the Chairman or at other times as the BZA may determine, except that the BZA shall meet each January for organization and for the election of the Chairman by the regular members of the BZA. Three (3) members of the BZA shall constitute a quorum. All meetings of the BZA shall be open to the public.
2. The BZA shall act by resolution; a concurring vote of three (3) members shall be necessary to reverse an order or determination of the Zoning Inspector or to decide in favor of an applicant in any matter in which the BZA has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution. Any vote, which results in a tie, shall result in the defeat of the resolution or application. Whether approving or disapproving an application, the BZA shall make written findings of fact in support of its decision.
3. No action alleging procedural error in the actions of the Pike Township BZA in the granting of a zoning variance or conditional use permit may be brought more than two (2) years after the variance or permit was granted. Cross reference O.R.C. 519.122

B. Procedure on Appeal from an Administrative Decision

1. Initiating an appeal: Appeals to the BZA may be made 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 twenty (20) days after the decision made by filing with the Zoning Inspector and with the BZA. Upon receipt of a notice of appeal, the Zoning Inspector shall transmit to the BZA all of the papers constituting the record upon which the action appealed was taken. The record shall be transmitted to the BZA within ten (10) days of the filing of the notice of appeal.
2. Appeal hearing: The BZA shall fix a reasonable time for the public hearing of the appeal, giving notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Whenever practicable, the BZA shall schedule appeal hearings within thirty (30) days of receipt of the notice of appeal. Each appeal shall be accompanied by a check payable to the Clerk of Pike Township or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings. At the public hearing, any person may appear in person or by attorney. The Zoning Inspector shall attend all BZA meetings/hearings related to any appeal taken from his/her decision. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County.
3. Stay of proceedings: An appeal shall stay all proceedings or actions by the Zoning Inspector or the appellant in furtherance of the action appealed from, unless the Township Trustees certify to the BZA that, by reason of the facts stated in its certification, a stay would cause imminent peril to life or property. In such case, the proceedings or actions shall not be stayed otherwise than by order which may, on due cause shown, be granted by judicial proceedings. An appeal from a decision by the BZA shall also serve as a stay of proceedings or actions against all parties that are in furtherance of the action appealed from, unless an order to the contrary issues through judicial proceedings.
4. BZA decision: The BZA shall hold or continue hearings on any appeal as necessary to obtain a full disclosure of relevant

evidence pertaining to the issues appealed. However, under no circumstances shall such hearing period extend for longer than ninety (90) days from the date of filing of the notice of appeal. The BZA shall consider in any appeal whether the decision by the Zoning Inspector is illegal, arbitrary, unreasonable, or unsupported by the preponderance of all of the evidence before him. A certified copy of the BZA decision in any appeal shall be transmitted to the appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and the appellant, unless appealed to the Court of Common Pleas, and shall be observed as a final and binding decision. The terms and conditions of the BZA decision shall be incorporated into any permit authorized for the applicant whenever authorized by the BZA. Cross reference O.R.C. 519.15, 2506.04

#### C. Procedure for Variances

1. Initiating a Variance: A variance is a relaxation of the terms of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of this Resolution would result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. Cross reference O.R.C. 519.14(B). As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. An application or appeal for a variance may be filed at any time by a person desiring such, provided that the applicant has taken no steps nor expended any funds in furtherance of the action for which a variance is desired. In such cases, the BZA will consider such application only under the most dire and extraordinary circumstances and when justice demands such consideration.
2. Public hearing on a variance application: The BZA shall fix a reasonable time for the public hearing of the request for a variance, giving at least ten (10) days notice by certified mail to the parties in interest, giving notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing, and shall decide the same within a reasonable time after the hearing is concluded. Whenever practicable, the

BZA shall schedule variance hearings within thirty (30) days of receipt of the application date. Each variance application shall be accompanied by a check payable to the Clerk of Pike Township or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings. At the public hearing, any person may appear in person or by attorney. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County.

3. Conditions which may justify a variance: The BZA is empowered to permit variance from the provisions and requirements of this Resolution as will not be contrary to the public interest and only in such cases where the spirit of the Resolution shall be observed and substantial justice done because, owing to special conditions pertaining to a specific parcel of property, the literal enforcement of the provisions and requirements would cause unnecessary economic hardship. A variance may be permitted under the following conditions:
  - a) When by reason of exceptional narrowness, shallowness, or unusual shape of a specific parcel of property on the effective date of this Resolution and not through the subsequent action of an owner-applicant, or
  - b) When by reason of the exceptional topographic conditions or other extraordinary situations or conditions of such properties, or
  - c) When by reason of the use or development of property immediately adjoining the piece of property in question,

the literal enforcement of the requirements of this Resolution could cause unnecessary hardship. When a variance is requested, the BZA shall have the power to authorize a variance from the terms of this Resolution only to the degree necessary to relieve such hardship, so that the spirit and purpose of this Resolution shall be observed as closely as possible and substantial justice done.

In authorizing a variance, the BZA may attach thereto conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the interest of furtherance of the Purposes of this Resolution as defined in Article III herein and in the public interest. In authorizing a variance with attached conditions, the BZA shall

require such evidence and guarantee that the conditions are being, and will be complied with. Cross reference O.R.C. 519.14(B).

4. BZA required findings for variance: No variances in the provisions or requirements of this Resolution shall be authorized by the BZA unless it finds that all of the following facts and conditions exist:
  - a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district;
  - b) That such variance is absolutely necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same immediate vicinity;
  - c) That the authorization of such variance will not be a substantial detriment to adjacent property or to the public interest and will not materially impair the Purposes of this Resolution; and
  - d) That the condition or situation of the specific parcel of property, and/or the intended use of said property for which a variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of general regulations for such conditions or situations.
5. BZA decision. The BZA shall follow the procedures outlined in section 14.3 C, when issuing a decision on any variance application.

#### D. Procedure for Conditional Use Permit

1. Initiating a Conditional Use Permit: Any person may file an application with the Zoning Inspector for a Conditional Use Permit for a conditional use that is listed in the Township Zoning Districts. If the Zoning Inspector determines that the conditional use requested is not listed in this Resolution, he/she shall return the application to the applicant and no further action by the Township is required. If the application is for a listed conditional use, he/she shall forward the application to the BZA.

2. Public hearing on Conditional Use Permit: The BZA shall fix a reasonable time for the public hearing of the request for a Conditional Use Permit, giving at least ten (10) days notice by certified mail to the parties in interest, giving notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing, and shall decide the same within a reasonable time after the hearing is concluded. Whenever practicable, the BZA shall schedule the permit hearing within thirty (30) days of receipt of the application date. Each application shall be accompanied by a check payable to the Fiscal Officer of Pike Township or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings. At the public hearing, any person may appear in person or by attorney. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County.
3. BZA decision: In considering an application for a Conditional Use Permit, the BZA shall give due regard to the facts and circumstances presented in terms of the following standards and shall make findings of fact, when supported by the evidence, showing the following:
  - a) The use will be harmonious with and in accordance with the general objectives outlined in Article III.
  - b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
  - c) The use will comply with the performance standards of this Resolution;
  - d) The use will be adequately served by public facilities and services which are currently available (such as highways, streets, fire/sheriff protection, drainage, refuse disposal, water, sewer, schools) or that, alternatively, such services will be provided by the landowner for his own needs;

- e) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of Pike Township; and
  - f) The use will have appropriately designed vehicular access/egress approaches and points so that no interference with traffic on surrounding public streets is caused.
  - g) The BZA shall also have due regard to the nature and condition of all adjacent land and structures and may impose such requirements and conditions as the BZA may deem necessary for the protection of adjacent properties and the public interest. These conditions may address location, construction, maintenance, placement or orientation of buildings, and operations in addition to those elements expressly stipulated in this Resolution for the particular conditional use.
4. PUD Procedure: Although PUDs are a conditional use, the TZC, and not the BZA, shall make the recommendation to the Trustees as to whether to permit a PUD as a conditional use. See Article XVII.

E. Procedure for Substitution or Extension of Nonconforming Uses or Buildings

- 1. An application for either the substitution or extension of a nonconforming use or building must be filed with the Township Zoning Commission for review and comment to the BZA unless no structural alterations will be made, except those required by law or this Resolution, in which case the application may be filed directly with the BZA.
- 2. The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot may be made under the following provision:
  - a) The lot was under the same ownership as the lot in question at the time the use of such building became nonconforming;
  - b) Such extension is necessary and incidental to such existing nonconforming use;
  - c) The value of such extension shall not exceed, in total, 25 percent (25%) of the assessed valuation for tax purposes;

- d) Such extension shall be set at a distance of not more than fifty (50) feet from the existing building or premises; and
- e) Such extension shall not exceed more than 50 percent of the square footage of the current building or area devoted to the existing nonconformity;
- f) Such extension shall not result in any negative impact on adjacent agricultural uses; and
- g) Such extension shall be undertaken within five (5) years of the enactment of this Resolution. No extensions of nonconforming uses will be permitted after that time.

F. Procedure for All Other Applications: Any other application over which the BZA has primary authority shall follow the procedure outlines for Conditional Use Permits, except that the criteria for approval of any other kind of application shall apply.

G. Revocation of variances or conditional use permits for extraction uses.

1. If a violation of the terms or conditions of any variance or conditional use permit is made known to the Zoning Inspector, he/she shall investigate the violation to the extent necessary to confirm the infraction. At the conclusion of such investigation, he/she shall report his/her findings in writing to the BZA and make a recommendation to revoke the variance or conditional use permit, if appropriate under the circumstances.
2. Upon receipt of the Zoning Inspector's report and the recommendation to revoke the variance or permit, the BZA shall notify the holder of the variance or permit by certified mail of the following:
  - a) The BZA's intent to revoke the variance or permit according to the terms of O.R.C. 519.14(D),
  - b) His/her right to a hearing before the BZA within thirty (30) days of the notice, and
  - c) His/her obligation to notify the BZA in writing of his/her request for a hearing.
3. If the holder makes a written request for a hearing, the BZA shall set a time and place for the hearing in accordance with D 2

of this Article. If no hearing is requested, the BZA may revoke the Variance or Conditional Use Permit without a hearing.

4. At the hearing, the holder may appear in person, by his/her attorney, or by another representative(s), or he/she may present his position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. Cross reference O.R.C. 519.14(D). (N)

## ARTICLE XVII

### Article 17.0-Planned Unit Development (PUD)

#### 17.1 Purpose

These regulations for a Planned Unit Development for a Residential Conservation Development are designed to encourage site development that is sensitive to the unique rural qualities of our community. In most communities, new residential development is required to be in conventional subdivisions. This type of development results in the land being subdivided into individual lots; open space is exclusively in private back yards.

In contrast, this Article encourages an alternative approach to managing expected development. It is intended to strike a balance between the development rights of the property owner (developer) and the community's desire to conserve open space and protect sensitive and/or significant resources. The property owner has the choice to develop according to these regulations or under conventional zoning.

This Article includes the following principles:

- A. A percentage of a proposed development area must be set aside as open space.
- B. In exchange, spacing requirements for buildings are reduced, as compared to the standard single family requirements.
- C. Through this location flexibility and open space requirement, building and streets are arranged to conserve the site's sensitive and significant features.

At the heart of conservation development is the idea that community resources and open spaces can be conserved while still allowing the construction of houses.

The primary objective of conservation development zoning is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.

These regulations, ranked in order of importance as follows, are intended to achieve these corollary purposes:

- A. To maximize protection of the community's natural resources by the following methods:
1. Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation;
  2. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);
  3. Avoiding development on and destruction of sensitive natural resource areas;
  4. Conserving areas of prime agricultural soils, to the extent possible;
  5. Reducing the quantity and improving the quality of storm water runoff from expected development.
- B. To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by the features listed below:
1. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows, and rock outcropping;
  2. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces;
  3. Significant historic features such as old barns, heritage trees, historic buildings, archeological sites, etc.;
  4. Scenic vistas and rural views;
  5. Appropriate topographic or vegetative screening;
  6. Large, aggregated undeveloped land areas.
- C. To encourage more efficient use of land and public services through unified development.

- D. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- E. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
- F. To ensure that the proposed Residential Conservation Development complies with the objectives of Pike Township as expressed in the goals of the Knox County Comprehensive Plan. (N)

#### 17.2 **Permitted Uses**

The following uses shall be permitted based on the type of development proposed:

- A. Conservation Development in accordance with the regulations set forth in sections 17.1 through 17.7, inclusive:
  - 1. Detached single-family dwellings,
  - 2. Single-family cluster dwellings;
  - 3. Single-family attached dwellings,
  - 4. Recreation facilities for use by residents,
  - 5. Restricted open space as required in Section 15.4.
- B. Standard detached single-family dwellings in accordance with the regulations set forth in Section 17.6.
- C. Agriculture in accordance with Section 17.6. (N)

#### 17.3 **Minimum Project Area for a Residential Conservation Development**

The gross area of a tract of land proposed for development according to the Residential Conservation Development option shall be a minimum of fifteen (15) acres, but shall not include area within any existing public street rights-of-way.

The area proposed shall be in one ownership, or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the Residential Conservation Development. (N)

#### 17.4 **Permitted Density/Restricted Open Space**

- A. The minimum restricted open space shall be fifty percent (50%) of the total project area.

B. The maximum density shall be one dwelling unit per acre. The maximum number of dwelling units permitted in a conservation development shall be calculated by the following method:

1. Deducting the following from the total project area:
  - a) Any public right-of-way within the project boundary existing at the time the development plan is submitted, and
  - b) The area of land within a Zone A floodplain, designated wetland, or existing waterbody that exceeds the minimum acreage required for restricted open space as set forth in section 17.4A above. Where floodways and wetlands overlap, they shall be counted only once.
2. Multiplying the result of Subsection 1 by the maximum density permitted per acre as set forth in this section above.

#### 17.5 Regulations for Restricted Open Space

A. General Standards: The restricted open space required in Section 17.4A shall comply with the following:

1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
2. Areas designated for restricted open space purposes may be any of the following:
  - a) Preserved in its natural state;
  - b) Designed and intended for the use and/or enjoyment of residents of the proposed development, or
  - c) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
3. Restricted open space shall be interconnected if possible with open space areas on abutting parcels.

4. Sewage service, storm water management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the appropriate county agency or township district shall be established to require and enable maintenance of such facilities by the appropriate parties.
5. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include the following:
  - a) Private roads and public road rights-of-way;
  - b) Parking areas, accessways, and driveways;
  - c) Required setbacks between buildings, parking areas, and project boundaries;
  - d) Required setbacks between buildings and streets;
  - e) Minimum spacing between buildings, and between buildings and parking areas;
  - f) Private yards;
  - g) A minimum of fifteen (15) feet between building and restricted open space; and
  - h) Other small fragmented or isolated open space areas that have a dimension less than one hundred (100) feet in any direction.
6. Any restricted open space intended for recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of the required restricted open space that may be developed for active recreation areas shall be five percent (5%) or two (2) acres, whichever is greater.
7. Any area within the restricted open space that is distributed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

8. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.
- B. Prohibition of Further Subdivision of Restricted Open Space:  
Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Pike Township's Legal Advisor and duly recorded in the office of the Recorder of Deeds of Knox County.
- C. Ownership of Restricted Open Space: Subject to such permanent restrictions as set forth above, restricted open space in a conservation development may be owned by an association, Pike Township, a land trust or other conservation organization recognized by Pike Township, or by a similar entity, or may remain in private ownership.
  1. Offer of Dedication: Pike Township may, but shall not be required to, accept dedication in the form of fee-simple ownership of the restricted open space.
  2. Associations: Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. Pike Township's Legal Advisor shall determine that, based on documents submitted with the development plan, the Association's bylaws or code of regulations specifies the following requirements:
    - a) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
    - b) The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
  3. Transfer of Conservation Easement: With the permission of Pike Township, the owner(s) of the common open space may, in accordance with provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68, under the following provisions:

- a) The entity is acceptable to Pike Township;
  - b) The provisions of the conservation easement are acceptable to Pike Township;
  - c) The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. Private Ownership of Restricted Space: Restricted open space may be retained in ownership by the applicant or may be transferred to other private ownership, subject to compliance with all standards and criteria for restricted open space herein. (N)

17.6 **Development and Site Planning Standards**

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards:

- A. Ownership: Any ownership arrangement including, but not limited to, fee simple lots and condominiums, is permitted in a Residential Conservation Development. Regardless of ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.
- B. Lot Requirements:
  - 1. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
  - 2. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.
- C. Perimeter Building Regulations:

1. The minimum setback from an existing public street shall be seventy-five (75) feet from the centerline of the street.
2. The minimum setback from the project boundary shall be seventy-five (75) feet.

D. Interior Building Setback/Spacing Regulations:

1. The minimum setback from a proposed local public right-of-way shall be sixty (60) feet.
2. The minimum setback from the edge of the pavement of a private street shall be sixty (60) feet.
3. The minimum separation between dwellings shall be forty (40) feet.

E. Height: The maximum building height shall be thirty-five (35) feet.

F. Resource Protection Regulations:

1. Floodway Protection: All buildings, structures, or land within a floodway shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired, rebuilt, moved, or designed to be used, in whole or in part only for a use listed below:
  - a) Agriculture;
  - b) Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.;
  - c) Fencing that allows the passage of water;
  - d) Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel or sod.
2. Wetlands Protection: Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:

- a) A buffer area having a width not less than twenty (20) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
- b) A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland.

3. Conservation of Riparian Zones:

- a) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than one hundred twenty (120) feet, measured from the river or stream bank.
- b) Pervious walkways may be permitted to be located within riparian buffers when the Pike Township Zoning Commission determines that such use will create minimal change to the riparian buffer.

G. General Street Design Criteria:

- 1. Street alignments should follow natural contours and be designed to conserve natural features.
- 2. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
- 3. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

H. Pedestrian Circulation Systems:

- 1. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.

2. Trails for which public rights of passage have been established should be incorporated in the pedestrian circulation system.
- I. Sewage Disposal: The development shall be served by individual or public sewage disposal structures consistent with the Knox County systems. Individual sewage disposal systems shall comply with all applicable regulations of the Knox County Health Department and may be located within common open space areas when approved by Pike Township and the Knox County Health Department.
- J. Waivers: In the event the Pike Township Zoning Commission determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Pike Township Commission may relax such standards to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Article. (N)

17.7 **Development Design Criteria**

In addition to the development and site planning standards set forth in this Article XVII of this Resolution, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

- A. Conservation of Sloping Land: The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
- B. Conservation of Woodlands, Vegetation, and Other Natural Areas: The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.
- C. Conservation of Wildlife Habitats: Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. EPA and/or by the ODNR should be protected.
- D. Conservation of Prime Farmland: Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.

- E. Scenic views and vistas shall be unblocked and uninterrupted to the extent possible, particularly as seen from existing and proposed public thoroughfares. New construction shall be hidden from view to the extent possible through the use of vegetative and landform buffers. Building setbacks along the project boundary shall be sufficient to provide visual protection for existing residences. Building shall not be located on prominent hilltops or ridges.
- F. Conservation of Cultural Resources: Sites of historic, archeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds. (N)

17.8 **Project Review Procedures**

Under the authority established in ORC 519.021, the Pike Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this Article.

- A. Submission of General Development Plan: The applicant shall submit a General Development Plan application (plus ten (10) copies) to the Township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The application and documentation shall include, but not necessarily be limited to the following:
  - 1. Identification of existing site characteristics, including a general depiction of those listed below:
    - a) Boundaries of the area proposed for development, dimensions and total acreage;
    - b) Contour lines at vertical intervals of not more than five (5) feet, highlighting ridges, rock outcropping, and other significant topographical features;
    - c) Location of wetlands (and potential wetlands), the floodplain boundary and floodplain elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
    - d) Existing soil classifications;

- e) Location of all wooded areas, tree lines, hedgerows, and specimen trees;
  - f) Delineation of existing drainage patterns on the property, existing wells and well sites;
  - g) Description of significant existing vegetation by type of species, health, quality, etc.;
  - h) Existing buildings, structures, and other significant man-made features on the site and within two hundred (200) feet of the project boundary;
  - i) Description of all structures and areas of known or potential historical significance; and
  - j) Existing viewsheds and identification of unique vistas.
2. The preliminary site plan shall be drawn at a scale not less than one inch to one hundred feet (1"=100'), except that projects over two hundred (200) acres may be drawn at a scale of one inch to two hundred feet (1"=200'), and shall include the information listed below:
- a) A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage or restricted open space to be conserved;
  - b) A sketch layout of standard single family lot, if any;
  - c) The location of the restricted open space and any proposed recreational facilities;
  - d) Natural features to be conserved and any required buffer areas;
  - e) Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
  - f) General location of public street rights-of-way; and
  - g) Proposed utility easement locations.

3. An outline of the method/structure to perpetually preserve the required restricted open space which indicates the following:
    - a) The structure of the Association;
    - b) Membership requirements;
    - c) Financial responsibilities; and
    - d) The relationship of the entity to public agencies having responsibilities related to the project.
  4. A description of the project phasing including the phased construction of open space improvements.
- B. Review for completeness: Within five (5) business days of receiving the application, the Pike Township Zoning Inspector shall review the application to determine that the application includes all the items required in the section above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
- C. Review of General Development Plan by Others: The Pike Township Zoning Inspector shall distribute the general development plan application to the following for review and comment:
1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Knox County Regional Planning Commission, the Knox County Health Department, the Knox County Soil and Water Conservation District, the Ohio Department of Transportation, and the Knox County Engineer.
  2. Other agencies which, at the discretion of Pike Township, may have appropriate technical expertise.
  3. Appropriate local Township administrative officials, including the Township's legal advisor and emergency services personnel.
  4. Consultants retained by Pike Township

Zoning Commission actions are required to take place between twenty (20) to forty (40) days after acceptance of a proposed zoning change or action by the township.

D. Site Visit: The Township Zoning Commission shall, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.

E. Review and Approval by Pike Township: The Township Zoning Commission shall review the general development plan and the comments received from Section C above. The Pike Township Zoning Commission shall take one of the following actions on the submitted general development plan:

1. Approve the general development plan as submitted; or
2. Approve the general development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangements; or
3. Deny approval of the general development plan.

Failure of the Township Zoning Commission to act within sixty (60) days from the date the application was determined to be complete, or an extended period as may be agreed upon, shall, at the election of the applicant, be deemed a denial of the general development plan.

F. Significance of Approved Plan: Approval of the general development plan shall have the following results:

1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
2. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.
3. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the general development plan when the Zoning Commission determines that the amended plan is equal to or better than the approved general development plan.

4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

G. Final Development Plan: After a general development plan has been approved, an applicant shall submit for review and approval a final development plan. The final development plan may be submitted either for the entire project or for each construction phase. Ten (10) copies must be submitted at each level.

1. Submission Requirements: The final development plan shall include:

- a) A site plan drawn at a scale not less than one inch to one hundred feet (1"=100') indicating the following:

1. Boundaries of the area proposed for development, accurate dimensions, and total acreage;
2. The exact location and dimensions of private streets, common drives and public street rights-of-way;
3. Exact location of building footprints and envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
4. Dimensions of building/unit spacing;
5. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and
6. Designated restricted open space areas and a description of any proposed open space improvements.

- b) A grading plan drawn at a scale of one inch to one hundred feet (1"=100'), showing all information pertaining to surface drainage.

- c) A detailed landscaping plan for new landscaping, including entry features and signs.
  - d) The Declaration, Articles of Incorporation, Bylaws (for Homeowners' Association), and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
  - e) Conditions imposed by other regulatory agencies.
2. Review for Completeness: Within five (5) business days of receiving the application, the Township Zoning Inspector shall review the application to determine that the application includes all the items required in G.1, above. If the application is deemed complete and the application fee paid, the Township Zoning Inspector shall officially accept the application on that date.
  3. Distribution of Final Development Plan: The Township Zoning Inspector shall distribute the final development plan application to the Township Zoning Commission, the Township's Legal Advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Township Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.
  4. Review by the Pike Township's Legal Advisor: The Township's Legal Advisor shall review the Declaration, Articles of Incorporation, and either Bylaws (for a Condominium Association), or Code of Regulations (for a Homeowners' Association), and any other final covenants, restrictions, and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Township Zoning Commission documenting that the above demonstrate full compliance with the requirements of this Article.
  5. Review and Approval by Pike Township: The Township Zoning Commission shall review the final development plan and the comments received from Section G.3 and G.4 above. The Township Zoning Commission shall determine

if the final development plan is in compliance with the general development plan and take one of the following actions on the submitted final development plan:

- a) Approve the final development plan as submitted;  
or
- b) Approve the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangements; or
- c) Deny approval of the general development plan.

Failure of the Township Zoning Commission to act within sixty (60) days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant, be deemed a denial of the general development plan. (N)

## ARTICLE XVIII

### Article 18.0-District Changes and Resolution Amendments

#### 18.1 Initiation of Amendments or Supplements

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution by the Township Trustees, or by the filing of an application with the Zoning Commission by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission. Cross reference O.R.C. 519.12. (N)

#### 18.2 Procedure for Change

Applications for amendments or supplements to this Zoning Resolution shall be submitted to the Zoning Commission upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the application. (N)

#### 18.3 Names and Addresses of Property Owners

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change, a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted and the addresses of such owners appearing on the current tax roll. (N)

#### 18.4 Public Hearing by the Zoning Commission

Upon the adoption of such motion, the certification of such resolution, or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon; which date shall not be less than twenty (20) days nor more than forty (40) days from the date of the certification of such resolution, or the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing. Each person will be given a reasonable amount of time to speak. Cross reference O.R.C. 519.12(A). (N)

#### 18.5 Written Notice

- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, the

written notice of the hearing shall be mailed by the Zoning Commission by first class mail at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to and directly across the street from the area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the County Auditor's current tax list. The failure of deliveries of such notice shall not invalidate any such amendment.

B. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land listed on the County Auditor's current tax list, the published and mailed notices 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 of 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 ten (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; and
8. A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the

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

1. The name of the Zoning Commission that will be conducting the public hearing;
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 ten (10) days prior to the public hearing;
4. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
5. Any other information requested by the Zoning Commission; and
6. A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action. Cross Reference O.R.C. 519.12(B)(C)(D). (N)

**18.6 Transmittal to the Regional Planning Commission**

Within five (5) days after the adoption of such motion, or the certification of such resolution or such application, the Zoning Commission shall transmit a copy thereof with a text and map pertaining thereto, to the Knox County Regional Planning Commission. Cross reference O.R.C. 519.12(E). (N)

**18.7 Action by the Regional Planning Commission**

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement, but is not binding. Cross reference O.R.C. 519.12(E). (N)

**18.8 Recommendation by Zoning Commission to Township Trustees**

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map thereto, and the recommendation of the Regional Planning Commission thereon to the Township Trustees. Cross reference O.R.C. 519.12 (E). (N)

18.9 Public Hearing by Township Trustees

- A. The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Township Trustees by one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.
- B. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
  - 1. The name of the Board that will be conducting the public hearing;
  - 2. A statement indicating that the motion, application, or resolution 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 of 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, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - 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; and
  - 7. Any other information requested by the Board.
- C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1. The name of the Board that will be conducting the public hearing;
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 ten (10) days prior to the public hearing;
4. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
5. Any other information requested by the Board. Cross reference O.R.C. 519.12(G). (N)

18.10 **Public Hearing Written Notice**

- A. In addition to published notice, written notice of the hearing shall be mailed by the Township Trustees by certified mail fifteen (15) days before such hearing to all owners of property within and contiguous to the area proposed to be reclassified or redistricted. The failure of delivery of such notice shall not invalidate any amendment or supplement.
- B. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the written 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 Board that will be conducting the public hearing;
  2. A statement indicating that the motion application, or resolution 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 of 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, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
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; and
7. Any other information requested by the Board.

C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the written 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 Board that will be conducting the public hearing;
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 ten (10) days prior to the public hearing;
4. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
5. Any other information requested by the Board. (N)

**18.11 Vote by Township Trustees**

Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees shall be required. Cross reference O.R.C. 519.12(H). (N)

**18.12 Effective Date of Amendment**

Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement, there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township equal to not less than eight percent (8%) of

the total vote cast for all candidates in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit an amendment or supplement to the electors of such area for approval or rejection at the next primary or general election. Each part of this petition shall contain the number and full correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition, each petition shall be governed by the rules of the Ohio Revised Code section 3501.38. Cross reference O.R.C. 519.12(H), especially, for form of petition. (N)

**18.13 Results of Referendum**

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take effect immediately. Within five (5) working days after an amendment's effective date, the Township Trustees shall file the text and maps in the office of the County Recorder and with the Knox County Regional Planning Commission. Cross reference O.R.C. 519.12(H). (N)

**18.14 Appeal to Court of Common Pleas**

Any person adversely affected by an order of the Board of Township Trustees, adopting or rescinding a regulation, may appeal to the Court of Common Pleas of Knox County. (N)

**18.15 Fees**

Each application for a zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check or cash payment sufficient in amounts to cover the cost of publishing, posting, and/or mailing the notices of the hearing or hearings required by the foregoing provisions. Cross reference O.R.C. 519.12(A). (N)

## ARTICLE XIX

### Article 19.0-Validity

#### 19.1 Authentication

The Fiscal Officer of the Township is hereby ordered and directed to certify the passage of this Resolution. This Resolution shall be in effect and be in force from and after its passage, approval and publication. The Fiscal Officer of the Township is further authorized to certify the passage of amendments to this Resolution as may be made. (N)

